



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Wednesday afternoon, December 4, 2013

Issue 78a

The Honourable Gene Zwozdesky, Speaker

**Legislative Assembly of Alberta**  
**The 28th Legislature**

First Session

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Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees  
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

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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),  
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Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)  
Calahasen, Pearl, Lesser Slave Lake (PC)  
Campbell, Hon. Robin, West Yellowhead (PC),  
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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  
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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)  
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Kang, Darshan S., Calgary-McCall (AL),  
    Liberal Opposition Whip

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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)  
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Mason, Brian, Edmonton-Highlands-Norwood (ND),  
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Notley, Rachel, Edmonton-Strathcona (ND),  
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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)  
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    Premier  
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Sandhu, Peter, Edmonton-Manning (Ind)  
Sarich, Janice, Edmonton-Decore (PC)  
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),  
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Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)  
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    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)  
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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

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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
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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
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Dave Rodney	Associate Minister of Wellness
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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

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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 Ethics Commissioner 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

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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

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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

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

## Legislative Assembly of Alberta

1:30 p.m.

Wednesday, December 4, 2013

[The Speaker in the chair]

### Prayers

**The Speaker:** Hon. members, let us pray. As we head into the festive season, let our minds be filled with thoughts of caring, of sharing, and of giving, and let our hearts be filled with that special spirit of Christmas. Amen.

Please be seated.

### Introduction of Visitors

**Mr. J. Johnson:** Mr. Speaker, on behalf of the Minister of International and Intergovernmental Relations I rise to introduce to you and through you to members of this Assembly His Excellency Carlos Gómez-Mugica Sanz. Since his appointment as the ambassador of Spain to Canada, he has been instrumental in strengthening the ties between our two regions. Last year he visited schools in Calgary and treated students and teachers to an enriching and memorable experience. Earlier today His Excellency signed a memorandum of understanding with the government of Alberta, which we're all proud of. This MOU reaffirmed our commitment to continuing a partnership that has supported the growth and enhancement of Spanish language and cultural programs in Alberta's schools. I can tell you that we certainly enjoy the opportunity to exchange information and ideas with him on his visits, and we look forward to a continued and strong relationship with Spain.

Accompanying His Excellency today are the honorary consul of Spain in Edmonton, Mr. Benjamin Garcia, and Ms Melissa Valdés Vázquez, an employee of the Spanish government who works on secondment in Alberta Education as a resource to all of our schools wanting to implement Spanish language programs.

Mr. Speaker, I'd ask that our honoured guests, seated in the Speaker's gallery, please rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Deputy Premier.

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. It's an honour today, indeed, to present to you a couple of diplomats from a country that is the origin of some of Canada's best politicians. One is Ambassador Marcin Bosacki, who was presented by the Foreign Affairs minister, Minister Sikorski, to our Governor General of Canada as ambassador extraordinary – and you all will have guessed – of the Republic of Poland. Ambassador Bosacki has been awarded the bene merito distinction and has served in many capacities for the Polish government and for the European Union, among others, during the Polish presidency of the European Union, the communications branch. He has also been very much involved in the efforts to build the EU's most recent budget and also in the matters of the Arab Spring. I would ask the ambassador to rise. Also accompanying him today, well known to us, is John Szumlas, who is the honorary consul of the Republic of Poland. Welcome to both of you.

### Introduction of Guests

**The Speaker:** Let us begin with school groups. The Minister of Human Services, followed by Calgary-East.

**Mr. Hancock:** Thank you, Mr. Speaker. It is indeed a pleasure for me today to introduce to you and through you to the members of this Assembly 64 enthusiastic, bright, and inquisitive students from St. Mary elementary school, located in my constituency of Edmonton-Whitemud. I know that they are the best and the brightest of students that we have across the province, and I have that on good authority. Don't take my word for it. The Member for Edmonton-Gold Bar attended to speak to their grade 6 classes about a month ago. Now, I'm not sure why the Member for Edmonton-Gold Bar was invited to speak instead of me, but it might be because they've heard from me often enough. In any event, accompanying the students are their teachers Thérèse Coates, Tracee Laba, Julie Valdez along with parent helpers Stacey Dej, Christine Scheelar, Elaine Buma, Laurie-Ann Gratton, Sherry Comeau, Ermila Gantar, Alison Hughes, Mark Stratton, and Sheree Mireau.

Mr. Speaker, I just want to add that this Children First pin that I wear was given to me by the principals of St. Mary school the day I was sworn in as Minister of Education some years ago. So I have a special place in my heart for St. Mary school.

Among their group is Sophie. Sophie is here today as a student from St. Mary school. She is the granddaughter of former Lieutenant Governor Peter Liba from the province of Manitoba.

I'd ask all of my guests to please rise and receive the traditional warm and enthusiastic welcome of the Assembly.

**The Speaker:** The hon. Member for Calgary-East, followed by Edmonton-Calder.

**Mr. Amery:** Well, thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly 45 grade 9 students and three adults from the Almadina Language Charter Academy. Almadina charter academy has two campuses. One is located in my constituency, and the other is located in the constituency of Calgary-Fort. Almadina charter school is home to students from 34 different countries from around the globe and also home to about 1,100 students right now. They want the hon. Minister of Education to hear that this school has a waiting list of about 650 students. The students are accompanied by Mr. Rabih El-Masri, teacher; Kristine Dupuis, student teacher; and Sara Bhaye, volunteer. They are seated in the public gallery. I would ask them to rise and receive the traditional warm welcome of the Assembly.

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

**Mr. Bilous:** Yes, Mr. Speaker. I rise to introduce to you and through you to all members of the Assembly my former students from Inner City high school, that I'm introducing on behalf of the Member for Edmonton-Calder. This is an incredible group of bright young people who have been given an opportunity to finish their high school. I just want to say that these are some of the most resilient young people you will ever meet. I'm honoured very much to have them join us in the Assembly. I'll ask them to rise as I say their names. They're here with their teacher Dan Scratch. There is Morgan, Donavin, Frank, and Won Joon.

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

Seeing none, let's move on to other guests, beginning with the President of Treasury Board.

**Mr. Horner:** Thank you, Mr. Speaker. It's an honour to introduce to you and through you to the members of the Assembly Rene and Karen Command and daughters Charlotte and Sarah. I first met the Command family at the Parkland children's Christmas party,

that we've both been a part of since its inception in 2001. Charlotte and Sarah have also sung for quite a few of my constituency events and have been quite a hit, such a hit that it was my honour to invite the girls to be the youth representatives from the area who travelled to Calgary to meet the Duke and Duchess of Cambridge in July 2011.

Charlotte and Sarah have quite a resumé of their own as local entertainers. A few highlights of their career: they're recent winners of the John Lennon NAMM Songwriting Contest for a song about Alberta – Mr. Speaker, they'll be in L.A. this coming January 24 – winners of the rising star award in Edmonton; winners of the Safe and Caring community Heroes award; were showcased at the *Canadian Country Music Association Awards* in both 2012 and 2013, Folk Alliance International, a number of Sundance Film Fests, the *MTV Movie Awards* and celebrity slam-dance; had three shows at the famed Bluebird Cafe in Nashville. They're currently in a partnership with the RCMP – that includes a video featuring their original song, *Something to Live For*, that will be shown to schools across Canada, with proceeds going to the Kids Help Phone; they're still looking for a large corporate donor there – as well as a partnership with the Stollery children's hospital.

Mr. Speaker, it's obvious that these young ladies make their parents very proud, their community very proud, their province very proud, and I'm proud to be their MLA. They are seated in the public gallery this afternoon. I would ask for Karen to give us a wave and for Sarah, Charlotte, and Rene to stand and for us to give them the warm welcome of this Assembly.

1:40

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

**Mr. Drysdale:** Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Assembly representatives from Seven Generations Energy, which is a private oil and gas developer based in Calgary who is investing in a large development in my constituency. Pat Carlson, CEO, who is now a constituent of mine, is here today with the VP of geology and stakeholder relations, Steve Haysom, and the VP of land, Susan Targett. They are in Edmonton today for meetings. They are seated in the members' gallery, and I'd ask them to stand and receive the warm welcome of this Assembly.

**The Speaker:** The hon. Member for Edmonton-Meadowlark, 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 a wonderful, caring group of nurses, many from the Royal Alexandra hospital. In fact, I refer to them as the angels of health care. They are UNA president Heather Smith, Monique Corbiere-Nangunda, Wendy Hui, Sheena Lukacs, Christel Shipton, Nichole Batienco, Guida Morais, Tracy Cox, Lonnee Rousseau, Rochelle Walker, Donna Fayant, Adele Wardley, and Donna Schluchter.

Now, they are here for two reasons, Mr. Speaker, really, to educate us about patient safety and respect. Their concerns are with this health care workforce transformation project, that reduces the number of nurses at a time when patient care is so complex and of high needs. They're concerned that it's putting patient safety at risk. They are also concerned that the over-capacity protocols that spread the wards of the hospital with sick, infected people are also putting patient safety at risk. They are also educating us about respect. It's not necessary to treat front-line public servants in a bad fashion by passing bills 45 and 46. They are asking all members of the government to vote against

bills 45 and 46. I would ask everyone to welcome them, thank them, and give them the warm welcome of this Assembly.

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

**Mr. Dorward:** Thank you, Mr. Speaker. It's my pleasure to rise and introduce to you and through you to all members of the Assembly a new member of our caucus staff, Jeffrey Behrens. Jeff is originally from Edson, a small-town boy come to the big city, in the West Yellowhead constituency, but he and his wife, Chantelle, now call Edmonton their home. Jeff is a graduate of political science from the University of Alberta and has a master's degree in comparative politics, specializing in constitutional engineering, from Queen's University. I'd now ask that he rise and receive the cordial welcome of this Assembly.

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

**Mr. Bilous:** Well, thank you very much, Mr. Speaker. It's my honour to rise and introduce to you and through you to all members of the Assembly my guests from the Piikani Nation. With me today – and I want to say that I'm thankful that they made the drive up here – are three council members: Angela Grier, Kyle Grier, and Serene Weasel Traveller. I do want to mention as well that their acting chief, Clayton Small Legs, was supposed to join us but, unfortunately, ended up in a car accident on the way to the Alberta Legislature. Thankfully, he is okay, although the car is quite damaged. He wasn't able to join us, but I want to thank these council members for meeting with me today, and I look forward to an ongoing dialogue with them.

Thank you very much.

**The Speaker:** The hon. Member for Edmonton-South West, followed by Dunvegan-Central Peace-Notley.

**Mr. Jeneroux:** Mr. Speaker, I am eagerly awaiting their arrival, but alas they're not here yet.

**The Speaker:** Thank you.

The hon. Member for Dunvegan-Central Peace-Notley, followed by Edmonton-Calder.

**Mr. Goudreau:** Well, thank you, Mr. Speaker. I rarely get to introduce individuals from my constituency, but today it's my great pleasure to introduce to you and through you to the members of this Assembly a great friend of mine, Mr. Dave Lilienskold. Mr. Lilienskold is a tremendous volunteer, a superb campaigner, and a wonderful board member of our PC association. He's in the members' gallery, and I would ask him to rise and receive the traditional warm welcome of the Assembly.

**The Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Well, thank you, Mr. Speaker. Today I'm very pleased to introduce to you and through you to the Assembly my guests, who are representatives of the United Nurses of Alberta. My guests, who are all registered nurses, are here today because of their grave concerns about Alberta Health Services' plan to eliminate nearly 200 full-time nursing positions here in the province. My guests are also very concerned about Bill 45 and Bill 46. I would ask my guests to please rise as I call their names, and we'll give them the warm traditional welcome. I have Heidi Gould, Sheila Dorscheid, Alan Besecker, Claire Galoska, Daphne Wallace, Bev Dick, and Colleen Adams.

**The Speaker:** Edmonton-South West, your guests have now arrived. Would you like to introduce them?

**Mr. Jeneroux:** Yes, Mr. Speaker. I'm pleased to introduce to you and through you to all members of the Assembly two active community members in my constituency of Edmonton-South West that are here today to see their hard work of gathering signatures in support of more schools for Edmonton-South West come to light. My first guest is a wonderful mother and active volunteer with Bessie Nichols school and has a very successful day job as executive director of pharmaceutical funding and guidance with Alberta Health Services. With her is another outstanding mother who is hard at work with young children at home and is an active volunteer in her community. As a Bessie Nichols school council member she has been instrumental in exploring options and sharing the concerns of parents in regard to enrolment pressures we see in Edmonton-South West, which I will be presenting a petition on today at the appropriate time. I'd ask that my guests, Mrs. Michele Evans and Mrs. Colleen Kellner, please rise and receive the traditional welcome of the Assembly.

### Members' Statements

#### Information Requests under the FOIP Act

**Mr. Saskiw:** Alberta is the only jurisdiction in Canada where MLAs cannot ask questions about the ethics or scandals of this government if the matter is before the Ethics Commissioner. I won't go into why this is an affront to basic democratic principles but, instead, will focus my comments on a new development today regarding political interference in freedom of information laws.

There is a truism in life and politics: it is not the original wrongdoing that will sink you; it is the cover-up. In question period we asked for information regarding the awarding of a multibillion-dollar contract. We've asked the Premier, we've asked the Justice minister, and both have refused to disclose the information. So we FOIPed it. We FOIPed all records and correspondence related to the contract tendering, selection process, and request for proposals. Alberta Justice has returned that FOIP, Mr. Speaker, with 1,000 pages, including all relevant information blacked out under very weak pretenses.

Today, Mr. Speaker, beyond that secrecy, we learned of direct political interference in the process. The FOIP manager sent an e-mail to the personal chief of staff and political confidant of the Justice minister and asked this question: "Is it okay to go ahead with our planned release of records regarding the requests for information regarding the selection and proposals related to the tobacco recovery lawyer initiative?" Yes, an independent officer is asking permission from the Justice minister's personal chief of staff. The response from the political staff was, "You bet." In other words, it's good to go.

So here we are, Mr. Speaker. We have over 1,000 pages of blacked-out documents from the Minister of Justice and now know that the political arm of the Justice department was directly involved in what documents were released and what documents were hidden.

Political interference is serious. A political cover-up involving the Premier is even worse.

Thank you, Mr. Speaker.

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

### Labour Legislation

**Mr. Mason:** Thank you very much, Mr. Speaker. Mahatma Gandhi said, "Civil disobedience is the assertion of a right which law should give but which it denies." Martin Luther King Jr. said:

An individual who breaks a law that conscience tells him is unjust, and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice, is in reality expressing the highest respect for the law.

While illegal strikes could be avoided if labour laws were balanced and fair to all, they're actually responsible for much of our social progress. Some of the things that illegal strikes have done include ensuring safety standards and the right of people to refuse unsafe work. They brought in the five-day work week, Mr. Speaker. Illegal strikes gave us the minimum wage.

Decades ago this government made it illegal for their employees to strike. Now they're acting to make it illegal for the same workers to even talk about striking. Bills 45 and 46 will likely pass this Assembly today as a result of the government's imposition of closure. After today, as *Calgary Herald* columnist Don Braid wrote, "talking is now pretty much illegal."

In our Charter of Rights and Freedoms we have the right to freedom of speech and freedom of association, and we won't allow this government to take those rights away from us regardless of the laws this government rams through this Assembly. Speaking about workplace health and safety, standing up to say that workers deserve a fair deal, or refusing unsafe work cannot and must not be illegal.

The New Democrats have fought these bills tooth and nail, but this fight is not over, Mr. Speaker. We believe that these laws are fundamentally unjust, and our opposition will continue long after they've been passed into law by this antiworker government.

Thank you, Mr. Speaker.

1:50

### Oral Question Period

**The Speaker:** The hon. Leader of the Official Opposition for your first main set of questions.

#### Information Requests on Contracted Legal Services

**Ms Smith:** Mr. Speaker, we expect the Ethics Commissioner to rule on Tobaccogate shortly. My question involves another related but separate issue. The Wildrose had requested a copy of the actual litigation contract between the government and JSS, the law firm of the Premier's close friend Mr. Robert Hawkes. The Justice department has refused to share that contract with us, and perhaps we now know why. We just received a letter from the FOIP commissioner advising us that they can't help us because the very law firm that is under investigation also represents the FOIP office. To the Premier: when did she know this was the case?

**Mr. Lukaszuk:** Well, Mr. Speaker, it is quite ironic that the very party that I believe yesterday in question period was asking for an independent seniors' advocate commissioner of this Legislative Assembly now undermines another independent officer of this Assembly before they even had a chance to read a report, before they even had a chance to review documents. There is nothing unusual. All offices of the government are represented by either – they can't be represented by Justice because it would be a conflict, so they have independent legal advisers. But there are ways of dealing with those conflicts.

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

**Ms Smith:** Mr. Speaker, we're not maligning the office; we're asking for information from this government. The office has been actually quite forthright with us.

Now that we know that this conflict of interest goes very deep, the Premier has the power to direct her Justice minister to do the right thing and to release all of the documents that have been requested by Wildrose on this file. Will she instruct the Justice minister to release all of the documents related to this file immediately?

