



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Wednesday afternoon, November 20, 2013

Issue 70a

The Honourable Gene Zwozdesky, Speaker

## Legislative Assembly of Alberta The 28th Legislature

First Session

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

Allen, Mike, Fort McMurray-Wood Buffalo (Ind)  
Amery, Moe, Calgary-East (PC)  
Anderson, Rob, Airdrie (W),  
    Official Opposition House Leader  
Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W),  
    Official Opposition Whip  
Barnes, Drew, Cypress-Medicine Hat (W)  
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)  
Bhullar, Hon. Manmeet Singh, Calgary-Greenway (PC)  
Bikman, Gary, Cardston-Taber-Warner (W)  
Bilous, Deron, Edmonton-Beverly-Clareview (ND)  
Blakeman, Laurie, Edmonton-Centre (AL),  
    Liberal Opposition House Leader  
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)  
Calahasen, Pearl, Lesser Slave Lake (PC)  
Campbell, Hon. Robin, West Yellowhead (PC),  
    Deputy Government House Leader  
Cao, Wayne C.N., Calgary-Fort (PC)  
Casey, Ron, Banff-Cochrane (PC)  
Cusanelli, Christine, Calgary-Currie (PC)  
Dallas, Hon. Cal, Red Deer-South (PC)  
DeLong, Alana, Calgary-Bow (PC)  
Denis, Hon. Jonathan, QC, Calgary-Acadia (PC),  
    Deputy Government House Leader  
Donovan, Ian, Little Bow (W)  
Dorward, David C., Edmonton-Gold Bar (PC),  
    Deputy Government Whip  
Drysedale, Hon. Wayne, Grande Prairie-Wapiti (PC)  
Eggen, David, Edmonton-Calder (ND),  
    New Democrat Opposition Whip  
Fawcett, Hon. Kyle, Calgary-Klein (PC)  
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)  
Forsyth, Heather, Calgary-Fish Creek (W)  
Fox, Rodney M., Lacombe-Ponoka (W)  
Fraser, Hon. Rick, Calgary-South East (PC)  
Fritz, Yvonne, Calgary-Cross (PC)  
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
Griffiths, Hon. Doug, Battle River-Wainwright (PC)  
Hale, Jason W., Strathmore-Brooks (W)  
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),  
    Government House Leader  
Hehr, Kent, Calgary-Buffalo (AL)  
Horne, Hon. Fred, Edmonton-Rutherford (PC)  
Horner, Hon. Doug, Spruce Grove-St. Albert (PC)  
Hughes, Hon. Ken, Calgary-West (PC)  
Jansen, Hon. Sandra, Calgary-North West (PC)  
Jeneroux, Matt, Edmonton-South West (PC)  
Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)  
Johnson, Linda, Calgary-Glenmore (PC)  
Kang, Darshan S., Calgary-McCall (AL),  
    Liberal Opposition Whip

Kennedy-Glans, Donna, Calgary-Varsity (PC)  
Khan, Stephen, St. Albert (PC)  
Klimchuk, Hon. Heather, Edmonton-Glenora (PC)  
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)  
Lemke, Ken, Stony Plain (PC)  
Leskiw, Genia, Bonnyville-Cold Lake (PC)  
Luan, Jason, Calgary-Hawkwood (PC)  
Lukaszuk, Hon. Thomas A., Edmonton-Castle Downs (PC)  
Mason, Brian, Edmonton-Highlands-Norwood (ND),  
    Leader of the New Democrat Opposition  
McAllister, Bruce, Chestermere-Rocky View (W)  
McDonald, Everett, Grande Prairie-Smoky (PC)  
McIver, Hon. Ric, Calgary-Hays (PC),  
    Deputy Government House Leader  
McQueen, Hon. Diana, Drayton Valley-Devon (PC)  
Notley, Rachel, Edmonton-Strathcona (ND),  
    New Democrat Opposition House Leader  
Oberle, Hon. Frank, Peace River (PC)  
Olesen, Cathy, Sherwood Park (PC)  
Olson, Hon. Verlyn, QC, Wetaskiwin-Camrose (PC)  
Pastoor, Bridget Brennan, Lethbridge-East (PC)  
Pedersen, Blake, Medicine Hat (W)  
Quadri, Sohail, Edmonton-Mill Woods (PC)  
Quest, Dave, Strathcona-Sherwood Park (PC)  
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),  
    Premier  
Rodney, Hon. Dave, Calgary-Lougheed (PC)  
Rowe, Bruce, Olds-Didsbury-Three Hills (W)  
Sandhu, Peter, Edmonton-Manning (Ind)  
Sarich, Janice, Edmonton-Decore (PC)  
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),  
    Official Opposition Deputy House Leader  
Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)  
Sherman, Dr. Raj, Edmonton-Meadowlark (AL),  
    Leader of the Liberal Opposition  
Smith, Danielle, Highwood (W),  
    Leader of the Official Opposition  
Starke, Hon. Dr. Richard, Vermilion-Lloydminster (PC)  
Stier, Pat, Livingstone-Macleod (W)  
Strankman, Rick, Drumheller-Stettler (W)  
Swann, Dr. David, Calgary-Mountain View (AL)  
Towle, Kerry, Innisfail-Sylvan Lake (W),  
    Official Opposition Deputy Whip  
VanderBurg, Hon. George, Whitecourt-St. Anne (PC)  
Weadick, Hon. Greg, Lethbridge-West (PC)  
Webber, Len, Calgary-Foothills (PC)  
Wilson, Jeff, Calgary-Shaw (W)  
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC),  
    Government Whip

### Party standings:

Progressive Conservative: 59      Wildrose: 17      Alberta Liberal: 5      New Democrat: 4      Independent: 2

### Officers and Officials of the Legislative Assembly

W.J. David McNeil, Clerk	Stephanie LeBlanc, Parliamentary Counsel and Legal Research Officer	Philip Massolin, Manager of Research Services
Robert H. Reynolds, QC, Law Clerk/ Director of Interparliamentary Relations	Fiona Vance, Sessional Parliamentary Counsel	Brian G. Hodgson, Sergeant-at-Arms
Shannon Dean, Senior Parliamentary Counsel/Director of House Services	Nancy Robert, Research Officer	Chris Caughell, Assistant Sergeant-at-Arms
		Gordon H. Munk, Assistant Sergeant-at-Arms
		Janet Schwegel, Managing Editor of <i>Alberta Hansard</i>

## **Executive Council**

Alison Redford	Premier, President of Executive Council
Thomas Lukaszuk	Deputy Premier, Minister of Enterprise and Advanced Education, Ministerial Liaison to the Canadian Forces
Manmeet Singh Bhullar	Minister of Service Alberta
Robin Campbell	Minister of Aboriginal Relations
Cal Dallas	Minister of International and Intergovernmental Relations
Jonathan Denis	Minister of Justice and Solicitor General
Wayne Drysdale	Minister of Infrastructure
Kyle Fawcett	Associate Minister of Regional Recovery and Reconstruction for Southwest Alberta
Rick Fraser	Associate Minister of Regional Recovery and Reconstruction for High River
Doug Griffiths	Minister of Municipal Affairs
Dave Hancock	Minister of Human Services
Fred Horne	Minister of Health
Doug Horner	President of Treasury Board and Minister of Finance
Ken Hughes	Minister of Energy
Sandra Jansen	Associate Minister of Family and Community Safety
Jeff Johnson	Minister of Education
Heather Klimchuk	Minister of Culture
Ric McIver	Minister of Transportation
Diana McQueen	Minister of Environment and Sustainable Resource Development
Frank Oberle	Associate Minister of Services for Persons with Disabilities
Verlyn Olson	Minister of Agriculture and Rural Development
Dave Rodney	Associate Minister of Wellness
Donald Scott	Associate Minister of Accountability, Transparency and Transformation
Richard Starke	Minister of Tourism, Parks and Recreation
George VanderBurg	Associate Minister of Seniors
Greg Weadick	Associate Minister of Regional Recovery and Reconstruction for Southeast Alberta
Teresa Woo-Paw	Associate Minister of International and Intergovernmental Relations

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

### Standing Committee on Alberta's Economic Future

Chair: Mr. Amery

Deputy Chair: Mr. Fox

Bhardwaj	Olesen
Cao	Pastoor
Donovan	Quadri
Dorward	Rogers
Eggen	Rowe
Hehr	Sarich
Luan	Strankman
McDonald	Xiao

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

Chair: Mr. Khan

Deputy Chair: Mrs. Jablonski

Amery	Eggen
Anderson	Kubinec
Casey	Sherman
Dorward	

### Select Special Chief Electoral Officer Search Committee

Chair: Mr. Rogers

Deputy Chair: Mr. Quadri

Blakeman	Leskiw
Eggen	McDonald
Goudreau	Saskiw
Lemke	

### Standing Committee on Families and Communities

Chair: Mr. Quest

Deputy Chair: Mrs. Forsyth

Brown	Leskiw
Cusanelli	Notley
DeLong	Pedersen
Fritz	Swann
Goudreau	Towle
Jablonski	Wilson
Jeneroux	Xiao
Khan	Young

### Standing Committee on Legislative Offices

Chair: Mr. Cao

Deputy Chair: Mr. McDonald

Bikman	Leskiw
Blakeman	Quadri
Brown	Rogers
DeLong	Wilson
Eggen	

### Special Standing Committee on Members' Services

Chair: Mr. Zwozdesky

Deputy Chair: Mr. Young

Casey	McDonald
Forsyth	Quest
Fritz	Sherman
Kennedy-Glans	Smith
Mason	

### Standing Committee on Private Bills

Chair: Mr. Xiao

Deputy Chair: Ms L. Johnson

Allen	Goudreau
Barnes	Jablonski
Bhardwaj	Leskiw
Brown	Notley
Cusanelli	Olesen
DeLong	Rowe
Fox	Strankman
Fritz	Swann

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

Chair: Ms Olesen

Deputy Chair: Mr. Lemke

Calahasen	McAllister
Cao	Notley
Casey	Pedersen
Goudreau	Quadri
Hehr	Rogers
Kennedy-Glans	Saskiw
Kubinec	Towle
Luan	Young

### Standing Committee on Public Accounts

Chair: Mr. Anderson

Deputy Chair: Mr. Dorward

Amery	Khan
Anglin	Luan
Bilous	Pastoor
Donovan	Quadri
Fenske	Quest
Hale	Sarich
Hehr	Stier
Jeneroux	Webber

### Standing Committee on Resource Stewardship

Chair: Ms Kennedy-Glans

Deputy Chair: Mr. Anglin

Allen	Hale
Barnes	Johnson, L.
Bikman	Khan
Bilous	Kubinec
Blakeman	Lemke
Calahasen	Sandhu
Casey	Stier
Fenske	Webber

## Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 20, 2013

[The Speaker in the chair]

### Prayers

**The Speaker:** Hon. members, let us pray. Holy Creator, please look upon us as servants who are doing their best to advance issues that we know are important to Albertans and to others. Help us and guide us to arrive at conclusions that benefit all whom we serve. Amen.

Please be seated.

### Introduction of Guests

**The Speaker:** Let us proceed with the introduction of school groups first today if we might, beginning with Barrhead-Morinville-Westlock, followed by Rimbey-Rocky Mountain House-Sundre.

**Ms Kubinec:** Thank you, Mr. Speaker. It's a real pleasure to introduce to you and through you to all members of this Assembly the Neerlandia public Christian school. They are really looking forward to the new school that will be built in their community as part of our building Alberta plan. We have joining them their teacher Mr. Jim Bosma. We have parents Geraldine Wierenga, Doreen Klumph, Mistie Renfert, Anna Fehr, and Heidi Wegner. Would you please rise, and my colleagues will give you the warm welcome of the Assembly.

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

**Mr. Anglin:** Thank you, Mr. Speaker. Today it is my great pleasure to rise and introduce not just one but three classes of grade 6 students, that are among not just the best but are the best in all of Alberta, from the River Valley School in Sundre. Accompanying these students – there's a real specialty here – I have three teachers: Mrs. Walker, Ms. Tarnoczi, and Ms. Cheung. Michele Langmead is a parent, and the rest of the parents are Lisa Heath, Don Johnson, Brandy Robertson, Erynn Drake, Vicki Menzies, Carmen Newsham, Lesa Koop, Ken Burrell, Tracy Duff, and Aaron Main. The last parent, who was here 60 years ago as a sixth grade student, is Dennis Leask. I'd ask them all to rise today and enjoy the warm welcome of this Assembly.

**The Speaker:** Are there other school groups?

Seeing none, let us proceed with other guests, beginning with the Minister of Culture.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I'm so pleased to be able to rise and introduce to you and through you to this Assembly an outstanding individual who embodies the spirit of building community and volunteerism, Ms. Jann Beeston, who is the executive director of Volunteer Alberta. Jann's passion is nonprofit and volunteer sector development. She brings to her role at Volunteer Alberta 25 years of experience from Campus Alberta. Her knowledge in innovative program development, technology-enhanced program delivery combined with her leadership at both the board governance and operational levels are what makes her ideal to build capacity in our communities. I want to thank you for joining us today, Jann, and for all the excellent work you do to help us build Alberta each and every day. I'd ask that my colleagues show Jann the traditional warm welcome.

**The Speaker:** Hon. members, we have some special visitors who are in the gallery, and I was asked to wait so that they could be introduced by the Minister of International and Intergovernmental Relations; however, he is tied up in traffic and will not be here right now. So I'm going to afford that belated honour to the hon. Associate Minister of International and Intergovernmental Relations, with apologies to our guests and visitors for not being able to do it a little bit earlier.

The hon. minister.

**Ms Woo-Paw:** Well, thank you, Mr. Speaker. I rise to introduce to you and through you to members of the Assembly Ms. Liu Yongfeng, consul general of the People's Republic of China in Calgary. Also with her today is Mr. Wang Xuhong, consul, and Mr. Deng Xuguang, vice-consul, both of the People's Republic of China in Calgary. Consul General Lui Yongfeng has worked tirelessly to advance Alberta's strong relationship with China. Since her arrival in Alberta three years ago, Chinese investments have grown from \$100 million to \$40 billion. This is due to the positive relationship between the Alberta government and the Chinese consulate in Calgary. As our government focuses on building Alberta, we welcome investments that help to get our resources to market and build an even better quality of life for Albertans.

Our government looks forward to continuing our close relations with Ms. Liu Yongfeng's successor. I would also like to personally wish her well in her next endeavour. Our esteemed guests are seated in the Speaker's gallery. I would now like to ask the consul general and her delegation to rise and receive the warm welcome of this House.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by Edmonton-South West.

**Ms. Notley:** Thank you very much, Mr. Speaker. I would like to introduce to you and through you to members of the Assembly Paul and Laurel Cashman, who are the parents of our current head page, Helen Cashman. Paul and Laurel are being introduced for the first time and are joining us here today in the Speaker's gallery to observe Helen in this, her fourth year as page in the Legislative Assembly of Alberta. Helen has held the position of page, Speaker's page, and now head page. I'm also happy to report that Laurel and Paul are constituents of mine in Edmonton-Strathcona. I'd like to personally take this opportunity to congratulate them on the tremendous success and contribution that their daughter Helen has enjoyed. I would ask them now to please rise and receive the traditional warm welcome and congratulations from members of the Assembly.

**The Speaker:** The hon. Member for Edmonton-South West, followed by the Associate Minister of Wellness.

**Mr. Jeneroux:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly my friend Miss Katie Penstone and her parents, Tim and Susan Penstone. Today they're here to talk with a number of members of the Assembly about an important issue, idiopathic pulmonary fibrosis. Katie, as she's affectionately called, is also a passionate volunteer in my constituency of Edmonton-South West. If I could please ask them to rise and ask the Assembly to give them the traditional warm welcome.

Thank you.

**The Speaker:** The Associate Minister of Wellness, followed by the leader of the Liberal opposition.

**Mr. Rodney:** Thank you very much, Mr. Speaker. On a related note, I have some more special guests to introduce, and it's indeed an honour to introduce them. They are a number of individuals from the Canadian Pulmonary Fibrosis Foundation who are here in recognition of Alberta's first Idiopathic Pulmonary Fibrosis Awareness Day. I had the wonderful opportunity this morning to meet with a number of the foundation's representatives. I'm very pleased that they've taken the time to join us right here in the Legislature. The Canadian Pulmonary Fibrosis Foundation is a not-for-profit charitable organization which aims to raise funds to finance research to better understand and treat and find a cure for pulmonary fibrosis, to raise public awareness about this fatal disease, and to offer support for those who are affected by pulmonary fibrosis. At this time I would ask the many guests we are enjoying the company of here today to rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The leader of the Alberta Liberal opposition, followed by Edmonton-Gold Bar.

**Dr. Sherman:** Thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of this Assembly Canada's heroes. Seated in the gallery are members of the Jasper Place Legion and ladies auxiliary branch 255, located in Edmonton-Meadowlark, good, honest men and women who put themselves into harm's way without a second thought so that we may enjoy our freedoms today. They are Basil McKay, Ron Evans, Bill Cormier, Sharon Gullberg, Dennis Gullberg, Don Clark, Tom Houghton, Margaret Donlevy, Anne Dunseath, Marjorie Beach, Sheldon Monson, and Jim Magnan.

Mr. Speaker, no other job carries with it the real, daily risk of death or certain physical or emotional injury. On Remembrance Day we commemorate their fallen comrades and the sacrifices that they have made, but simply because Remembrance Day has passed does not change our obligation to them. For the men and women of our armed forces we have a duty to support them, equip them when we send them to fight on our behalf. When they return, or not, we have a sacred covenant to care for them and their families each and every day. It is because of their sacrifices that we live in the best province in the best country in the world. May God bless our superheroes. I would ask all members of the Assembly to rise and give them the traditional warm welcome of the Assembly. [Standing ovation]

1:40

**The Speaker:** Thank you.

**Mr. Dorward:** Mr. Speaker, Edmonton might not be in the Grey Cup, but Edmonton will be at the Grey Cup. I would like to introduce Mr. Matthew Machado, a constituent of Edmonton-Gold Bar. He hopes to be introduced in the Saskatchewan Legislature as well. Matt, would you please stand as I read the motto of section O – colours divided, Grey Cup united – and receive the warm welcome of the Assembly.

## Members' Statements

### Opposition Parties' Role

**Ms Smith:** Mr. Speaker, we have arrived at a critical crossroads in this Legislature. As you know and as Albertans are aware, this Legislature exists as a check on executive power. Legislation must first be debated and passed here before it is declared law, and the government must daily defend itself and the actions of others

whom they have appointed to the duly elected opposition in order to ensure transparency and accountability.

It is the Speaker's job to ensure the integrity of these functions, and I think the Speaker would agree that it is not the Speaker's job to stifle them. We have a job to do, Mr. Speaker, and it's an important one. Just as the government is elected to lead, we have been elected to hold them to account.

Far too often when we attempt to do our jobs in this Legislature, we are unable to ask the government the questions that need to be asked. We understand that these questions are often uncomfortable. They often deal with scandal, impropriety, and personal misconduct, but they simply must be asked. If the fact that hard questions cause government members to become disordered becomes an excuse to prevent hard questions, then the fundamental purpose of question period is lost.

Parliamentary privilege has for centuries allowed elected members the latitude to hold government and those it has appointed to account on the widest range of issues. Shutting down questions because they make the government uncomfortable, angry, or unruly is not within our tradition. Ruling questions out of order because they deal with party finances, the conduct of government members, or the actions of individuals appointed by government-dominated committees is also not within our parliamentary tradition. From the Pacific scandal to the sponsorship scandal to the source of Mike Duffy's expense repayments, these topics have always been ruled in order during question period, and so they should be.

Such matters must also be scrutinized in this House, Mr. Speaker, and we will scrutinize them no matter what the consequences.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by Lesser Slave Lake.

## Athabasca River Containment Pond Spill

**Ms Notley:** Thank you, Mr. Speaker. Yesterday the minister of environment finally got around to issuing an environmental protection order after a billion litres of coal slurry from a tailings pond of toxic sludge containing arsenic, mercury, and lead poisoned the Athabasca River. This catastrophe took place three weeks ago. It is the biggest environmental disaster of its kind in the history of this country. On what planet is it reasonable to wait three weeks to tell the company that it has to clean up? On what planet is it reasonable to wait 19 days to tell the public that 40 times the recommended levels of arsenic have been found in the water? Yet, the minister's focus all along has been to downplay the long-term damage and the danger that it has created to Albertans.

In scale, Mr. Speaker, this disaster is 25 times bigger than the *Exxon Valdez* spill. The impact on the Athabasca River will affect generations of wildlife for decades and decades or more to come. Even the order they've now reluctantly made fails to address the impacts on communities further downriver. This toxic sludge will end up in the Northwest Territories, meaning that over a thousand kilometres of one of Alberta's most important rivers will be affected.

In a manner that is reminiscent of an episode of *The Simpsons*, towns like Athabasca, Fort McMurray, and Fort Chip are being told to simply turn off their intake while the hundred-kilometre plume of poison floats by their communities. But this approach, Mr. Speaker, ignores the fact that as this plume floats by, poisonous toxins are deposited in and along the river, toxins that will impact water quality for years to come.

The Mackenzie River basin, one of Canada's most important ecological resources in the country, cannot turn off its water intake. The minister of environment for the Northwest Territories says that he wasn't informed until five days after the spill. He says that, quote, in my recollection this is the first of this type of catastrophic failure. End quote. Yet the Alberta government's response is: the plume will be fine, and everything will be safe. Really, Mr. Speaker? Really?

### Aboriginal Peoples of Alberta

**Ms Calahasen:** [Remarks in Cree] Astum. Ka we taminatnowow, nehiyow, achimowin. [Translation] Come. Let me tell you a story of the original people of this land. [As submitted]

Come. Let me tell you a story about people who lived on this land long before Alberta became a province. They had distinct languages, complex social and economic systems, and made and enforced laws they all lived by. Indigenous history is etched into the Alberta landscape going back 11,000 years and 500 generations, from rock carvings in Writing-on-Stone in the southern part of the province to hunting sites in the Athabasca lowlands.

Today Alberta is home to more than 220,000 descendants from First Nations, Métis, and Inuit people, the third-largest aboriginal population in Canada. Although aboriginal presence predates both Alberta and Canada, not all Albertans and Canadians are familiar with the rich histories and cultures of aboriginal peoples or with our present-day contributions and aspirations. So today, when I attended the official launch of Aboriginal Peoples of Alberta: Yesterday, Today and Tomorrow, I was proud to be an aboriginal descendant of those long-ago people like the special guests today.

This new publication, created by the Ministry of Aboriginal Relations, provides a starting point for moving towards a greater understanding of my communities from the past to now. The publication is a basic introduction to aboriginal people in our province, sharing information from First Nations, Métis, and Inuit communities, significant cultural and historical dates, and contemporary aboriginal views. It is a resource created to open a dialogue to provide opportunities for aboriginal and nonaboriginal people to work together in building Alberta. This publication reflects a commitment by our Premier and the Minister of Aboriginal Relations to create a better understanding of aboriginal Albertans by all Canadians and Albertans of our contributions to this great land called Alberta. An electronic version is available on the Aboriginal Relations website. I encourage all Albertans to read it.

Thank you.

**The Speaker:** Thank you.

The hon. Member for Banff-Cochrane.