**Mr. Lukaszuk:** Mr. Speaker, we have full confidence in the FOIP commissioner, and the FOIP commissioner has a number of choices at the office's disposal. They can, if they choose, retain another firm that they perceive would not have a conflict. There is also a known procedure within the legal community of setting up Chinese walls, as they're called, of separating a law firm, making sure there is no conflict. But the fact of the matter is that you would not want the Department of Justice advising an independent officer of this Legislature. That would be a conflict. What they can do is that they can retain additional counsel if they wish, but they will make an independent decision of this Legislature.

**Ms Smith:** There is actually another option, Mr. Speaker. They could just release the information.

I have to wonder how it is that this Premier could think that the Ethics Commissioner can undertake a thorough review of this matter if no one but the Premier can even have access to the very contract that is the subject of this investigation. To the Premier: why will she not release these documents? What has she got to hide?

**Mr. Lukaszuk:** Mr. Speaker, the Privacy Commissioner will release what can be released. As you know, there is always a balance between protection of privacy and access to information. Those are not arbitrary decisions made by the Premier, myself, or any cabinet minister. Those are decisions that are under the scrutiny of an information officer. That information officer, who is independent, will make that decision and provide them with whatever information can be provided. But if you're going to ask for the independence of one officer, I would suggest to please respect the independence of all officers of this Legislative Assembly.

**The Speaker:** Second main set of questions, Official Opposition leader.

**Ms Smith:** So we can't have political interference with independent officers. That's what the Deputy Premier just said.

There's a little more to this case. The Premier has said, quote: no politician is involved in decisions to release freedom of information requests. However, on September 4, 2012, the Justice minister's chief of staff, Mat Stepan, was asked for his permission to release certain documents relating to Tobaccogate. Mr. Stepan's response was, "You bet." To the Premier: why is the Justice minister's top political staffer deciding if and when documents get released? I thought politicians were . . .

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

**Mr. Denis:** Mr. Speaker, I don't get involved in the FOIP process. In fact, I never have. If the Leader of the Opposition had enough time to actually go and read the e-mail, she would know that there was no political interference from my office. We don't know why the department sent us that particular item, but regardless, even

the fact that that e-mail was disclosed shows again that there was no political interference from my office whatsoever.

**Ms Smith:** I beg to differ, Mr. Speaker.

It appears that the Premier is mistaken. She also said this: it is not for me to step in to release a document or to not release a document. The Stepan e-mail proves beyond a doubt that politicians, in fact, do step in. Not only does this run contrary to what the Premier has said; it raises all sorts of concerns about political interference in the release of information to the public. To the Premier: just how widespread is this practice of top ministerial aides authorizing the release of public information?

**Mr. Lukaszuk:** Mr. Speaker, that member is no longer a rookie, so she should know better than that. She should know that at the end of the day every minister is the custodian of information, any and all information that is within that particular ministry. However, what we have done not to politicize the process is that we have subrogated the decision-making process of what is and what isn't going to be released to an individual within the bureaucracy of our ministry, and that decision is further scrutinized by the independent Privacy Commissioner. If she doesn't like that system, I don't know how less political you can make it.

**Ms Smith:** Mr. Speaker, I can't believe that the government can't see how problematic this e-mail is.

Wildrose alone has filed hundreds of information requests over the last few years. Media outlets are constantly seeking information through the process as well. If the Premier is to be believed, if the Deputy Premier is to be believed, there is an independent, nonpolitical process for the release of information, but the Stepan e-mail shreds that claim to pieces. To the Premier: what is she going to do to fix this?

**Mr. Lukaszuk:** Mr. Speaker, I do not doubt that this whole concept is problematic to that particular member. Why? Because she simply doesn't understand how the process works. [interjections] But if she only spent a minute and realized it, ministers are the custodians of the information that is shared with government, but for purposes of releasing or not releasing that information, that decision is deferred to our bureaucracy, which is further overlooked by an independent officer of this Legislative Assembly. [interjections]

**The Speaker:** Leader of the Official Opposition. Third main set of questions.

We could do without the interjections, please.

**Ms Smith:** So I guess there is political interference in the process after all, Mr. Speaker.

#### Disaster Recovery Program Payments

**Ms Smith:** Yesterday we learned that the PC-Party-coloured roadside campaign was the Premier's idea and that her top staff member told the ministries to do it in seven to 14 days. Apparently they wanted everyone to know about their commitment to rebuilding, but the rebuilding itself has been painfully slow. The Premier trumpeted that everyone who lost a home would get a \$10,000 initial disaster recovery payment. That hasn't happened. Most applicants haven't seen a penny. To the Premier: will she instruct Darren Cunningham to write a snarky e-mail to LandLink so that flooded residents can get their funds?



**Mr. Lukaszuk:** Well, Mr. Speaker, we won't be doing that, but we will be asking Mr. Cunningham to write a snotty letter to Santa Claus because apparently the Legislative Assembly Office has distributed phenomenal Christmas cards printed by the opposition, but look at this, Wildrose Christmas cards. The fact is that this opposition is looking for a problem where there isn't one. The fact is that the signage that is being released is simply appropriate and within the policies of government for decades.

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

**Ms Smith:** For the record, Mr. Speaker, we paid for those with party funds. That's what we're asking . . . [interjections]

Mr. Speaker, the Transportation minister defended the rush to put up the PC-coloured signs saying: we're going to cut red tape; we're not going to wait for process; we'll catch up with the paperwork later. However, that's a privilege that more than 6,000 families don't have. They're tied up in red tape. They have to do paperwork over and over again because LandLink keeps losing it. Unlike the sign builders, they haven't got any money. To the Premier: why won't she get the special blue-and-orange sign approval process . . .

**The Speaker:** The hon. Deputy Premier.

**Mr. Lukaszuk:** They may have paid for the printing of those propaganda cards with party money, but they're using the LAO distribution for distributing them. [interjections]

Mr. Speaker, the fact is that Albertans want to know where we're building schools for our children, where we're building hospitals for our patients, and where we're building seniors' homes for our seniors. [interjections] Part of rebuilding Alberta after a disaster is rebuilding the confidence and the morale in that part of the province, and those signs are addressing exactly that.

2:00

**The Speaker:** Hon. members, I've asked once politely. I'm going to ask again. Please, enough of the interjections already. Let's cut them out. Let's get on. These are serious questions. We're hoping for serious answers.

Let's get on with the final supplemental from the Official Opposition leader.

**Ms Smith:** Mr. Speaker, it is quite ironic that the \$6,000 cost for each of these blue-and-orange signs is almost the exact same amount as the average DRP payment made so far. LandLink has messed up the paperwork. Homeowners wait months and months for DRP visits that are cancelled over and over again. LandLink engineers recommend impossible repairs. Hardly any money has flowed. To the Premier: why won't she use the special blue-and-orange sign approval process to get the disaster recovery money flowing?

**Mr. Fraser:** Mr. Speaker, 4,000 payments have been made to those homeowners at \$25 million. The building Alberta signs have been helpful in putting High River back together. In fact, they've been part of a communications plan to help bring back confidence to the town. You know what? That's the overall cost of this expense, and that's a quote from the mayor of High River. He appreciates those signs; in fact, they're actually going to put their signs up because they believe that's part of rebuilding Alberta's confidence after the worst disaster. That's leadership. That's what we're doing.

**The Speaker:** Hon. Member for Lac La Biche-St. Paul-Two Hills, we have your point of order at 1:59, and we also have noted the point of order right in the first set of questions as well.

Let us move on to the hon. Member for Edmonton-Meadowlark, the Alberta Liberal leader, with some peace, order, decorum, and civility.

### Government Policies

**Dr. Sherman:** Thank you, Mr. Speaker. Let's talk about the Premier's promises. She promised 140 family care clinics. She only opened three and announced 24. She promised to build 50 new schools and modernize another 70. Instead, we got some portables. She promised more funding for postsecondary education. Instead, she slashed it. She promised a thousand long-term care beds. Instead, she is cutting them. I could go on, but the bottom line is that this Premier has run out of promises. To the Premier: are you beginning to understand why so many people mistrust you and your government?

**Mr. Lukaszuk:** Mr. Speaker, in the last election Albertans made a very clear choice. [interjection] The choice was to provide our children with badly needed classroom space not only in Edmonton and Calgary but throughout all of Alberta. They made a choice to build hospitals where patients actually are so they can go for their medical treatment closer to home. [interjection] They made a choice to build seniors' facilities that allow our seniors to retire in dignity near their homes. [interjections] Those are the choices that Albertans have made. We are delivering on those choices, and they don't like that.

### Speaker's Ruling Decorum

**The Speaker:** Hon. members, let me make it very clear. If I hear too much of this interjection stuff, you're going to lose your spots. End of story. That's going to be it. The same goes for the Liberals, the same goes for the ND, and the same goes for private members on the government side. I've had enough. How many times do you have to be asked? Do you literally have to be scolded like schoolchildren about this? Hopefully not. But I'll do whatever I have to do to maintain order, civility, and decorum in this House. You can count on it. I will cancel your spot. I may cancel the rest of question period if I have to, but I will not put up with this tomfoolery. No more, please.

Let us go on. Edmonton-Meadowlark, you have the first sup.

### Government Policies (continued)

**Dr. Sherman:** Thank you, Mr. Speaker. Obviously, the Premier has no answer for my questions.

Besides the string of broken promises another hallmark of this Premier is her draconian and heavy-handed, imperious style. She's introduced legislation that would give her government the power to fire, fine, and jail democratically elected municipal officials who disagree with her, take away the long-established arbitration rights for public service government workers, and attack free speech rights of Albertans. Again, I could go on. To the Premier: why have you taken the joke that Canada has elected dictators so literally? Who will the government put in jail when all the workers are gone?

**Mr. Lukaszuk:** Mr. Speaker, I really hesitate to even answer whatever this was. It definitely wasn't an appropriate question for

this House. I can tell you one thing. In this province Albertans pride themselves on the fact that they can be politically engaged at the grassroots level in any political party. They pride themselves on the fact that they can freely vote in every single election. [interjection] They pride themselves on the fact that they can sit in the galleries and observe the procedures of this House, and they pride themselves on the fact that they elect a government that represents their values, and here is . . .

**The Speaker:** The hon. member. Final supplemental.

**Dr. Sherman:** Mr. Speaker, let's continue. Some of the results of this Premier's reign: ambulances not showing up on time in life-or-death situations, people with broken bones waiting days and days in agony for surgery in overcrowded hospitals filled with infections, public schools being gutted, a thousand fewer teachers at a time when we have 50,000 new children in the system, far too many seniors getting bedsores from neglect in long-term care facilities, home-care workers not even showing up, and, finally, the cover-up of the heartbreaking deaths of the children in care. To the Premier. Even the Grinch had a change of heart at Christmas. Why are you so indifferent to the suffering of people?

**Mr. Lukaszuk:** Well, Mr. Speaker, it must feel like a reign when every four years you're told by Albertans over and over again that your party's values are not reflective of what Albertans' values are. [interjection] That is why they continue to elect this government. They do have confidence that this government will deliver on what Albertans' priorities are. We have, and we will. You know what? They don't like that.

**The Speaker:** I'm trying to get the attention of Edmonton-Centre.

**Ms Blakeman:** Yes, sir.

**The Speaker:** We wouldn't mind an apology later. No more interjections. You heard me.

Let's move on. First main set of questions, Edmonton-Highlands-Norwood. You have the floor.

**Ms Blakeman:** No. Excuse me. No. I'm not going to do that. It's part of the give-and-take of this House. You can ignore me . . . [interjections] It's part of the give-and-take of this House. I won't be bullied by you, the Speaker, telling me what I can and can't do in this House. [interjections]

**The Speaker:** Hon. Member for Edmonton-Centre, nobody is bullying anybody. There are rules in this House. You are no stranger to them. You helped create some of them.

**Ms Blakeman:** I am, sir. I am no stranger to this, and that's why I'm challenging you.

**The Speaker:** I am not going to stand here and have you be in contempt of this chair or of the Legislature, so please have a seat.

**Ms Blakeman:** You cannot make us sit here with our hands in our laps like children. We are not children. We are elected people, and we have a right to yell at each other if we want. Yes, we do. We need to keep decorum, we need to be polite about it, but it's a give-and-take in this Assembly.

**The Speaker:** Hon. member, you have a choice to either sit down or be escorted out.

**Ms Blakeman:** I'm happy to sit.

**The Speaker:** Okay. Thank you for sitting.

### **Speaker's Ruling Rules and Practices of the Assembly**

**The Speaker:** Now, let us be reminded that there are rules, there are conventions, and there are protocols, which I have brought to your attention many, many times. I am tired of bringing them to your attention time after time after time. I'm going to review what you just said, Edmonton-Centre, and then we'll decide what to do about that, okay?

**Ms Blakeman:** Okay.

**The Speaker:** I want to just see what *Hansard* picked up.

**Ms Blakeman:** Okay.

**The Speaker:** I also want to see what *Hansard* picked up when some other members were answering questions. The microphones were on and references were made that might be against the rules as well. I'm going to review all of that. They didn't escape my ears either.

Now, I recognize that session is wrapping up in a couple of days. I understand that. I understand you're all trying to get your licks and bits and pieces in. I get that. I've been there myself a few times. But there are rules with how you do all of those things. Let's see how they are demonstrated by the hon. leader of the ND opposition with his questions.

### **Private Health Services Delivery**

**Mr. Mason:** Thank you very much. With respect, Mr. Speaker, there is no rule in this House or in the British parliamentary system against interjections.

Whenever Alberta's NDP challenges the health care privatization of the Health minister, he responds by claiming that our opposition is based on mere ideology. He ignores the fact that all reputable studies show that private health care delivery costs more and has worse outcomes. Now the minister's chickens are coming home to roost. Just yesterday he blamed one of his private companies for their inability to deliver home-care services to those that need them. Will the minister now admit that his . . .

**The Speaker:** Thirty-five seconds are up; I'm sorry. The Minister of Health.

**Mr. Horne:** Mr. Speaker, it's difficult for me to understand what this hon. member is getting at. What I've been saying and what I will continue to say on behalf of this government is that the bottom line in any circumstance in the delivery of health care is the quality of health care. We are indifferent to the quality provided by public and private and not-for-profit providers so long as all types of providers adhere to provincial standards, which are rigorously enforced. That is what creates a high-performing health system. That's what allows us to deliver health services to growing numbers of citizens.

**2:10**

**The Speaker:** The hon. member. First sup.

**Mr. Mason:** Thank you very much, Mr. Speaker. This minister's ideological commitment to privatizing our health care system is putting our seniors at risk. Seniors are dying in the care of companies who are more interested in profit than care. Seniors' care is chronically underfunded, and seniors are left lying in their

own waste. When will this minister admit that his underfunded privatized model for seniors in care is not working and take real measures to ensure the comfort and dignity of every senior in this province?

**Mr. Horne:** Mr. Speaker, every day in this province care of the highest quality, that would be the envy of many in this country, I dare say, is delivered to hundreds of thousands, if not millions, of Albertans. In any large system, in any system that is growing at the rate that Alberta is, there are bound to be issues on a day-to-day basis. The bottom line is that quality trumps all, that we have common standards that apply regardless of who the provider is in a given situation, that we monitor for compliance with those standards, that we report on that performance, and that we learn from it.

**Mr. Mason:** How many seniors are going to die in care while this minister learns his lessons?

Why doesn't this minister admit that these are not just rare and one-off occasions, that, in fact, all of our seniors' care in this province has serious problems mostly due to very short staffing? We've tabled in this House thousands and thousands of working short forms describing individual situations where seniors didn't get the care they needed. When will this minister take responsibility and actually do something?

**Mr. Horne:** Mr. Speaker, the hon. member can say what he likes. The fact of the matter is that we have strong provincial standards for quality in the province. We have challenges, as we have discussed in this House in the back and forth of question period, with respect to the increase in the number of residents with dementia and Alzheimer's disease and other ailments. We have acknowledged the fact that people enter facility-based care at an older age, 85 today in Alberta, and we have acknowledged that their health care demands are much more complex than they were even five years ago. We are taking the appropriate steps and adding capacity for additional beds. We are keeping up with staffing requirements, where we're . . .

**The Speaker:** Thank you.

Hon. Member for Edmonton-Highlands-Norwood, I'll bring you up to speed later about interjections that cause disorder and what prompts the Speaker's interventions. I did not interrupt your question, but I want you to know that I will comment on what the rules are of this House. I'm very acquainted with them as well.

Let's move on. No preambles now, starting with Edmonton-Manning, followed by Lac La Biche-St. Paul-Two Hills.

### Windbreaks along Highways

**Mr. Sandhu:** Thank you, Mr. Speaker. Alberta winters can be long and cold and bitter. Regular heavy snowfalls result in major drifts, poor visibility, and slippery conditions. The use of windbreaks would lower many of these risks, resulting in many saved Albertan lives and lower insurance costs. My first question is to the Minister of Transportation. Will you commit to build windbreaks along major highways such as the QE II and highways 28, 21, and 63?

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

**Mr. McIver:** Thank you, Mr. Speaker. I thank the hon. member for his concern for Albertans' safety and for the request that I think he just made of me to break wind. We use snow fences all across the province. We use them in dips and valleys where they

think they will be appropriate to create safety by stopping drifting on the roads. It's something we've been doing for a long time. We even use windbreaks in the form of snow fences on private land when we can get permission. If the hon. member has particular places where he thinks they need to be added, I would most certainly welcome that input.

**Mr. Sandhu:** My second question is to the same minister. How soon could this simple, environmentally friendly tree-planting project begin?

**Mr. McIver:** Well, Mr. Speaker, as I said, we use snow fences both on public land and private land. There are examples of it that the member can find along the Queen Elizabeth highway between Edmonton and Calgary. Again, he mentioned highways 28, 21, and 63. If the hon. member has other places where he thinks we need to do more of this work, whether it's on public or private land, again I'd ask him to draw that to my attention, and we will most certainly take those requests seriously because when we're building Alberta, the safety of Albertans is paramount.

**Mr. Sandhu:** My final question is to the Minister of Agriculture and Rural Development. Will you commit to working with the federal government to bring back the important prairie shelterbelt program, that shut down last spring, to help with the cost?

**Mr. Olson:** Mr. Speaker, I'm sorry; I may not have caught the first part of the question. But regarding the shelterbelt program, that, of course, is a federal program. We have certainly received some expressions of concern from a number of people. I've spoken to the federal minister about it, and he tells me that the shelterbelt program largely was not being used by agricultural producers, but it was being used by people on acreages and so on. So for the purposes of the federal program – I'm hesitant to speak on behalf of the federal government, but that's the explanation I've received, and that's why they got rid of it.

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

The hon. Member for Lac La Biche-St. Paul-Two Hills, followed by Calgary-Bow.

### Information Requests on Contracted Legal Services (continued)

**Mr. Saskiw:** Thank you, Mr. Speaker. Albertans are eagerly anticipating the Ethics Commissioner's ruling into the actions of this Premier. We have recently learned that there has been political interference and a political cover-up. We filed a FOIP on this issue, and it was returned from Alberta Justice with 1,000 pages blocked out. To the Minister of Justice, a simple yes or no: does your chief of staff and close political confidant have to sign off on what information is disclosed?

**Mr. Denis:** No.

**The Speaker:** Thank you.  
First supplemental.

**Mr. Saskiw:** Well, thank you, Mr. Speaker. Given that the FOIP manager for Alberta Justice asked permission from your chief of staff to release information, would you agree that your office is providing political interference to protect this Premier and cover up the facts?

**Mr. Denis:** No.

**The Speaker:** Final sup.

**Mr. Saskiw:** Thank you, Mr. Speaker. I think those words speak really loudly.

Why are you purposely blocking and hiding this key information from the public? What facts are you covering up?

**Mr. Denis:** Mr. Speaker, this member isn't going to get off that easy the third time. The question that he asked could be the subject of a point of order under 23(h), (i), and (j) because it assumes many facts that are simply not in evidence. I do not direct anything to do with FOIP in my office. I've stated this before. If he would even read the particular e-mail, the e-mail in no way seeks to restrict any information out. We have no control of the e-mails we receive, but the e-mail went out, and there's absolutely nothing that the chief of staff has sought to destroy in any way.

**The Speaker:** The hon. Member for Calgary-Bow, followed by Chestermere-Rocky View.

### Dertour Academy 2013

**Ms DeLong:** Thank you very much, Mr. Speaker. While building Alberta, tourism has a vital role to play in showcasing Alberta's profile and appeal while broadening and diversifying our economy. This week 600 travel agents and journalists from Germany are in Alberta as part of the Dertour Academy, so my question is to the Minister of Tourism, Parks and Recreation. In this current climate of fiscal restraint why are we rolling out the carpet for these travel agents?

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

**Dr. Starke:** Well, thank you, Mr. Speaker, and I thank the hon. member for her question. Dertour is Germany's number one tour provider, and every year they host the Dertour Academy. They've been doing this for 40 years. For the first time ever Alberta is hosting the Dertour Academy, and we will have 600 of the top travel agents in Germany visiting us. Now, Travel Alberta anticipates an at least 20 per cent increase in tourist traffic from Germany as a result of the Dertour Academy, with a resulting economic impact of some 16,000 additional visitors, creating \$16 million in increased economic activity.

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

**Ms DeLong:** Thank you very much, Mr. Speaker. As building Alberta is important, I am thrilled that my constituency is part of the two host communities, Calgary and Banff, but what about all the fantastic tourism locations in the rest of the province?

**Dr. Starke:** Mr. Speaker, there's no question that Alberta has a variety of fantastic tourist locations. Where these agents go is the decision of Dertour, and I will tell you that Dertour has chosen wisely. In addition to Calgary and Banff, they've chosen 19 additional locations within this province for the tour guides to go on familiarization tours both before and afterwards; for example, ice climbing in Canmore, snowshoeing in the Edmonton river valley, touring the Royal Tyrrell Museum in Drumheller, and sampling a wide range of Alberta-produced beverages and foods.

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

**Ms DeLong:** Thank you, Mr. Speaker, and again to the same minister: what did Travel Alberta have to promise to get this huge German organization to come to Alberta?

**Dr. Starke:** Well, Mr. Speaker, I will tell you that hosting Dertour is a very competitive process. This Premier and our government are committed to building Alberta by increasing our tourism industry from \$7.8 billion to \$10.3 billion by 2020, employing 139,000 people in 19,000 businesses, and providing \$1.15 billion in provincial tax revenues to provincial coffers. Winning the opportunity to host the Dertour Academy came about as a direct result of our attendance at the London Olympics. When we go abroad we get results, and we're . . .

**The Speaker:** The hon. Member for Chestermere-Rocky View, followed by Calgary-Buffalo.

2:20

### Education Performance Measures

**Mr. McAllister:** Mr. Speaker, the OECD just released its triennial report on education. It tested students from across the globe. As a country we have fallen behind, but as a province we have really hit the skids. Our grades are sliding. The Minister of Education was quick to blame teachers: oh, if they were only trained more. Now, I'm sure that teachers would approve of appropriate professional development – I know they would – but this government and this minister ought to accept the fact and recognize that larger class sizes, fewer teachers, and fewer resources are contributing to this as well. Does he realize that?

**Mr. J. Johnson:** Mr. Speaker, it sounds like another spending day from the Wildrose. I'm not sure where to begin with this question because there are so many inaccuracies about it. First of all, the assertion that I said that about teachers is completely inaccurate. The more alarming and the more concerning assertion is that our system is on the skids. It certainly is not. If the member would look at the OECD results, he would see that the results from Alberta and the results from Canada show that our kids are performing well above the OECD average on numeracy, on literacy, and on science. We're doing well, although there are areas that we need to look at, and we're paying very close attention to that.

**Mr. McAllister:** Mr. Speaker, Inspiring Education is upheld as some sort of crown jewel for Alberta Education, and there's a lot good about it. But I don't think a 32 per cent decline in mathematics is anything to beat your desks about, folks.

Given that a lot of parents are starting to refer to this government's education talk as edubabble, can the minister see from this obvious proof that all Inspiring Education is a lack of confidence and a lack of results inspired by this government?

**Mr. J. Johnson:** Mr. Speaker, I think this hon. member needs to do some math work. The test scores on the math did not drop by 30-some per cent. That's quite an astonishing claim, and I think he needs to do his homework. He's also misquoting me and others.

I would point to things that are easy to pick up on, and it's the article that was in the *Globe and Mail* two days ago by Andreas Schleicher, who is the guru of testing and who does these tests. He says, "Then you look across borders and you find that most high-performing education systems have quite large classes and focused their resources instead on the quality of teachers." So that's the OECD quote.

**Mr. McAllister:** Mr. Speaker, results matter. That is how life works.

Given that this government has made it very clear that it supports a no-zero policy and given that this government celebrates wanting to change the way that our kids are graded, taking away those

dreaded and offensive letter grades and percentages, when will the minister and his team realize what parents already know: there's a huge difference between preparing your kids for the path and preparing the path for your kids?

**Mr. J. Johnson:** Mr. Speaker, I've seen some of the members comments, and I think they're quite alarming. They're comments like: we need no transformation; our system is just fine the way it is. So the Wildrose doesn't support changes to PATs, they don't support dual crediting, they don't support these kinds of things that we're working on. I find that hard to believe.

Mr. Speaker, there's lots of great work being done, and it's being done because there were five years of dialogue done with Albertans, thousands of Albertans, numbers of professionals, employers. They all told us what path to go down. There's a blueprint that's been created very thoughtfully, very well-respected right across the globe, and we're heading down that path, and it's going to be the right thing to do.

**Mr. Hehr:** As noted, a major international report released by the OECD shows that Alberta educational performance in math, science, and reading is slipping at a faster rate than most other provinces. This report adds to the growing body of evidence that this government is failing our students. To the minister: is it not obvious that at least part of the reason why our test scores are going down is because our education system has 51,000 more students attending school than it did three years ago, with 1,000 fewer teachers teaching those students?

**Mr. J. Johnson:** Mr. Speaker, there are a number of things that we can point to in terms of the slide of our math scores, but I do want to emphasize that there are a couple of great things about the reports that came out. They do emphasize to parents that if you want to ask the questions, "Are our kids prepared? Are they able to compete with the skills they have in the global economy?" the answer is yes. We're performing extremely well in all three categories. The other thing is that Canada and Alberta have one of the most equitable education systems on the planet even though we have one of the most diverse student populations. It matters least where you live, who your parents are, how much money you have . . .

**The Speaker:** Hon. member, first supplemental.

**Mr. Hehr:** The facts and numbers don't lie. We now have two comprehensive international studies that indicate Alberta educational performance is on the decline. Could that be the case because Alberta has clearly walked away from the Alberta class size initiative of 2003 and now has children in classrooms bursting at the seams, some teachers having 40 kids in each room?

**Mr. J. Johnson:** Mr. Speaker, I say once again that we have an incredible education system in this province, and the OECD test results prove that. Certainly, we have some concern with the decline in math. There are steps being taken to address that. I would point out also, though, that many of the countries that we compare ourselves to regularly – like Finland, Australia, New Zealand – that are high-performing countries, have declined faster than we have, and the countries that are at the top in math are the Asian countries. There's work to be done, but let's not tear down our education system. We've got a fantastic system right now, and our kids are well prepared.

**Mr. Hehr:** Given that jurisdictions that are moving up in the rankings are those that have instituted early childhood learning

strategies like kindergarten and junior kindergarten and learn through play programs, why has this government broken the Premier's promise of funding full-day kindergarten across this province?

**Mr. J. Johnson:** Mr. Speaker, we're looking everywhere we can to gather best practices from other jurisdictions, including Quebec, that's instituted a lot of work on training teachers on math specialization so that they can increase their numeracy scores. We've got a commitment on early childhood development and full-day K. We're working on that.

I want to once again point out to the member some of the things that he seems to ignore out of the report, though. Once again, Andreas Schleicher saying:

High performers . . . [in this report] prioritize the quality of teachers over the size of classes. Think about it: In many countries, Canada included, significant resources have gone into making classes smaller. Parents like it, teachers like it, and ministers become very popular . . . But then you look across borders and you find that most high-performing education systems . . .

**The Speaker:** Hon. member, the time has expired.

### Public-service Contract Negotiations

**Mr. Bilous:** Mr. Speaker, this past week the PC government put the spotlight on its antidemocratic, regressive, and vindictive ideology. With bills 45 and 46 the PCs have launched a co-ordinated assault on the freedom of speech and right to assemble, things you just don't mess with in Alberta. This week you have fundamentally betrayed Albertans. To the Minister of Human Services: have you no shame?

**Mr. Hancock:** I guess one could respond to that with the question: have you no access to reality?

In this province, as the Deputy Premier just a few minutes ago outlined, we have access to free and open elections. We have access to the right to congregate, we have access to be able to speak our minds in appropriate ways and appropriate places, we have the opportunity to participate, and we have the opportunity to elect a democratically elected government, this government, which operates on the values of Albertans.

**Mr. Bilous:** Not after Bill 45 passes.

Mr. Speaker, given that 51,000 public-sector workers in B.C. just received a 5.5 per cent wage increase over five years and will receive bonuses if the economy continues to grow and given that here in Alberta, with inflation at 1.5 per cent, this PC government is forcing a rollback on the wages of 21,000 workers, to the minister: why are you intent on attacking Albertans?

**Mr. Horner:** Well, Mr. Speaker, that's a very interesting question because we're talking about an offer that was made and a counteroffer that was made in a negotiation in B.C. that came through a rather unique arrangement, one that would not have happened through an arbitration process. It happened through a negotiation process, and that's exactly what we're asking for now. We want them to come back to the table, with an offer if possible, because our offer is still on the table, which is a fairly reasonable offer.

**Mr. Bilous:** In B.C. they can still strike.

Given that this year the PCs doled out over \$3 million in bonuses to overpaid AHS executives and given that the Premier claims that people are pleased with rollbacks to the wages of hard-

working Albertans, to the Premier: how dare you reward your friends and then suggest that public-sector workers are pleased by your blatant hypocrisy.

2:30

**Mr. Lukaszuk:** Mr. Speaker, the facts are clear. There are still two months left for negotiation. The government has put an offer on the table for negotiation. All we are asking for at this point in time is for the AUPE to not block negotiation but to return to the table and negotiate. At this point in time it's impossible to predict what the outcome would be. However, in the meantime if that is not possible, we do have the responsibility of living within our means and making sure that our hard-working public servants are remunerated in a respectable manner.

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

### Alberta Health Services Executive Pay

**Mrs. Forsyth:** Thank you, Mr. Speaker. We all know that in June the Health minister fired the AHS Board. The tipping point was the fact that so many executives wanted to return their bonuses. According to the minister, the board told these kind-hearted execs that they had to keep their money, so the minister fired the board and said: I'm going to make sure they get the option not to take it. Well, today we learned that the minister overestimated the charity of these executives as only 1 out of 100 returned the money. Minister, were you misled by these executives? Who told you that they would return the money?

**Mr. Horne:** Well, Mr. Speaker, there certainly was an issue with respect to a compensation model at Alberta Health Services that allowed for pay at risk as opposed to the term "bonus," that the hon. member used. I'm proud of the fact that this government stood up not only within the public sector generally but within Alberta Health Services and said that there would be no more pay at risk as part of the compensation structure for senior executives. That is in keeping with Albertans' values.

**Mrs. Forsyth:** The only reason you're keeping with their values is because Albertans spoke up against it.

Minister, your reasons for firing the board are now unravelling. Given that the board refused to withhold performance bonuses and then so did the minister and given that the board couldn't get executives to return the money and then neither could the minister, can the minister please explain who's running the show?

**Mr. Horne:** Well, Mr. Speaker, the government of Alberta is providing direct oversight of the health care system in this province. That has always been the case. The members of the former board at Alberta Health Services, whom we thank for their service, I'm sure did their best in their role to try to move forward the goals that we have for the health care system and for the outcomes that we want to see for Albertans. Whether the issue was pay at risk or whether the issue is oversight in other very, very important areas like continuing care, the fact of the matter is that this Premier has stepped up, is providing the direct oversight that Albertans demand, and we are improving our health care system every day.

**Mrs. Forsyth:** Minister, it's a blame game. If you screw up, you blame AHS. If AHS screws up, you blame them, so please.

Thank you, Mr. Speaker. Given that only one single executive turned down their performance bonus while \$3 million was paid

out to the rest, where are all the others who told you that they desperately wanted to give the money back?

**Mr. Horne:** Well, Mr. Speaker, I will make no secret of the fact that I am disappointed that more of those senior executives did not see their way clear to avoid receipt of the pay-at-risk component, but notwithstanding the fact that not as many of them did make that choice, the fact is that today because of this Premier there is no more pay at risk at Alberta Health Services. There has been reform, significant reform, with respect to travel and hospitality and other expenses. This government has taken leadership in showing necessary restraint . . .

**The Speaker:** Thank you.

The hon. Member for Edmonton-Riverview, followed by Cypress-Medicine Hat.

### Mental Health Supports

**Mr. Young:** Thank you, Mr. Speaker. While postsecondary institutions in Alberta provide excellent education and support, some university students who feel stressed, isolated, overwhelmed, and who struggle with depression or mental illness are seeing innovative approaches resulting from the three-year funding grant targeted at students within the university communities. My concern is that these innovative supports are going to end after three years. To the Minister of Health. These needs will continue. Will the targeted supports?

**Mr. Horne:** Mr. Speaker, that is an excellent question. I had the opportunity to meet the other day with the Canadian association of university students to talk about the impact of this \$3 million investment. Our commitment to supporting the mental health needs of postsecondary students will continue. This grant is just one of the ways that we are going to continue to provide that support.