### Right from the Start Mental Health Program

**Mr. Casey:** Thank you, Mr. Speaker. The mental health capacity building in schools initiative is led by Alberta Health Services in collaboration with Alberta Education and funded through grants from Alberta Health. The purpose of the initiative is to establish projects that provide the staffing and support required to implement an integrated, school-based community mental health promotion, prevention, and early intervention program. The projects are locally planned, co-ordinated, and implemented through partnerships with Alberta Health Services, school jurisdictions, parents, community agencies, and other regional service providers.

Mr. Speaker, there are currently 37 projects in 53 communities in 143 schools across the province of Alberta. Right from the start is one of these 37 initiatives and is a program developed in the Bow valley. Right from the start programming is delivered through the Banff elementary school, Elizabeth Rummel elementary school in Canmore, and the Lawrence Grassi middle school in Canmore.

Last year 691 students were supported through daily and ongoing universal mental health programming. In addition, 131 students received targeted support services. As well, 69 families received individual supports through the program. This represents only a small sample of the benefits this program has delivered to our community.

Mr. Speaker, right from the start began services in our schools in September 2007; however, the funding for this and, in fact, all 37 projects is scheduled to end in June 2014. I cannot overstate the importance of this program to our communities, and I would hope that we are able to continue funding these valuable programs in the 2014-15 budget and beyond.

Thank you, Mr. Speaker.

1:50

**The Speaker:** Mr. Clerk, kindly hold the clock if you would, please, and do not start it for question period. I have a few comments I have to make at this time.

### Statement by the Speaker

#### Respecting Officers of the Legislature Challenging the Chair

**The Speaker:** Hon. members, as all of you are likely aware, a very unique if not somewhat unprecedented occurrence took place in this Assembly yesterday at approximately 2:41 p.m. The Member for Airdrie made very direct and, in my view, offensive comments that constitute very inappropriate comments and language about officers who serve Assemblies such as ours. He also, in my view, made inappropriate and very offensive comments that constitute challenging the chair of this Assembly.

At the conclusion of his statements I indicated that his comments were indeed very serious, possibly hinging on contempt, and that I was going to have a closer look at his words, obviously, by reviewing *Hansard* to get it verbatim and also watching the televised replay of his statements.

Now, here is what happened. At approximately 2:41 p.m. the hon. Member for Airdrie rose yesterday to seek a point of clarification from your Speaker. Among other things, he read from some prepared notes and stated the following:

What precedent in what country of the Commonwealth does not allow Her Majesty's opposition to be able to question decisions of government-appointed officers, which can be and often are corrupt?

For the benefit of all let me first note that Airdrie's comments were stated in relation to the Ethics Commissioner and to questions which arose from the hon. Member for Lac La Biche-St. Paul-Two Hills about an Ethics Commissioner ruling of recent past.

The Ethics Commissioner is an officer of this Legislative Assembly. Let me also clarify that as with any officer of this Assembly the Ethics Commissioner is not a government-appointed officer, nor is the Auditor General, the Chief Electoral Officer, the Child and Youth Advocate, the Information and Privacy Commissioner, and the Ombudsman. They are all chosen by committees of this Assembly, typically all-party committees.

Second, I want to state in the most definitive and emphatic terms that none of our chosen officers are corrupt, nor do I believe

that others are who work and serve in other Commonwealth countries. That reference by Airdrie I find totally inappropriate.

Now, the Member for Airdrie then went on to say the following:

What precedent is there for a Speaker, frankly, dominating and wasting time of this Assembly with constant lectures and, frankly, self-righteous interruptions that are costing us question after question in this Assembly?

He then basically accused your Speaker of “showing gross favouritism” and concluded his remarks by stating that your Speaker is “interfering with this House.” Those comments by the hon. Member for Airdrie can be found at page 2909 of yesterday’s *Hansard* and are a direct affront to this Speaker. They are also inaccurate and inappropriate.

Using such language in this Assembly is, obviously, personally insulting, but it also shows a lack of respect for this institution, for its heritage, for its traditions, all of which you took an oath to uphold. Authorities across the Commonwealth in this respect are quite clear. *Erskine May*, 24th edition, for example, states at page 61:

Reflections upon the character or actions of the Speaker may be punished as breaches of privilege. . . . His action cannot be criticised incidentally in debate or upon any form of proceeding except a substantive motion.

The rationale for this rule is found, in turn, in *Beauchesne*, sixth edition, at paragraph 167 on pages 48 and 49, which reads as follows:

The essential ingredient of the speakership is found in the status of the Speaker as a servant of the House. The Presiding Officer, while but a servant of the House, is entitled on all occasions to be treated with the greatest attention and respect by the individual Members because the office embodies the power, dignity, and honour of the House itself.

It is clear, hon. members, that language of the type used by the Member for Airdrie yesterday could be a contempt of the Assembly and could indeed give rise to a question of privilege. The language itself and the manner in which the words were delivered was certainly unparliamentary.

The chair wonders what would occur if such language was used in another one of our institutions such as the courts, for example. As a lawyer the Member for Airdrie is undoubtedly well aware of the consequences of such language in the courts, which could easily be interpreted as contempt of the court. The Assembly in which we all serve, in which all of you serve, is deserving of equal respect and dignity, I would hope, and part of my job is to do my level best to ensure it is so.

That having been said, I want to extend to the hon. Member for Airdrie an opportunity to apologize for the comments he made yesterday and to withdraw those comments.

**Mr. Anderson:** Hon. Mr. Speaker, I withdraw and apologize for those comments.

**The Speaker:** Thank you.

That concludes that matter, and we can proceed onward. I may have some comments to issue later about other comments that were made subsequent.

Let us proceed on with the day, Mr. Clerk.

### Oral Question Period

**The Speaker:** Hon. members, let us recognize the official Leader of Her Majesty’s Loyal Opposition.

### Oral Question Period Practices

**Ms Smith:** Mr. Speaker, I have a series of questions on improving accountability and increasing the value of question period. When she was running to be the leader of her party, the Premier promised to be transformational and do things differently in this Legislature. For a variety of reasons this session has seen the opposition getting to ask fewer questions of the executive than ever before, and I don’t think this is what the Premier had in mind. Under the former Speaker one day we got to ask as high as 22 questions. Will the Premier ask her House leader to sit down with us on the opposition and work on ways to get more questions asked in question period?

**Mr. Hancock:** Mr. Speaker, it wouldn’t even be necessary for her to do that. I’m always available to meet with the House leaders and talk about how we can improve the operations of the House. Sometimes we don’t agree, but we can always engage in good discussion, and I’m happy at any time that we can engage in improving our parliamentary performance.

**The Speaker:** Thank you.

**Ms Smith:** I appreciate that, Mr. Speaker.

The Speaker is sometimes compared to a referee, standing between the teams to make sure that the rules are being followed. However, in hockey the game clock stops when the referee blows the whistle and becomes a focal point while he makes his calls, as the Speaker did today. Would the Premier agree to endorse a change to the standing rules so that the clock would stop when the Speaker speaks so that we could actually have a true and full 50 minutes of question period every day?

**Mr. Hancock:** Mr. Speaker, the hon. Leader of the Opposition will know that this House enjoys the longest question period in Canada, I believe, with a wonderful opportunity to have I think it’s the first six questions every day reserved for the leaders of the opposition parties: three for the Official Opposition party and then each of the leaders of the other parties. That, I think, is also unique in the Canadian parliamentary tradition. I think that the hon. member, rather than trying to negotiate standing orders in the House, would be best to refer to her own House leader to say: bring those issues to the table, and let’s have a discussion.

2:00

**Ms Smith:** There are many precedents in Legislatures with scandals involving expenses and the actions of government appointees, Mr. Speaker, from the Pacific scandal to the sponsorship scandal to the source of Mike Duffy’s expense repayments, even former Privacy Commissioner George Radwanski’s expenses, and these topics have always been in order. Would the Premier endorse changes to the standing rules to clarify that questions like these will be in order? Or do they rather enjoy hiding behind the Speaker’s protection?

**Mr. Hancock:** I would say that that borders on insulting the Speaker, but it doesn’t; actually it does insult the Speaker.

The bottom line, Mr. Speaker, is that the opposition has the opportunity under parliamentary rules to raise all appropriate questions. They do not have the opportunity to misuse the officers of this Legislature by bringing criticisms of officers who have done their job thoroughly and completely just because they do not like the result. They also have to follow all of the provisions of judicial fairness, quasi-judicial fairness, of not asking about things that are before the courts.



**The Speaker:** Thank you.

They should also not reflect on the Speaker. They must deal with government policy.

Government House leaders and opposition House leaders, I've invited you on many occasions to do something about our rules.

The hon. leader. Second main set of questions.

### **Building Alberta Plan Advertising**

**Ms Smith:** Mr. Speaker, yesterday I asked a series of questions about the PC Alberta billboard campaign – I'm sorry; the government's Building Alberta advertising campaign – to which we received no real answer. I'd like to give the Premier an opportunity to respond again today. Does the Premier really believe that the PC orange-and-blue, Dalton McGuinty Liberal-inspired, partisan sign campaign really is the best use of Alberta taxpayer dollars?

**Mr. Lukaszuk:** Mr. Speaker, I have been very clear yesterday that the colour palette that's being used for not only signs on highways but for all government publications, including websites and other manufactured products, is in accordance with what the government of Alberta approved colours are. If the member doesn't like that, that's unfortunate.

But I have to tell you that Albertans want to know what's being built: what schools are being built, what hospitals are being built, what highways are being built, and how much they cost. We're simply sharing that with them, and – guess what? – they want more of it.

**Ms Smith:** Mr. Speaker, we take no issue with the government informing Albertans of what they're doing. In fact, we'd be thrilled if they shared more information with the opposition. We'd love it if they'd start sending us all of their press releases again. However, there is a difference between notifying the public of a government infrastructure project and using tax dollars to put up orange-and-blue, PC-branded signs featuring the Premier's name, credentials, and honorific. To the Premier: what was the cost of this multiplatform promotional campaign, and was it driven by the Premier, out of her office?

**Mr. Lukaszuk:** Mr. Speaker, I would ask the hon. Leader of the Opposition not to allow Albertans to believe that there is anything PC about it. As a matter of fact, there is no political signage; the colours are government of Alberta colours. Check any product produced by the government of Alberta, and you will find the same colours. I know for a fact that Albertans want to know what is being built, if the highway is being twinned, what school is being built, and what's coming around the corner in their neighbourhood. That is normal procedure. All construction companies do that. That's how you inform Albertans.

**Ms Smith:** It seems clear that the Deputy Premier believes that there is nothing wrong with the government advertising campaign, that could have been pulled directly from the same design book as the PC Party election campaign ads. Given their unwavering support for this campaign, Albertans have the right to know: how much will this advertising campaign cost Albertans, and was this policy change driven by the Premier and her office?

**Mr. Lukaszuk:** Well, Mr. Speaker, I would hope that this member would for once be proud of Alberta and the infrastructure that we're building for Albertans because it is so badly needed. Second of all, she throws around names of Premiers from other provinces, but I have to tell you that Albertans would be remiss not noticing

federal signs on highways and construction projects, which I imagine she would be very much approving of. It's normal. Every government does it. Our federal government does it. Albertans and Canadians want to know what's being built.

**The Speaker:** The hon. Member for Highwood and Leader of the Official Opposition. Third main set of questions.

**Ms Smith:** What's not normal is having the Premier's name plastered all over them. The Prime Minister doesn't do that at the federal level.

### **Flood Hazard Caveats on Land Titles**

**Ms Smith:** Mr. Speaker, I want to ask the Premier some specific questions on flood policy that are particularly timely since many Albertans have 10 days left before they have to make very significant and life-changing decisions. This government has expressed complete confidence in its 21-year-old flood maps except in the cases of Drumheller and Fort McMurray and Redwood Meadows. To the Premier: why are these outdated maps the only drivers of caveat decisions for every other community in Alberta?

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

**Mr. Fraser:** Thank you, Mr. Speaker, and I thank the hon. member for the question. As the member knows, we use the flood maps simply to protect people's home and protect people's property. The policy is in place simply for that, to protect Albertans. It's been there to protect our resources in Fort McMurray and in Drumheller. It's simply too costly to remove those towns completely. In other areas it's giving people an indication of where they want to build their lives. Ultimately it's to protect lives.

Thank you.

**Ms Smith:** Mr. Speaker, I thank the minister for that answer.

Like Drumheller and Fort McMurray and Redwood Meadows, as he knows, the community of Beachwood in High River is protected by a berm. A government appeal board confirmed in its decisions that this berm was sufficient to protect Beachwood in a typical 1-in-100-floods event. Indeed, of all the flooded areas in High River it was among the least impacted. The residents want to save Beachwood. The High River town council wants to save Beachwood. Will the minister commit to giving Beachwood the same exemption as Drumheller and Fort McMurray and Redwood Meadows?

**Mr. Fraser:** Mr. Speaker, as you know, tragically, we lost three lives at the height of the flood in High River. Beachwood clearly lies in the floodway, and a berm does not change where the floodway is. In fact, if we look at all the evidence, the floodway will likely expand. I can't guarantee to the people in Beachwood, nor can the hon. member, that the river won't come crashing through there, costing the lives of their children and their loved ones. I will stand here. I will protect Albertans based on a good public policy for High River and everywhere else in Alberta.

Thank you, Mr. Speaker.

**Ms Smith:** Well, Mr. Speaker, let me be clear, then. When Wildrose forms the government after the next election, we will remove the flood caveats on any properties that are no longer in a floodway as a result of community mitigation projects. However, by then it may be too late for Beachwood. Improving the berm around Beachwood will cost less than a million dollars. Buying

out Beachwood will cost more than \$30 million. Will the minister do the right thing, the prudent thing, the fiscally responsible thing and give an exemption to save this community?

**Mr. Lukaszuk:** Well, Mr. Speaker, I think we had a very good clue in the last question that the member asked. This is not about politics. This is not about forming the next government. This is not about making policies in this House about saving or not saving people's lives or people's communities for political gain or forming the next government. This is about making sound decisions based on science by people who have much more understanding of what's being done than that particular member. Let's not forget that we're saving people's lives and properties and not trying to win the next government.

**The Speaker:** The hon. Member for Edmonton-Meadowlark and leader of the Liberal opposition.

### Family Care Clinics

**Dr. Sherman:** Thank you, Mr. Speaker. Unlike many successful leaders who underpromise and overdeliver, this Premier overpromises and underdelivers. During the election last year she promised 140 family care clinics, but only three have been opened. To the Premier. Your term is nearly 50 per cent over, but you're only 2.14 per cent done. Why so little progress?

**Ms Redford:** Mr. Speaker, I had the opportunity today to be in Red Deer doing something very exciting, and that was opening the Central Alberta regional cancer treatment centre with our Minister of Health and had the opportunity to actually talk – and I'm sure he'll elucidate – on the commitment, the work that's being done in communities across the province right now to ensure that family care clinics will be up and running as per our commitment. At the end of the day, by the time that we get to the next election, we want to keep our commitment to ensuring that families have access to health care, that they do it through family care clinics, that we're working with communities, and it's going well.

**Dr. Sherman:** Mr. Speaker, maybe this is just a misunderstanding. I'm reading the Premier's platform. What she actually promised was "up to 140" family care clinics. Up to: there's a little bit of wiggle room here. So let's see. Three FCCs have opened, another 24 have been announced, and up to 140 were promised. Here's my question, Premier. In your mind, does "up to 140" actually mean three, 27, or 140?

**Ms Redford:** Well, Mr. Speaker, we've been very clear that we want to work with communities to get these done, and we're working with 24 communities right now that are going to have family care clinics very soon. They look different across the province because communities want them to look different. We are very hopeful that we are going to be able to achieve the 140 target. That's certainly where we want to go. If that's where communities want to go, we're going to be able to do it.

2:10

**Dr. Sherman:** Mr. Speaker, I'll tell you one thing this Premier is really good at. It's making announcements. It doesn't take a medical degree to know that you can't provide medical care inside an announcement. You actually need a fully staffed clinic. Announcements won't cut it, Premier. Signs in PC colours won't cut it on vacant lots. What we need, and I hate to be repetitive, are fully staffed clinics. Premier, how many FCCs will you guarantee

will be built, opened, fully staffed, and providing care to Albertans by that 2016 election? Not announcements.

**Ms Redford:** Mr. Speaker, in fact, I absolutely agree with the hon. member, and that's exactly what we did in Red Deer today. We opened the Central Alberta regional cancer centre, which is going to be able to provide services and radiation to people throughout the province. You have to make sure, of course, that these are staffed. We are committed to working with communities, and as I've said, if we have communities that are ready to open in 140 locations, they will be open.

**The Speaker:** The hon. Member for Edmonton-Highlands-Norwood, leader of the ND opposition.

### Athabasca River Containment Pond Spill

**Mr. Mason:** Thank you very much, Mr. Speaker. On Halloween, October 31, the largest environmental catastrophe in Alberta's history occurred. A billion litres of toxic chemicals emptied into the Athabasca River. The impact of this is devastating for the watershed from Hinton to the Arctic Ocean. Nineteen – 19 – days later this environment minister finally got around to issuing an environmental protection order. To the minister. This is negligence of the most serious kind. Why on earth didn't you act sooner?

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

**Mrs. McQueen:** Well, thank you, Mr. Speaker. As I've said several times in this House, we acted on day 1, as soon as this incident happened. Our investigators were on the scene right away, making sure, first and foremost, that communities were notified. Yesterday we put an environmental protection order in place to make sure that there would be one more tool that would ensure that the work would be completed efficiently and set the timelines for going forward. Our directors and our investigators were working with the companies throughout this process.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. This minister made no public announcement of this catastrophe. The entire contents of this toxic tailings pit emptied into one of the longest and most important rivers in Alberta, and all the minister did was quietly call municipalities along the river and ask them to turn off their water systems. Clearly, the minister was hoping that no one would notice, but now, 19 days later, we know that enormous and perhaps permanent damage has been done to the Athabasca watershed. To the minister of environment: how do you account for this extreme negligence on your part?

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

**Mrs. McQueen:** Well, thank you, Mr. Speaker. Perhaps he should talk to the member sitting next to him because she said it was five days later when we notified Albertans. Quite frankly, it was the very day that we made sure Albertans were notified. We put it on our bulletin. We contacted communities and made sure that people were aware that needed to make sure. We have worked with communities on this. In fact, I'd like to give you a quote from Dr. Jim Talbot, the chief medical officer of health. He has said: "I am confident that at no time was there a risk to the public's drinking water. As chief medical officer my primary concern is that proper procedures are followed and that the water the public is drinking is safe." This is exactly what we have done from day one.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. The reason that the water is safe is because they're no longer drawing it from the Athabasca River. If they did, it would not be safe. This toxic blob isn't just going to merrily float downstream and into the Arctic Ocean. It contains large amounts of lead, arsenic, cadmium, and mercury, all extremely toxic. These chemicals will be deposited along the course of the Athabasca River and will poison the environment from here to Inuvik for a generation. The minister didn't take action and tried to keep it quiet. What does she have to say for herself?

**Mrs. McQueen:** Well, Mr. Speaker, we did not try to keep this quiet. Immediately, as soon as we found out about this, we were on scene, and we made sure that it was public on our bulletin and made sure the public knew about this. Since day 1 we have been taking samples. We continue to take samples. We make those samples public. We are very concerned about this, and we've been very proactive to make sure that all of this has been taken care of. We were on top of this right from day 1. It is very important for us to make sure that the public has access to the information and data that we released yesterday.

**The Speaker:** Thank you.

#### **Speaker's Ruling Preambles to Supplementary Questions**

**The Speaker:** Hon. Clerk, stop the clock just for a moment, please.

I want to pick up on something that the Official Opposition leader mentioned earlier, and that is how we can get to more questions. Here's one good example of how we can do that. There should not be any preamble to supplementaries, and I've indicated this numerous, numerous times in this House, so let's try that. The clock is stopped, and we'll get more members up. Just remember that one question is allowed 35 seconds. One answer is allowed another 35 seconds. In other words, a set of questions is allowed up to three minutes and 30 seconds, and it's a miracle to get past 15 members, but let's do our best.

Start the clock, and let us go, now without preambles to supplementaries, starting with Edmonton-Manning, followed by Lac La Biche-St. Paul-Two Hills.

#### **Highway Safety**

**Mr. Sandhu:** Thank you, Mr. Speaker. To the Minister of Transportation. It's no secret that Alberta is booming. As people and industry flood into our province, our roads become a very important part of our daily business, but this growth puts a combination of pressures on our highway system, especially our major highways like QE II and highway 63. As more and more heavy haulers use our roads to transport goods and materials, we see more traffic and, unfortunately, more tragic accidents. My first question to the Minister of Transportation . . .

**The Speaker:** Hon. member, I hate to interrupt, but you're well over the time allotted.

Mr. Minister, do you have enough information there to try and answer the question?

**Mr. McIver:** I'll do the best I can.

**The Speaker:** Yes, please.

**Mr. McIver:** Thank you, Mr. Speaker. The hon. member was asking about heavy hauling. We certainly are aware. We have been doing a lot of work on this. He mentioned highway 63, and I can tell you that part of the reason why we are keeping the Premier's promise of twinning highway 63 is to make sure that there is more capacity for those heavy loads.

Further, Mr. Speaker, highway 36 is a heavy haul route from the U.S. up the east side of Alberta. We certainly have considerable work to do there, and we'll continue.

**Mr. Sandhu:** To the minister: can you commit today to increase safety for Albertans by designating separate lanes on our major highways for all the commercial trucks and transportation?

**Mr. McIver:** Well, Mr. Speaker, the question was about designating lanes for heavy hauls. Currently that's something we'll be able to consider only if the Legislature approves Bill 32, that's before us. If that happens, we will consider each highway in the province, look at where designating lanes is a benefit to Albertans both for their safety and their overall mobility, and only in those instances where there's a net benefit will we consider that. But we most certainly will not do it on every highway because it's not appropriate on every highway.

**Mr. Sandhu:** To the same minister: will you also commit to working with the Solicitor General for zero tolerance on posted speed limits to ensure that heavy-footed drivers are aware that there's no leeway over this limit?

**Mr. McIver:** Well, Mr. Speaker, I'll work with the Solicitor General on that, but the fact is that police officers have some leeway in when they write a ticket and when they don't, based on the information that they get. I'm not sure we want to take that away. It's certainly something that I'll continue to talk to the Solicitor General about. Both he and I are interested in keeping Albertans safe when they travel on Alberta's highways, and there is a certain amount of judgment involved in that. If the hon. member has certain circumstances he wants to discuss, we'd be happy to do that, keeping in mind mobility, but Albertans' safety comes first.

#### **Ethics Commissioner Selection Process**

**Mr. Saskiw:** Mr. Speaker, the long-standing member from the fabulous constituency of Edmonton-Centre publicly stated and provided compelling reasons that she is "extremely uneasy about having [her] intimate personal details disclosed to an individual who is not neutral," and that she felt helpless and frightened with the product of a fundamentally flawed Ethics Commissioner selection process. Will the Premier commit here today to change the selection process for an Ethics Commissioner to an all-party committee with equal representation to ensure that that person is objectively neutral instead of risking having someone with close connections with one personal, political party?