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

**Mr. Young:** Thank you. To the Minister of Enterprise and Advanced Education: where do students' supports, particularly for mental health, fit within the mandate letters to Alberta universities?

**Mr. Lukaszuk:** Good question. Mr. Speaker, all educators know that students need to be well in order to learn well. So yes, actually, in the 26 letters that we have just recently signed with all 26 Alberta postsecondary institutions – don't quote me on it directly – there is a line item that demands that all postsecondaries provide students with all of the services that they need in order to create an environment that is conducive to learning. That is an area where our ministry and, most particularly, postsecondary institutions have to co-operate with the Ministry of Health and deliver those services jointly.

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

**Mr. Young:** Thank you. Back to the Minister of Health: whether it's university students, children, families, seniors, or any other Albertans, what psychological counselling supports are available to Albertans?

**Mr. Horne:** Well, Mr. Speaker, there are many opportunities for Albertans to access psychological services and other mental health services. A key focus of primary health care improvement in Alberta has been to deploy addiction and mental health resources in all points of care, ultimately, in our system: primary care

networks; family care clinics; as the hon. member has said, in the postsecondary sector; in schools, through the mental health capacity building initiative; and in many others. A full 40 per cent of visits to family doctors in the province are estimated to be for a mental health or addictions-related issue. This is a critical . . .

**The Speaker:** Cypress-Medicine Hat, followed by Calgary-Currie.

#### Information Request on Disaster Recovery Program

**Mr. Barnes:** Mr. Speaker, we see time and time again how this government spends big bucks on commission studies and then tries to bury the results and obscure the findings. Residents of Cypress-Medicine Hat have seen this again as this government denied the *Medicine Hat News* freedom of information request for documents related to the KPMG report on the disaster recovery program. While the report was completed in 2012, the government sat on it for over a year. What is this government hiding from taxpayers, flood victims in Cypress-Medicine Hat, and the *Medicine Hat News*?

**Mr. Griffiths:** Mr. Speaker, the answer is very simple. The report was released, and anybody can look at it. It has been for a while.

**Mr. Barnes:** Only 10 out of 42 things were answered in the FOIP, Mr. Speaker.

Given that even PC MLAs like the Member for Banff-Cochrane have expressed frustration at the delivery of the disaster recovery program and that slow response times, conflicting information, and delayed payments are causing undue stress and hardship, does the Minister understand why the DRP is such a failure and that hiding the report for over a year has made this much worse?

**Mr. Griffiths:** Mr. Speaker, we used that report to improve the program. I have to say that 4,000 payments have gone out in the most recent disaster, totalling almost \$25 million. Out of the previous report on the 2010 disaster that we had in that member's constituency, almost 2,800 people were helped. There are only five outstanding claims, which we're still working to resolve in the interest of making sure that taxpayers are not paying more than they should. That's good work.

**Mr. Barnes:** Mr. Speaker, many in Cypress-Medicine Hat gave up because of the frustration. Given that implementation of the recommendations when it mattered, in 2012, could have solved some of the needless upheaval and emotional stress that Albertans have experienced, when will the ministers involved commit to full transparency instead of hiding the failures of this PC government?

**Mr. Griffiths:** Mr. Speaker, before that report was released, we made a lot of different changes to the DRP to make sure that it was more responsive, which again is why we have had almost 4,000 cheques go out in the last couple of months. That's a total of \$25 million. I've talked to colleagues from across Canada and from across North America who say that their biggest concern is that they're going to have to match Alberta's speed in reaction to this flood, and they don't know if they can handle it because we did such an exceptional job and set the bar so high that we now have the gold standard in response to disasters.

**The Speaker:** The hon. Member for Calgary-Currie, followed by Drumheller-Stettler.

#### 2:40 Recreational Land Use in Southern Alberta

**Ms Cusanelli:** Thank you, Mr. Speaker. Calgary-Currie is home to many outdoor enthusiasts. They regularly keep me informed of their needs as Albertans who like to live active lifestyles in our majestic backyard. Hiking, climbing, skiing, backpacking, and camping are low-impact, fundamental recreational activities that happen in parks and on Crown lands in the area covered by the South Saskatchewan regional plan. Will the Minister of ESRD confirm that the South Saskatchewan regional plan implementation will not limit access to existing backcountry trails and areas that hikers, climbers, skiers, and other low-impact users are currently using for recreation?

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

**Mrs. McQueen:** Thank you, Mr. Speaker. Albertans who love to get out into the backcountry for hiking, climbing, and other low-impact recreation will not be negatively impacted. In fact, new conservation areas will offer new opportunities. Nine new proposed conservation areas will provide more than 130,000 hectares of low-impact recreation opportunities such as hiking and horseback riding, and 21 new or expanded provincial parks and rec areas add in almost 1,500 hectares for all forms of recreation.

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

**Ms Cusanelli:** Thank you, Mr. Speaker. To the same minister: how can you say that this government is taking recreational access seriously when there are no subregion management plans for recreation, but there are plans for resources like oil and gas, forestry, and agriculture?

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

**Mrs. McQueen:** Thank you, Mr. Speaker. It is our objective to provide a wide range of recreation experiences for residents and visitors to Alberta. That's why we'll be working with Albertans under our draft SSRP on new initiatives, including a regional parks plan, a regional trail system plan, and comprehensive recreation and access management plans for Castle, Porcupine Hills, Livingstone, and Willow Creek. We will continue to work on new strategies to ensure that we have these opportunities for Albertans.

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

**Ms Cusanelli:** Thank you, Mr. Speaker. Lastly, to the Minister of Tourism, Parks and Recreation: have you considered or would you consider creating a standing recreational advisory council composed of user stakeholders for consultation on the implementation of the South Saskatchewan regional plan in Parks' management of recreational activities in parks?

**Dr. Starke:** Well, Mr. Speaker, we certainly understand that outdoor enthusiasts have a deep connection to the lands and the opportunities they have within the lands. If you're not an outdoor enthusiast, just travel anywhere in Alberta and you'll become one. These commitments are in place throughout the SSRP to work with recreational communities and in the South Saskatchewan regional trail system plan. The SSRP consultation plan in and of itself is an advisory tool that will capture stakeholder input, and it will help inform on how recreation needs can and will be supported.

**The Speaker:** Hon. members, could we have unanimous consent to revert briefly to Introduction of Guests?

[Unanimous consent granted]

### Introduction of Guests

*(continued)*

**Dr. Starke:** Mr. Speaker, it is indeed a pleasure to introduce to you and through you to all members of the Assembly a group of travel agents who are visiting Edmonton today as part of the Dertour Academy. They have visited locations such as the Royal Alberta Museum, Elk Island national park, and the Strathcona Wilderness Centre and, in so doing, are familiarizing themselves with the wide range of breathtaking tourism experiences they can recommend when they are booking Alberta travel experiences for their clients in Germany. Our honoured guests are seated in the public gallery, and I extend a hearty welcome to Alberta and wish them a wonderful stay in our province.

Or to say it another way: Ich bitte unsere verehrte Gäste ein ganz herzliches Willkommen in Kanada und wünsche ihnen einen wunderschönen Besuch in unserem Provinz. [as submitted]

I would ask our honoured guests to rise and receive the traditional warm Willkommen of the Assembly.

**The Speaker:** Hon. minister, the other long-standing tradition is to provide a translation of what you just said. Since time didn't permit, would you care to summarize that in 10 seconds, briefly?

**Dr. Starke:** Mr. Speaker, I can assure you that what I said in German was an exact and literal translation of what I had just said in English.

**The Speaker:** We'll accept that for what that is.

In exactly 20 seconds from now we will continue with Members' Statements.

### Members' Statements

*(continued)*

**The Speaker:** Let us continue on with private members' statements, starting with Banff-Cochrane, followed by Barrhead-Morinville-Westlock.

### Dertour Academy 2013

**Mr. Casey:** Thank you, Mr. Speaker. Travel Alberta is hosting Dertour Academy across Alberta until December 9. The event brings approximately 600 top-level agents from Germany and neighbouring countries to Alberta to provide advanced training in selling and promoting Alberta vacations. I'm pleased to say that our German guests have been spending time in my constituency of Banff-Cochrane. They are also visiting Canmore, Edmonton, Jasper, and Drumheller and experiencing first-hand Alberta's vibrant cities, our beautiful mountains and badlands, our warm hospitality, and our winter wonderland, that maybe isn't too warm the last couple of days.

Mr. Speaker, Germany is Alberta's second-largest overseas market. This is a golden opportunity to grow that market. In fact, it is estimated that traffic from Germany will increase by 20 per cent as a result of Dertour Academy. This translates to 16,000 additional visitors and \$16 million in tourism expenditures. Getting the story of Alberta out to industry representatives from around the world is a great way of attracting new tourists to Alberta. The 2012 London Olympics offered us the opportunity to

introduce Alberta to new markets, and Dertour is a direct result of that initiative. Events like this are critical if we are going to recognize our goal of growing tourism into a \$10.3 billion industry by 2020 from its current \$7.8 billion position.

Mr. Speaker, I would like to personally take this opportunity to thank Travel Alberta and their partners for their contribution to this event and to growing tourism in Alberta.

Thank you.

**The Speaker:** The hon. Member for Barrhead-Morinville-Westlock, followed by Sherwood Park.

### Volunteers

**Ms Kubinec:** Thank you, Mr. Speaker. I want to pay tribute today to someone who has proven their value, just as they do every single year. I may be talking about a man or a woman, an energetic and optimistic young person, or someone with wisdom and experience of many years to share. I may be talking about a person in a uniform or maybe someone whose uniform is simply a T-shirt with a single crucial word on it. I'm speaking about a pillar of your community and mine and of the whole idea of community. I am speaking about the volunteer.

Tomorrow, December 5, is recognized around the world as International Volunteer Day. Mr. Speaker, the quality of life that we enjoy in our great province would not be possible were it not for the dedication and generosity of our volunteers. Volunteers and the organizations that they support deliver annually over \$9 billion in programs and services to youth, families, and the most vulnerable citizens in our communities. Some leave the comfort and security of Alberta to travel around the world to lend their time and skills to those in the most desperate need. Others take the time to ensure that life is good here and that our rights and privileges are secured and attainable by every Albertan. They bring honour to our province and our nation.

Mr. Speaker, the government of Alberta is proud to return that honour. Tomorrow my colleague the hon. Minister of Culture will present the stars of Alberta volunteer awards to six incredible Albertans. These six individuals represent the very best of Alberta and demonstrate for us the true meaning of community spirit. The stars of Alberta ceremony is one of the ways that the Alberta government is recognizing and paying tribute not just to those who have been awarded but to all those who are motivated by the desire to live in a better world and step forward to make it a reality every day.

Mr. Speaker, I will ask all members of this House and all Albertans to take the time today, tomorrow, and every day to remember and thank the incredible Alberta volunteers.

**The Speaker:** The hon. Member for Sherwood Park, followed by Medicine Hat.

2:50

### Recreation Opportunities

**Ms Olesen:** Thank you, Mr. Speaker. Everybody Gets to Play is a national effort led by the Canadian Parks and Recreation Association to facilitate better access to recreation opportunities for children in low-income families. They advocate on the merits of increased recreation opportunities and have produced a tool kit for recreation practitioners and volunteers to mobilize their communities to reduce barriers to access.

Many communities have taken steps to improve recreation opportunities for lower income families in recognition of the importance of growing physically and emotionally healthy citizens and communities. Further, access to play and recreation are



recognized as basic human rights under the United Nations convention on the rights of the child. Alberta's Active Alberta policy 2011-2021 also advocates that individuals, "regardless of ability or income, have the opportunity to experience a wide range of recreation, active living and sport opportunities." The Alberta sport plan consultation, that is currently under way, identifies the need for sport to be available to and participated in by all Albertans.

I am proud that my community of Sherwood Park and Strathcona county has been an early and strong adapter of measures to increase recreation opportunities for all our residents. *Playing It Forward: The Case for Accessible Recreation in Alberta*, a report by the Alberta Recreation and Parks Association in association with Strathcona county, is available at [arpaonline.ca](http://arpaonline.ca). The report offers practical advice to municipalities on implementing an effective program to ensure accessibility without stigma and contact information for a number of corporate sponsors. The ARPA website also features a webinar produced by Strathcona recreation, parks, and culture outlining their experience in working up their Everybody Gets to Play programming on what works, what didn't, and provides further insight to help other communities jumpstart their programming. We should all be there for the kids.

Thank you.

**The Speaker:** Thank you, hon. member.  
Medicine Hat, please.

#### Service Dogs Act Review

**Mr. Pedersen:** Thank you, Mr. Speaker. The Service Dogs Act has been beneficial in providing guidance, rules, and regulations for those requiring and being approved for a service dog, but as times have changed, so have the needs for more as well as the increased variety of service dogs. The act will be reviewed in the spring of 2014, and this will be the best opportunity to discuss these issues.

Mr. Speaker, my constituent Les Landry is somebody benefiting from such a dog. Les went from a life of normalcy to suffering high blood pressure, up to 270 over 168 even while on medication. He lost his job. He began having seizures. Les described himself as the walking dead, waiting for the inevitable, and couldn't wait the one to two years for a service dog. Through the Internet Les discovered that some dogs had seizure awareness instincts, so he located a breeder with a line of German shepherds showing this ability and made Annie part of his life.

Now, Mr. Speaker, Annie is not a certified service dog, but since she entered Les's life, his blood pressure is now within normal ranges on less medication. Les is prewarned of oncoming seizures so that he can plan where he needs to be and what he needs to do in case he is in a public place. Annie has given Les his life back. Les is happier and healthier, and Annie has a loving and caring companion. But without her being certified, Les is limited as to how and where he can take Annie such as on transit, shopping, going to the doctor, or taking his lifeline, Annie, with him whenever he needs to leave his home.

Mr. Speaker, Les and myself are not asking for the legislation or regulation to be changed to reduce the level of training required of service dogs for the providers, the clients, or the public at large. All we want to do is raise awareness of the fact that the needs of clients are now being grossly underserved. This will be an unbelievable opportunity to open the door on how service dogs are trained, who trains them, and where they come from. I know from the Member for Calgary-Fish Creek about the incredible bond that

has been created between her and Quill, and my hope is that more clients can experience that bond.

I ask all members to consider this as well as Quanto's law federally when this discussion begins.

Thank you, Mr. Speaker.

#### Presenting Petitions

**Mr. Jeneroux:** Mr. Speaker, I'm pleased to rise today and present a petition that has been reviewed and approved in format by Parliamentary Counsel. This petition is signed by concerned parents on student enrolment pressures that face our area of Edmonton-South West. A total of 473 signatures have been gathered to urge the government to consider additional education infrastructure support throughout the province. We desperately need schools in Edmonton-South West, and this petition is proof of that.

Thank you, Mr. Speaker.

#### Tabling Returns and Reports

**The Speaker:** The President of Treasury Board, followed by the Minister of Culture.

**Mr. Horner:** Thank you, Mr. Speaker. I'm pleased to table the required number of copies of a letter to the hon. Member for Strathcona-Sherwood Park as chair of the Standing Committee on Families and Communities to have the committee examine and provide recommendations on phase 2 changes that are currently under review in the insurance system.

Thank you.

**The Speaker:** The hon. Minister of Culture, followed by Calgary-Mountain View.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I rise today to table the appropriate number of copies of the response to Written Question 44 from the MLA for Medicine Hat, that was accepted on Monday, November 25, 2013.

**The Speaker:** The hon. Member for Calgary-Mountain View, followed by Edmonton-Calder.

**Dr. Swann:** Thank you, Mr. Speaker. I have the appropriate number of copies of three tablings. The first one is from Dawn Kosolowsky, deeply concerned about the poorly planned AHS workforce reconstruction, representing 600 other letters I received on this issue.

The second is from Sherri Vernon, opposing Bill 46, one of dozens of other citizens opposing Bill 46.

The third is from Jennifer Allen, calling the pension regime reform another promise broken, part of several dozen e-mails I received on this issue.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Well, thanks, Mr. Speaker. I rise today to table a document written by Don Braid regarding bills 45 and 46 that states that these bills clearly violate the Charter, that they undermine freedom of speech, and that they undermine freedom of association for all Albertans.

Thank you.

**Mr. Dorward:** I'd like to table on behalf of the Deputy Premier the requisite number of five copies of a Wildrose card distributed through the services of the Legislative Assembly of Alberta.

**The Speaker:** Are there others? The hon. associate minister.

**Mr. Fraser:** Thank you, Mr. Speaker. I rise and present the appropriate number of copies of an e-mail that was presented to me this afternoon by the mayor of High River endorsing the signs that we put up to build Alberta and the recovery in High River, and I urge the Member for Highwood to support that rather than count how many signs are around the province.

Thank you, Mr. Speaker.

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

**Mr. Saskiw:** Thank you, Mr. Speaker. I have two tablings with the requisite copies. The first is an e-mail dated Tuesday, September 4, 2012, from the Justice minister's chief of staff indicating that he gave approval for the release of FOIP documents.

The second document is dated November 6 from the office of the Information and Privacy Commissioner of Alberta to the Minister of Justice outlining that her office is indeed in a conflict of interest and requesting from us what mechanisms we wanted to use on a go-forward basis.

Thank you, Mr. Speaker.

**The Speaker:** Are there others?

If not, hon. members, pursuant to requirements stated in section 28(1) of the Conflicts of Interest Act, I would like to table with the Assembly the report of the Ethics Commissioner dated today, December 4, 2013, regarding allegations involving the hon. Premier of Alberta. This report was received in my office today.

Also, with your kind attention, hon. members, I'm pleased to table the requisite number of copies of the Legislative Assembly Office 2012 annual report, Building Our Legacy, and the 2012 annual report of the Commonwealth Parliamentary Association, Alberta branch, and interparliamentary relations.

Finally, hon. members, in my capacity as chair and pursuant to section 39(3) of the Legislative Assembly Act I would like to table with the Assembly five copies of the following orders arising from motions approved at the November 29, 2013, meeting of the Special Standing Committee on Members' Services: one, the Executive Council Salaries Amendment Order (No. 10), being Order No. MSC 08/13; two, the Members' Allowances Amendment Order (No. 28), being Order No. MSC 09/13; three, the Members' Committee Allowances Order (No. 12), being Order No. MSC 10/13; and four, the Constituency Services Amendment Order (No. 27), being Order No. MSC 11/13.

3:00

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Horner, President of Treasury Board and Minister of Finance, pursuant to the Conflicts of Interest Act and the Legislative Assembly Act Report of Selected Payments to the Members and Former Members of the Legislative Assembly and Persons Directly Associated with Members of the Legislative Assembly, year ended March 31, 2010, Revised Member Statement for hon. Mr. Danyluk; and Report of Selected Payments to the Members and Former Members of Legislative Assembly and Persons Directly Associated with Members of the Legislative Assembly, year ended March 31, 2013.

**The Speaker:** Hon. members, before we move on to points of order, we have a special presentation, which, with your unanimous consent, I would like to have the House proceed with, and that is the recognition of our pages. Might we have your unanimous consent to do this order of business?

[Unanimous consent granted]

**The Speaker:** Mr. Deputy Speaker.

### Statement by the Speaker

#### Page Recognition

**Mr. Rogers:** Thank you, Mr. Speaker. Hon. members, it is with pleasure that we present gifts to our hard-working pages at this special time of the year. In 2010 Helen Cashman, our head page, joined us. In 2011 the following three pages joined us: Alyssa Edgerton; Perrin Michalyshyn, the Speaker's page; and Tierra Stokes. We were joined by the following six pages in 2012: Chantelle Bryce, Stephanie Nedoshytko, Danielle Seymour, Melina Sinclair, Ben Thronson, and Matthew Owens. Finally, in 2013 the following seven pages joined us: Joely Bragg, Laura Bryan, Jenna Geldart, Devyn Godziuk, Tianna Groeneveld, Kylie Kwok, Christina Luo.

I ask you to join me in recognizing the efforts of our diligent pages, who daily show patience – and I mean a lot of patience, Mr. Speaker – and understanding of our many demands. They carry out their tasks with attention to duty, including some very late nights of work with us, including some this week.

These gifts are from the personal contribution of every member of our Assembly. Along with the gifts are our best wishes. We are honoured to have our pages work with us in the Legislative Assembly, Mr. Speaker, to serve all Albertans.

I'm very pleased to give a gift to the head page, Helen Cashman, who is representing all of the pages, and Helen, in turn, will present each of the rest of the pages with their gifts from us later.

**The Speaker:** Thank you, pages. Thank you, members, for recognizing the outstanding services that our pages perform. Well done, young men and women.

I think we have points of order to go to now, so let us begin with point of order number one. I believe it was Lac La Biche-St. Paul-Two Hills. You had a point of order. Citation and your point please.

### Point of Order

#### Allegations against a Member

**Mr. Saskiw:** Thank you, Mr. Speaker. I rise according to Standing Order 23(h), (i), and (j), and it was in regard to an answer provided by the Deputy Premier, in which he insinuated that the Leader of the Official Opposition was, and I quote, undermining an independent officer, the Privacy Commissioner.

Mr. Speaker, again, allegations against an independent member of this Assembly are very serious, and in your previous rulings you'd indicated that that is actually a contempt of this Legislature. The Deputy Premier here, in fact, alleges that the Leader of the Official Opposition committed a contempt in this Assembly.

Mr. Speaker, I did table a document to you, which is a letter from the Privacy Commissioner, which, in fact, outlines why her office is in a conflict of interest with respect to the investigation into the awarding of a tobacco litigation contract by the Premier when she was Justice minister to her transition team leader and ex-husband. That letter outlines that because the law firm that was

awarded the contract also counsels the Privacy Commissioner, her office in effect is in conflict, and in fact the Privacy Commissioner asked the Official Opposition how we'd like to proceed, whether it was through a judicial process with a Queen's Bench justice or a privacy commissioner in another province. We responded indicating that we'd like it done by a privacy commissioner in another province and are awaiting the response of the Privacy Commissioner.

Mr. Speaker, at no time whatsoever did the Leader of the Official Opposition in any way indicate any contempt for the Privacy Commissioner or undermine her office. She stated a fact as outlined in the Privacy Commissioner's letter, that her office is in a conflict. This Deputy Premier likes to make up stuff and make allegations that aren't substantiated by the facts, and I'd ask that he withdraw it in this circumstance.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, I have reviewed the Blues. The Government House Leader might want to comment in response if you wish, but really what shows in the Blues would support the point of order.

**Mr. Hancock:** Well, Mr. Speaker, it would seem that what I heard the Deputy Premier say – and you have the benefit of the Blues – was that the hon. leader in her comments talked again about conflict of interest and talked about the Privacy Commissioner. There has been a theme throughout this fall of disrespect for officers of the Legislature. I think the Deputy Premier was trying to emphasize that particular thing.

But if you're suggesting that there's a point of order there, I'd be more than pleased on behalf of the Deputy Premier to say that I'm glad they've cleared up that misunderstanding and indicated that there is respect for the Privacy Commissioner, so I would apologize on behalf of the Deputy Premier.

**The Speaker:** Thank you, Government House Leader.

In fact, in reading the question phrased by the hon. Leader of the Official Opposition, she stated:

We expect the Ethics Commissioner to rule on Tobaccogate shortly. My question involves another related but separate issue. The Wildrose had requested a copy of the actual litigation contract between the government and JSS, the law firm of the Premier's close friend Mr. Robert Hawkes. The Justice department has refused to share that contract with us, and perhaps we now know why. We just received a letter from the FOIP commissioner advising us that they can't help us because the very law firm that is under investigation also represents the FOIP office. To the Premier: when did she know this was the case?

At that point the Deputy Premier stood and said:

Well, Mr. Speaker, it is quite ironic that the very party that I believe yesterday in question period was asking for an independent seniors' advocate commissioner of this Legislative Assembly now undermines another independent officer of this Assembly before they even had a chance to read a report, before they even had a chance to review documents. There is nothing unusual. All offices of the government are represented by either . . .

And the statement goes on. I think the keywords in all of that are "now undermines," and it was at that point that Lac La Biche-St. Paul-Two Hills rose on the point of order, which he has just illustrated

As such, there's definitely a point of order here, that you've now apologized for. If you would wish to add the withdrawal of those remarks uttered by the Deputy Premier, I think that would conclude the matter, Mr. Government House Leader.

**Mr. Hancock:** As you indicate, Mr. Speaker.

**The Speaker:** Thank you.

Let us move on, then, to the second point of order, which was raised at I think 1:59 p.m. or thereabouts. I think this was Lac La Biche-St. Paul-Two Hills as well.

#### Point of Order Exhibits

**Mr. Saskiw:** Thank you, Mr. Speaker. I rise again according to Standing Order 23(h), (i), (j). I know you've ruled on this issue in the past with respect to one of our members, but of course it's a long-standing tradition – I'm sure it's in *Beauchesne's* – that you cannot use props. It was quite evident that the Deputy Premier was in fact using a prop. I think that prop was tabled to you subsequently in the tablings and proceedings. I believe it's just inappropriate to use that, and I'd ask that you instruct the member to not do that in the future.

Thank you, Mr. Speaker.

**The Speaker:** Well, I think we all know the rules about props. I'm prepared to comment on this, Government House Leader, but I'll allow you an opportunity if you wish to comment first.

**Mr. Hancock:** Only to say, Mr. Speaker, that it's devilish coming from that hon. member, that has waved around so many documents as he's talked over the course of this session and this year, to now object when their own propaganda is waved in public.

Mr. Speaker, I think, to speak seriously, sometimes there's a difference between a prop, something that someone holds up to catch the camera, something that one holds up to make a demonstration of purpose, and a document which one refers to as they're holding it, indicating what they're talking about and that they're going to table it. Those are entirely two different things. Here the propaganda that the hon. member was referring to he was holding up for the purpose of referring to it in his question, in his discussion, as part of his question, and then tabled the document.

3:10

**Mr. Mason:** Mr. Speaker, may I also comment?

**The Speaker:** Very briefly, hon. leader of the ND opposition. Sure.

**Mr. Mason:** I know that it's unusual, Mr. Speaker, but I'm going to agree with the Government House Leader on this. I believe that the waving of documents is a tried and true measure of this House to punctuate the importance of certain issues, and I think the minister has eaten enough crow for one day anyway.

**The Speaker:** Are there others? No. Thank you.

Hon. members, the Deputy Premier certainly did hold up what could be construed as a prop. But I have to tell you that if we had a point of order every time one of you held a prop of some kind, we would be curtailing our time for other important things, I'm sure, more often than you would like.

Just in the last little while, for example, we had the point of privilege here, where I think the Member for Edmonton-Strathcona rose to explain it, and I think she referred to or used a prop, which was the so-called brochure. You know, so be it. Nobody interjected. I saw it, and I thought of interjecting, but I thought, "No; I'll just let this go," because a week or a day or a month earlier I had let the Liberal leader go with a prop that he had in his hands. We've all used them.

I think it's more a question of how these things get used. The rules are pretty finite; for example, on *House of Commons Procedure and Practice*, page 612, and in *Beauchesne's*, paragraph 501. The third sentence on page 612 reads, "Members may hold notes in their hands, but they will be interrupted and reprimanded by the Speaker if they use papers, documents or other objects to illustrate their remarks."

Now, it's always an interpretive judgment, I suppose, as to what constitutes sometimes a prop and sometimes just helpful notes, which we've all used and we want to continue being allowed to use them to make our comments. So I think that if we'd just be a little more judicious in what we use and how we use it, I'm prepared to allow some leniency in that respect. Props can also take the form of T-shirts and overcoats and all kinds of other things in this House, and those would definitely be against the rules.

So let's just be judicious and suffice to receive this as a point of clarification on how we might want to proceed going forward. That will close that matter as a point of clarification.

### Statement by the Speaker Maintaining Order in the Assembly Interrupting a Member

**The Speaker:** Now I want to move on to a few comments that I said I would make at the conclusion of the Member for Edmonton-Highlands-Norwood's comments. I want to begin by stating how many times I have asked you to please remember that the rules that guide this House are not my personal, private rules. They are your rules. They are your standing orders. They are our collective standing orders. So, too, are all of these books that we all like to refer to, and there are numerous books. There are volumes upon volumes, but we use three or four fairly common ones.

But at the end of the day I hope you would all agree that it is the Speaker's fundamental responsibility to preserve order and decorum. In that respect, I think if you look at our own Standing Order 13, which is short and I'd like to share it with you, it says:

- 13(1) The Speaker shall preserve order and decorum and decide questions of order.
- (2) The Speaker shall explain the reasons for any decision on the request of a Member.
- (3) When the Speaker is putting a question, no person shall walk out of or across the Assembly or make any noise or disturbance.

And (4), which is really important:

- (4) When a Member is speaking, no person shall
  - (a) pass between that Member and the chair, or
  - (b) interrupt that Member, except to raise a point of order.

Now, I don't enforce that rule to the very strictest, most finite point – and you know I don't – because I've been in this Assembly a long time and I understand and I sometimes appreciate that interjections will come forward. But then you have to understand what the global definition or what our local definition might be of interjections.

Let me give you an example. Punctuating somebody's good speech with some applause at the end of the speech or perhaps sometimes in the middle of it, if it's pretty dramatic, could be viewed as an interjection, but it's not likely one to cause disorder, so Speakers traditionally let that go. Similarly, sometimes you might get a good zinger across the bow. Edmonton-Highlands-Norwood, you're particularly well known for good zingers. They're short and sweet, and sometimes they're quite humorous, quite funny. Everybody gets a little bit of enjoyment out of that.

But it's not likely to create disorder, so Speakers traditionally would let that go.

Similarly, there might be other forms of expression that are short lived that may not cause disorder. But when I sense or any Speaker senses that there is something that might cause disorder or is already causing a disturbance beyond the normal jostling about, then we usually start with a warning. I have given warning after warning after warning. Then you get to the point where you just say: that's it; I have to do something about this because it's just getting higher and higher and higher.

I can tell you, hon. members, that there are 38 brand new members in this House as of the 2012 election. You would be surprised at how many called me, wrote me, talked to me over the last 18 months, particularly when they first started, how many of them – and I would never name them – came to me and said: you know, we enjoyed your so-called credo speech. You will remember the one, where some people had fun with that, but I gave it for a reason. These members came to me and said: "We will support you because we want to make a difference in this House. We want to raise the bar. We want to have decorum and order, and we want to form a different style of support for government or opposition against government." You know very well what I'm talking about. I took you at your words.

Now, there are obviously also seasoned veterans here who may have given similar undertakings when they started. We all get a little long in the tooth on some of these issues, so to speak, and sometimes we fall into those little traps where, in some cases, we might be asked to put a question forward that we're not even comfortable asking. That's happened where I've had members come to me and talk to me about that as well. Sometimes those questions cause disorder and disruption.

We have to proceed with some understanding and some leniency about the definition of what constitutes an interjection just for the sake of an interjection – that could be heckling or something else – that is allowed but does not cause disruption, disorder, and so on versus ones that do.

In fact, there is a passage on page 638 of the *House of Commons Procedure and Practice*. In particular, the third sentence in the last paragraph states as follows: "Excessive interruptions are swiftly curtailed, particularly when the Member speaking requests the assistance of the Chair."

That, in fact, happened today where a member was trying to either ask or answer a question and looked at me for some help to bring things back to order. You may not have seen it, *Hansard* may not have picked it up, but you know very well what I'm talking about. Excessive interruptions. That certainly did occur today.

On the contrary side of that, you will know that after the questions from Edmonton-Manning and onward, a lot of interjections and heckling happened. A little bit of jostling and some laughter occurred, very little of which gets picked up in *Hansard*, but we hear it and we see it here. I did not intervene. Not once. Nor did I yesterday nor the day before because I do allow a lot of leniency with respect to some of the heckles and the interjections. And you all know that. I know that, too.

A couple of final points. *Beauchesne* paragraph 334 reads as follows:

Other forms of interruption have traditionally been accepted as proper. For many years Members applauded their fellows by banging the tops of their desks, a form of applause rarely seen today. The advent of television in the House caused a change in the practice and it is customary to applaud in a more conventional way. A wide range of brief, shouted remarks either expressing approval or disapproval have traditionally been

overlooked, although many make their way into the Debates. If the interruptions are excessive, the Member speaking may appeal to the Speaker for help, which will be forthcoming. In extreme cases the Speaker may intervene without such request to restore order in the House.

We had an extreme case or two during our last 18 months as you will all know.

3:20

Finally, I will end by saying that I always judge the degree or the severity of the interjection. I also look at the tone and the timbre and the context within which it was given and as much as I can possibly get into my head in that split second when I have to make some kind of a decision. I don't just stand up here for the heck of it. You know I don't. If I don't say something to you seriously every now and then, you may not take it seriously, and I know that, too.

Some misdemeanours may require penalties, and that's why I offered one today. I want you to know that I was fully prepared to make good on that threat, if you will, to leave out certain members from question period. I've never done it, and Lord help me to ever really, truly have to do it in the future. Do you think I would enjoy doing that, hon. members? Do you think I've never served in opposition and that I don't know how difficult it is to be an opposition member? I most certainly do, and I sympathize with opposition members greatly. Do you think I don't know what it's like to be a so-called backbencher? I certainly do, and I know how hard that role can be as well when certain decisions might be being made by the government you're supporting that you may or may not like all the time. But there's a greater game at stake.

I most certainly know what it's like to be in cabinet trying to defend and answer questions and be put on the hot spot and putting up with heckling and trying to make an intelligent statement when there is nothing but interjection after interjection after interjection. I get all of that because I've played all of those roles, so I know where you're coming from when you stand. Truly, truly in my heart and in my mind and in my body I know exactly where you're coming from. More importantly, I may also know where you're going with it, which is why I sometimes interject in a proactive sense. At least I hope so.