**Mr. Hancock:** Mr. Speaker, it is a fundamentally offensive proposition to suggest that once a person is appointed to an office such as an officer of the Legislature or for that matter a judge of the courts, they would retain any of their political attributes that they had prior to their appointment. These officers, whether they're judges or officers of the Legislature, take on a role of neutrality when they take their oath of office, and it is fundamentally offensive to suggest otherwise.

2:20

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

**Mr. Saskiw:** Thank you, Mr. Speaker. Given that in this Legislature we're not allowed to reference party donations from independent officers of the Assembly, will the Premier do the right thing and ensure that our next Ethics Commissioner has not been involved in any partisan political activity?

**Mr. Hancock:** Continuing with the offensiveness, Mr. Speaker.

It is an all-party committee of the House who gets to ask the questions to interview the applicants. In fact, we're anticipating a report from the special select committee with respect to the Chief Electoral Officer this afternoon. [interjections] That's the parliamentary process.

**The Speaker:** Hon. members, there are a few things I can do other than to stand and bring to your attention that disorder of that sort, eruptions of that sort are not characteristic of a well-tuned and fine-functioning Assembly. So, please, let's curtail these comments.

Hon. Government House Leader, I think you have about 15 seconds left.

**Mr. Hancock:** Thank you, Mr. Speaker. The fundamental operation of any parliamentary democracy indicates that a government gets elected, but the House selects all-party committees, and the fact that the majority party has the majority members on that committee does not lead to the disrespect of the officers selected by that committee.

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

**Mr. Saskiw:** Thank you, Mr. Speaker. I'll try to tone it down a bit.

Given that the Premier is surely concerned about the results of November 22 – her advisers are even lowering the bar to saying that 50 per cent plus one is a success – and given that the Ethics Commissioner's office has publicly stated that his report on the investigation of the Premier awarding a billion dollar tobacco litigation contract is complete, can the Premier confirm that no one from her office, from the Public Affairs Bureau, or any of her ministers or their staff has made any request to delay the report from being released prior to her leadership review? Be very careful with your answers, sir.

**The Speaker:** Hon. members, you know from previous rulings and previous rules that we're all pledged to abide by that asking questions about a matter that is under investigation by the Ethics Commissioner is out of order. Please . . . [interjections] Excuse me. I have the floor at the moment. Please, if you're going to pursue questions of that nature, rephrase them in such a way so as to not violate that rule.

Would somebody from the government side care to comment?  
The hon. Government House Leader.

**Mr. Saskiw:** Very carefully.

**Mr. Hancock:** I would be very careful to say, Mr. Speaker, that I find all of the questions that have been raised in this area very offensive. The independent officer of the Legislature who performs the role of Ethics Commissioner takes an oath of office.

**Mr. Saskiw:** Talk about the Premier.

**Mr. Hancock:** He has fulfilled his office with integrity, and this House should respect . . .

**Mr. Saskiw:** Talk about the Premier.

**Mr. Hancock:** If there are any questions about the operation of that office, they are rightly called before a legislative committee . . .

**Mr. Saskiw:** The Premier.

**Mr. Hancock:** . . . and it is totally inappropriate to besmirch his reputation here.

**Mr. Saskiw:** Point of order, Mr. Speaker. Saying that I besmirched his reputation is a complete lie.

**The Speaker:** Hon. Member for Lac La Biche-St. Paul-Two Hills, you stood on a point of order, I assume in relation to the last answer by the Government House Leader, at 2:24. It has been noted.

We will move on, hopefully with a restoration of civility and decorum. Calgary-Bow, followed by Calgary-Fish Creek.

### AISH Applications

**Ms DeLong:** Thank you very much, Mr. Speaker. Some of my constituents who have become disabled have brought to my attention that it takes up to eight months for them to receive their first AISH cheque. My first question is for the hon. Minister of Human Services. What is the current projected wait time for Albertans who have become disabled to first receive their AISH funding?

**Mr. Hancock:** Well, Mr. Speaker, we have had a very significant increase in the number of applications for AISH over the past year or so since the AISH payment went up to \$400. We are working very hard to bring that application period down. We're being successful in doing that to a certain extent, but we have got a long way to go yet to get it within an acceptable range. One of the things that I think is really important, though, is to understand the way in which the process works, that once a person's application is in and complete, whenever the decision is made, the AISH payments will revert to the date of the application.

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

**Ms DeLong:** Thank you very much, Mr. Speaker. To the same minister: what measures are in place to help the government speed up these wait times?

**Mr. Hancock:** Well, Mr. Speaker, we've made accommodations to our system so that, actually, wherever you put your application in, you're in a queue right across the province so that we can deal with people fairly across the province from whichever location. We've managed to reduce the wait time by almost four weeks, so there's good progress there. We are bringing people on and have brought people on to assist in increasing the number of people who are processing the applications. But the most effective tool that we have is in fact a consolidated information system, so that anywhere in the province you apply, your application will go to the next available adjudicator.

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

**Ms DeLong:** Thank you, Mr. Speaker. In the meantime what, if any, assistance is available to these individuals as they wait for their AISH funding?

**Mr. Hancock:** Mr. Speaker, we should be clear that most of the people if not all of the people who are applying for AISH certainly qualify for income support under one of our other programs. Barriers to full employment would probably be the normal one. Now, that doesn't have a range quite as high as the AISH payments, so it's clear why people would be moving to make an application to go on AISH. But, again, as I said, as soon as they have a complete application in, their AISH qualification dates from the date of their complete application, not from the date of the decision. Most of them are on other forms of income support.

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

#### Health Services Financial Administration

**Mrs. Forsyth:** Thank you, Mr. Speaker. Yesterday I asked the minister about the reappointment of the chair of the Alberta Health Services Audit and Finance Committee. The minister said that he was the most qualified individual to serve this organization. Minister, how many people were interviewed for this position?

**Mr. Horne:** Mr. Speaker, if the hon. member had checked her facts, she would realize that the Audit and Finance Committee as well as any other committees under Alberta Health Services are appointed by the official administrator. It was entirely within the official administrator's purview to select the people that were most qualified to fulfill this function. He regularly involves that committee in meetings with the Auditor General to review the financial affairs of AHS.

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

**Mrs. Forsyth:** All right. Mr. Speaker, let me ask this, then. Minister, how many people did he interview?

**Mr. Horne:** Mr. Speaker, I don't know the answer to that question. It is entirely within the purview of Alberta Health Services, a commission of this government that has powers delegated under legislation and under its own bylaws to appoint committees. I would hope the hon. member would agree that it's a very good idea to have an Audit and Finance Committee overseeing a budget of over \$12 billion, but I guess we'll find out.

**Mrs. Forsyth:** Minister, there are four million people in this province. How many people were interviewed for the job?

**Mr. Horne:** Mr. Speaker, the appointments, as I said, were made by the official administrator of Alberta Health Services. It is within his sole discretion to appoint those in the same way that – I can't . . . [interjections]

#### Speaker's Ruling Interrupting a Member

**The Speaker:** On the one hand you're asking the Speaker not to interrupt, and on the other hand you keep interrupting, which prompts the Speaker to stand up and restore decorum. Hon. members, please. You may not like what's being said, but you have to listen to it. They may not like what's being asked, but they have to listen to it. So let's show some respect both ways.

Please continue, hon. minister.

#### Health Services Financial Administration (continued)

**Mr. Horne:** The question is absurd in the extreme. Alberta Health Services has the power to appoint . . . [interjections] Do you want me to sit down, Mr. Speaker?

**The Speaker:** Finish off, please.

**Mr. Horne:** . . . has the authority to appoint those committees, as do many other agencies, boards, and commissions that operate under statutes in this province. The question could be asked more appropriately at Public Accounts, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by Edmonton-Beverly-Clareview.

#### Athabasca River Containment Pond Spill (continued)

**Ms Blakeman:** Thanks very much, Mr. Speaker. The minister of the environment seems to be seriously suggesting that a leakage of gunk containing chemicals and minerals that are really bad for humans, habitat, fish, and animals is mostly okay. To the minister: why is it that when it is the impact on human health, public health, it's all good, but when it comes to the impact on environmental health, silence?

**Mrs. McQueen:** Well, Mr. Speaker, there certainly isn't silence. We've been on this file right from day one, making sure first and foremost that human health is protected and that humans are notified, as I've said, about the drinking water – we're taking samples each and every day, and we continue to do that – and making sure that of the habitats, the fish, the wildlife we're taking samples as well.

As I said a week ago in the House, Mr. Speaker, at that time we had only seen one dead fish. We continue to monitor the situation. We will continue to do this into the spring as well. We take human health very seriously, and we take the environment of the habitat and the fish and wildlife very seriously.

2:30

**Ms Blakeman:** Yeah. Well, you can tell the public not to drink the water. It's a bit harder for other species.

So back to the same minister. What is the minister's acceptable level of risk when it comes to coal toxins sludging their way along a river? Okay, as long as folks don't drink it directly from the plume? Is it okay as long as not too many fish die? What is your acceptable level of risk here?

**Mrs. McQueen:** Well, Mr. Speaker, that's just ridiculous. We have been concerned about this situation from day 1. The highest concentration of contaminants have occurred with regard to where the plant creek enters the Athabasca River, but as a result of the sediment settling, the plume flows downstream and the concentration is decreasing. We're glad about that, but we are working with the company, the very reason why yesterday we put an environmental protection order in place. We are concerned about this, and we're taking action on this, as we have from day 1.

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

**Ms Blakeman:** Well, thanks very much, Mr. Speaker. Back to the same minister. In other jurisdictions, any other jurisdiction, a company that released that much crap into a waterway would be immediately charged, but not in Alberta. In Alberta we're going to

educate. So, Minister, can you not educate them with a fine maybe or a public whipping or possibly with charges? How long is this going to go on before you make this company pay, and who's going to pay for the cleanup?

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

**Mrs. McQueen:** Well, thank you, Mr. Speaker. To answer her last question first, the company obviously pays for the cleanup. We make sure that we have an investigation, as I also said in the House on the first day. The investigation must be held. We make sure that the companies are held responsible, and we have acted on that right away. We have the environmental protection order. We put that in yesterday, but we have been working with them all the way because they will be held responsible. We are very concerned about this, and as I've said over and over and will continue to say: we are taking action, we'll continue to take action, and the company will be held responsible once the investigation is complete.

#### Homelessness in Winter

**Mr. Bilous:** Mr. Speaker, extreme cold temperatures forecasted this winter mean that homeless Albertans are at risk. Emergency shelters are full, and in some places people are already being turned away. Yet this PC government continues to underfund emergency shelters. To the Minister of Human Services: what is he going to do today to ensure that no Albertan freezes to death this winter because they have no home?

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

**Mr. Hancock:** Well, thank you, Mr. Speaker. I'm glad that the hon. member has afforded me the opportunity to indicate to all Albertans that we take homelessness very seriously. We've put a lot of time and effort with our community partners into the plan to end homelessness, but we also fund, rather considerably, the shelters that are there for those who are homeless at the moment. There is a winter emergency response plan which each community puts in place through their community-based organizations. We fund those emergency response plans. We have added additional beds across the province in various places where those plans indicated they were needed, and we are going to continue to closely monitor that situation and fund where necessary.

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

**Mr. Bilous:** Thank you, Mr. Speaker. It's not enough, Mr. Minister. Given that Calgary's Kerby Centre, which houses homeless seniors, turns away 21 to 35 people per month and given that the Kerby Centre had to beg for private donations just to keep its existing beds open, will this minister stand up and take responsibility for turning our most vulnerable citizens into the snow to fend for themselves?

**Mr. Hancock:** Mr. Speaker, no one wants anyone to be alone in the snow, homeless or anything of that nature whatsoever, so what we do and what I will take responsibility for is the co-ordinated network that we work with in each community with community-based organizations, funding them so that there is a group of shelters in most of the larger centres that could deal with the homeless population to make sure there is a bed for everyone. We want to ensure that there is a bed for everyone when it is needed. But it's not on a one shelter by one shelter basis. It's a co-ordinated effort, as it needs to be.

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

**Mr. Bilous:** Thank you, Mr. Speaker. Hundreds are turned away.

Given that in Red Deer the People's Place emergency shelter also had to send people back into the cold and given that there is a very real possibility Albertans are going to freeze to death this winter due to this government's neglect, what does the minister have to say to Albertans who have to sleep outside in the bitter cold?

**Mr. Hancock:** Mr. Speaker, I would hope that no Albertan has to sleep outside in the bitter cold, that there is a place for every Albertan who needs a place. Our emergency shelters work very hard to make sure that that happens, and we work very hard to co-ordinate with them so that the number of beds that are anticipated as needed are in place when they are needed. I can tell you that in Red Deer the Community Housing Advisory Board, the local CBO, has increased bed capacity at People's Place, operated by the Safe Harbour Society, by 12 spaces for a total of 35 funded spaces with a licensed capacity of 46 as their winter emergency response in 2013-2014. If they anticipate that they need more, we will talk with them about it.

**The Speaker:** The hon. Member for Cypress-Medicine Hat, followed by Calgary-East.

#### Road Construction Priorities

**Mr. Barnes:** Thank you, Mr. Speaker. It was with relief that Calgary residents learned the government has fast-tracked a modification to Deerfoot Trail with widening at Southland Drive. Clearly, this was a local, even a provincial priority considering the intense amounts of traffic on the Deerfoot every day. Yet this priority wasn't on Alberta Transportation's three-year plan. The minister is always trumpeting about the accuracy of his list posted on the website, but every Albertan can see that this very important project wasn't even listed. When will the Minister of Transportation admit that his list is meaningless and his decisions are purely political?

**Mr. McIver:** Well, Mr. Speaker, I find it highly entertaining that the hon. member would criticize this particular project when the Member for Calgary-Shaw actually sent out a document to his constituents claiming he had to take credit for it. You should talk to your hon. member down there. You guys should get your stories straight. In fact, the fact is that this is a project that was important to support the southeast part of the ring road. It was an important link. We're proud of the work we're doing, and it will be open very soon.

**Mr. Wilson:** Point of order.

**The Speaker:** Calgary-Shaw, you've risen on a point of order, presumably in response to the Minister of Transportation's comments just now at 2:38 p.m., and it has been noted.

Let's go on with the first supplemental.

**Mr. Barnes:** Thank you, Mr. Speaker. Love the project, not the process.

Given that this project wasn't on the three-year plan and given that it was a clear priority to anyone who has travelled on the congested Deerfoot, will the minister stand up and admit that this government plays politics with Albertans when it comes to their important infrastructure?

**Mr. McIver:** Mr. Speaker, as I've tried to educate this hon. member, we put our projects on the website. Every year we create a new three-year project list. We publish it publicly so Albertans can see. I'd be interested in seeing the list of what this member wouldn't build in their party with all the cuts they would make to what we're doing. [interjections] Our government works very hard. We're building the things that Albertans want, unlike that party. Under this Premier we're building Alberta. We're putting infrastructure in place that's important. That party would never do it. We are serving Albertans.

**The Speaker:** Hon. members, your own member has the floor. Let's not try and outshout anyone here.

Please, your second supplemental.

**Mr. Barnes:** Thank you, Mr. Speaker. We would have a clear, prioritized public infrastructure list for all Albertans.

Given that this clear priority has been fast-tracked just days before the Premier's leadership review, will the government commit to taking politics out of infrastructure decisions and implement a public prioritized project list so Albertans don't have to wait for another leadership review to get their projects? [interjections]

**Mr. McIver:** Mr. Speaker, the hon. member continues to embarrass himself. In the first question he said: why isn't the project done? Then later on he said: the project is done in time for a political event. It can't be both. The hon. member hasn't got any of his facts straight. He hasn't got his own story straight. [interjections]

Mr. Speaker, we continue to do the right things for Albertans. We will. Nothing's stopping them from making a big list of the things they wouldn't build. We, on the other hand, make a list of the things we are going to build.

**The Speaker:** I don't know what's giving rise to so much joviality in here today, but it's interruptive enough.

Let's go on to Calgary-East, followed by Cardston-Taber-Warner.

#### 2:40 Calgary Southeast Ring Road Contract

**Mr. Amery:** Thank you, Mr. Speaker. The southeast ring road was supposed to be open to commuters on October 1. It's now 51 days past that date. It is my understanding that the contractor has been levied a fine of \$70,000 per day. Now it has come to my attention that trade workers are not being paid for work completed by subcontractors and those that have asked to be compensated have been fired. To the Minister of Transportation: why is the southeast ring road suffering such a long delay?

**Mr. McIver:** Well, Mr. Speaker, it's good to see somebody that's got most of his facts straight. However, the cost to the contractor for being late isn't actually a fine. It's a contractual arrangement within the contract that they will get that much less revenue by being late. Really, the contractor hasn't got the work done on time. It's as simple as that. They had four years to do it. They didn't complete it. But to protect Albertans, there is that contractual arrangement where Albertans gain by \$70,000 a day. That's not the worst arrangement in the world. Some might say that it's pretty good.

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

**Mr. Amery:** Thank you, Mr. Speaker. Could the minister tell us how he will ensure that the penalty will be collected?

**Mr. McIver:** Mr. Speaker, you know what? The member has been diligent on this because he cares about the mobility of Albertans. I

will say that it's not a matter of collecting the penalty. It's a matter of deducting it from future payments. There's no collection process, in a strict sense, to do. That, of course, is part of the government's plan to make sure that people we contract with to build things for Albertans are motivated to get it done. Even under those circumstances we're finding out this time that that's not enough to get it done on time, but I can assure you that it's going to get it done faster than it would be done without that motivation.

**Mr. Amery:** Mr. Speaker, this question is to the hon. Minister of Infrastructure. What is being done to ensure that trade workers are being protected for the work that they have done?

**Mr. Drysdale:** Well, Mr. Speaker, the southeast Stoney Trail is a project covered under the Public Works Act, administered by my department. The Public Works Act allows that any person who does not receive proper payment, regardless of their level in the contracting chain, can make a claim. The statement of Public Works Act claim is available on the Infrastructure website.

**The Speaker:** Thank you.

The hon. Member for Cardston-Taber-Warner, followed by Bonnyville-Cold Lake.

#### Southern Alberta School Capacity Issues

**Mr. Bikman:** Thank you, Mr. Speaker. The Magrath K to 12 school needs to be modernized. This growing community projects an increasing student population. Built in 1952, the existing school has been expanded and cobbled half a dozen times and has six utility rooms to prove it. Because courtyard space was used for one expansion, half the elementary classes have no natural light. Can the Minister of Education please inform the parents, teachers, and the Westwind school division if this number one division priority will be addressed in his December announcement?

**Mr. J. Johnson:** Mr. Speaker, the shorter answer is that we'll have to stay tuned and wait for the December announcements, but the longer answer is that this member is experiencing in his constituency what many of us are experiencing in our constituencies. I think he's probably in agreement that we elected the right Premier, who's agreed to deal with those things and invest in those communities and build those schools and modernize the schools that need to be modernized.

**Mr. Bikman:** Mr. Speaker, the theatre that is question period.

Given that Raymond elementary is at 130 per cent utilization, with 50 kindergarten children in one common space, and given that if the parent link centre area onsite was made available for instructional use, this overcrowding would be alleviated, could the Minister of Human Services advise what efforts can or are being made to secure a different location for the parent link program?

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

**Mr. Hancock:** Thank you, Mr. Speaker. Yes, that's a very important question. Of course, parent link centres do such wonderful work in communities to assist parents with early childhood development, understanding early childhood development and empowering them to ensure that children get a good start. I understand that the school division has given notice to the parent link centre to move out of the school. Negotiations are happening to find a new spot for them. That's happening with the parent link centre, the FCSS, and the local school board, and we're very

confident that we'll be able to find a place to keep this very important community facility operating.

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

**Mr. Bikman:** Thank you, Mr. Speaker. Given that Raymond elementary and Magrath K to 12 are two local priorities where residents are uncertain about when their concerns will be addressed, would the Minister of Infrastructure be willing to post a public prioritized project list so my constituents and all Albertans can know when important projects such as these will be met?

**Mr. Drysdale:** Well, Mr. Speaker, as I've said many times in this House before, our capital plan is our priority list. It's published on our website. I think maybe the members across have trouble with computers, so maybe I'll push the print button and hand deliver them the list of our priority stuff.

There's lots of growth pressure in this province, Mr. Speaker, on infrastructure. I work with my colleagues, and if it's number 1 on that school boards priority list, then by the sounds of the utilization rates, stay tuned for upcoming announcements.

**The Speaker:** The hon. Member for Bonnyville-Cold Lake, followed by Little Bow.

#### Regional Cancer Centres

**Mrs. Leskiw:** Thank you, Mr. Speaker. This morning the Premier opened a new cancer centre in Red Deer. With more and more people moving into our province each year, this is great news for Alberta. My question is to the hon. Minister of Health. Forty-seven million dollars on a cancer facility sounds impressive, but that's a lot of money. Is it really going to make a difference?

**Mr. Horne:** Mr. Speaker, it is indeed a lot of money, and it's going to make a huge difference in the lives of up to 15,000 Albertans a year. The Red Deer cancer centre is an integral part of the cancer corridor that Alberta has been building over the last several years. As I said, 15,000 patients will now be able to receive radiation therapy close to home in Red Deer and central Alberta. This is a life-changing initiative for patients with cancer.

**Mrs. Leskiw:** To the same minister: what about the rest of the province? How does this facility fit into the provincial cancer strategy that was released back in April?

**Mr. Horne:** Well, Mr. Speaker, as I said earlier, one of the cornerstones of the cancer plan is to provide increasing numbers of Albertans who are living with cancer access to chemotherapy and radiation close to home as opposed to them having to travel long distances. Red Deer joins Lethbridge's Jack Ady centre and services in Edmonton and Calgary and eventually, within a couple of years now, a similar centre in Grande Prairie to provide for the Alberta cancer corridor. As I said, this is going to be life changing for the 1 in 5 Albertans that will develop cancer.

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

**Mrs. Leskiw:** Thank you, Mr. Speaker. To the Minister of Infrastructure: since Red Deer and area residents have been waiting so long for this facility, will the Central Alberta cancer centre be able to handle the area's population growth now and into the future?

**Mr. Drysdale:** Mr. Speaker, I'm pleased to say that this facility, which came in on budget, provides almost four times the clinical space of the existing facility in Red Deer. What's more, the

building is designed to accommodate future growth in the community. A third radiation vault was shelled in for future expansion. Plus, the building was designed and built so we can add floors onto the roof in the future. This new cancer centre is a prime example of our building Alberta plan in action, and I'm proud to be part of it.

**The Speaker:** The hon. Member for Little Bow, followed by Fort Saskatchewan-Vegreville.

#### Rural Ambulance Dispatch Service

**Mr. Donovan:** Thank you, Mr. Speaker. Over the last few months rural Albertans, more specifically those around Lethbridge and southern Alberta, have been witnessing the PCs' failed ambulance dispatch vision. Last week the Associate Minister of Regional Recovery and Reconstruction for Southeast Alberta told a local paper in Lethbridge that AHS executives were determined to seize control of the fully consolidated rural ambulance dispatch despite the town council, mayors, and Reeves of the area all warning this government that removing local dispatch could have potentially dangerous consequences. To the minister of southeast Alberta reconstruction and recovery: have you come to terms with the fact that central . . .

**The Speaker:** Hon. member, we have to proceed with the answer now. The time for your question has expired.

Did the minister get enough out of that to answer a question?