I hope, hon. members, I can have your support to continue on and use my discretion and as good a judgment as the Lord has given me to make sure that law, order, and civility do preside in this House at all times but also with a degree of flexibility, which the hon. Member for Edmonton-Highlands-Norwood alluded to.

That being said, let us move on to Orders of the Day.

**Ms Blakeman:** Mr. Speaker.

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

#### Point of Clarification

**Ms Blakeman:** Yes. Thank you very much, Mr. Speaker. Under 13(2) I want to say that this member has the greatest possible respect for the office of the Speaker. Indeed, I have put my name forward to be considered for election to that office, which, I would argue, shows how much I value that particular office and the high esteem that I hold it in.

But I do still reserve the right to object to the interpretation of the person who's occupying the office. In this particular case I would argue – and I catch his argument that he is talking about the excessiveness of the interjections. I'm sure I don't need to remind the Speaker, but I will point out that on page 492 it talks about:

“As has been noted, Question Period is a free-wheeling affair, with tremendous spontaneity and vitality.”

On page 604 it talks about that occupants of the chair “generally ignore such incidental interruptions as applause and/or heckling.” In fact, nowhere in any of our parliamentary books is heckling specifically prohibited or banned. It's referred to or encompassed in the definition of decorum, which is what the Speaker has referenced here.

I would argue that what we heard today is not excessive. When I look at some of the other examples of interjections – heckling, applause, name-calling, shouting – you mentioned yourself, it's not anywhere near the decibel level of what I've heard in this House previously. We are certainly not dealing with fist fights as a result of interjections in this House. We're not dealing with dead salmon being slapped on people's desks. We're not dealing with people throwing shoes as a result of it. I would argue that, all things considered, that was a fairly typical exchange for this House.

I do argue with an admonition from the Speaker that threatens people for having used an interjection in this House. I did speak out of order, and I acknowledge that, but I have to say that I just could not keep my seat at that time. I spoke as I believe is true in this House. I value it very much. I actually listen to people in this House. I listen to their members' statements. I listen to almost everything that goes on in this House, so I am respectful of it. But to have an individual who is occupying the office of the Speaker tell me that I am or a member of the opposition is going to be disciplined by losing a question because of an interjection is not acceptable to me, and I have made that statement to you, Mr. Speaker.

**The Speaker:** Hon. member, thank you. I did let you go on at some length. You weren't really seeking a clarification with a lot of what you said, but I will accept it that way, okay? I'll give you the benefit of the doubt. You know very well because I know you know how to play the game, and you are a great player. There is no doubt about that.

But I covered in my remarks that some heckling is allowed, and I have allowed it to go on. You know that. Don't argue against yourselves on this because you know that what I'm saying is correct. It's when it does get excessive. Excessive can mean repetitive. It can mean elongated as in taking more than three or four seconds. Some of the excessiveness that I experienced today went on for quite a long time, as it has on previous occasions, and the volume of it all.

At the end of the day I just am so tired of getting these letters from parents of schoolchildren and schoolchildren who come in here. They talk to their teachers and their principals. We all go to those schools. I'm not telling you something you haven't heard before. Sure, there might be some exceptions to it, but by and large, all of those letters, all of those comments, hon. members, come back saying: “Wow. What a rude atmosphere you allow to go on in the House. People interrupting each other, people talking over top of each other, people talking with each other while another question was going on, and people talking across the bow.”

Those are the kind of things that I would like to avoid if only for that 50 minutes, which, as you know, is carried on live television. I made comments about that from one of our respected books just now, that the advent of television has changed some of this format into nothing short of political theatre. I get that, too, but we're not here to entertain anyone. We're here to get business done. We're here to hold the government to account if you are an opposition member. We're here to provide solid answers as best

we can, if we know the answers, as cabinet ministers. That's how we would like to proceed, hon. members.

We've spent enough time on this. Let's move on.

### Orders of the Day

#### Government Bills and Orders Third Reading

#### Bill 36 Appropriation (Supplementary Supply) Act, 2013 (No. 2)

**The Speaker:** The hon. President of Treasury Board.

**Mr. Horner:** Thank you, Mr. Speaker. Thank you for your comments this afternoon. It is my privilege to rise today and move third reading of Bill 36, the Appropriation (Supplementary Supply) Act, 2013 (No. 2).

The sole purpose of this bill is to authorize the appropriation of \$764 million required to fund government's initial flood recovery activities during the 2013-14 fiscal year. I do encourage all members of the House to support this bill so that the government can continue to provide the supports to Albertans, small-business owners in communities devastated by the June floods.

Thank you, Mr. Speaker.

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

**Mr. Saskiw:** Thank you, Mr. Speaker. It's an honour to rise today to speak to third reading of Bill 36. I will be supporting this particular bill. Of course, much of the funding that's requested is going towards flood relief. The only concern I do have, of course, is that the new-found mantra of this current government is: debt is hope. Before the election it was: debt is the end of countless dreams. Now it's: debt is hope. So that's the only one caution that I would have.

We on this side carefully scrutinize every single spending of every single penny, and on the other side we've seen money blown and blown on all sorts of different things from MLA offices with garden rooftops to massive severances to health executives and those types of things. In this instance, though, when I review the legislation and review the underlying documents, it appears that much of this funding, or the vast majority of this funding, goes towards flood relief.

Although I am very concerned with the direction of this province in the sense of going towards \$17 billion of debt by 2016 compared to a few years ago, where we had close to that amount in the sustainability fund, and this new mantra that debt is hope and that that's their new core principles, I will still be supporting this bill because it does provide relief for the flood both in terms of infrastructure and other projects.

Thank you, Mr. Speaker.

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

3:30

**Mr. Eggen:** Well, thank you, Mr. Speaker. I rise to make some brief comments again on supplementary supply. Certainly, we are supporting this supplementary supply bill. It's necessary. A lot of it has to do with the floods and so forth. But I think it's always incumbent upon us to make some constructive observations in regard to both accounting and budgeting standards and then just in general global budget improvements that could be made.

First and foremost – and I think I'm not alone in this by any means – it's very important that I should be able to look at statements and be able to understand fairly easily what's being presented, this being public money and my job being to scrutinize that, with the public able to make scrutiny about that, too. The different sheets and statements and plans that we have in this new budgeting system that we have here, Mr. Speaker, are not clear, and I think it's important that over the next year we do make efforts to make those documents more transparent, right? Money is being moved from one place to another, expenses are being moved like assets, and the whole thing is just a bit of a schmoz, right? Even an accounting expert, I think, would have trouble working through these without considerable guidance. By making it hard for regular Albertans to read our accounting sheets here, we are not doing anybody any great service. There's always room for improvement, and I think that we have to start doing that straightaway, starting now.

Second of all, in regard to the budget still we know that there's a serious revenue problem in this House and across this province. It's a mismanagement of revenue. By depending too much on the volatility of revenues from energy, we end up with the wide variations between surplus and deficit. Instead of basing our budgets on these kinds of uncertainties, we could certainly stabilize with the money we do have available to us to allow the economy to grow at a more moderate pace and to allow for contingencies such as the flood and still balance the budget within some reasonable amount of time.

We've had a great hullabaloo with Bill 45 and Bill 46 around public-sector wages, right? Really, the difference between what could be arbitrated and what, you know, this government is bringing down with an iron fist on public-sector workers is just a drop in the bucket in terms of the whole budget. By stabilizing both the economy and our access to royalty and corporate tax, we would be able to solve all of those problems and save for the future, too, Mr. Speaker.

We should stabilize our revenue streams so that we can better predict and plan budgeting in each area, right? For example, if we did have a steadier revenue stream, Mr. Speaker, the government wouldn't have to make the cuts that we did to postsecondary education in 2013 and then, you know, all of the damage that ensues as a result of those things.

By managing the resources that we do have available to us and by collecting those revenues that any other reasonable western democracy would be able to, not only could we balance the budget, pay a wage that would reflect inflation and normal, I guess, averages across this country and across the industrialized world but, in fact, save for the future, too.

I'm always an optimist, and I believe that we have the capacity to do these things one step at a time and to look at cause and effect. The cause: revenue problems by not capitalizing and capturing royalty rates and corporate tax rates properly. There's a solution there, and certainly things like Bill 45 and Bill 46 could be put on ice. We can put a pause on those destructive, heavy-handed sorts of bills legislating wage rollbacks for public-sector workers. We could balance the budget. We could save for the future. Everything would be coming up roses, Mr. Speaker. Let's always keep an eye on doing that. I know that at some point we will. Perhaps it takes a change of government. But by the responsibility that we have vested in us, we will balance this budget, we will save for the future, and we will pay decent wages to our public-sector employees.

Thank you very much.

**The Speaker:** Standing Order 29(2)(a) is available, hon. members. Anyone under 29(2)(a)?

Seeing no one, let's go on to the next main speaker, Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. It's a privilege to rise to speak to this portion of the sup supply bill that recently passed. As indicated by all ministers and by the records that were before me, it became clear that all of the expenditures that were mandated under this sup supply were directed towards flood relief and dealing with the disaster that faced southern Alberta and actually Fort McMurray, of all places, during the summer flooding events. What in global this situation has done for me is that it has increasingly highlighted the precarious nature of our Alberta fiscal structure. If it didn't become clear to members before this event, it should be clear now.

Mr. Speaker, we can see here that over the course of many years now, almost 42, we have managed to spend all of the oil wealth in one generation, never have predictable and sustainable funding, and to not have enough money to run core services that we need today. We see it with an inability to build 50 schools and have 70 new modernizations. We see it with an inability to get 140 family care clinics up and running. We have a failure to have predictable, sustainable funding in education and our postsecondary system. All of that was promised in the last election, but as a result of our fiscal structure – and let's face it. It's not because of the bitumen bubble or anything like that, guys. The bitumen price differential has been with us since the oil sands were invented, so let's remember that. It's the result of an unstable fiscal structure that does not allow for predictable, sustainable funding nor any savings for the long term.

One only has to take a look at how since 1971 we have taken in and spent all \$375 billion of our nonrenewable resources. We've only managed to save roughly \$16 billion. By the end of this four-year election cycle we will have run up a debt of \$17 billion. Coincidentally, we're at a wash, sir. After 42 years of substantial oil wealth we will not have saved anything. The savings in the heritage trust fund will match what our debt is. In my view, that's not very good financial management. At the same point in time we are having great difficulties in funding public services like education, like health. In fact, many of our public servants – teachers, doctors, and now union workers – are not going to be able to get a reasonable wage as a result of this government's refusal to deal with the fiscal structure.

A case in point. You look around. This should not be tough times for the Alberta government. We have a private sector that is doing great. Wages in the private sector are exploding. I think the Conference Board of Canada and some other organizations stated that private-sector wage growth will be about 3.6 per cent this year. It's going well, sir. Individual incomes are up. Corporate profits are up. The price of oil is holding steady, I think, today at \$97 a barrel. Clearly, these should be good times for our government, but as a result of a fiscal structure that is inappropriate for capturing revenues from citizens to pay for the services they use, which I'd think would be a Conservative principle – if you're providing the services, you should collect the tax revenue for them.

3:40

I guess the alternative would be not providing the services, but this government likes to have it both ways: provide all the services and not collect the revenue for it. That, to me, is a very troubling state that has been highlighted by this flood. Simply put, if we are ever going to be able to allow ourselves to perform as best we can

today by funding public services, getting people a decent wage, and keeping education and health care running smoothly, that is what needs to happen. It will also allow us to do the best we can for tomorrow by saving some of this extraordinary nonrenewable resource wealth for the future. Simply, to me, if people have not understood that by now, they've been burying their head in the sand and playing the role of the ostrich.

One other point highlighted to me from this recent flood and this recent round of sup supply is that the Alberta government needs to take actions to protect both families and communities as well as the public purse from future disasters. Let's face it. Let's be clear. This 1-in-100-year storm nonsense is simply nonsense. This happened in 1995, it happened again in 2005, and it happened again in 2008. We have major disaster events that occur, and the government is prone to act and actually should act to assist its citizenry in times of difficulties. That's when we need to ensure that people are protected, families and communities are protected.

What other proactive jurisdictions have done, virtually every jurisdiction that has had flooding events, whether they are from Europe, the United States, or other locations around the world, is instituted mandatory flood insurance. What this enables citizens to do is pay a risk-adjusted premium on the home that they live in to ensure that that will be rebuilt in times of disaster.

There has been some call from the government that says: well, this has to be a national program. Well, I don't know if they got the memo, but the current Conservative government is not that interested in national programs. If they haven't gotten the memo, they should figure that out very quickly. Given that Alberta is in charge of insurance contracts and that we have close to 4 million people, heading towards 5 million, if we looked at providing this insurance, it could be done in a reasonable fashion, especially if they wanted to factor out things like DRP funding, things like the money we're going to get from the federal government for disasters.

It would not be that onerous or, in my view, that difficult to set up that type of program. Heck, we have insurance here in this province for all sorts of things, from care to home to theft, you name it. Adding this to the mix would not be that onerous. In my view, the provincial government should get on with the business of doing what's necessary, and that would allow us to protect both families and communities as well as the public purse in future events that are going to happen.

Those are two things, Mr. Speaker that I'm concerned about. Our fiscal structure, as everyone is well aware of, to me, is the issue of our times. The second thing I think we need to be proactive on is moving forward with a mandatory provincial flood insurance scheme that protects families and communities and the public purse.

Thank you, very much, Mr. Speaker. It's been an honour to rise today and add my comments.

**The Speaker:** Thank you.

Hon. members, 29(2)(a) is available.

Seeing no one, I wonder if we could have unanimous consent to revert to Introduction of Guests briefly.

[Unanimous consent granted]

### Introduction of Guests (reversion)

**The Speaker:** Hon. Member for Calgary-Buffalo, are your guests still here?

**Mr. Hehr:** Yes. Well, thank you, Mr. Speaker. It's a true honour and privilege to introduce a near and dear friend of mine and a

long-time family supporter, Ms Laurel Jackson, to this honourable House. I know Laurel is here today as a proud union member concerned about the introduction of bills 45 and 46, and I will also say that she and her family – her brother Mitch, her mother, Peggy, and her father, Bill – have all been very instrumental and supportive in assisting me through the vagaries of life. I'd ask Laurel to stand now so she can receive the recognition of this honourable House.

**The Speaker:** Thank you.

**Mr. Mason:** I would like to introduce a guest who has arrived. I didn't see her before. Elisabeth Ballermann is the president of the Health Sciences Association of Alberta.

Thank you.

## **Government Bills and Orders**

### **Third Reading**

#### **Bill 36**

#### **Appropriation (Supplementary Supply)**

#### **Act, 2013 (No. 2)**

*(continued)*

**The Speaker:** We are on third reading of Bill 36. Are there any other speakers?

**Hon. Members:** Question.

**The Speaker:** The question has been called in third reading of Bill 36.

[Motion carried unanimously; Bill 36 read a third time]

#### **Bill 45**

#### **Public Sector Services Continuation Act**

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

**Mr. Hancock:** Thank you, Mr. Speaker. I would like to move Bill 45 for third reading.

Just brief comments. Most of the comments that I have made during second reading and committee, but I did just want to touch again on a couple of matters that seem to continue to linger.

First of all, the Public Sector Services Continuation Act is an act which is fairly narrow in scope in that it seeks only to update the sanctions and the penalties relative to an illegal strike. The concept of that, really, is that there should be deterrents to a strike, and the deterrent should be of a sufficient nature to be effective.

We don't have illegal strikes very often in this province. This is not a bill which should be used. It's not a bill which should be put into effect ever. It's like one of those contracts where once you write it down and everybody knows the rules, you operate in good faith, and things go on. That's the nature of this particular bill. It seeks to do a couple of things which are extremely important.

One, of course, is to clearly define what is meant, because the sanctions are there, so a strike, a strike threat, or counselling an offence are all terms which are well known, terms which are interpreted at law, terms which will be interpreted by the Labour Relations Board or the courts. They're not terms which are capable of being utilized, as some reporters would suggest or columnists would suggest or as the opposition would suggest, so that a strike threat is merely a couple of people talking about what they should do. It's not a water cooler conversation. It's not somebody calling in to a talk show. It's not even somebody waving a sign.

What a strike threat is is an effective and meaningful approach to induce or encourage a strike and to indicate that a strike is going to happen. It's those things which require preparation as a result of that. So if you're in Health Services and there are people in care – and I've had experience with this, Mr. Speaker – you have to make sure that the people who are being cared for are not going to be in any danger. If there's a real and meaningful strike threat, you have to prepare for that. That requires the mobilization of resources. It requires people to pay attention to it because you cannot afford – and I say "afford" in the sense that you cannot allow people to be put at risk. That's what a strike threat is. It isn't casual conversation.