**Mr. Fraser:** Mr. Speaker, as you know, I have some history with rural ambulance service, and what I can tell is that the history of the rural ambulance service goes a long way back. What we're seeing are great improvements to enhance patient care. In many of these communities, particularly outlying rural areas in southern Alberta, they have never experienced advanced cardiac life support, and that's what they're going to get. We're going to be able to track these ambulances, get them to the communities and the emergencies that they need to be at. It's a good system.

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

**Mr. Donovan:** Thank you, Mr. Speaker. Given that so far the Health minister has refused to meet with the local members of the Lethbridge town council on this issue and given that this issue has negatively affected the regions across southern Alberta, will the minister of recovery please commit to sitting down with his minister, municipal leaders, and the Health minister to find a solution that will work for all rural Albertans?

**Mr. Horne:** Mr. Speaker, the hon. member is incorrect. I have in fact met with and talked to members of the former Lethbridge council. I will be meeting members of the new Lethbridge city council later this week. As we have with other communities around the province, we've worked very hard with local municipalities, the vast majority of whom have chosen to consolidate their dispatch services with Alberta Health Services because they know it will help to improve patient care.

2:50

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

**Mr. Donovan:** Thank you, Mr. Speaker. Given that back in August, when the mayors and Reeves had sent out an invitation for you to please come to the meeting about rural dispatch, and given that you didn't show up at the meeting — people around there were concerned about what was going on — and given that there was a



letter from 17 different municipal leaders sent to you about the rural dispatch problem in southern Alberta for ambulances, I guess I'm concerned. Next time, when you have the meeting, if you'd please let everybody know what the outcome of it was.

**Mr. Horne:** Well, Mr. Speaker, as I said, I've met with many officials from municipalities around the province. The letter to which the hon. member refers: 12 of the 17 mayors who signed that letter already have consolidated dispatch services with AHS.

More to the point, Mr. Speaker, I will say – and I'll be meeting with more municipalities later this week – that we do understand that in some specific municipalities there are issues, not with the policy of making EMS part of health care but with perhaps some refinements and adjustments that might be necessary from their perspective to provide the level of care that they wish to their citizens. We'll continue to work with them to do that.

**The Speaker:** Thank you.

Hon. members, we were able to get to 16 different members today, which is very good. One of the primary reasons, of course, is because we had a number of people who really shortened or eliminated their preambles to supplementaries. I want to comment on and commend Edmonton-Manning, Calgary-Bow, and Calgary-East for doing a good job in that respect. As well, Lac La Biche-St. Paul-Two Hills took an attempt at one there to shorten his preamble, as did Calgary-Fish Creek, as did Bonnyville-Cold Lake. So a number of people are catching on. This is how it should function. Thank you.

In 20 seconds from now we will continue on with private members making their statements, starting with Calgary-Hawwood.

The hon. Government House Leader.

**Mr. Hancock:** Thanks, Mr. Speaker. As we do that – I'm sure you meant for everybody to leave while we're talking about this – in anticipation of the clock and the various things that have happened, I would ask for the unanimous consent of the House to continue after 3 o'clock with the Routine.

[Unanimous consent granted]

**The Speaker:** Hon. members, I heard no objection, so we will continue until the Routine is completed. Thank you.

### Members' Statements

*(continued)*

**The Speaker:** The hon. Member for Calgary-Hawwood, followed by Strathmore-Brooks.

### International Investment

**Mr. Luan:** Thank you, Mr. Speaker. Globalization and the global economy have certainly become the new reality of today, which is why our government has undertaken new initiatives to open new markets and attract international investment in Alberta. Because of such initiatives our province is increasing its financial and global profile. Low taxes, a stable economy, and a transparent government make Alberta one of the best places to do business.

Alberta has also developed strong ties with many countries in the world. For instance, the Alberta-Hokkaido relations celebration, which occurred yesterday, honoured the long-lasting relations between Alberta and Japan for the last 41 years. Now Japan is one of Canada's primary Asian sources of foreign investment along with China.

That's not all, Mr. Speaker. Here are a few more facts to support the statement. Alberta led the nation in economic growth, with a 3.4 per cent growth rate for the last 20 years. Alberta exported \$93 billion in commodities to 192 countries in 2011, which represents an 18 per cent increase from the year before. Alberta offers a 10 per cent refundable provincial tax credit for scientific research and experimental development. Finally, Alberta is being recognized as one of the most competitive business tax environments in North America, with no provincial sales tax, no provincial capital tax, no payroll tax, no machinery or equipment tax.

Thanks to our government's continuous focus on building Alberta, opening new markets and welcoming international investment is one of the three key pillars of that plan, which I'm very proud of. Albertans continue to be well served by this government with the building Alberta plan, which sustains our prosperity.

Thank you.

**The Speaker:** Well timed, sir.

The hon. Member for Strathmore-Brooks.

### Emergency Medical Services in Southern Alberta

**Mr. Hale:** Well, thank you, Mr. Speaker. After two years of negotiations Alberta Health Services finally signed a deal with the Wheatland and Adjacent Districts Emergency Medical Services Association. I'd like to take this opportunity to thank WADEMSEA for their hard work in Wheatland county. I am pleased that after months of uncertainty residents will continue to receive the top-notch local ambulance services they have come to expect for the past 25 years.

In recent months it appeared that the province was trying to cut the legs out of our local ambulance service as part of their policy of centralizing ambulance services. The PC government tried to cut back the local service by half a million dollars. The result would have been devastating for WADEMSEA. Thankfully, WADEMSEA persevered.

Securing adequate funding for ambulance services shouldn't be such a struggle. It is beyond me why Alberta Health Services under the direction of the PC government tried to bully the local ambulance provider into accepting these unfavourable terms when the service itself would have been at stake.

I'd like to take this opportunity to recognize the outspoken advocacy of Wheatland county reeve Glenn Koester as well as WADEMSEA co-ordinator Rob Witty, board member Darcy Burke, and the whole WADEMSEA board for their role in speaking out for the residents of Wheatland county. It was an honour to stand beside and work with this board to achieve this positive outcome.

Residents of Wheatland county are certainly safer due to their persistent and determined advocacy efforts. This is a great example for other communities to look to for positive results coming from working together.

Centralizing ambulance services has been a disaster, and that's a lesson the PC government is refusing to learn. It's a reminder for all communities fighting against this government to not give up. Stand together, and make a positive difference. On this occasion it's a telling reminder to Albertans that Alberta Health Services is running out of control. It's heavy-handed approach of holding the residents of Wheatland county hostage with a half-million-dollar cut in funding for their ambulance service is completely unacceptable. Thankfully, due to their advocacy a potential disaster has been averted.

### Presenting Reports by Standing and Special Committees

**The Speaker:** I show the hon. Member for Leduc-Beaumont.

**Mr. Rogers:** Thank you, Mr. Speaker. As chair of the Select Special Chief Electoral Officer Search Committee I'm pleased to table the committee's report recommending the appointment of Mr. Glen L. Resler as Chief Electoral Officer for the province of Alberta. I have the requisite number of copies for tabling, and copies of the report are being distributed to all members of the Assembly today.

Thank you.

### Notices of Motions

**The Speaker:** The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. It is my privilege this afternoon to give notice of two motions that we would intend to bring before the House at the appropriate time. The first:

Be it resolved that the Legislative Assembly concur in the report of the Select Special Chief Electoral Officer Search Committee and recommend that Glen Resler be appointed as Chief Electoral Officer for the province of Alberta, effective December 9, 2013.

Mr. Speaker, I also have the privilege of bringing forward a second motion.

Be it resolved that

- (1) Hon. David Alward, the Premier of the province of New Brunswick, be invited to the floor of this Chamber on Thursday, November 28, 2013, immediately following Prayers, to address the Legislative Assembly;
  - (2) This address be called for immediately after the Hon. Mr. Alward is introduced under Introduction of Visitors; and
  - (3) The ordinary business of the Assembly resume upon the conclusion of the address;
- and be it further resolved that Premier Alward's address become part of the permanent records of the Assembly.

### Introduction of Bills

**The Speaker:** Hon. Member for Sherwood Park, you have a bill to introduce?

#### Bill 44 Notaries and Commissioners Act

**Ms Olesen:** Yes, I do. Thank you, Mr. Speaker. I rise today to request leave to introduce first reading of Bill 44, the Notaries and Commissioners Act.

This bill makes amendments and updates two pieces of legislation to ensure Albertans can continue to be well served. Making these amendments will also help ensure Alberta's legislation is consistent and clear.

The bill includes amendments to the Notaries Public Act and the Commissioners for Oaths Act. The major amendments to this legislation are the consolidation of these two acts into one, modernization of the language to provide greater clarity, and changes to the maximum fines so they are in line with other acts.

The legislation would also make a provision to allow for a code of conduct in the regulations. This code would formalize and clearly define appropriate behaviour for appointees.

Thank you very much, Mr. Speaker.

[Motion carried; Bill 44 read a first time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. I'd move that Bill 44, the Notaries and Commissioners Act, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

3:00

#### Bill 209 Severance and Bonus Limitation Statutes Amendment Act, 2013

**Mr. Anderson:** It's my pleasure to rise and introduce first reading of Bill 209, the Severance and Bonus Limitation Statutes Amendment Act, 2013.

I think we can all agree that this bill is a timely one given the reports Albertans have seen of multiple instances of government and health executives and senior managers receiving lavish perks, that everyday Albertans could only dream about, even when they have chosen to leave their positions or have been fired for misdeeds.

Bill 209 will ensure the following bonus and severance limits on all non-unionized employees of government. Alberta Health Services, the Workers' Compensation Board, the Alberta Investment Management Corporation, and the board of the Alberta Energy Regulator will follow these specific points: that no new severance packages shall ever exceed \$100,000 in value unless the individual has worked for more than five years in the same position, in which case the severance shall not exceed \$200,000; that no employee may collect two government severances within a five-year period; that no annual bonus or performance pay may be more than 15 per cent of an employee's income in a given year; that all bonuses over \$2,000 must be based entirely on objective performance criteria outlined in advance by each ministry; and that all bonuses and severances must be made accessible upon public request under FOIP legislation.

I look forward to the debate on this bill and to the support from colleagues in this House who want to ensure that the government's system of severance and bonuses is fair and reasonable and respectful of taxpayers.

[Motion carried; Bill 209 read a first time]

### Tabling Returns and Reports

**The Speaker:** The hon. Minister of Transportation, followed by Fort McMurray-Wood Buffalo.

**Mr. McIver:** Thank you, Mr. Speaker. I rise with the requisite number of copies of Supreme Court ruling 416, also known as Baron versus Canada, that I referenced during second reading of Bill 32, Enhancing Safety on Alberta Roads Act. The ruling found that the terms "reasonable and probable grounds" and "reasonable grounds" are equivalent. I hope this helps all members as we continue debate on this important piece of legislation.

**The Speaker:** The hon. Member for Fort McMurray-Wood Buffalo, followed by Edmonton-Calder.

**Mr. Allen:** Thank you, Mr. Speaker. I rise today to table the requisite number of copies of section 3 of the Tobacco Use in Canada report for 2013 by the Propel Centre for Population Health Impact at the University of Waterloo. This report emphasizes that even though we have made great strides in Alberta to reduce the number of youth introduced to and involved in smoking, there is still much to be done.

**The Speaker:** The hon. Member for Edmonton-Calder – I understand you have two tablings – followed by Rimbey-Rocky Mountain House-Sundre.

**Mr. Eggen:** Yes, Mr. Speaker. Thank you. Today I'm tabling another hundred copies of a letter campaign that's being sent to Minister Horne and Dr. John Cowell, which my office has been copied on, letters expressing the important concerns about the planned privatization of laboratory services in the Edmonton region.

I also have the appropriate number of copies of a postcard campaign that is calling on this PC government to include appropriate human rights protections in the new Education Act. The postcard reads: "Last fall, the government refused the New Democrat Opposition's calls to include the Alberta Human Rights Code or the Canadian Charter of Rights and Freedoms in their new Education Act." I have the appropriate copies of this, including our caucus members' feet and legs, which is very interesting.

Thank you.

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

**Mr. Anglin:** Thank you, Mr. Speaker. I rise to table a letter from Chris Wiese. I have the appropriate number of copies here. This letter is in regard to the out-of-country health care funding. Unfortunately for Chris, she had to receive a very rare surgery dealing with her back, that only two other Albertans have had done in the last 13 years. That surgery is not performed here in Alberta, which has been confirmed by surgeons. Unfortunately, she's caught in a maze of bureaucracy where she was never funded, and the minister's office said that they had no knowledge of the case and then subsequently quoted from the letter, unfortunately.

Thank you very much.

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

**Mr. Saskiw:** Thank you, Mr. Speaker. I am glad to table a letter, with the requisite copies, dated October 25 from a constituent of mine, Kathleen. She's a young home-schooling mom, and she states that her tune until the day she dies will be that "parental choice, parental choice and parental choice in education and all areas of life, should be guarded and cherished at all costs."

Thank you, Mr. Speaker.

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following document was deposited with the office of the Clerk: on behalf of the hon. Mr. Johnson, Minister of Education, pursuant to the Legislative Assembly Act and the Government Accountability Act the annual report update 2012-2013.

**The Speaker:** Hon. members, we will now proceed with two points of order, the first of which I believe was raised by the hon. Member for Lac La Biche-St. Paul-Two Hills. Citation, and proceed.

### Point of Order

#### Allegations against a Member

**Mr. Saskiw:** Thank you, Mr. Speaker. I rise under Standing Order 23(h), (i), and (j), and it's with respect to a comment made by the Government House Leader which was in response to a question

that I had put forward. He indicated that through my question I was besmirching the reputation of an independent officer of this Assembly. In essence, the Government House Leader is alleging that I committed a contempt in this Legislature. You will know, as you stated in a decision earlier this afternoon, that committing a contempt is exceptionally serious, and that's what this member has alleged that I have done.

If you review *Hansard*, my question was in regard to any potential actions by the Premier, her office, the Public Affairs Bureau, ministers and their staff, but never once did I say in my question or imply in any way whatsoever that the Ethics Commissioner had delayed the public reporting of his decision. It was all in reference to the Premier. So the member's comment that I besmirched the reputation of the Ethics Commissioner is completely unfounded.

Mr. Speaker, besmirching the reputation of an independent officer is considered a contempt, and equally so it is, I would suggest, a contempt or, at least in this case, a point of order in terms of 23(h), (i), and (j) that you cannot allege that a member of this Assembly has in fact committed a contempt. This Government House Leader has been in this Assembly for a long, long, long time, and he should know that alleging that a member in this Assembly has committed a contempt should be done more appropriately through the normal procedures. Give notice that a contempt has been committed in this Legislature, but do not state it here in this forum. Obviously, making a statement, unfounded, that a member has committed a contempt in this Legislature would clearly violate 23(h), (i), and (j).

Obviously, my suggested remedy is that his comment be withdrawn and that he apologize. I would suggest, given your ruling less than an hour ago, that anything less than that would be inconsistent with the ruling that you provided one hour ago.

Mr. Speaker, in no way whatsoever did I besmirch the character of an independent officer. This member knows that. No clarification is required because the question was very clear in all circumstances. So I ask that the Government House Leader withdraw the comment.

Thank you.

3:10

**The Speaker:** Hon. Member for Edmonton-Calder, did you wish to chime in briefly?

**Mr. Eggen:** Very briefly, yes.

**The Speaker:** Okay. Why don't you proceed, then? Thank you.

**Mr. Eggen:** Thanks, Mr. Speaker. I support this member's point of order here. Looking at 23(h), (i), and (j), certainly it was clear that this member was asking if the Premier could confirm that no one from her office, from the Public Affairs Bureau, or any ministers from her staff had made any requests to this officer. Certainly, that is what he was aiming at.

I think that we have to be really careful to not throw around this word, "contempt" and the implications of it without the proper gravity it deserves. I know that things were heated here, but I don't want for this member to throw fuel on the fire by using the word "contempt" in any way besides the very grave circumstances in which it's framed within our standing orders and within parliamentary procedures.

So that's certainly the way I heard it, quite literally. I have the question here, and that seems reasonable. Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Well, it seems to me that the hon. member doth protest too much. He spent a considerable amount of time in his questions in the last few days casting aspersions on an officer of the Legislature. In my response, which perhaps was a little bit overly enthusiastic, I was drawing attention to the fact that it is quite contemptible to actually cast aspersions on an officer of the Legislature. In fact, when officers of the Legislature are appointed, as when judges are appointed, they take an oath of office. They move from whatever relationships they may have had in the past into a relationship of neutrality.

As the hon. member has indicated, I do have considerable experience as both a member of this Legislature and as a member of the bar, and in my experience it is on exceedingly rare occasions – and there are ways to deal with those rare occasions – where officers of the court, where judges, where officers of the Legislature stray outside those oaths of office. They take their oaths of office seriously, they do their jobs diligently, and when one wants to question their credibility or their integrity, one ought to do it very carefully and in appropriate ways.

We have privilege in this House to have freedom of speech and to have a wide latitude in what we say, but as it says in *House of Commons Procedure and Practice* on page 98,

such a privilege confers grave responsibilities on those who are protected by it. By that I mean specifically the Hon. Members of this place. The consequences of its abuse can be terrible. Innocent people could be slandered with no redress available to them. Reputations could be destroyed on the basis of false rumour. All Hon. Members are conscious of the care they must exercise in availing themselves of their absolute privilege of freedom of speech. That is why there are long-standing practices and traditions observed in this House to counter the potential for abuse.

It goes on to say in another paragraph that

paramount to our political and parliamentary systems is the principle of freedom of speech.

And then it goes on to say:

However when debate in the House centres on sensitive issues, as it often does, I would expect that members would always bear in mind the possible effects of their statements and hence be prudent in their tone and choice of words.

Mr. Speaker, it is my submission that the tone and choice of words in the three questions that were raised by that member were, in fact, contemptible. I did not raise a question of contempt of the House. I don't think I even used the word "contempt" in my response. I think I used a word that the . . .

**An Hon. Member:** Besmirched.

**Mr. Hancock:** Besmirched, yes. I think another word was – I forget the word. It started with an F, as I recall, but it wasn't a bad word. But I did not use the word "contempt" because I did not want anyone to confuse contempt and contemptible, which would be an appropriate word.

The hon. member who raised this point of order is a member of the Law Society, I believe, or at least was for a short time. He ought to know that when we select officers of the Legislature and appoint them, that, yes, the process is done by a legislative committee that is an all-party committee and that, yes, the majority of that all-party committee are members of the government's side. That's the nature of the parliamentary tradition. That's the nature of our rules and orders.

But when the selection is made and when the appointment is made, you have an officer of the Legislature who is every bit bound to do his duty or her duty in the same way we as members are bound to do our duty: with due diligence and with respect to

the office and with integrity. In my experience, Mr. Speaker, they do it. In my experience, when you appoint a judge, people can always say: well, that judge was appointed by a Conservative government or by a Progressive Conservative government or by a Liberal government. Once they're appointed, it matters not. They owe their duty to the court. Once a legislative officer is appointed, they owe their duty to the Legislature, and they owe no duty to their previous friends of any nature. In fact, they have a duty to separate themselves from any conflict. That is the experience we've had from all of our officers of this Legislature in my long experience in this House, Mr. Speaker.

I would suggest to the hon. member that he doth protest too much. He was raising questions, and he can say: well, I didn't ask directly about whether the officer of the Legislature is delaying his report because of interference. No, he didn't ask that directly, but it was the sum and substance of his question, Mr. Speaker, and it was entirely wrong.

**The Speaker:** Thank you, hon. members who have participated in this point of order.

Let me review what happened here based on the Blues that are available to me at this point. At approximately 2:21 p.m. the hon. Member for Lac La Biche-St. Paul-Two Hills rose and said: "Thank you, Mr. Speaker. I'll try to tone it down a bit." He went on to say:

Given that the Premier is surely concerned about the results of November 22, her advisers are even lowering the bar to saying that 50 per cent plus one is a success and given that the Ethics Commissioner's office has publicly stated that his report on the investigation of the Premier awarding a billion dollar tobacco litigation contract is complete, can the Premier confirm that no one from her office, from the Public Affairs Bureau, or any of her ministers or their staff has made any request to delay the report from being released prior to her leadership review? Be very careful with your answers, sir.

It was at that point, you may recall, that I rose, and I said the following:

Hon. members, you know from previous rulings and previous rules that we're all pledged to abide by that asking questions about a matter that is under investigation by the Ethics Commissioner is out of order. Please . . .

Then there were interjections of various kinds, and I went on to say:

Excuse me. I have the floor at the moment. Please, if you're going to pursue questions of that nature, rephrase them in such a way so as to not violate that rule.

Would somebody from the government side care to comment?

Then I recognized the hon. Government House Leader, at which point we had an interjection from Lac La Biche-St. Paul-Two Hills, who said, "Very carefully," at which point the Government House Leader then started to say:

I would be very careful to say, Mr. Speaker, that I find all of the questions that have been raised in this area very offensive. The independent officer of the Legislature who performs the role of Ethics Commissioner takes an oath of office,

at which point the Member for Lac La Biche-St. Paul-Two Hills was heard interjecting, and it's in *Hansard*. "Talk about the Premier" is what he said.

Then it went back to the Government House Leader, who tried to continue by saying:

He has fulfilled his office with integrity, and this House should respect . . .

At that point Lac La Biche-St. Paul-Two Hills was audible enough that *Hansard* picked up his comment, "Talk about the Premier," at which point the Government House Leader kept going and said:

If there are any questions about the operation of that office, they are rightly called before a legislative committee . . .

Then he was interrupted by Lac La Biche-St. Paul-Two Hills, who is on record as saying, “The Premier,” at which point the Government House Leader then tried to carry on:

. . . and it is totally inappropriate to besmirch his reputation here.

That’s what the Government House Leader said. At that point the Member for Lac La Biche-St. Paul-Two Hills rose on a point of order. Did I skip the part about “besmirch?” I think I mentioned it. Sorry; I’ve got two pages that I’m wrestling with here. In any event, the Member for Lac La Biche-St. Paul-Two Hills then stood and said:

Point of order, Mr. Speaker. Saying that I besmirched his reputation is a complete lie.

And that is in *Hansard* as well.

3:20

Now, there are many issues at play here, and I’ll try to be as brief as I can. I think I have mentioned this at least three or four, maybe five, six, or more times, that it’s not only what gets said in the House but also how it gets said and the context within which it can be said and, in turn, the context within which it is interpreted.

But what I want to zoom in on here is what I had just said, after the first question with its preamble was posed by the Member for Lac La Biche-St. Paul-Two Hills. You all know from previous rulings and previous points of order that it is inappropriate to reference a report that we know is forthcoming, an investigation that we know is under way by any officer of the Legislature that holds the position of the Ethics Commissioner, or for that matter it could apply elsewhere.

The point here is that if you’re going to go down such a path, you have to be aware of what the consequences will be. You can be guaranteed that I have to rise; it’s my job to rise. I can’t ignore rules. I have to stand and defend the rules. Otherwise, what chaos would we have here? I find it very unusual, Lac La Biche-St. Paul-Two Hills, that you would pursue that line of questioning when I know that you know better.

By the same token, *Hansard* will show that in the middle of question period something that we frequently see during Committee of the Whole occurred. We had an active exchange between a member of the front bench in government, that being the Minister of Human Services, and the Member for Lac La Biche-St. Paul-Two Hills, as I just illustrated. It went like a ping-pong ball, back and forth. It’s very difficult for the Speaker at that point to maintain the law and order that is required.

Number two, it’s also questionable who provoked whom in this circumstance. Some people could argue, “Well, it was comments made during the question.” Others could say, “No, it was the answer that was attempted by the minister.” “Well, no, it was this person.” “It was that person.” Then the finger pointing starts, and then the verbal jousting starts, and we get absolutely nowhere with it other than to say that the tenor of the question as it was phrased and asked, I think, is inappropriate. But, by the same token, so too was the Government House Leader’s response when he said that he may have been overly enthusiastic in his comments just a moment ago. And he may well have been. But you can appreciate, given what I just mentioned, what provoked that comment.

I want to repeat what I said earlier, before question period started, that I believe our officers who serve this Legislature are unelected individuals, not like yourselves; are of the highest calibre available to us all as members; and that they serve us as impartially and as appropriately as they can and they must. So we’d better be very, very careful about any casting of aspersions

on such officers. Hopefully, there won’t be any in the future either deliberately, directly, or indirectly, whichever way.

I would hope that we can also abide by the rule that members who are not elected and not sitting in this Assembly have no way of defending themselves, and they don’t have the immunity that all of us in this Assembly have. They are helpless in that respect, and I have admonished on numerous occasions some people in this House for that point as well.

Finally, I’m going to conclude that both members here, including the Member for Edmonton-Calder on behalf of the ND opposition, have made their points. They’ve clarified their points. Speaking specifically to Lac La Biche-St. Paul-Two Hills and to the Minister of Human Services, this is a case where, for better or for worse, in whole or in part, you’re both right. It reminds me of an old Certs commercial, “You’re both right,” because there have been some leeways given and taken in this instance.

Nonetheless, the record will show that both members had a chance to clarify their positions on it. Hopefully, we won’t have that repeated going forward.

That closes that point of order, and we can move on now to Calgary-Shaw. You also had a point of order.

### Point of Order Factual Accuracy

**Mr. Wilson:** Yes. Thank you, Mr. Speaker. I rise under citation 23(h), “makes allegations against another Member,” and (i), “imputes false or unavowed motives to another Member.” I am rising, as you know, on the Minister of Transportation’s response to the hon. Member for Cypress-Medicine Hat’s first question in question period today, in which the Minister of Transportation was asked:

It was with relief that Calgary residents learned the government has fast-tracked a modification to Deerfoot Trail with widening at Southland Drive. Clearly, this was a local, even a provincial priority considering the intense amounts of traffic on the Deerfoot every day. Yet this priority wasn’t on Alberta Transportation’s three-year plan. The minister is always trumpeting about the accuracy of his list posted on the website, but every Albertan can see that this very important project wasn’t even listed,

“this project” referring to widening at Southland Drive along Deerfoot Trail.

Now, the minister stated in his response some sort of accusation – a completely baseless accusation, I would add, Mr. Speaker – that I had somehow taken some sort of credit for this upgrade along Deerfoot Trail at Southland Drive. This was clearly not a provoked response from the minister, and I would assure you that this is not an occasion where we should refer to *Beauchesne’s* 494, where we have to accept two contradictory accounts of the same incident, because his statement, sir, is categorically false.

I would simply ask the minister to immediately table any documentation that he has where I have discussed or mentioned, much less taken credit for anything that is done to Deerfoot Trail, either at Southland Drive or anywhere else for that matter, because this does not exist. It is absolutely categorically false that I did that, Mr. Speaker, and I ask that he withdraw these fabricated statements and apologize.

Thank you.

**The Speaker:** I assume your last sentence was directed to the Minister of Transportation, not the chair?

**Mr. Wilson:** That’s correct.

**The Speaker:** Thank you for clarifying that. It's been an interesting day.

**Mr. McIver:** Mr. Speaker, I'm going to assume that what the hon. member quoted out of the Blues or whatever he's got is correct. On that basis I will relay to you my recollection of a document or a postcard that the member sent out actually taking credit for a construction project at Macleod Trail and 22X. Having said that, if I did hear incorrectly about the work that we're about to do at Southland Drive and Macleod Trail, if that is indeed what was said, then I do withdraw those remarks, and I do apologize because I didn't hear correctly, and the hon. member is right to call me to task on that. I have no trouble being corrected.

**The Speaker:** Thank you.

Deputy Premier, you wish to chime in on this?

**Mr. Lukaszuk:** No. I have a point of clarification, Mr. Speaker.

**The Speaker:** Is it relative to this point of order?

**Mr. Lukaszuk:** Not to this point of order.

**The Speaker:** Okay. Can we just hang on, then, for a moment?

Is there anyone else? I'll be very brief, hon. members. The comments that Calgary-Shaw made, which pretty much verbatim rephrased the question asked by Cypress-Medicine Hat, I will not go on with other than to say that he left out one sentence which *Hansard* has. The Member for Cypress-Medicine Hat concluded his preamble with the following question: "When will the Minister of Transportation admit that his list is meaningless and his decisions are purely political?" I would assume that that's what got the minister going a little bit, and the minister did in fact say:

Well, Mr. Speaker, I find it highly entertaining that the hon. member would criticize this particular project when the Member for Calgary-Shaw actually sent out a document to his constituents claiming he had to take credit for it.

And then he went on with:

You . . . should get your stories straight and things of that nature.

Hon. minister, if there was a misunderstanding or a misspeak from you, we will accept your withdrawing of the comments that you made in reference to the Member for Calgary-Shaw, and, Calgary-Shaw, I would hope you would accept that. I see a nod of the head, indicating a yes from Calgary-Shaw, so that will conclude that matter, and we'll leave it there.

Thank you for the accommodation there, hon. minister and hon. Member for Calgary-Shaw.

Deputy Premier, you had a point of clarification?

#### Point of Clarification

**Mr. Lukaszuk:** Yeah. Thank you, Mr. Speaker. I will inform you of a couple of new developments, and perhaps you will have an opportunity to ponder on it over the weekend and then provide . . .

**The Speaker:** Hon. Deputy Premier, are you rising under 13(2)?

**Mr. Lukaszuk:** No.

**The Speaker:** Clarification?

**Mr. Lukaszuk:** Yes. Sorry; 13(2). Yes. Sorry about that.

**The Speaker:** Okay. We need the citation.

**Mr. Lukaszuk:** Mr. Speaker, as you recall, earlier today, before question period, you rose and you made some comments that were very clearly directed at the Member for Airdrie at length, to which – appropriately so, I would imagine – the Member for Airdrie stood up and apologized, and you said that that is the end of the matter. As you recall, in your comments what he apologized for is waging allusions and allegations that the Speaker of this Assembly is biased.

Well, Mr. Speaker, I have to tell you that it's been brought to my attention by my staff that, perhaps while you were speaking, at 2:08 exactly the Member for Airdrie from the Chamber . . .

**Mr. Saskiw:** Point of order, Mr. Speaker. That's not true.

3:30

**The Speaker:** Hon. Member for Lac La Biche-St. Paul-Two Hills, just hang on.

Can we just get to what it is that you want clarified? Hon. member, would you conclude by saying what it is that you want clarification on?

**Mr. Lukaszuk:** At 2:08 the Member for Airdrie on his official Twitter account said, "For the record – the Speaker of the #ableg is very biased & I did not call anyone corrupt – check the *Hansard*."

Following that, Mr. Speaker, the same Member for Airdrie sent a message to me saying, "Like you w/Seniors Tom, Gene often uses his position to bully people helpless to defend themselves. I'm sincere in saying that."

**The Speaker:** Hon. members, I'm not sure what it is exactly that you're referring to, but I'm going to have a look at it, and perhaps I'll make a further comment later.

Now, hon. Member for Lac La Biche-St. Paul-Two Hills, you had a point of clarification?

**Mr. Saskiw:** A point of order.

**The Speaker:** A point of order on a point of clarification?

**Mr. Saskiw:** Yes.

**The Speaker:** Well, I haven't encountered this before, but let me hear briefly what your point of order is.

#### Point of Order Factual Accuracy

**Mr. Saskiw:** Thank you, Mr. Speaker. I rise according to Standing Order 23(h), (i), and (j). The Deputy Premier here today made an allegation towards one of our members that he had in fact communicated through Twitter while he was in the Chamber. That is categorically untrue, so I'd ask that the Deputy Premier withdraw that statement. It was done outside the Assembly. There is absolutely no authority within this Legislature to try and limit the free speech of our members outside this Assembly, and I would like you to withdraw it, sir.

**Mr. Lukaszuk:** The member is correct. As a matter of fact, he perhaps misses the point. The point is not where the Member for Airdrie was, and if he wasn't in the Chamber, I take that back. He may have left.

Mr. Speaker, what I was trying to get at is this. In an apology in the Chamber – and it's a time-honoured tradition – it is the Chamber that has to decide whether the apology was sincere and to accept the apology of the member. What I'm telling you is that at a time that is very close in proximity to his apology, he recounts

exactly what he said in the Chamber. As a matter of fact, he not only calls you very biased, but now he calls you a bully that bullies helpless people. I would suggest to you that even though you put an end to the point of privilege, obviously the apology was not sincere when the member within minutes publishes to the whole wide world what his true intentions and true feelings are.

**The Speaker:** Hon. members, I'm going to take this under advisement and make a comment on it as soon as I've concluded my review of the matter. That will stand where it stands for the time being.

Let us go to Orders of the Day.

## Orders of the Day

### Government Bills and Orders

#### Second Reading

#### Bill 33

#### Tobacco Reduction Amendment Act, 2013

[Adjourned debate November 18: Mr. Rodney]

**The Speaker:** The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Thank you, Mr. Speaker. Thank you for the opportunity to speak to Bill 33, Tobacco Reduction Amendment Act. As the Health critic for the Wildrose I'm optimistic that this government will take concrete actions to reduce tobacco use in Alberta and, I have to emphasize, especially amongst our youth.

I'd like to talk a bit about the things that I like in the bill. Then I'm going to talk about the things that I'm quite concerned about in the bill. I'm going to be asking the Member for Calgary-Lougheed some questions. Hopefully, during this debate he'll be able to clarify some of the things that I know our caucus is very concerned about.

I'd like to say, first of all, that I like the fact that the bill, if and when it's proclaimed, will ban smoking in vehicles with children present. Now, some of you might be thinking: wait; all bills passed by the Legislature become law. Quite frankly, Mr. Speaker, that's not exactly true. We've passed many private members' bills that have been put forward by many members in this Assembly, and they still have not become law.

I hearken back to the private member's bill from Edmonton-Meadowlark. I believe it was in 2012 that it was passed, and it's been sitting there. It was specific about supporting the ban on smoking in vehicles with children present. We are actually lagging in the country on this. Even cities and towns in Alberta were ahead of this government on this. Every province except us and Quebec has an explicit ban on smoking in vehicles with children present. So to me, the question to the government is: if they are so intent on banning smoking in vehicles, why did they not pass the private member's bill from Edmonton-Meadowlark when it passed in this Legislature?

I also support the ticketing of those who sell or give tobacco to minors. Again, we're in last place in the country on this one. I know it's better late than never, but we were the last province to ban giving tobacco to minors in this country. There were loopholes; I understand that. You could give them tobacco or even sell to them in private while the rest of the country said that this practice is wrong. We can see the results of these loopholes in our youth smoking rates. While a \$500 ticket sounds like a lot for an offence, I think it's a good thing. What is the cost to the public for someone that smokes and gets sick? Twenty times that? A hundred times? A thousand times? It's something that I think about.

I want to talk for a minute about the bill itself. I have to say that when you're flipping between Bill 33, the Tobacco Reduction Amendment Act, and then we have to go back to the Tobacco Reduction Act, and then we have to go to I think it's Bill 206, that the Member for Calgary-Currie has brought forward, it's a lot of flipping.

I just want to talk a bit about Bill 33, the Tobacco Reduction Amendment Act. The title is repealed, and the following is substituted, and we're now going to call it the tobacco and smoking reduction act. My question to the associate minister is: if you're going to reduce smoking and legislate where you can and cannot smoke, how are you going to deal with those addicted, and what smoking cessations are you going to be providing? You are on the right path, but you have many people that smoke, and I can't find anywhere in the Tobacco Reduction Amendment Act that you're dealing with anything to do with helping people with smoking cessation.

I also would like to ask you – we know addictions and mental health is a huge issue, and I have to say that from the people that I talk to in the field of addictions and mental health, the government has done a terrible, terrible job on addressing that. What addiction counsellors dealing with smoking have you consulted with, and what have they told you to deal with in your bill, and how are you going to be dealing with it?

Another concern I have is about mandating the minimum amount of products per package. I find this interesting, where you're trying to go with this, and maybe the minister can stand up and explain to me the rationale behind this. I know that you're going to be telling me that it's going to stop the youth or, for that matter, adults from buying one cigar or any of that. I find that interesting as someone who, I guess, used to like the occasional cigar. I know that's a terrible thing to admit in this Legislature, but it's just one of those things. We all have maybe what we could call some skeletons in our closet. Mine was one of those skeletons. There was nothing better than a cigar and a glass of wine, and I know that there are people here that have cigars and a glass of Scotch or whatever it is. I could truck off to the store in my weaker moments of life and buy that one cigar, and now you're stopping me. If I decided to do that again, I'm now going to be buying six cigars or 12 cigars or 15 cigars. I'm not sure if you're aware, Minister, but they freeze very well, and they don't get – is it stale or outdated?

**Mr. Wilson:** Stale.

**Mrs. Forsyth:** So I'm trying to understand the rationale behind that. I think you're going to find that a huge problem. I know that this is aimed at kids, and I know that it's aimed at some of the flavoured tobacco. I have to tell you, Minister – and I know that you have young children, and they're soon going to get into that crazy teen age, and I honestly hope that you never have to face this. Kids like to pool their money, so there's no problem pooling their money, and all of a sudden they've got a package of six or eight or 12 cigars. You know, I'm very, very concerned about that in the legislation, who you consulted with on that, what rationale you had about picking that. I know you talk about dealing with it in regulations. I think that's something that has to be put on the table.

**3:40**

Two other comments. I can tell you that we're hearing about it, and it's considering the impact of the bill on our cultural communities. I need to know – and I need you to get up and speak to this – if you have consulted with our aboriginal community as

far as smudging and some of the things that they do. [interjections] I need you to get that on the record, if you would, please, for the aboriginal community.

Also, about the hookah bars, if you consulted with them. I can tell you that the ones that we've talked to are very angry about it, have had no consultations whatsoever. In fact, after I've finished speaking, I'm going to one of the hookah bars that are in this city to find out about the consultation. You've clearly indicated that there are approximately 30 of them. If you could please tell me one that you've consulted with and talked to about the impact there.

Despite some of these wrinkles I do believe that this bill has good intentions, and it's fighting the ongoing public health challenges that are involved with tobacco use. I think, Minister, if you're very, very serious about the impact of tobacco – we met with a group today, which you introduced, in fact, in the Legislature, that I had the privilege of meeting with also, about a new drug that they're going to be lobbying for in regard to putting it in our drug act. I know that my colleague from Innisfail-Sylvan Lake is going to further ask you about some of those things.

We have the ability to speak once in second reading. We're going to be listening very intently to the debate. We would like the government, on the record, to speak up about the consultation process in regard to the aboriginal community, the consultation process in regard to the hookah bars, the consultation in regard to who you've spoken to, what addictions counsellors. I know that there is a very well-respected doctor in Edmonton that's written a book on addictions and smoking. He has not been consulted.

What you're going to be doing to provide Albertans with some cessation products: are you going to include that under the Health Act? There are so many different ones. There's the patch; there's hypnosis. I know you have a huge website on calling in regard to smoking, but really that's just kind of a reach out. So if you'd be prepared to answer some of those questions, I'll be pleased to continue the debate on the bill, and I will tell you that we will be bringing amendments forward to make this bill even stronger.

**The Speaker:** Hon. members, 29(2)(a) is not yet available.

Let us proceed with the hon. Member for Edmonton-Calder, followed by Rimbey-Rocky Mountain House-Sundre.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I take great interest in speaking to Bill 33, the Tobacco Reduction Amendment Act. I think that this is a progressive bill, that we are certainly considering supporting here as Alberta New Democrats. We know that there's lots of unfinished business. There's always a tension there between the people who seek to sell tobacco products and to get new customers and new markets for tobacco and the public interest, which is what we should be representing here, both people's physical health and, I would suggest, financial health and other factors as well. So I think that we are in agreement here in this Chamber that we have missed the mark, and we need to address the issue of youth smoking. So we're very pleased to see that this legislation is coming forward as a way to reduce the rate of new people in this province picking up the habit of smoking and to shy kids away from lifelong addictions.

We do recognize, though, Mr. Speaker, that we're still seeing a 10 to 13 per cent smoking rate amongst teenagers in Alberta, and we'd like to see that reduced, right? It's very crucial that we attack this at a very young age. Really, it's at that junior high stage, I think, when people start to smoke. I think it's important to look at this from a geographic standpoint as well and from a socio-economic standpoint, too, because, of course, we see certain hot spots where smoking is still being picked up at a much higher rate

than 13 per cent, more like 30 or 40 per cent. Amongst certain income groups as well we see a very much higher new smoking rate amongst children.

In 2009 a Health Canada survey testing retailers selling tobacco found out as well that we had a very poor record amongst retailers in regard to selling tobacco. This has been a big problem here in this province for a long time because it's been sort of under federal jurisdiction, yet it seems as though the feds have pulled back from that monitoring aspect, so there's been a vacuum, I think. While we might have laws about selling tobacco products to young people, if you don't enforce the laws, then, of course, they're not worth the paper they're written on. I think that this is a part of what we need to look at here as well, not just tightening up these rules but, in fact, speaking to the spirit of the title of the bill, which is tobacco reduction, in the widest way. So not just making laws about access to tobacco but actually enforcing and exploring a number of different avenues by which to do that.

At this point Alberta as well is the only province, as far as I know, that does not have provincial legislation to curb youth access, so I think this is very important. Youth can't possess tobacco under current laws, but there doesn't seem to be much available to stop the people who provide them with tobacco. I think we really need to tighten that up, and this is a good step forward in this regard.

Then another aspect of this bill: it's just worth noting that together with the province of Quebec we're the last two provinces that don't have legislation against smoking in vehicles where children are present as well. Some municipalities have picked up the slack on this. Certainly, we do require this law to be in keeping with, I think, the scientific understanding of the negative effects of second-hand tobacco and also to be in line with a standard of what's expected here in a modern, industrialized society.

I think a concern we have as Alberta New Democrats is about the resources that would be devoted to the enforcement of this legislation. You know, really, how many officers are we going to have checking on sales? Of course, you can't really have a lot of new people picking up the tobacco habit without the market being there for them to buy the cigarettes, right?

We don't have a very large black market for contraband cigarettes in this province at this point, so we're lucky that way, but we need to mitigate against the possibility that that might occur in the future, when we finally raise the taxes to where they should be on tobacco products. You know, that sometimes does result in potential black market situations, which youth can access even easier than buying tobacco from a retailer.

Again, further to enforcement, we need to know when officers will instigate more thorough investigations. Will we test retailers and people working at retail places about selling to minors? Obviously, this is really key to whether the legislation will work or not.

As well, we've been thinking and reflecting on this whole hookah café situation and concerns around the fact that, well, you know, youth are more attracted to this kind of thing and may still be able to purchase tobacco-like products, which the government has labelled – and I think I would concur – as, in fact, gateway tobacco products, and then still smoke them out of a retail place or a café. We do understand as well the workplace hazard concerns around second-hand smoke, even with the hookah pipes, and that should take priority. I'm still curious to know as well, as the previous member just mentioned, what sort of consultation has taken place in regard to this. That is more out of curiosity, because while I don't think I have any hookah cafés in my constituency, I do see them popping up around the city and around the province



as well, and we do know that there are different communities that enjoy the hookah as part of a cultural habit.

3:50

As well, I'm just wanting to know if the government is going to be taking any steps to curb youth access in regard to tobaccolike products outside of just simply restricting the location in which they can be smoked.

In sum, then, Mr. Speaker, we are happy to see this legislation coming forward, and it does largely have our support as a necessary piece in the puzzle to reduce youth smoking and so forth. Certainly, I think we might have some amendments, especially around, I think, the treatment of smokers and to be able to give them an opportunity to quit and so forth, but otherwise I think we do have some widespread general support for Bill 33.

Thank you, Mr. Speaker.

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

Standing Order 29(2)(a) is available. Does anyone wish to take advantage of that opportunity?

Seeing none, let us move on, then, to the hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Speaker. In rising, I won't be repetitive of what my fellow colleagues have already said, but there are some concerns that I have about the bill. I first want to state that any attempt to reduce the amount of smokers has to be taken in good faith. I mean, if we can reduce the number of people smoking and the number of people who are subjected to second-hand smoke, it's always a good thing. As we talked about with the other bill earlier, you know, to keep children from taking up tobacco use is also something that is admirable.

But I have some really serious concerns, particularly when it comes to First Nations, dealing with issues of smudges and ceremonies and how this bill is going to affect off-reserve ceremonies dealing with tobacco products and tobaccolike products. This is significant because now we're not talking in terms of a social use as much as a ceremonial and very much a religious type of issue. In my view, there needs to be that exemption just out of respect for another culture. That is absolutely significant, and it's a big concern.

I have more than one reserve in my riding and some very active band members in not just the local economy but in the provincial economy. What I'm looking for is to make sure that their rights are protected. Granted, we know that they come under federal jurisdiction, but whenever a law unintentionally – and I'm going to say this right now, that it appears to be unintentional – infringes upon their ceremonial rights, their rights, then we need to take a look at it and make sure that with whatever measures we have to take to correct it to protect that interest, we do the best that we can.

Beyond that, I look forward to some of the amendments that will be brought forward to hopefully strengthen the bill. I think that there are a good number of people in this Assembly who support the idea of reducing the amount of tobacco use and doing what we can. There are people who have concerns about the whole nanny-state kind of mentality, and maybe we can put in some measures that would relieve that concern. Again, to try to get as much bipartisan support for any bill I think is always a good step. Hopefully, the hon. minister will be open to some of the amendments, even to amendments the minister could bring himself to address these concerns, to make sure that the bill does

what we want it to do and does not necessarily infringe upon anyone's rights.

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

**The Speaker:** Hon. members, 29(2)(a) is available. Hon. Government House Leader, you have a question or a comment?

**Mr. Hancock:** Thank you, Mr. Speaker. I'd like to state to the hon. member and his colleague from Calgary-Fish Creek in the words of one of my law professors, who used to come in and say, "Read the act; read the bloody act," that section 2 of the Tobacco Reduction Act says:

2(1) Nothing in this Act affects the rights of aboriginal people respecting traditional aboriginal spiritual or cultural practices or ceremonies.

(2) Subject to section 4, this Act does not apply to a building, structure or vehicle, or a part of a building or structure, that is used as a private residence.

So in the act itself, the act that's being amended – so it doesn't need to be repeated in the amending act – there is a specific exclusion for the very things that the hon. member was concerned about, traditional Alberta spiritual or cultural practice. I do apologize for my opening part of that; I couldn't resist it.

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

**Mr. Anglin:** Thank you, Mr. Speaker. I don't think that was an act. I thought that was, as the minister might have said earlier, sort of exaggerated – I can't remember his quotes from earlier in the day – passionately expressing his opinion.