3:50

The same thing with counselling an offence. There is in the Criminal Code a section – I think I read it into the record last night – relative to counselling an offence. That, again, is not somebody just casually saying: you should do that. It's a question of the meaningful intervention with the intention of getting somebody to do an act, and in order for that to be effective, you have to be someone who has the power or authority or credibility to actually cause that action to happen. In fact, I think that under the Criminal Code definition, the interpretation that courts have put on it, it would be fair to say that you can't have a counselling of an offence unless you actually have an offence.

Again, it's not the casual conversation that the opposition would suggest. It's not the shutting down of freedom of speech, which has been bandied about here. These are meaningful terms which are interpreted legally by the courts or by the Labour Relations Board, not something that an employer or management can toss out lightly and say: you're a bad person; you've been counselling an offence. It doesn't work that way at law, and the opposition knows that.

Mr. Speaker, I just wanted to clarify those two pieces because it's extremely important. These terms are not simply loose terms that can threaten freedom of speech or that can shut down casual conversation or even people's right to get together and say: you know, we really are concerned about something, and we ought to do something about it. There are all sorts of opportunities for people to do that, which takes me to the next piece.

It's been suggested in debate in the House that somehow this would interfere with a worker's right to a safe workplace, and as the minister responsible for occupational health and safety I can tell you that that would be a real affront. If a worker was put into a position where they could not say, "My workplace is unsafe; I need something to be done about it," that would be a travesty. This bill does not do that. This bill does not take away the right of every worker in this province to insist that they get to work in a safe place.

Now, there may be differences of opinion about safety, and I understand that. I haven't been directly involved in what happened with corrections last spring. I understand that there were differences about the style, the way you engage in the new remand centre, and some of those issues. Those would be differences of opinion which would have to be worked out between employees and managers. If there's a safety issue, there are processes to undertake with respect to the safety issue, and if those processes don't seem to be working for you, there's a hotline where you can call occupational health and safety at any time.

Any worker in this province – I want to make this clear – has the right and, I would suggest, the obligation, if there's an urgency with respect to safety, to call that hotline and to invoke occupational health and safety if it hasn't been dealt with in the appropriate way. I want to be very clear about that because we



should not be having workers think that they cannot intervene on their own behalf or on behalf of their colleagues with respect to safety in the workplace. Now, that does not justify an illegal walkout, an illegal strike. There are processes and appropriate processes to deal with those issues, and that's the process that should be followed.

Mr. Speaker, I wanted to clarify those particular items as we get into this because they seem to be at the root of some of the concerns here. Yes, the sanctions that are put into the act are being increased significantly. Again, that is appropriate. These sanctions have not been updated in 20 years, and what we discovered last spring is that they're not effective. Now, again, there are many – I shouldn't say many because there haven't been that many strikes. There are strikes, and the strikes can be not only those people who actually went out, but, as is the norm in the labour bargaining process, sometimes people go out in sympathy, sometimes there are others that are affected who participate in it, and it needs to be clear that an illegal strike is illegal, first and foremost.

The method of defining whether there is a strike: that goes to the Labour Relations Board for determination. The question of whether there's a strike threat would also go to the Labour Relations Board for determination. The question of whether there was counselling of an offence: that would be a question of whether something was prosecuted under the penalty provisions, and that would go to a court for a determination as to whether that's counselling. These are defined terms at law. These are terms that have been used in the courts before, and they're not something that any individual employee or member of the public needs to be afraid of if they're not engaged actively in an illegal activity or actively engaged in encouraging in a meaningful way illegal activity.

Then when you get to the sanctions sections, you say that they need to be meaningful, that they need to be of such a nature in a current environment that they can be effective. What we know is that in many cases there are funds put away to allow unions to work through labour processes. That's entirely appropriate, not at all a problem as long as they're not used for supporting illegal purposes, Mr. Speaker.

I would commend the act to the members of the Legislature. No, these are not easy acts to bring forward. This is not my most favourite bill. I have been in this House for 16 years. I can tell you that some bills – I'll use the Children First Act as an example. There's a bill a guy can champion. There's a bill a guy needs to bring forward and say that this is about what we're trying to do to make the world a better place. I could talk about the Education Act or other acts where a person really can bring their passion into it and go forward with it.

This isn't one of those bills. This is one of those bills that you have to do because circumstances have shown that your legislation is out of date, that it's not effective, and if you want to have a meaningful process going forward about how you define what the illegal activity is and how you deter it and how you sanction it when it happens and how you provide a process – the abatement fund is an example which is not a penalty but is a fund set aside to deal with the damages that are caused by a strike, damages, I might say, Mr. Speaker, which only get paid if they're proven. It's not an automatic. It's a question of: the employer would have to go to court to prove their damages, to prove that they actually had the losses, and then the abatement fund would kick in to pay them, and any money left over would be returned to the payor, to the union who paid it in. Those are quite appropriate terms. [Coughing was heard in the Chamber]

Mr. Speaker, I think somebody should get some water for members in the gallery, who seem have come up with a dry cough. It's a very dry House.

Mr. Speaker, those are the implications of the abatement fund. It's quite an appropriate way to ensure that the taxpayers, the public, are protected. That's what this bill is about. This bill is about protecting the public in appropriate circumstances. Not every civil servant, not every member of the public service is involved in a job, I would say, that is going to harm or threaten or protect the life of an Albertan. It's difficult to sort of say that this bill is needed for every part of that process, but unfortunately it's not broken out that way.

Under the Public Service Employee Relations Act all public-sector employees are in that act. This update deals with all of them, but it wouldn't be brought into effect with respect to all of them. The process of using the sanctions starts with applications, so the Labour Relations Board for a determination of a strike, a determination of a strike threat. That would be done in those circumstances where there's actual harm which needs to be averted.

Mr. Speaker, I just wanted to put those clarifying items on the table because it seems to me that people have taken this to a high degree of rhetoric about democracy as we know it being dead. It's not. Democracy is alive and well. People in Alberta should, can, and will be able to speak out on the things that they think are important. Whether we agree or not is not relevant. What's important is that people can have the discussion. What they cannot do is engage in illegal activity. What they cannot do is encourage in a meaningful way, in a way which causes an illegal activity. Those are the things that are against the law. Those are the things that every Albertan should want to be against the law.

In this circumstance this does not create a new offence of an illegal strike. That is already there. This creates the clear definitions of when that comes into effect and, clearly, how the sanctions would be applied and what the amount of those sanctions is.

I would recommend to the House that the bill be passed.

**The Speaker:** I have the hon. Member for Rimbey-Rocky Mountain House-Sundre on behalf of the Official Opposition, followed by a Liberal member, followed by an NDP member.

**Mr. Anglin:** Thank you, Mr. Speaker. I rise today to oppose this bill on some very fundamental principles. I'm going to disagree with the hon. minister on a number of the points that he brought up.

The fact of the matter is that we had a system in place. An illegal strike is an illegal strike. Now, if we need to raise the penalties because they're not effective, I say that that's a reasonable debate, and we should have that debate based on that premise. But that's not the debate that was allowed. That's not the debate that took place here.

4:00

What happened is simply this. This government doesn't like the contract that has been carried over in the negotiations. It does carry over, Mr. Minister, as you're negotiating that new contract, and in that contract it says that if you can't come to an agreement, you can go to an arbitration process for settlement. We use that arbitration process even in illegal strikes, and it has been used in the past. It settled a strike that was just a six-hour strike if I'm not mistaken. That's not the issue here.

The issue here is what's been passed in this bill. If a worker is faced with an unsafe working condition, they have the choice of continuing to work in an unsafe working condition, they could

strike illegally, or they could just quit their job and go away. What is the worker faced with? The three options, in my view, are unacceptable. The arbitration option to settle this issue is being removed.

Now, in this bill here – and this is where, in my view, it does impose upon freedom of speech, it imposes upon freedom of assembly, and it is also a violation of due process of law, three fundamental principles of our Charter. Now, the basic idea that we would write in there that nobody can counsel, that no person can counsel: I question whether or not that violates the solicitor-client privilege. The fact of the matter is that when you are involved in a situation where it is unsafe, do we counsel somebody to work in an unsafe condition, do we counsel them to illegally strike, because it would be an illegal strike, or do we counsel them just to quit their job and suffer the penalty for quitting their job?

I would still propose to you that if somebody sought counsel for any one of those, there's no win there. There's absolutely no win for the employee. The fact of the matter is that whatever takes place, even if it was a lawyer saying, "Here are your options; all three are unacceptable" and they choose the option of an illegal strike, then the person who counselled is now under penalty. It's as simple as that. In my view, that violates freedom of speech.

The act of committing the actual illegal act: let me explain this. We talked about this before. One is never simply liable. Somebody always has to be liable for something. Causation is intended to establish the substantial connection, the sufficient link, between the wrongdoing and the injury. I understand the concept. If they commit an illegal action, let's hold them accountable. I understand that. But the fact of the matter is that to discuss it, whether we should or we shouldn't, is, in my view, fundamentally wrong, and it violates the freedom of speech. The fact of the matter is that if they were to do this, if a certain few individuals were to walk off the job on an illegal strike, that they should be held responsible for, their actions now punish all the other members of the union, and that's not correct in our system of law. One person's actions should not cause a penalty to another person or to the union as a whole.

What happens here immediately is that once the determination is made by the board or the court that an illegal strike has taken place – that's all they have to do – the court has no ability to adjudicate anymore. It says in this act that they must make a declaration and that they must issue an abatement order. It's a million dollars a day, and union dues stop flowing for three months. Then the onus of proof is reversed. Now the union must show that it gave express instructions not to do this before the action took place. Well, if they didn't know the action was taking place, how could they possibly give express instructions? You've put them in a position where it's indefensible. They're automatically punished and have suffered a consequence.

In the case of laundry workers, is there really a lot of harm? This is an actual case where we had laundry workers walk off the job. I don't know what the reason was. I'm not sure dirty underwear was a threat to public safety or a threat to the integrity of this government although dirty underwear is significant for those who are wearing it. The fact of the matter is that it is something that should not constitute a penalty of a million dollars a day, loss of dues. We need to look at individual problems, and that's what we had in legislation. We're dealing with this act, and by doing so and having the automatic provisions kick in, the onus of proof changes now, where the union has to prove all three conditions before they're found so-called innocent. That is contrary to our system of jurisprudence. We've always relied on the principle: innocent until proven guilty. The onus should be on the government to prove the illegal act and to prove the harm.

Penalties should not flow before harm is determined, and that goes back to the whole issue of causation. I agree with the legal minds that say that this is unconstitutional. I agree with the reporters who try to look at this objectively. I disagree with the hon. minister, who would take the other position and argue this. Unfortunately, we won't know the answer till this goes to the Supreme Court and costs this province a whole lot of money. In my view, we will lose in the end, and we will change the provisions in this because it is unconstitutional.

Now, some of the members in my caucus have had some very good discussions on this issue, and I would agree with every member who thinks that we should be debating whether or not these penalties are sufficient. Unfortunately, debate closure was issued and put into effect before we could even open debate, and we didn't even see the bills. So we've limited free speech or the ability to speak about this before we've even had discussions on it. Then we get the bill, and it does in my view impose upon free speech. That allegation should never be taken lightly.

Just less than one month ago we celebrated Remembrance Day. We celebrated those who gave the ultimate sacrifice for our ability to have free speech, freedom of assembly, and due process of law, the democratic rights. How can you celebrate that, then turn around and introduce a bill that possibly, even remotely, in your view, threatens it? In my view, it does threaten that. It threatens that total, basic concept. When you look at this whole bill in the picture of how it's been presented, the only reason Bill 45 is here is to set up Bill 46, which says that we want to make sure that the penalties are so extensive here, are so punitive that if they would even remotely think about going out on an illegal strike, we could possibly break the union. I understand that.

Mr. Speaker, you know what bothers me? With the existing contract that we're trying to renew, that we're trying to negotiate, when you read the contract, it says: those provisions continue until you can settle a new contract. The arbitration right is what you're trying to circumvent. You can't settle a contract because you're not dealing in good faith, and you don't want to go to arbitration. That is what this is about, and that's shameful. Do we believe in contract law, or do we not? If it's good for one party, it should be good for another party.

Here we are in the ultimate hypocrisy, having passed a law just last week to give this government access to arbitration in international financial disputes, and rightfully so. It's an easy way to solve disputes. Now you've got this right, you have this right, you will proclaim that law, and at the same time you will proclaim this law, that will remove that right from workers. I don't get it. I don't understand that hypocrisy, and I don't understand why you can't see that.

Here we are today dealing with this issue. Personally, I think that we could have dealt with an issue on penalties dealing with illegal activities. I think nobody really supports illegal activities. I think we could have dealt with an issue on arbitration, on how we can settle disputes so we can move forward, but that's going to be removed, and what we've done in the process is that we've infringed upon constitutional rights.

There will be members in this House that are going to support this, but I will tell you this, in my view. Whether I agree with this bill for the penalties or whether I agree with this bill for a number of other reasons, I will not support this bill for one simple fact. The right of free speech is paramount to any piece of legislation that we pass. I will not forgive, and I will not forget, and I will always fight for the right of free speech, the right of assembly, and the right to due process of law. No penalty should be arbitrary and

automatic. That is wrong under our system of justice and under our democracy.

Thank you, Mr. Speaker.

4:10

**The Speaker:** Hon. members, we'll hear from Edmonton-Centre, followed by a member from the NDP caucus, followed by a government member, and then we'll start the rotation over.

**Ms Blakeman:** Thanks very much, Mr. Speaker. I am pleased to be able to get a second opportunity to rise and speak to Bill 45 before we go into the time allocation portion. I listened carefully to what the Government House Leader and Minister of Human Services was saying, and I'm just going to guess here that they've had some pretty strong reaction. All of a sudden I'm hearing repositioning by the government that, you know, this is just in case and that it's never going to be used and that we shouldn't be upset about this. My reaction to that is: well, if you're never going to use it because things would never be that bad, then don't pass the bill. In passing the bill, the government well knows that it will then be used as a stick or, more likely, as a scimitar that constantly hangs over everyone's head.

Now, one of the other areas that the Government House Leader covered in his remarks was: "You know, there are lots of checks and balances in the act. Don't worry. It would never be used against someone that was counselling a strike on a radio talk show or something like that." This is where going back to the source document is always very useful. In fact, what he was defining as a strike threat is not actually what's written in the bill. I appreciate that he is a man of very wide interpretation of things, but frankly he may not be here when this actually gets interpreted or when the courts are interpreting it or the Supreme Court is interpreting it.

What we have here under the definition of strike threat, which means what they will use and what they will call upon if they believe these circumstances are happening:

- (i) the calling or authorizing by a trade union or an officer or representative of a trade union of an employees' strike.

Okay. That one is pretty obvious. But also:

- (ii) a threat by a trade union or an officer or representative of a trade union to call or authorize an employees' strike.

Well, what does he mean by that? That one he didn't talk about.

So if you're sitting around having an unofficial meeting of your brothers and sisters in a pub and you start talking with each other about how grave the circumstances are and how concerned you are and that maybe you should be thinking about that, is that going to count if, sitting in the corner, is a good member of the government who decides to bring this forward? I bet it would because that's the way it's written. It doesn't say: and this doesn't count pub talk, and it doesn't count people phoning in to, you know, talk on a phone-in talk show. It doesn't say that. It says: "a threat."

Then it goes on and says:

- (iii) the setting of a vote or other poll of employees to determine whether they wish to strike, or

I love this one.

- (iv) an act or threat to act that could reasonably be perceived as preparation for an employees' strike.

Now, the minister referenced: well, you know, in hospitals if health allied staff are considering going on strike, they're going to make sure that their patients or the residents are going to be looked after, so, you know, there's some extra organization that goes on there. That one blows me away.

So when we have public-sector workers who are so concerned about the people they're looking after and the people they're paid to provide service to that they will actually go out of their way to

make preparations for them, that's a bad thing. It's going to get them in trouble with, whatever it is, section 1(k)(iv) because that would be an act that could reasonably be perceived as preparation for an employees' strike. You've got to love these guys.

Now, what wasn't in here – and that's what I was looking for – was the actual definition of threat. That's what we need. We've got some definition of strike – and that's defined elsewhere – but no definition of threat. We really don't know if it's, you know, the concerned and vigorous pub talk or if it's actually starting to prepare your patients for something. What's the threat part? That's undefined, and as we know, when the Legislature doesn't define it, the courts do. The courts are usually pretty annoyed with us. They say: if you'd given us a better definition, we wouldn't be in this position. But, you know, government likes to kind of leave it a bit looser so they've got a wider interpretation that they can use.

Let's talk again about interpretation. We had the good Government House Leader up saying: "You know, don't worry about this. It wouldn't be interpreted that narrowly." Well, you know, I've worked in this House with a number of hon. members opposite, and I have to say that I would guarantee you that the way the Government House Leader and Minister of Human Services would interpret something is quite different from the way, hmm, the Minister of Justice would interpret something. They're going to have different ways of approaching these things. Now, I mean, in a tight spot over this one I'd much rather have the Minister of Human Services than the Minister of Justice, but that's just personal preference. But they are definitely going to be approaching things differently.