I would say that the question is legitimate in the sense that, yes, I'm reading the act. When I see the act and I see a contradiction and it's not clear to me, all I ask is to clear it up. I don't need the drama, but I'll read the act, and once my questions are answered, then I get to make that decision. But I will ask the question always to make sure that it is clear and it's absolutely clear, without any misinterpretation whatsoever.

I think the hon. member will realize, not that it happens regularly, that every now and then there's something that gets passed in the House that was not intended to infringe upon anybody or anything, and what we wanted to do was just make sure and have it clarified. If it's demonstrated with passion, I'll take the demonstration along with the answer to make sure that it's done. I do have real concerns always – always – whenever I look at what affects the people of my constituency, and those concerns are important to me. I did bring that forward, and if that is the correct answer – and I will go through the act, as the member suggested, and read the act.

I will throw one thing out in defence of all the opposition. The timeliness to get to read the act is something that we sometimes do struggle with and not necessarily any individual piece. When they come one after another, one after another, and you're trying to make sure that you read every act and catch every detail, there are times we miss one detail. It is possible, and that's why we rise and ask the minister to clarify. We make sure that what we read is exactly what we understand, and if there is a mistake, we correct that.

In defence of all the members of the opposition, we go through the acts as much as possible. We do rely upon our other members to do their research, and if we see things in an act that might contradict or particularly the interpretation, the way something is written, we would bring that question to the floor of this Assembly to ask the minister who is drafting or sponsoring this act to make sure that these concerns are addressed. Sometimes that is actually

the most efficient way to deal with the issue, to go right to the minister and say: can you assure us that this is where it's at?

We really don't need the drama, but we'll accept the drama as long as the answer is correct, and I'll take both. Thank you very much, Mr. Speaker.

**The Speaker:** We have one minute left. The hon. Government House Leader.

**Mr. Hancock:** Thank you. I would apologize for the drama. I was just having a little fun on the answer, but it is clear in the act. Section 2 of the Tobacco Reduction Act makes it clear that the rights of aboriginal people respecting "traditional aboriginal spiritual or cultural practices or ceremonies" are excluded from the impact of the Tobacco Reduction Act, and that is not affected by the amendment in this House today.

**The Speaker:** Thank you, hon. Government House Leader. We'll accept that as emphasis to illustrate the point on this particular occasion.

Anyone else under 29(2)(a)?

**Mr. Anglin:** I respect that, but what I just want to say is that a lot of times when we get these amendment acts, we don't have the original act in front of us. We have to go research that as fast as possible. But I will accept that answer, and I chuckle. He didn't remind me of any professor in college, but I did have a second grade teacher who had that kind of discipline, and I do remember her quite well.

4:00

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

**Mr. Kang:** Thank you, Mr. Speaker. It's a great pleasure to speak to Bill 33, the Tobacco Reduction Amendment Act, 2013. We as the Alberta Liberals are also supportive of this act. I'm glad that finally we're doing something to keep tobacco products out of the hands of young children because, as you know, you can walk around schools or department stores and there are lots of kids there walking around smoking cigarettes and, you know, all the other tobacco products.

The bill will restrict the use of tobacco-like products, defined, subject to the regulations, as

a product, other than a tobacco product, composed in whole or in part of

- (i) plants or plant products, or any other extract of them, or
- (ii) other substances prescribed by regulation.

A similar means banned the smoking of tobacco in public places. That is a very good idea, Mr. Speaker.

[The Deputy Speaker in the chair]

This bill also incorporates the aspects of the federal Tobacco Act, banning the sale of tobacco to minors. That was long overdue, and finally we're getting something done. I think we've been taking baby steps in restricting the use of tobacco in Alberta, but I think this will go a long way on access to tobacco products by minors.

This bill will also enable the minister to regulate the minimum number of units of tobacco products allowed to be sold at a time. I do have a concern with that, Mr. Speaker. I have even seen adults buying, like in India. People will go to the store, and they will only be buying one cigarette or two cigarettes. So I also have a concern with this. How will this help to curtail the sale of tobacco products to kids? As the member before pointed out, kids can pool

money, and they can, you know, buy maybe a pack of cigarettes and then go and divvy it up among themselves. I don't know how we will be able to enforce this part of the law.

This bill will also cover the ban on smoking in vehicles with children. However, it will not remove vehicles used as a private residence, an exclusion that was included in the Tobacco Reduction (Protection of Children in Vehicles) Amendment Act, 2012. We had Bill 203, I believe, that was a private member's bill from the Member for Edmonton-Meadowlark. That bill was passed unanimously by this House, and it just sat there. It never got proclaimed. Now I think that bill is dead. That bill should have been proclaimed into law, and now we could have taken a step further to improve on that bill.

The Prevention of Youth Tobacco Use Act is also being incorporated into the Tobacco Reduction Amendment Act, 2013. That act prohibits the purchasing of tobacco by minors, and it was supported by a \$100 ticket. You know, that \$100 ticket: I think we should be spending more money on the education part, too.

Maybe fines are a good deterrent, but I'll give you an example. I was talking to this young student. She got a parking ticket for 30 bucks or 40 bucks, and I said: what are you going to do? She said that she's going to go before the judge and say: "You know, I can't pay. What are they going to do?" So we can hand out all these fines to kids, but how are we going to get them to pay those fines? Are we going to put them in jail? What are we going to do? I also have a concern about that. This kid told me outright: "What are they going to do to me? I'm just going to go before the judge and say that, you know, I've got no money. I can't pay. I'm a student." So I've got a concern about that ticket, too.

This bill is also going to enhance the protection for nonsmokers and the effective enforcement of existing tobacco legislation. Both of these points are in the bill. As the federal government has lessened the enforcement of the Tobacco Act of Canada, to fill the gap, the province is enabling that enforcement through provincial law. That's a good thing.

The province has deemed it time to again limit the availability of youth to access tobacco and tobacco-like products. This is being done through this bill and also Bill 203.

By requiring a minimum number of – you know, I addressed that before. I have a concern there that I reiterate again.

Also, talking about the hookahs, according to Dr. Barry Finegan there is a widespread misconception that these so-called "herbal" products are somehow a healthy alternative to tobacco. Many people assume because they are flavoured and filtered through water, and do not contain nicotine, that they must be harmless. But this is not the case. The results of our study suggest that herbal tobacco-free waterpipe products, used over the long term, has the potential to produce cancer, cardiovascular and lung disease – just like cigarettes. And for those who already have heart or lung disease, even just one waterpipe session could be dangerous.

So no matter how we smoke, whether through water or a cigarette or, you know, what they call electronic cigarettes now, no matter how we consume them, they are going to be dangerous to one's health.

With this bill, you know, if you could somehow enforce it with the youth so that they will not become the addicts of tomorrow, this will save us lots of money on health care costs and on our productivity. When people go for a smoke on the job – I used to work in the mines, and I used to work other places. People used to go out to have their cigarette, and that was time lost to productivity. So I think education and enforcement should go hand in hand. I hope the government will look at those two and see how we can enforce it and spend more money on education so

we can educate the kids and more people that smoking is dangerous for our health.

With that, Mr. Speaker, we will be supporting this bill, but those are the concerns that I have raised. I hope the minister responsible will keep those in mind and address those issues.

Thank you, Mr. Speaker.

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

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

Seeing none, I'll recognize the Member for Fort McMurray-Wood Buffalo.

**Mr. Allen:** Thank you, Mr. Speaker. I rise today to speak with the highest regard and approval of this particular piece of legislation. I also rise today to speak to this bill with approval as a smoker. I started when I was 13, and I am absolutely aware, like everyone else that started early, that there's peer pressure, supposed prestige. That's what drives a young person to smoke.

In 2011 over 15 per cent of kids in Canada between grade 6 and grade 9 had tried smoking. This piece of legislation is, in my mind, crucial to the healthy development of our children. Bill 33 amends the Tobacco Reduction Act, that was originally passed in 2005. We can be proud that in Alberta the current smoking in ages between 15 and 19 is the lowest in the country, at 8.3 per cent, as a result of that. Clearly, as was demonstrated today in the copies that I tabled of the Tobacco Use in Canada report, there's still much that can be done.

In 2011 more than half of all current smokers aged 15 to 18 said that on the whole they usually have someone else buy their cigarettes for them. Others said that they bought their cigarettes from a store despite being under age. Of those that said that they had bought cigarettes, three-quarters had been asked for ID or had previously been refused sales.

4:10

I think we all have a little snicker when we see that picture in a convenience store that says: if you don't look like George, you can't buy cigarettes. It's a picture of a senior citizen. That's a snicker, but the unfortunate fact is that we need to have those there in order to protect our youth.

So this is good news. I believe this legislation will strengthen the enforcement, make it apply to people that buy cigarettes for you, and strong fines for stores and anyone caught giving tobacco products to minors will hopefully help to stop adults from providing tobacco to youth and children.

The younger the people are when they begin using tobacco, the more likely they are to use it when they're older. More importantly, people who start using tobacco when they are younger are more likely to have trouble quitting than those starting later in life, and I can say that first-hand as someone who's in the middle of a cessation period for probably the 10th time in my lifetime of smoking. This means that if we can keep kids tobacco free until age 18, most would probably never start using it.

As well, the addiction is just as strong for young people as it is for adults. Most teen smokers say that they would like to quit, and many have tried to do so without success. Those who try to quit smoking suffer the same withdrawal symptoms as adults. Mr. Speaker, in several different attempts to quit, I've been told by cessation experts that it is almost harder to quit than heroin as an addiction.

I'm glad that this piece of legislation encompasses all types of tobacco products. Spit, smokeless tobacco, or chewing tobacco are all big problems. Research has clearly shown that teens who use these products are even more likely to become smokers than non-

users. Some companies even promote using spit or smokeless tobacco as a way to help quit smoking. This is exceedingly dangerous, and there's no proof that these tobacco products help smokers quit smoking.

As a smoker I've tried many times to quit. I'm hopeful that I'll be successful with this current attempt. I urge everyone to support this bill. Our youth are our future. We as parents, legislators, and adults should do everything we can to keep them safe, strong, and healthy. This bill will give us more assurance that our children are introduced to tobacco use less and will use less easily. It will give us stronger tools against those who promote its use.

I'm asking all to approve this bill and move it very quickly to royal assent. Anything we can do to promote a better quality of life for our young Albertans is our moral obligation and, in fact, our duty.

Thank you, Mr. Speaker.

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

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

Seeing none, I'll recognize the next speaker.

Seeing none, I'll recognize the hon. Associate Minister of Wellness to close debate – oh, the hon. Member for Innisfail-Sylvan Lake.

**Mrs. Towle:** Sorry. I thought you had me on the list. My apologies, Mr. Speaker.

I'm rising and am pleased to support this bill, Bill 33, the Tobacco Reduction Amendment Act, 2013. I do have a couple of questions for the associate minister, and perhaps he could come back and answer us in Committee of the Whole or third reading or whenever.

As a parent of a 21-year-old who started smoking when she was 16 and as a person who has never smoked myself, it was incredibly disappointing to me personally how easy it was for her to walk into almost any grocery store or corner store. Quite honestly, even though the sign said, "You must be 25" or "We ID under 25," she was able to obtain cigarettes even in a small little hometown, whether it be Innisfail or Red Deer or Edmonton. She had no problem getting access to cigarettes. She was, quite frankly, never asked for ID.

I've had very frank discussions with her about smoking. Our family is acutely aware of the dangers of smoking. My father had throat cancer due to cigarette smoke specifically, and he now breathes through a hole in his throat. It has impacted his life. He got cancer at 52 from smoking. It essentially ended his work life, and ever since then he just never sort of recovered from that diagnosis of cancer. I had hoped that that example would have been enough for my current 21-year-old. Unfortunately, as parents we try our best. We do certain things, but we're not always that successful. My 21-year-old today still smokes, albeit she tries to smoke less.

I share the hon. member's discussion about trying to quit smoking. My mom has tried. My mom and my daughter continue to smoke even though my dad breathes through a hole in his throat. I know it is a lifelong battle for them. It's not an easy thing to do. My mom started smoking at the age of 11. Same thing, had older siblings who smoked, thought it was cool, got hooked. You know, after 40 years of smoking, that's quite a big habit to break. She has often tried, and she has often said that it was one of the hardest things she has ever had to do, including her own two bouts of cancer. She has found quitting smoking harder to do than battling two bouts of cancer. Neither of those were caused by smoking, interestingly enough.

So I applaud the minister trying to do anything we possibly can that reduces the ability of those that have access to cigarettes that shouldn't, and I also am very happy to see that the provisions for the penalties on the person who provides the smokes do appear to be higher. My own personal opinion is that I think they could be a lot higher. I think the biggest deterrent for those who sell tobacco to underage people or don't check for ID is a monetary fine, so I would love to see if the associate minister could reconsider that and perhaps make it stronger.

The question that I do have, though, is that in some conversations that I've had with some people who used to be providers of tobacco through legal means and people who smoke cigarettes currently, they've indicated to me – and I honestly don't know if this is true or not – that people under the age of 18, while they may not be able to buy cigarettes, can work in a corner store and actually sell the product. I have to wonder if that's actually accurate. I don't know, so I'm asking the minister if that is accurate. If that is true, I'm wondering if a provision could be put into this act to say that not only can an underage person not buy cigarettes, but in no way, shape, or form should they ever be working in a grocery store or wherever that sells tobacco. They should never be the person who actually has to sell the cigarettes as well. That's a pretty big issue for me, and I think if we could have that clarity, that would be fantastic.

The other thing that I ask about is the enforcement because right now it really isn't that difficult for underage children to get cigarettes. You know, my 21-year-old is 21 now, but she had friends at the time that she was underage who had no problem getting cigarettes. That wasn't that long ago, and I don't know that much has changed. So I just wonder about that.

I'm happy that the hon. Minister of Human Services clarified the position for aboriginal people. I think that that's fantastic. I appreciate that the original tobacco act made sure that they had their protection, so I think that's fantastic.

The other thing that I would just add is that tobacco sales seem to be so different from alcohol regulation. Tobacco sales are not regulated, but alcohol is. On tobacco sales there is no licensing, but on alcohol there is. So one would just wonder if the minister has had the opportunity to think about that because there seems to be quite a differential between selling, again, an alcohol product that is legal and has detrimental impacts on our health as well. Alcoholism is a severe disease that affects many, many, many people.

Liquor merchants must have a liquor licence for retail, and that's approximately 700 bucks a year. They have to hire staff that are 18 and over. They have to have mandatory training for all staff members, provided by the AGLC. The clerks must refuse to sell to anyone under the age of 18. The clerks must request photo ID for anyone who appears under the age of 25. The stores must post signs and posters supplied by the AGLC. Stores that fail to comply with that can have their licence to sell suspended or revoked.

So that might be a huge avenue for the minister to make this bill a lot stronger. If he created a licensing avenue for those that sell tobacco, then you have something that you can actually pull back from them if they break the enforcement of the rules. It seems to be a very logical and easy thing to do. The AGLC is already doing it for liquor, and liquor and cigarettes I don't think are really that much different. I mean, they're both a legal product that we worry about being sold to underage people, that have detrimental health effects, and that cost the health system, quite frankly, a lot of money.

#### 4:20

Liquor cannot be sold to anyone who appears to be intoxicated, and servers of alcohol are required to take the ProServe course. They can be fined if they don't have the ProServe licence. There might be the opportunity to even go further with the people who sell tobacco to ensure that those who sell it understand that if they break the rules, they are able to enforce it.

The Alberta Gaming and Liquor Commission only enforces the Tobacco Tax Act, which pertains to contraband tobacco. Alberta does not require a tobacco licence. The city of Edmonton does – that's interesting – and they charge \$428 a year. As the hon. Member for Calgary-Shaw mentioned, Calgary also charges for a tobacco licence. They charge \$153 for the first licence and \$117 for a renewal. They at least have the ability, the cities of Calgary and Edmonton, to actually have some repercussions if you break the rules or if you do any of those things. So that would be, I think, an added bonus to this act if the associate minister was willing to make it stronger.

I totally agree that Bill 33 does require the tobacco retailers to ID someone that appears to be under 25. I think that's a fantastic first step; I a hundred per cent do. A lot of stores have that. Most of the 7-Elevens say: we ID under 30. They all have that already. The problem is that, look, lots of times it's just not happening, and no one is enforcing it. If there are no repercussions to you and no enforcement, you just sort of get sloppy with actually having to do it.

It also does say that Bill 33 will absolutely post signage that says: it's illegal to sell tobacco to minors. No question. But as we all know, the posted speed limit on highway 2 is 110. Many people don't go 110. The only way to slow people down is through enforcement. We invest in enforcement because we know that traffic collisions are a huge cost to the system and also very dangerous.

If there's not enough enforcement in this bill or not enough ways for us to actually have an impact on those who are breaking the rules, such as pulling their licensing, then we come into a problem of: yeah, great; you can say that you don't sell to under-25s, and you can say that you have to post it, but if nobody is doing that, it sort of defeats the purpose of everything that we're trying to achieve. I do think that the government is actually taking a very strong voice here and trying to achieve quite a bit.

The other thing that I like is that Bill 33 also allows the government to prescribe training of employees by retailers in the regulations. I think that that's fantastic because the more people we educate, even through the training system, the more you might be able to spread the message in a much different way on the detriments of smoking, the cost to the health care system, and the impact on your family as you go through that process.

Now, I'm very fortunate. I think I tried to smoke twice. It was terrible. I never really had that urge. I'm pretty lucky that way. But my brother smoked, my father smoked, my mom smoked. I grew up in that home in the '80s where you walked in and there was kind of like that funky blue haze, you know. [interjection] Yeah. We all remember that.

I also remember that in the '80s you could go to businesses, and at the front reception they smoked. That has sort of gone by the wayside, thankfully. Most bars, restaurants, all of that: we don't have to deal with that anymore. So I think we're on the path to educating people.

I think the Associate Minister of Wellness could really make the bill a lot stronger if he considered taking a look at what is done with liquor licensing and applying it to tobacco licensing and also ensuring that the enforcement of it is actually able to be done.

Then, if at all possible, if the associate minister can just clarify if people under the age of 18 are actually allowed to work in a grocery store and are actually allowed to run the smokes through the machine. I don't think they should be allowed to do that if they can't buy them. If you could do that, I'll leave that.

Thank you.

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

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

Seeing none, is there another speaker?

Then I will recognize the hon. associate minister to close debate.

**Mr. Rodney:** Well, thank you very much, Mr. Speaker. I would sincerely like to thank all members for their participation and specifically the hon. Member for Calgary-Fish Creek, not only for her comments today but also to salute her good work over the years in health and justice and beyond, and additionally the hon. Member for Edmonton-Calder for his efforts in the health and wellness of Albertans in general but specifically in this case.

Thank you, too, to the members from Rimbey-Rocky Mountain House-Sundre as well as Calgary-McCall and Innisfail-Sylvan Lake. I certainly do appreciate all of your questions and all of your support. I do believe this is something that does run across party lines. To the hon. Member for Fort McMurray-Wood Buffalo: I thank you for your support and also for sharing your personal story. This is political, it's personal, but it's also professional as well, and you spanned all of those in your remarks.

To the hon. Minister of Human Services: I would like to express my deepest gratitude, not only for addressing the question on First Nation ceremonies being exempted, which was really quite clear, entertaining, and educational, but for his leadership in this regard over the years and across a number of ministries. This is a long, interesting, difficult fight, and it's going to take all of us to get through this.

Mr. Speaker, to be clear, since we are debating Bill 33 and not Bill 206, the private member's bill, I will not be addressing items in that bill, which deals with flavoured tobacco products. I just wanted to make that distinction.

With respect to the questions on smoking cessation, as the members are aware, we launched our 10-year tobacco reduction strategy at this time last year, and it includes specific actions regarding cessation products. The steps that outline specifics, Mr. Speaker, are outlined there, so I won't take the time of the House to outline them here. I'm just going to invite hon. members to review the document.

Now, there was a question regarding the buying and freezing of tobacco. I understand that might be a concern, but that simply is beyond anyone's control, and we really do not expect that to be a widespread issue at all.

There is a fair question, a good question with respect to: who have you talked to? Who are the stakeholders that you've met with? It's a long list, Mr. Speaker, but I think it's worth mentioning. By the way, this is part of the list. There's a longer list, but most folks will recognize Action on Smoking and Health, Alberta Education, Alberta Gaming and Liquor Commission, Alberta Health, Alberta Health Services, Alberta Human Services, Alberta Justice and Solicitor General, Alberta Medical Association, Pharmacists Association of Alberta, the Alberta Policy Coalition for Chronic Disease Prevention, Alberta Public Health Association, Alberta Treasury Board and Finance, Canadian Cancer Society Alberta-Northwest Territories division, College and Association of Registered Nurses of Alberta, Health Canada, Heart and Stroke Foundation, the Lung Association of Alberta and Northwest

Territories, and the University of Alberta School of Public Health, amongst others.

With respect to the question on fines one of the most important pieces of this bill is in fact the inclusion of provisions to fine someone for the furnishing of tobacco sales to a minor because this is indeed the first line of defence against a minor acquiring a tobacco product. I believe that addresses that question.

With respect to enforcement this legislation will give employees of the AGLC as well as peace officers the right to issue fines for contraventions.

One other component of the legislation worth mentioning at this point in time would require some products to have a minimum number of tobacco products per package in an effort to make it less affordable for younger Albertans, and it's quite obvious that we have full agreement that that is the major thrust behind this bill.

I would like to conclude my remarks, Mr. Speaker, with just a few points that I trust are worthy of having the House and Albertans ponder them. Every Albertan – and I think we can all agree – especially our youth, should be able to enjoy a life free of preventable, tobacco-related disease and death. With this legislation we're looking at preventing children and youth from using these products and protecting them also, obviously, from the harmful effects of second-hand smoke.

These actions will strengthen tobacco control in Alberta and protect the health of our young people. If and, I trust, when passed, this legislation will fulfill our commitment to Albertans' health, to sustainable health care, and to continue moving towards our commitments which we outlined in the tobacco reduction strategy from just a year ago.

4:30

We know that a major tool in the fight against tobacco use is legislation. Tobacco use is the leading cause of preventable disease and death in this country, and here in Alberta in the neighbourhood of 3,000 people die every year as a result of tobacco use. In Canada smoking causes approximately 30 per cent of cancer deaths and more than 85 per cent of lung cancers. Bill 33 will do a great amount with respect to dealing with this so that we can have Albertans who are happy, healthy, and out of the hospital a lot more than they are.

Thank you so much, Mr. Speaker.

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

[Motion carried; Bill 33 read a second time]

### **Bill 39 Enhancing Consumer Protection in Auto Insurance Act**

[Adjourned debate November 7: Mr. Horner]

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

**Mr. Fox:** Thank you, Mr. Speaker. It's my honour to rise and speak to Bill 39, the Enhancing Consumer Protection in Auto Insurance Act. In Alberta the basic rate of auto insurance is regulated by the Alberta Automobile Insurance Rate Board. This basic rate only covers third-party liability and accident benefits. Coverage for collision, comprehensive insurance, and endorsements that extend coverage such as loss of use of vehicles are only monitored by the Automobile Insurance Rate Board, not regulated. It has been argued that since owning auto insurance is required by law, the government should step in and regulate the basic policy for affordability.

In 2003 the government of the day introduced changes to the Insurance Act which, in effect, enabled the Automobile Insurance Rate Board to regulate basic insurance coverage in the province of Alberta. This was done because consumer premiums were increasing dramatically due to escalating claims costs here in the province.

Mr. Speaker, we know that overregulation is never good for any industry. It creates red tape, it bogs down businesses, and it hurts our province. The oversight of the Automobile Insurance Rate Board, however, was an important initiative in Alberta's history because it showed how regulation could be meaningful when well planned and effective, thanks to the extensive lobby efforts from both industry and consumers alike here in the province. While overly cumbersome regulation is never good, effective regulation like Bill 39 can actually better enhance consumer protection and increase the competitiveness within the insurance industry if handled right.

Bill 39 is important because it allows for firm-by-firm consideration of premium rate changes instead of using a pan-industry approach. It is worth noting that Alberta had been the only insurance market in Canada with a pan-industry adjustment rate. What this means is that individual insurance companies have traditionally not been able to set rates based on increases and decreases that satisfy their respective consumers and stakeholders. Insurance firms have had to adopt increases and decreases based on what an industry as a whole has been approved for by the AIRB.

For example, if one company needs to levy a 3 per cent increase in premiums to continue operation and another needs to increase a levy of 7 per cent and yet another had asked for a decrease of 1 per cent, the AIRB would look at the industry as a whole and set a rate for all companies, say, like in the last few years, a standard 5 per cent increase. Even if you were with a company that desired to have a 1 per cent decrease in rates, in the end all consumers would end up having to pay 5 per cent more for basic coverages.

With the changes in Bill 39, rather than seeing a 5 per cent increase for all three of those companies, each company would then have to prove why it needed the increase or why it could take a decrease in premiums to the AIRB, creating more competition amongst insurance companies here in the province. I'm happy to see an amendment to the Insurance Act in Bill 39 that will allow insurance companies to file on that firm-by-firm basis, and I believe this is what Alberta consumers want in the insurance industry here in the province.

Bill 39 also makes changes to the legislation regarding reciprocal insurance exchanges, or RIE. The definition of a reciprocal insurance exchange is a group of subscribers exchanging reciprocal contracts of indemnity for interinsurance with each other through a principal attorney. This class of insurer will now be faced with the same laws that govern investing by insurance corporations headquartered in the province of Alberta and will face formulas for determining required reserve holdings and guaranteed funds.

Another amendment allows the minister to demand any information for analytical or policy-making purposes from an RIE. I believe this will allow for better policy and legislation going forward, putting all these companies on a level playing field.

Something I did find interesting in Bill 39 is the removal of cabinet's authority to dictate dispute resolution. One question that I do have on this piece of legislation is: where will the dispute resolution process for premiums be set, and who will look after them? Will it be regulated by the AIRB, the Alberta Insurance Council, or will it be in the sole purview of the superintendent of

insurance? If the minister could stand and speak to this concern, I would be grateful.

Today I am in support of this bill because it introduces more competition into Alberta's insurance industry. Competition breeds innovation. Innovation breeds better products and better prices for consumers. I must commend the hard work of the AIRB and the superintendent of insurance along with the government employees and industry stakeholders who came together from the private sector to propose this good piece of legislation. I believe it can be very successful here in the province of Alberta.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Thank you.

The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I'm happy to get up and say a few words about Bill 39, Enhancing Consumer Protection in Auto Insurance Act. I do see mostly positive developments out of this particular bill. It seems to be moving to a file-and-approve kind of system for premium adjustments, which, to my understanding, means that an insurance company will now have to apply for adjustments to their rates on an as-needed basis as opposed to the old system, where the Automobile Insurance Rate Board would make industry-wide adjustments.

Mr. Speaker, since 80 per cent of Albertans already carry additional auto insurance coverage, regulating these rates in the same way as basic coverage I believe will help Albertans to afford and also understand their insurance rates when they receive them in the mail. Particularly since so many Albertans depend on their vehicles, of course, in all manner of ways in our lives, we want to make sure that insurance rates are fair and affordable here in the province of Alberta, both of which objectives, I would suggest, we've had problems with here in the past.

It's very important that we address additional coverage because, really, that additional coverage, besides third-party insurance, is really necessary and actually essential. Then another part of this, too, is to ensure a fair, transparent system by which we set the rates and premiums that works for the consumer, not necessarily just being dictated by the insurance companies.

The Alberta New Democrats have been at the forefront of moving towards more regulation and oversight of insurance rates to protect the public from this kind of free rein that has resulted in, I think, really exorbitant rates in the past, and compared to other jurisdictions as well, we've had problems here. Back in 2003 the Conservatives introduced what was called then, I think, Bill 53 after years of calls to reform insurance regulation. The Alberta New Democrats pointed out that Albertans paid some of the highest insurance rates in Canada at that time, and they were then still rising further at shocking rates. The Conservatives tried to address this by freezing rates, and then the insurance companies locked themselves into a 57 per cent increase.

We have to mitigate, Mr. Speaker, against these kinds of roller-coaster effects, and it's important, you know, ultimately for us to move towards a public insurance system here in the province of Alberta.

Some of the problems associated with Bill 53 do persist. We've drawn attention here to the fact that the board reviews rates, essentially behind closed doors, and we just find out later what's going on, with no opportunity for the public, for consumer advocates to challenge rate increases.

4:40

As we see with Bill 39, the government is repealing the complaint procedure provisions and leaving a bare-bones regulation as the

only means by which Albertans could address these issues. It's quite a serious issue, really, too. You have all of the bills and expenses you have for living here in the province, and auto insurance would rank very high amongst those overall expenditures between rents or mortgages and car payments and utilities. Insurance for vehicles can be one of those fourth- or fifth-highest single-ticket items that people need to purchase here in the province.

While rates for basic coverage have dropped since the legislation was adopted in 2004, rates on additional coverage have increased, by our measurements, by 41 per cent during that time period, meaning that rates are still increasing for the majority, the vast majority, 80 per cent, of Albertans, who carry both kinds of coverage, both third-party and collision and so forth. If one type of coverage is regulated and the other one is not, insurance companies can still raise the rates on the additional coverage to meet the profit margins that they wish to while regular Albertans continue to see no real change to what they get out of the deal.

We do support legislation that will bring the rates on additional coverage into the same regulatory framework to give people some clarity and, I would suggest, relief as well as knowing where their money is going. We also do support a greater degree of flexibility so that the rates can be responsive and reflective of the needs of the public. However, some legislative safeguards I think still need to be in place, Mr. Speaker. Other provinces, for example, use company-specific premium adjustments. Some of them have higher rates than Alberta; some of them have lower.

We are concerned most specifically, though, that many of the details about the move to company-specific premium adjustments are being left out of this bill. Many insurance providers, for example, are small companies who need clear and stable guidelines to be able to effectively manage their business and plan for the future. Also, how do we know, really, that we can rely on the board's calculations or the information being provided to them when there are no standards in this legislation on these matters? Right? If all Albertans who drive a vehicle depend on the board to set the rates that will apply to their insurance, it seems logical, then, as an extension, that they should deserve to know exactly how those rates are decided and that the information being used to decide them is accurate and fair and providing the best coverage.

I guess the other question I have, you know, is: what are the factors that will go into making these decisions? What are the details on how this change will in fact be accomplished? How will the premium adjustment accounting and review procedure differ from what's being used under the current industry-wide model? Then, finally, what oversight of the Automobile Insurance Rate Board will the government or the minister have if the system is not responsive or reflective for Albertans and/or insurance companies?

It's as though we're building through evolution what you can actually achieve by having a provincial insurance system available across the province, right? We're slowly catching up to build those regulations into third-party coverage and now collision and other additional coverage. We need the transparency and oversight that can dictate the rate changes and justify logically the rate changes. You know, I would suggest that a much more reasonable way to move further is to just provide a province-wide insurance scheme, as they do have in places such as British Columbia and Saskatchewan. Quebec has a very interesting no-fault system that has considerably lower rates than Alberta does and so forth.

I would suggest that the grounds available for dispute resolution here in Alberta with the complaint resolution regulation are not as comprehensive in this section of the Insurance Act, which the government is trying to repeal. The previous section envisioned

the public somehow being able to access the complaint procedure for determinations of fault and the availability of insurance and several other factors. So can we be assured, Mr. Speaker, by this minister that the grounds will be included and will be included in these regulations? I'm wondering as well: why aren't there arbitration procedures that are built into this legislation as well?

There are interesting developments here with this particular Bill 39. As I said, we certainly are encouraged by the choice to move after additional coverage and to regulate that, but there are some details that I have just pointed out here and will continue to do so as we move through the various readings of Bill 39.

Thank you, Mr. Speaker.

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

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

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

**Mr. Kang:** Thank you, Mr. Speaker. I also rise to speak in support of Bill 39, Enhancing Consumer Protection in Auto Insurance Act. At the outset we are supporting Bill 39 as this bill is to amend the Alberta Insurance Act, and the changes affect three different areas of insurance: reciprocal insurance exchange, auto insurance premiums, and the New Home Buyer Protection Act.

[Mr. Amery in the chair]

The reciprocal insurance exchange, if this proposed legislation is passed, will strengthen solvency requirements for insurance companies and improve general market conduct. In addition, it will be an offence to purchase unlicensed insurance in the province, and that is well and good.

Auto insurance premiums. If this bill is passed, the Automobile Insurance Rate Board will regulate both mandatory and optional auto insurance premiums. The auto insurance industry will move to a file and approval system, where each insurer will need to apply for premium adjustments on an as-needed basis instead of an annual industry-wide rate adjustment. That is good as well.

The New Home Buyer Protection Act. If this bill is passed, all warranty providers will operate within the same set of rules, and all warranties will be held to the same standard.

You know, when we do a sectional analysis, Mr. Speaker, section 14 is the hallmark of this bill, and this section of the bill changes section 602 of the act rather substantially by allowing the regulation of premiums for both basic coverage and additional coverage for automobile insurance. Currently section 602 of the act enables the Automobile Insurance Rate Board to adjust basic coverage premiums once a year industry-wide. The proposed changes put the onus on industry by moving the province to a file and approval system, in which each insurer will need to apply for premium adjustments for both basic coverage and additional coverage on an as-needed basis at any point in the calendar year. So premium adjustments could go up or down depending on the needs of the company.

Section 15 of the bill repeals section 603 of the act, which eliminates the regulation respecting discounts and surcharges charged on premiums for basic coverage.

[The Deputy Speaker in the chair]

I have a question there, Mr. Speaker. Should this bill pass in the Legislature, would the insurer still be permitted to charge surcharges on premiums for basic coverage and additional coverage? If the answer is yes, does repealing this section in effect allow the insurer

to charge exorbitant surcharges on premiums, or would this be regulated somewhere else in the Insurance Act?

4:50

Also, in section 28 the bill amends the New Home Buyer Protection Act by repealing section 29 of this act and substituting it with substantially revised wording pertaining to regulations of home warranty insurance contracts. The current wording passed third reading in November 2012 and was given royal assent in December 2012. The new proposed wording of section 29 of the New Home Buyer Protection Act ensures that all warranty providers operate within the same set of rules and that all warranties be subject to the same standards. However, this bill seeks to lessen the cabinet's ability to make regulations concerning warranties. Here's a comparison, Mr. Speaker. The proposed wording is:

The Lieutenant Governor in Council may make regulations

(a) prescribing policy conditions that must be included . . .

And the current wording is:

The Lieutenant Governor in Council may make regulations

(a) prescribing mandatory conditions that must be contained in a home warranty insurance contract.

You know, there's the comparison of both of them. Does the new legislation's proposed wording for section 29 of the New Home Buyers Protection Act effectively lessen the Lieutenant Governor in Council's ability to make regulations? I have concerns there about section 28.

As Alberta is the only jurisdiction in Canada that doesn't regulate both basic and additional automobile insurance premiums, Mr. Speaker, this will bring Alberta up to speed with other provinces. As auto insurance in Alberta is available through private insurance companies, there's no government auto insurance plan in Alberta. Currently there are about 70 companies operating across the province in the auto insurance market. All vehicles registered in Alberta are required to carry a minimum of \$200,000 coverage for public liability and property damage.

The primary role of the Automobile Insurance Rate Board is to regulate premium levels for basic coverage, third-party liability, and accident benefits; to monitor additional coverage, collision and comprehensive; and to approve the rate plans of new insurers that want to sell auto insurance in the province. Each year the board reviews and sets the allowable percentage change for premium levels for basic coverage under the individual insurance rating programs. That percentage change also applies to the grid rating program.

The board also reviews the notices by insurers for offset adjustments, which permits insurers to adjust one or more rating variables under their rating programs for basic coverage by up to plus 10 per cent provided the overall effect on their books for business revenue is neutral. Although since the creation of the board mandatory premiums have decreased by 30 per cent – that's what the government claims – according to the *Edmonton Journal* the premiums for basic coverage have gone up by 5 per cent.

Anyway, overall this bill, you know, looks pretty good. With this bill, as I said before, Alberta will be up to speed with other provinces.

Those are the questions I had, and I hope the minister can answer those concerns. With that, Mr. Speaker, thank you very much. We can support this bill.

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

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

**Mr. Eggen:** Yes. Well, thank you for your comments. I certainly concur that this is a step in the right direction. I guess one thing that occurred to me when I sat down before – and I just wanted to ask you about it – is that considering that we compel by law individuals to purchase automobile insurance to operate an automobile here in the province of Alberta, then, I think, is it not our responsibility to make sure that we provide a very regulated and reasonable product that people can access and get that insurance from? Ultimately, I would suggest offering a province-wide insurance scheme that could answer the requirements of that law in the most economical sort of way possible. What do you think about that?

**Mr. Kang:** Well, you know, we have proposed government auto insurance before. We have been pushing for that. But if we can't get the best of both worlds, we have to live with what we have, so one step at a time. I agree with you that we have to make the insurance affordable for people so that they are not driving without insurance and causing accidents and causing bodily injuries and killing people out on the roads. That will again come back to the taxpayers and haunt them because we will have to have some kind of coverage through some kind of levy to cover those costs. So I think it would be a good idea to have government insurance coverage.

Thank you.

**Mr. Eggen:** Thank you.

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

Seeing none, I'll recognize the next speaker.

Then I'll recognize someone to close debate.

Okay. Then I'll call the question.

[Motion carried; Bill 39 read a second time]

#### Bill 40

#### Settlement of International Investment Disputes Act

[Adjourned debate November 5: Mr. Quadri]

**The Deputy Speaker:** The next speaker to the bill is the hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Speaker. It's not often, but there are times when we get to rise to support a bill, and I rise to, and hopefully members on this side of the House, the opposition, will support this bill.

This bill is necessary to bring our legislation in line with federal legislation. Some would call it a housekeeping bill, but it's actually more than that. It also brings us in line with international jurisdictions dealing with international investments. Bill 40 helps Alberta synchronize with federal legislation related to international investment disputes. The act will give power to the International Center for Settlement of Investment Disputes, which is based in Washington, DC. This center was established in 1966 and has authority in 157 countries.

I note that this convention has actually been in place for over 40 years. Canada signed the convention on December 15, 2006. I had not realized it wasn't ratified until I saw this bill. The convention with the World Bank was ratified on November 1, 2013. The World Bank has notified all its convention signatories of Canada's ratification pursuant to article 75 of the convention. The convention will come into force in Canada on December 1 of this year in accordance with article 68(2) of the ICSID convention.



Now, the convention is a facility of the World Bank. Its purpose is to provide facilities for conciliation and arbitration for investment disputes. It is not the authority; it is a mechanism. In accordance with provisions of the convention between contracting states these disputes are now subject to the rules and regulations of the contracting parties or other nationals of all contracting states. British Columbia, Newfoundland, Nunavut, Ontario, Saskatchewan have already adopted similar legislation. Several of Canada's trading partners such as the United States, the United Kingdom, Japan, China, Germany, France, and Chile have already ratified the convention. However, some of our trading partners such as Brazil, India, and Mexico are not yet signatories.

The convention does not conduct the arbitration itself but offers institutional procedural support on arbitration and conciliation commissions, tribunals, and other committees to conduct such matters. It is basically an international treaty, but it is the mechanism for resolving the disputes. It's not like the WTO; it's not like NAFTA in that treaty sense. The convention itself will use different types of international treaties to help settle these disputes.

5:00

Now, the arbitration or conciliation proceedings will be conducted in accordance with the convention rules and regulations or any other additional rules under any other treaty, and they will be processed in accordance with the convention. The legal dispute has to exist between one of the parties to the convention or one of the member states or a national of another contracting state. It must also be a dispute of a legal nature that directly relates to an international investment under one of the treaties.

One of the significant aspects of this convention will be the ability to streamline investment disputes and remove the necessity of having to access local courts. Now, it will not eliminate that, but it can remove the necessity to go to the local courts. That's a tremendous advantage to, say, some very complicated international contractual agreements. Our province, with our industries, probably has more than most other provinces in Canada mainly because of our oil and gas sector, our resource sector. It has the potential to be both expedient and efficient in helping to settle international investment disputes, and it can do it in a timely manner. Now, there are no guarantees, but it does allow our industries and even our government, when it contracts internationally, to have a mechanism with the convention members to settle these disputes should they arise.

In the 40 years since the convention has been in existence, it has served other jurisdictions very well, and there are no viable reasons why it shouldn't serve Albertans well also. So, Mr. Speaker, I am going to ask that the members of my caucus support this bill. I understand that there will be some amendments possibly offered by some of the other parties. I will take those amendments on their merits and look at them and see if they apply, and if I'm going to support them, then I will make that recommendation, possibly, to my caucus to support them.

What I want to close with is that when this bill was first introduced, there was some confusion, I think, particularly, based around some of the treaties, whether this was based on the World Trade Organization or was something comparable to NAFTA. It's not. Those are treaties dealing with international trade. All this convention does and what it brings to Alberta, particularly, and to all of Canada is that when a dispute arises and it's a legal dispute, it gives one more mechanism to help resolve that dispute.

We tend to think of agreements being very simple, in the nature of: I agree to do one item, and someone agrees with that, and we sign a contract. Unfortunately, agreements today, particularly

international agreements, are never simple. They can usually be extremely complex. Having agreements amongst the signatories of this convention sets a framework of how to resolve disputes, and I can't think of anything that works better in the business community than when two parties engage in a contract, and they have the ability, should something be misinterpreted or should something go astray, a mechanism to solve this.

I would ask my fellow caucus members here in the Wildrose in particular to support this, and I will wait and see what amendments are being brought forward by the other members of the opposition.

Thank you.

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

I'll recognize the Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, Mr. Speaker. I rise to make a few comments on Bill 40, Settlement of International Investment Disputes Act. I've just become recently sort of brought up to speed on this bill, and I believe that it's a continuation of the federal government ratifying the convention of the settlement of investment disputes from November 1 of this year. Canada originally signed onto this back in 2006. This, to my understanding, provides Alberta's assent to adopting the convention on the settlement of investment disputes.

I think that, as well, the federal government's position on the application of this bill has changed. Initially the federal government brought out their legislation in 2007, and the position was that each province needed to pass implementing legislation, but now the federal government has changed this position and said that they will bring this into force by the end of the year regardless. So either some legal opinions have changed, or they're hoping that it'll give the passing of the bills at a provincial level such as here today a little more juice to be done.

My understanding of this convention is that it limits the ability of host states or jurisdictions such as here to invoke immunity in the face of lawsuits instigated by foreign investors and provides the International Centre for Settlement of Investment Disputes, otherwise the I-C-S-I-D, which, unfortunately, I think, has been given the name ICSID, as a dispute resolution body. Perhaps more importantly, it seems to exclude the possibility – correct me if I'm wrong – of domestic court appeal when an arbitration award has been made against a jurisdiction. Ultimately it allows a foreign investor to go through an arbitration process, get a judgment, and then enforce that judgment in the host state, say, for example, here in Alberta, without the host state being able to do more than just argue their case before that arbitration body.

There are currently other investment arbitration bodies that Canada and Alberta are subject to – right? – that are similar in form. It seems as though this convention has been widely implemented, over 149 countries to date. However, these arbitration methods have also been criticized by a number of jurisdictions and by individuals both here in Canada as well as in a number of South American countries to the point where I believe three of them have withdrawn from ICSID.

We do understand that there's a desire for security and consistency for international businesses, that this bill is aiming to somehow assist, but, respectfully, the province of Alberta, in our minds, has to come first, and really there are serious questions about whether this is the best deal for either this government or for the people of Alberta as well.

So we have these concerns. I'll put them forward, and I would like everyone to consider them most judiciously. First, I would

like to focus on the centre itself and then, second, in relation to the broader implications of this bill here to the province of Alberta.

First, the arbitration centre that's being brought in by this bill, the International Centre for Settlement of Investment Disputes, ICSID, has, I think, some significant issues in and of itself. First of all, Mr. Speaker, I would like to speak about the quality of the arbitrators that might be brought in to make decisions on behalf of all of us here in Alberta. One particular arbitrator in this centre is a gentleman known as Francisco Orrego Vicuña. Mr. Orrego Vicuña was the ambassador for Chile for quite a number of years under the Pinochet dictatorship. He is currently an arbitrator, and his presence under ICSID's arbitrating board has caused, as I said, at least three countries in South America to withdraw from this treaty.

5:10

Before signing this bill, I think that we need to take careful pause to think whether it's appropriate for Señor Orrego Vicuña to be deciding whether Alberta legislates in its own interests when something has gone wrong, right? Of course, we have serious reservations – and I'm sure all of you do, too, now that you know about this – that one of the key, important members of the Pinochet dictatorship in Chile is making decisions here in the province of Alberta. You know, I think that it causes us to pause, certainly.

We're talking about, Mr. Speaker, potentially many billions of dollars that could be arbitrated using this new ICSID policy, and we've come to find out as well that ICSID does not have a process or a mechanism by which they release claim value. This is according to article 48.5 of this convention. So I don't really feel comfortable locking us into an agreement until we get a full picture of where we're going with this. The examples that we have seen, that we've managed to find that have come out of ICSID decisions we know are very significant and can involve up to billions of dollars. We need to know how we can be able to review those decisions in our own court, right? If we're signing over the power to review those decisions to ICSID, a branch of, I guess, the World Bank, then I think it's very important for us to pause for a sober second thought on this issue.

That's the first problem that I wanted to bring up, Mr. Speaker. Certainly, I'd be happy to be educated further on this.

The second one is talking about my concern about future free trade agreements. In this bill we're being asked to accept a method of dealing with international disputes, international investment disputes in this case, but the arbitration method is also directly relied upon in our free trade agreement. So we can't look at this, I don't think, in isolation. For example, a recent foreign investment promotion and protection agreement, which is known as FIPA – sometimes you say these acronyms phonetically, and they make peculiar sounds – our agreement with China, uses the centre as one option for an arbitration forum or will once this bill is passed.

The Ministry of International and Intergovernmental Relations has told us that they are very encouraged by the federal government to pass this bill, and we can only assume that the push from the federal Harper government to sign with this centre, which has been around since the 1960s, Mr. Speaker, after all – and Canada has held out on ratifying until now. I mean, that alone gives me pause to consider this at least twice. It's based on the recent signing of the new free trade agreements that have been made between China and Europe. So our trade partners want this as an arbitration forum, and it seems as though the Alberta government is willing to oblige since they brought this forward. I don't know. I presume they're going to vote for it.

As far as I and, I think, many other people as I lay out this case are concerned, we want strong relationships with our trade partners, of course, but we also simply want to be able to protect our natural resources and ensure long-term prosperity of the province through our own laws, not to hand over that power to a foreign jurisdiction. Under our recent free trade agreement with China, say, for example, if the government does something that a Chinese oil company doesn't agree with necessarily, we would be potentially taken to arbitration, and that arbitration would be dealt with with the rules of our free trade agreement so that it would go to this ICSID centre, which would mean that it was not appealable in Canadian courts yet enforceable through our system. So a foreign company, in my view, then would be able to take over assets without our power to review it in court. The sum of this is a loss of sovereignty, and I think that we need to take a serious second look at this, right? There is a clear alternative available here – right? – not just the other arbitration centres but allowing the province to work with companies and decide what works for them, right? We're not suggesting that we limit choice for business or corporations here. We just want to make sure that the province doesn't get locked into what could be ultimately a very bad deal.

For those reasons I am putting out some very serious concerns about this bill, about the potential undermining of our sovereignty to make decisions here in the province of Alberta, our legal system to do so as well, and putting those decisions and potentially a lot of money into the hands of an international arbitration court.

I hope that this might help edify some members and provoke some interesting reflection and serious debate. Thank you.

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

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

Seeing none, I'll recognize the Member for Calgary-McCall.

**Mr. Kang:** Thank you, Mr. Speaker. I also rise in support of Bill 40, Settlement of International Investment Disputes Act. The purpose of the proposed legislation is to support the implementation of the convention on the settlement of investment disputes between states and the nationals of other states. The Harper government announced on November 1, 2013, that it had formally ratified the convention, and Alberta is implementing legislation complementing the Canadian ratification.

On March 30, 2007, the federal Minister of Foreign Affairs introduced in the House of Commons Bill C-53, an act to implement the convention on the settlements of investment disputes between states and the nationals of other states. The ICSID convention, which provides the mechanism to settle international investment disputes, came into effect on October 14, 1966. As of today it has been ratified by over 150 countries, and Canada became a signatory to the convention on December 15, 2006.

The ICSID convention established the International Centre for Settlement of Investment Disputes. As it is located in Washington, DC, the ICSID has close links to the World Bank, and it proposes to provide facilities for conciliation and arbitration of investment disputes in accordance with the provisions of the convention between contracting states – that is, states that are parties to the convention – and nationals of other contracting states. Pursuant to article 25 of the convention the jurisdiction of ICSID extends to any legal disputes arising directly out of an investment between a contracting state and a national of another contracting state with the written consent of the parties to the dispute. In other words, the convention provides for a mechanism under which ICSID member countries and foreign investors in those countries can settle disputes relating to the investments made by such investors.

As we have become a global village, Mr. Speaker, and we are trading with other countries and we are pushing for pipelines and all that and we will be exporting a lot more to India and China, we need some kind of mechanism to settle those disputes. I think that passing this legislation will help Alberta businesses to settle their disputes in a quicker way.

One of the important features of the convention is that it provides for recognition and enforcement of arbitral awards issued by ICSID tribunals. Awards issued by the ICSID tribunals are binding on states that are parties to the convention, and such states must enforce the pecuniary obligations imposed by the ICSID tribunals if they were contained in the final judgment of their domestic courts. I think it will save time and money for all parties involved.

5:20

The increase in cross-border investment arising from globalization has also led to an increase in the number and complexity of investment disputes between foreign investors and host governments. Foreign investors generally prefer to use a well-recognized international dispute mechanism as opposed to domestic legal systems, and ratification of the ICSID convention by Canada will enable Canadian investors in other ICSID member countries to take advantage of its dispute settlement process on fulfillment of certain conditions. Similarly, foreign investors in Canada can also take advantage of the ICSID mechanisms.

When we do the sectional analysis, Mr. Speaker, section 11 gives cabinet the power to make regulations in regard to determining

- (a) the terms and conditions under which the Crown in right of Alberta may enter into an agreement recording consent to arbitration proceedings under the [ICSID] Convention;
- (b) exempting any person or [group] from the application of an enactment or any of its [legal requirements], on the conditions specified in the regulations, to permit them to act in a professional capacity in an arbitration or conciliation proceeding.

The question arises here of what those exemptions would be and who would be entitled to those exemptions. That's the only question I have on this Bill 40.

There's another additional point to consider, and this comes from a lawyer, Paul Drager, who advises that we should also be pushing for ratification of the Hague convention abolishing the requirement of legalization for foreign public documents, 1961. Mr. Drager says that this would be a very practical measure which would allow companies and individuals to stop having to pay exorbitant fees for the legalization and the authentication of their corporate, personal, and banking documents. This would be a really practical measure to assist companies getting involved in international activities as well as individuals with international connections such as inheritance, divorce, and adoption issues. This point should also be considered in the bill.

Thank you, Mr. Speaker.

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

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

Seeing none, I'll recognize the next speaker.

Seeing none, I'll ask the hon. Member for Edmonton-Mill Woods if he'd like to close debate.

**Mr. Quadri:** Question.

[Motion carried; Bill 40 read a second time]

## Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

**The Chair:** I'd call the Committee of the Whole to order.

### Bill 35

#### Financial Administration Amendment Act, 2013

**The Chair:** Are there any speakers to the bill?  
Are you ready for the question on the bill?

**Hon. Members:** Question.

[The clauses of Bill 35 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.

### Bill 37

#### Statutes Repeal Act

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

**Mr. Saskiw:** Thank you, Mr. Chair. I do have an amendment here today to Bill 37 with the requisite copies.

**The Chair:** If you could circulate that, hon. member, we'll come back to you in just a minute.

Hon. members, this being the first amendment, this will be amendment A1.

Please proceed, hon. Member for Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Chair. Of course, during second reading we expressed support for the overall intent of the legislation in the Statutes Repeal Act. In this party we believe that if a law is unnecessary or redundant, it should be in fact repealed.

What this amendment does, however, is that if a piece of legislation is going to be repealed, it would be put forward in the Legislature with a nondebatable motion. So if a piece of legislation hasn't been proclaimed, in this instance for five years, and is going to be struck by this legislation automatically, there would still be a requirement, a sober second thought, for members to look at that piece of legislation and at least have a vote on it here in the Legislature. It would be nondebatable. It wouldn't be a significant amount of time in terms of this Legislature, but it would give people a little bit of a pause. Before you get rid of legislation, let's have it come before the Assembly, have a quick vote on it, and determine whether or not the will of the Legislature is, in fact, to repeal that legislation.

I think this is in line with the intent of the bill. The intent is to repeal a piece of legislation that has not been proclaimed for five years. This is just one little step to make sure that we do our due diligence and have the legislation come before the Legislature one last time and have a nondebatable motion come before the floor.

I hope that the other side would consider this, what I consider a reasonable amendment. That's it for my side, Mr. Chair.

Thank you.

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

Is there anyone else to speak to the amendment? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

**Mr. Anglin:** Thank you, Mr. Chair. I rise in support of this amendment. I'm interested in what the minister will say as far as the efficiency of this amendment. It appears to be fairly straightforward. What it's intending to do is to be, I think, a little bit more efficient on its amendment of section 3, bringing clarity and, I guess, closure to the various bills that have not received assent.

With that, I would support this amendment, and I ask my fellow caucus members to support this amendment and see what we can do to tighten the bill up a little bit better and make it more efficient. If the minister has something to add to that, I'd be interested to hear why this would not be an acceptable amendment.

Thank you very much.

5:30

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

**Mr. Saskiw:** Thank you, Mr. Chair. Just to conclude on this, what this amendment does is that it states:

Every Act and provision that is listed in a report under section 2 is repealed on December 31 of the year . . .

That's the report outlining bills that have not been proclaimed for five years. This just requires that that report be put

before the Legislative Assembly . . . adopting a resolution that the Act or provision be repealed provided that

(a) separate resolutions are adopted for each statute.

So if there is a particular statute that's going to be repealed in the report, it would just be a yes/no, nondebatable motion that we would put forward here in the Legislature just to do that final bit of due diligence.

Thank you, Mr. Chair.

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

Are there others to speak to the amendment?

Seeing none, I'll call the question on amendment A1.

[Motion on amendment A1 lost]

**The Chair:** Back to the main bill.

**Mr. Saskiw:** Thank you, Mr. Chair. I have a second amendment.

**The Chair:** If you would circulate that one, please. Send the original to the table with another copy.

This will be amendment A2, hon. members.

Proceed, hon. member.

**Mr. Saskiw:** Thank you, Mr. Chair. The current act as presented has a five-year period in which bills that have not been proclaimed are put forward in a report, and, once they're put in that report, are automatically repealed according to the legislation.

In this province we have the biggest amount of laws, I think, probably in the entire country. If you look under canlii.org or the Alberta Queen's Printer and you look at all the statutes and all the regulations in this province, it's quite astounding.

We, of course, believe that if a law is unnecessary or redundant, then it should be repealed. This amendment simply changes it from five years for a bill that hasn't been proclaimed to a three-year period. If the Minister of Justice is genuine in saying that he wants fewer laws and that we're going to cut red tape and regulations,

then he should be in support of this amendment, Mr. Chair. If there is no support for this amendment, it's clear that the intent of this legislation is not, in fact, to reduce the overall legislative burden in this province but, rather, just a mere gimmick.

Mr. Chair, I would suggest that this is a very reasonable amendment. It's changing it from five years to three years and would in fact be in line with what the minister has said is the intent of this legislation.

Thank you, Mr. Chair.

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

Are there others to speak to this amendment? The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chair. I will be very brief. I think it's very necessary to indicate that just stylizing something as a gimmick doesn't make it so. In fact, there is some rationale behind the five-year period. When the Legislature takes the time and trouble to pass a bill or an amendment to a section, one shouldn't discard it easily. Sometimes it does take some time to deal with an amendment that needs more work, and that happens.

We had, for example, an amendment – I think it was to the Matrimonial Property Act – that was passed at one time. It became clear that there was a considerable disagreement with the practising bar – maybe it was the wills and estates act – very strong disagreement within the practising bar, and it was sort of a 50-50 proposition, so that particular section lay unproclaimed while we worked with the bar to determine whether there could be a workout for that particular provision.

There are not very many, but there are a few situations where you could take a look at a provision to say that there's a rationale to still keep it around while you're working out whether that might be needed or not. Three years seems like a long time, but it's not that long. The rationale to go to five years also has another important aspect to it, and that is that governments in this province are elected for five-year terms. But typically it's a four-year term, and I think now by legislation it's every four years. So it essentially takes it into another government, if you will, for that rational, sober, second-thought piece. On those two bases five years actually makes sense.

Certainly, all of us want to clean up the ledger. All of us want to simplify the laws. All of that rationale is all good, but there is actually a common-sense reason why you would go for five years as opposed to three.

**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 don't quite understand or what is not clear is the importance of carrying this over into another government. I can accept the idea that you may want more time to consider. I would defer to the government to say that we need that extra two years. There's got to be a more valid reason why the extra two years would be important. When I look at the amendment, tightening this up from five years to three years, listening to the hon. minister, unless there's something else that I'm missing, I'm not sure why the extra two years is a critical portion.

Let me explain where I'm coming from, and maybe the minister can comment on it. The idea is to be more efficient. We pass laws. We work here to pass amendments and work on legislation, and it is yet to be proclaimed. So the delay of dealing with the issue is significant in many ways, but I'm not so convinced yet that three years is too short of a period. There may be a point in time – I suppose there could be examples, but I haven't heard of a

particular example. But I'm looking at it on a broad-based level, which is everything that would be considered. I suppose that where I'm looking at this amendment from is that I want the government to act sooner, and maybe that's too much to ask at the moment – I don't mean that as insulting or disrespectful – in dealing with these very issues.

What I was looking at is that you wouldn't want to carry this over into the next government. The government of the day, the government of this term would want to take care of the things that it is doing. Now, given that some of this would carry over anyway had it been passed, say, within the last year of a term, that doesn't change that matter one bit.

Maybe the minister can elaborate and explain or dumb it down a little bit from the teacher to the student level that I could understand. I'd be happy to have that.

Thank you very much, Mr. Chair.

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

**Mr. Hancock:** Mr. Chairman, I promise I won't yell at the hon. member again.

**Mr. Wilson:** Don't make promises you can't keep.

**Mr. Hancock:** Right. I'll add "today" or "this afternoon."

What I'd want to say, Mr. Chairman, is that when the Legislature takes the time and trouble to pass legislation, one should treat it respectfully, and there are times when you're going through the process of implementing bills that it can take a period of time. You can sometimes pass a bill and take a considerable period of time before you proclaim it to consult with respect to regulations, for example, and that can take a while. We passed the Education Act last year, and decidedly there's a process that was part of the process to take some time to work out the regulations that would go with it, with a whole new act. That can be an extensive process. It could be a year; it could be two years before some portions of that act are ready for proclamation. I'm not just picking on that act. It could be any act.

One of the things that we do as legislators – and it's not the most exciting piece of the work – is the evergreening of legislation. So when you bring in a bill – and the wills and estates act might be a perfect example of that – that's the sum of several years of departmental work, consulting with stakeholders, et cetera. You bring in the bill and you pass the bill, but you don't necessarily proclaim the bill or all of it for some considerable period of time. Three years is just a little too tight on that piece.

5:40

There's also the aspect that if you decide to leave something before you actually let it fall off the table, as this bill is now proposing, it behooves you to leave it long enough so that it might actually be part of the subject of the next review even of an act. One can nitpick whether three years or four years or five years is necessary, but the rationale that I would put for the five-year piece is, essentially, that it does take time for some bills, not for every bill. Sometimes an amendment gets passed and it sits there, but other times you bring something forward before you've actually done the full consultation. I'll use an example. There was an amendment to the law society act a number of years ago to allow provincial court judges to do admissions to the bar. It's not something that everybody's really interested in, but I can tell you that the Court of Queen's Bench was really interested in it, and they didn't like it.

We passed the section, but we didn't proclaim it for a period of time, and, in fact, what we did was put in place a protocol with

respect to how the provincial court or the Court of Queen's Bench would co-operate with respect to admissions to the bar where a law student wanted to be admitted by a provincial court judge because it was more appropriate for them in their community or for whatever reason. That protocol was put in place for a period of time. Then the section was proclaimed later, when, in the minister of the day's opinion, the protocol wasn't working in the way that was effective. There was no particularly good way to resolve the difference of opinion, so we proclaimed it. Now, that might have been a couple of years after the thing was passed, two or three years. It was still actually a legitimate piece of legislation waiting for its time.

Three years is a little short, five years is – in the fullness of time if it hasn't been passed in five years, you ought to really consider whether you needed it or not.

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

**Mr. Anglin:** Thank you, Mr. Chair. I appreciate the minister clarifying. I want to make one last argument, or pitch, using the very same argument that the minister provided. I don't intend to pick on the Minister of Education, but I think that is a perfect example. We do pass legislation here like the education bill, which has gone through a considerable process. It's a large bill that a good segment of society is waiting on. In other words, all the school boards are highly anticipating this bill. Now, this is not something government cannot anticipate. They know this. They know this when they bring a bill forward. They know this probably before they draft the bill, when they start their consultation.

The case of the education bill I think is a good example. I think some of the members even on the government side know this from meeting with some of the school boards this week. There's a lot of conversation about legislation, a lot of conversation about things coming forward for the school boards, so they're anticipating this. By shortening the time frame – I hesitate to say it – it will bring pressure upon the government to get that work done faster. I'm not so sure that's a bad thing. Again, I don't want to handcuff the government and say that it's so fast that you're going to do a poor job. But what I'm going to argue is that the government knows it's coming. The government gets to start its clock when it wants to. It is the master of its own destiny.

By setting that time limit – it is a time limit, in my view, that the government can reach and can compel itself to obtain. Again, we're back to the three to five years. I'm not going to disagree with the hon. minister, but I do want to use that example. Beyond the education bill clearly we have another bill coming forward which is going to be the rewrite of the MGA. I would suggest that that's going to be just as complicated or more complicated than what we did with the education bill. That education bill started before I was elected, and I watched that procedure and that process long before I was elected. It was significant.

But it doesn't change the fact that the stakeholders, the people who are most affected by that legislation, are anticipating that. They want that done. They want the regulations drafted, and they want it completed. They want it to be put into force. We're dealing with the differences between the three and five years, but I'm not suggesting we overburden the government. What I'm suggesting is that if we tighten that time frame, the stakeholders will see something that they've been anticipating and waiting for sooner, in some cases.

I'm sure this government with its qualifications and its resources could probably make that time frame. I'm pretty sure. Maybe I'm

wrong, and if someone really wants to step up and explain exactly why I would be wrong, that's fine, but I'm sure they don't hesitate when they have the opportunity. I think the education bill is a perfect example, with all the stakeholders anticipating this, waiting for it to come to completion. There will be other bills just like that that affect other stakeholders on other subject matter.

So, again, what we're looking at here is trying to eliminate that limbo time and get some action on the part of the government to bring this into force and get on with the business that Albertans want this government to get on with.

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

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

Are there others?

Seeing none, I'll call the question on amendment A2.

[Motion on amendment A2 lost]

**The Chair:** We're back to the bill.

**Hon. Members:** Question.

**The Chair:** The question has been called.

[The clauses of Bill 37 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.

### **Bill 38 Statutes Amendment Act, 2013, No. 2**

**The Chair:** I recognize the Member for Lac La Biche-St Paul-Two Hills.

**Mr. Saskiw:** Thank you, Mr. Chair. This bill is primarily a housekeeping bill, which amends a variety of different statutes. We typically see this each session, where you kind of have a bill that has omnibus revisions to a variety of acts. When you go through the different acts that are going to be amended and the different provisions that will be altered, most of them are clarifying either a piece of legislation that has a bit of uncertainty, with the to and fro from court decisions that may throw some uncertainty into the scenario, or just the language itself is unclear or maybe just out of date and hasn't been reflected on or brought up to date in a long period of time.

Bill 38, the Statutes Amendment Act: overall, I'm very supportive of the bill in terms of the amendments that they're making. There are some substantive amendments with respect to the status that is bestowed upon certain police officers in Alberta that would put our province, it's my understanding, in line with other provinces across the entire country, and in my reading of the legislation this bill itself doesn't actually bestow extra powers or whatnot on the police officers that are in this bill. It's primarily on a ceremonial basis.

Mr. Chair, with respect to this statute there is one rather substantive change, and that's dealing with whether or not a Commissioner for Oaths versus a public notary can sign a document which we see in almost every single real estate deal, which is the relinquishing of dower rights. Right now if you want

to relinquish dower rights, you can do that with a Commissioner for Oaths. That's obviously cheaper and less expensive, but dower rights are a significant right that someone has to relinquish in a real estate deal.

**5:50**

What this amendment does is require that a public notary do it, typically, obviously, a lawyer. Of course, that would help out the lawyers in this province with their bills if they're required to notarize the relinquishing of dower rights, and I suppose that that's a good thing. In all frankness, I do support this amendment. Commissioners for Oaths may not have the requisite legal training to provide that individual with proper legal advice on what the results are if you do relinquish your dower rights.

These bills are coming across fairly quickly. I haven't spoken with the Law Society of Alberta on this particular amendment, but I would give a very strong guess that they would be in support of ensuring that Albertans don't on a whim give away their rights and property without getting proper, qualified legal advice. As such, given the, I would say, common-sense amendment that's being put forward, I would support that amendment as well.

Thank you, Mr. Chair.

**The Chair:** Are there other speakers to the bill?

Seeing none, are you ready for the question?

**Hon. Members:** Question.

[The clauses of Bill 38 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.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I would move that the committee now rise and report bills 35, 37, and 38.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Calgary-East.

**Mr. Amery:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 35, Bill 37, and Bill 38. 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 Assembly concur in the report?

**Hon. Members:** Concur.

**The Deputy Speaker:** Opposed? So ordered.

The hon. Government House Leader.

**Mr. Hancock:** In light of the hour, Mr. Speaker, I would move that we adjourn until 7:30 p.m.

[Motion carried; the Assembly adjourned at 5:53 p.m.]

## Table of Contents

Prayers .....	2963
Introduction of Guests .....	2963
Members' Statements	
Opposition Parties' Role .....	2964
Athabasca River Containment Pond Spill .....	2964
Aboriginal Peoples of Alberta .....	2965
Right from the Start Mental Health Program .....	2965
International Investment .....	2975
Emergency Medical Services in Southern Alberta .....	2975
Statement by the Speaker	
Respecting Officers of the Legislature, Challenging the Chair .....	2965
Oral Question Period	
Oral Question Period Practices .....	2966
Building Alberta Plan Advertising .....	2967
Flood Hazard Caveats on Land Titles .....	2967
Family Care Clinics .....	2968
Athabasca River Containment Pond Spill .....	2968, 2971
Highway Safety .....	2969
Ethics Commissioner Selection Process .....	2969
AISH Applications .....	2970
Health Services Financial Administration .....	2971
Homelessness in Winter .....	2972
Road Construction Priorities .....	2972
Calgary Southeast Ring Road Contract .....	2973
Southern Alberta School Capacity Issues .....	2973
Regional Cancer Centres .....	2974
Rural Ambulance Dispatch Service .....	2974
Presenting Reports by Standing and Special Committees .....	2976
Notices of Motions .....	2976
Introduction of Bills	
Bill 44 Notaries and Commissioners Act .....	2976
Bill 209 Severance and Bonus Limitation Statutes Amendment Act, 2013 .....	2976
Tabling Returns and Reports .....	2976
Tablings to the Clerk .....	2977
Orders of the Day .....	2981
Government Bills and Orders	
Second Reading	
Bill 33 Tobacco Reduction Amendment Act, 2013 .....	2981
Bill 39 Enhancing Consumer Protection in Auto Insurance Act .....	2987
Bill 40 Settlement of International Investment Disputes Act .....	2990
Committee of the Whole	
Bill 35 Financial Administration Amendment Act, 2013 .....	2993
Bill 37 Statutes Repeal Act .....	2993
Bill 38 Statutes Amendment Act, 2013, No. 2 .....	2996

If your address is incorrect, please clip on the dotted line, make any changes, and return to the address listed below. To facilitate the update, please attach the last mailing label along with your account number.

Subscriptions  
Legislative Assembly Office  
1001 Legislature Annex  
9718 – 107 Street  
EDMONTON, AB T5K 1E4

.....

Last mailing label:

Account # \_\_\_\_\_

New information:

Name:

Address:

.....

Subscription information:

Annual subscriptions to the paper copy of *Alberta Hansard* (including annual index) are \$127.50 including GST if mailed once a week or \$94.92 including GST if picked up at the subscription address below or if mailed through the provincial government interdepartmental mail system. Bound volumes are \$121.70 including GST if mailed. Cheques should be made payable to the Minister of Finance.

Price per issue is \$0.75 including GST.

Online access to *Alberta Hansard* is available through the Internet at [www.assembly.ab.ca](http://www.assembly.ab.ca)

Subscription inquiries:

Subscriptions  
Legislative Assembly Office  
1001 Legislature Annex  
9718 – 107 St.  
EDMONTON, AB T5K 1E4  
Telephone: 780.427.1302

Other inquiries:

Managing Editor  
*Alberta Hansard*  
1001 Legislature Annex  
9718 – 107 St.  
EDMONTON, AB T5K 1E4  
Telephone: 780.427.1875