The Minister of Human Services likes to say: "Calm down. This is not a big deal. There's not a lot of stuff happening here. We just changed a few little tiny things." Well, you know me. I went and pulled the Public Service Employee Relations Act and the labour relations act to see how much was actually being changed, and the answer is: a lot. What is happening here is that this act, Bill 45, is broadening the scope of these two pieces of legislation and who it affects and how it affects them. It is also adding a new definition, the threat of a strike, from which a whole new series of processes and penalties flow. So that's quite a change in scope from what we had under the acts previously.

**Mr. Hehr:** It's most likely an affront to the Charter of Rights and Freedoms.

**Ms Blakeman:** Oh, yeah. I'm being reminded by my hon. colleague from Calgary-Buffalo that that's the other thing. You're absolutely right. One of the other things I've heard this same minister, the sponsor of the bill, saying is: "We don't think this is a violation of the fundamental freedoms, section 2 under the Charter of Rights and Freedoms. Come on, that's just going too far." Really? Well, that's certainly what it says in my Charter of Rights and Freedoms.

You know, because I'm just that kind of gal, I'm walking around with one of them. Fundamental freedoms, section 2. These, by the way, are easily picked up from the nearby Department of Justice of the federal government and any number of other places. Everyone should have one.

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly;

God bless Twitter.

That would be civil disobedience. I said that out loud. Oops. But you're guaranteed it in the Charter, and that's why.

Sometimes governments, for all their best reasons, do things that are too much, too far, too restrictive, too penalizing. That's what this government has done, and they are getting push-back. They're getting push-back not only from people that are in organized labour now and not only in the particular union that they are seeking to eviscerate with Bill 45, but it's flowing over into other unions.

I have been attending the rallies, and it's not just AUPE that's there. It's getting bigger and bigger every time with more and more representation, and I am very pleased to see that. But, you know, they're not stupid people. They understand that what is going to be brought down, the hammer that's going to be brought down on one group is then going to be used to bash everybody else in the head all the way down the line until it reaches just worker workers, that don't have even the benefit of collective bargaining and an organized labour movement behind them. People are pushing back.

You know, I talked to my dad today.

4:20

**An Hon. Member:** Uh-oh.

**Ms Blakeman:** Exactly. He had all kinds of tickets when he was in the trades, and he's going, "What is this?" and I say, "Well, Dad, this is a determined effort by this government, bringing down Bill 45. This is a set." It's like, you know, you're starting to challenge the Harry Potter series. We're getting Bill 45, which is defining even thinking about a strike and taking that away, and Bill 46, which is imposing by legislation a settlement before the arbitration date can even take place and is also removing the right to compulsory arbitration. Then part three is going to be a change in pensions. This is a complete package that is being envisioned by this government, and it's not good news. Why is this happening? Why does this government appear on the face of things to really, really not like working people?

Well, that has to do with being able to parade around and say – this is my opinion, of course – that we have the lowest tax rates of wherever. Indeed, depending on how you figure it out, I think that can be an accurate statement occasionally. But what it does mean is that we don't have a fair taxation process and we do not have the kind of royalty structure that Peter Lougheed put in place. This government doesn't collect enough money to pay for the services and the people that citizens expect from them, so they penalize the worker, they withdraw the services, they say, "Go to H-space-space-space," to the citizens, and then they walk around very proudly because they have the lowest tax rates. Well, this is their management of it.

How do you manage to be a government that is out of money in Alberta? Truly, Mr. Speaker, how do you manage that? We have a rising GDP. We have very low unemployment rates. We have the private sector – you know, Christmas parties are back again. Everybody is doing well. Everybody is really happy. But this government, no. Times are tough. Friends are few. Gotta cut the public service. Cannot allow anyone to make money. Really?

They keep citing – oh, now I'm on a roll. Then they keep citing: well, you know, everybody else has come down to that. Oh, don't give me that. Do not tell me that the doctors settled for 0, 0, 1, and 1. They did not. And they also got a lot of extras: grants and rent support and support for their computers and in-service. They got lots of stuff. So don't tell me that this is following on the tight rein that the doctors had. Oh, please. Then the teachers. Well, beside the fact that you legislated the teachers, they still didn't settle for

0, 0, 1, and 1. To say that the path has been laid for this bill by the settlements that have come previously, hmm, has a very, very distant relationship with the truth, you know, like maybe across Alberta.

Okay. Sorry. Let me focus here. Back to the democratic rights, the fundamental freedoms. You know, the government thinks: nah, we won't be challenged on this. Of course you will. Everybody gets that. People have been talking to me in the bank lineup. They get it. They say: don't we have a right to assembly? And I say: yes, you do, actually, and it's a fundamental freedom. It's not even a right; it's a fundamental freedom that you are guaranteed. That's one above a right.

Now, the government – you're not going to like this part – can use the notwithstanding clause in section 2 and sections 7 to 15. They can. I hope they don't.

**Mr. Hancock:** That's not necessary. We're not abrogating any remedies here.

**Ms Blakeman:** There we go. I love the Government House Leader because he and I do a lot of debating back and forth. We accomplish a lot of business that way. He's saying to me right now that it's not necessary to use the notwithstanding clause. I agree. Absolutely. It is not necessary.

It's also not necessary to have this bill because if the government had paid attention to what the workers were trying to tell them in the first place, which was that the remand centre is not safe for the people that are resident in it and it is not safe for the workers – that's all they were trying to do. I mean, honestly. You think these people want to go on a wildcat strike? You think they want to be fined every day and they want their union to be fined every day? I mean, that's crazy thinking. Why would the government – you know, you've got to get on better drugs if you think that that's why people do that kind of thing. It's just not true. [A timer sounded] Oh, Mr. Speaker, my time. So sorry.

**The Speaker:** Before the hon. member asks for unanimous consent to continue, I must offer 29(2)(a).

**Mr. Hehr:** Hon. Member for Edmonton-Centre, I appreciated much if not all of what you said, and I'd be appreciative if you could finish your thoughts and expand more on seeing bills 45 and 46 in concert and how this is inevitably going to lead to a Supreme Court challenge on fundamental rights and freedoms under 2(b) and 2(d) and sort of tie the two together in that respect.

**Ms Blakeman:** Well, thanks for the direction. I will try to follow it.

Yes. The hon. Member for Calgary-*Buffalo* is right. These are fundamental freedoms, and the government trying to take them away – no, trying to cloak them, trying to set them aside, trying to call it something else – is not going to pass unnoticed. I mean, we always need a good case that we can start to take forward through the courts up to the Supreme Court to get that ruling, and I will do everything in my power to help them find that case because this is unconstitutional.

The hon. Government House Leader and I are clearly going to disagree on this one, but it is so complete an affront to those constitutional freedoms of assembly and also – what's my other favourite one here? – the right to peaceful assembly and the freedom of association. We've got court rulings that say, you know, that freedom of association is interpreted as being the ability to form a union and other Supreme Court rulings say that you can't have unions without collective bargaining, that it's meaningless. So those two things go together.

What do we have here in Bill 45 and Bill 46? Walking away from collective bargaining. When the minister talks about, “Well, in Bill 46, you know, we had to go to this because AUPE walked away from the table,” that’s actually not true. I know that will shock and surprise you. When I went back and looked at the series of events, AUPE had been trying to get the government to negotiate in some kind of good faith, not some sort of way-out-of-proportion request. Here I’ll go back and remind you again that the doctors certainly didn’t take 0, 0, 1, and 1, and neither did the teachers. You know, let’s talk about a proportionate request. I’m sure everyone would still be at the table.

They had a right to ask for the binding arbitration when they saw that the government wasn’t going to move. They were going to hold a tough line. It was like those cowboys, you know? Ka-chink, ka-chink with the spurs. Tough guys. So they weren’t going to move. Okay. Fine. Then the unions have every right to ask for that binding arbitration. Now, they asked for an earlier date, and who was the one that couldn’t get back to them fast enough? Who was the one that repeatedly delayed getting back? That was the government. We ended up with an arbitration date that has been pushed back by the government’s noncompliance or the government’s lack of co-operation. Not the union’s, the government’s. Now the arbitration date is set for early February. When do we have the bill coming into effect? Oh, my goodness. The end of January. How neat. It’s not neat. It’s devilish. It’s vile. It’s evil. It’s disrespectful.

To answer the member’s question about how these things all link together and link to the constitutional freedoms and equality rights: that’s what the government is doing. It’s their own fault that they want to behave that way towards their own unions, the people that go to work every day to make them look good. They can’t look those people in the eye and say: “I don’t think you’re worth it. I don’t think you’re worth any money.” Instead, we have Bill 45, Bill 46 and then further down the line talk about what they’re going to do to the pensions of working people. I would tend to say that this is a government a little disconnected from the folks out there.

Now, I’m sure that there will be murmurs of disagreement from my hon. colleagues opposite about that, that they are, you know, really tuned in to people. I just don’t think that’s true. I’m hearing from such a range of people out there. I trust my constituents, and they’re telling me: this is too far.

4:30

**The Speaker:** Hon. members, could we have unanimous agreement to please revert briefly to Introduction of Guests?

[Unanimous consent granted]

### Introduction of Guests (reversion)

**The Speaker:** Edmonton-Calder, would you like to proceed with your introduction, briefly?

**Mr. Eggen:** Yes. Thank you so much, Mr. Speaker. I’m very proud to introduce to you and through you to all members of the Assembly the entire Health Sciences Association of Alberta board of directors. They are in the gallery observing the proceedings this afternoon.

HSAA has more than 24,000 members, which include paramedical technical, paramedical professional, and general support employees in more than 200 disciplines across this province. Of course, they are very concerned about both Bill 45

and Bill 46 and their implications on both the working conditions and the wages of their membership. I’m very proud to work closely with them.

I will mention all of their names, and if you could please stand when you are called. I have Elisabeth Ballerman, the president of HSAA; Trudy Thomson, vice-president; Diane Lowe, vice-president as well; James Kelly Garland, vice-president; Jason Soklofske; Tory Tomblin; Kathie Bzdel; Travis Asplund; Mariana Burstyn; Laurel Jackson; Judy Fitzpatrick; Kristopher Moskal; Donna Farquharson; J.-R. Berube; Noland Derkson; Ben Hendrickson; and Jerry Toews. If we could give them a traditional welcome to the Assembly, that would be great.

## Government Bills and Orders Third Reading

### Bill 45 Public Sector Services Continuation Act (continued)

**The Speaker:** Hon. members, we’re going to proceed in this order, subject to any urgencies for change. We’ll have a member from the government speak, then we’ll have a Wildrose representative, a Liberal representative, then a government member if they wish, then an NDP member, then a Wildrose member. Then I’ll go back to a government member, and then a Liberal member and an NDP member. That’s subject to change, depending on when critics show up. Edmonton-Calder, you’re on the floor. You’re the next speaker. After you, we’ll go here, okay? It’s the tradition here that we let the opposition leads or the opposition critics speak, and then we’ll come back to government.

Please, Edmonton-Calder.

**Mr. Eggen:** Well, thank you very much, Mr. Speaker. I appreciate the opportunity to speak on Bill 45 in third reading. It’s interesting to listen to how the debate has evolved over these last number of days because as we started to learn more about this bill, I think the messaging by the government has started to change as well. Indeed, as I was driving here this morning, I was inundated with advertisements trying to soften the blow of the implications of what Bill 45 is. That’s interesting.

I don’t think that they, maybe, really worked this through with the legal department or something as to what people are going to take this to be, right? I don’t know what sort of relationship they thought they might have had with public service employees that they thought, you know, they could sort of work this through, but as the language became more clear – or I should say less clear – I think that everybody started to really freak out about just really what this implies.

I know that the hon. House leader for the government is an honourable man and certainly wants to reassure us of the benevolence of this bill. He’s not going to be around forever – right? – and neither will other people who will affirm that they would never use this for nefarious purposes. But in truth, Mr. Speaker, if you create a bill that becomes a law that is deliberately vague, then it is really more poisonous and dangerous than the original circumstance that you tried to fix with the bill by using language that does not bind together in any real cohesive way. When you talk about people talking about strikes and using language and so forth, well, you know, one sort of benevolent bill in 2013 can suddenly become a hammer that somebody whacks you over the head with five years hence.

You know, I don’t want to be a part of that, Mr. Speaker. I want to see co-operation, and I want to see people somehow coming to

an agreement. Consensus, I think, is the highest form of human governance, if we can find that place to be.

Still, even at third reading, Mr. Speaker, I implore everyone here to take a second look at how we might be able to put Bill 45 on ice, respectfully, maybe put it aside for a couple of months. Maybe over the Christmas break we could . . .

**Ms Blakeman:** How about six feet under?

**Mr. Eggen:** Well, no. Let's remember consensus, please, in the interests of those things. We might feel those things, but we have to look to the reasons.

There's always a psychology behind why people choose to make things the way they do. In this particular case, Mr. Speaker, you know, I think that some people were feeling a little bit inadequate about themselves. Maybe they were feeling a little bit like things weren't working out for themselves in the right way, so everybody can jump on this. Let's go and beat somebody up – right? – and our choice is going to be the public service workers in this province. Not just that, but we're going to send a chill right across the province that if anybody dares to look us in the eye, to look sideways, we'll say: "Oh, well, just try it. We're ready. We've got Bill 45, and we're going to use it." You know, that kind of attitude.

Maybe I'm wrong. I mean, I'm just using my imagination, right? Maybe there are members over there that feel guilty. They were public-sector workers in the first place, and now they're voting, hopping up and down like gophers, for this absolutely nasty piece of legislation that punishes their brothers and sisters, that they themselves worked with just a few months before and probably made great promises to: oh, I will certainly go to the Legislature and represent your interests, fellow workers, because that's where my heart lies. Well, yeah. Until they bring up bills 45 and 46, and they have to try to start a new alliance with the dark side of labour bargaining, which is what this amounts to, right?

Again, I'm just working through this here in the interest of consensus and trying to work out something that's good for everybody – right? – because that's really what our job is here in the Legislature.

**Ms Notley:** You're such a nice guy.

**Mr. Eggen:** Well, yes, I am. You know, I just can't shake that persona, and it's served me well over the years. I try to be nice.

We try to look for consensus, and certainly we can do it here with Bill 45, I think, as well.

We've gone through the history of this quite a lot. I must say that for the few days that the wildcat events took place at the Edmonton Remand Centre back in May, I wasn't around, so it took me a number of weeks to try to sort through what was happening. In the chaos of those circumstances nobody wins, that's for sure. We're still sorting through that here today. I think that's a direct historical result of those things, right?

Again, we have to look at why those things happen so that they don't happen again. I think part of the reason for the wildcat, as far as I can see, is that people were feeling unsafe and they were feeling uncertain. They weren't feeling like there was a support mechanism by which they could resolve that issue. Wildcat strikes are very, very unstable, and people don't just jump into them easily, right? It's not as though they just say: oh, well, let's drink a couple of wildcat beers and have a wildcat strike. No, it doesn't happen that way at all. You know that you're putting a lot of things on the line. [interjections] I wouldn't suggest drinking that beer, necessarily.

It's a very serious circumstance, and certainly we want to minimize, through this Legislative Assembly, at all costs those sorts of things from happening. We want a process, and we want avenues by which communication can be passed. When I look at the labour history of public service workers here in the province of Alberta, for 35 years we've maybe not had the best circumstance, but we've had a very reliable circumstance, which is, Mr. Speaker, using the process of arbitration, right?

You know, it's interesting that people talk about other provinces and say: well, you know, they sorted themselves out, and they went to the table, and they met at the table. A lot of other provinces don't have that. They do have public servants that do have the right to strike still, in fact. Maybe that's something that we should be considering here in the province of Alberta. You've got to be careful what you wish for because, maybe, in some ways you might have a more constructive way to bring people to the table with that.

**4:40**

Regardless, Mr. Speaker, the arbitration process has well-established lines and grooves that people move through. They know what it's all about, right? It's not as though AUPE staff or other people working in the public sector have this, you know, fascination or idea that they want to go on strike. I mean, it's been so long – 1977; that's, like, 35 years or more – that this law has been in place. It's not as though that even really is a consideration, in a way. But in lieu of not being able to strike, you have to be able to make sure that those communication lines are wide, wide open and that people understand each other's behaviour and do not misinterpret it and do not use it for political purposes. I think the latter is what we see happening here in the province of Alberta.

I was really surprised, too, about Bill 45 and Bill 46. I thought we were kind of, you know, driving this ship reasonably productively through this fall session, right? A few problems here and there. We got Bill 28 back, and there was some consensus built around the amendments in Bill 28, and that's a good thing. Then suddenly – boom – out of left field is the proverbial storm, a blizzard, Bill 45 and Bill 46 just coming in the last few days. I thought: well, what the heck is that all about? I mean, that's not normal. It doesn't fit in with the pattern of the tenor, the tone that we've set in this Legislature this fall.

When you're trying to explain, trying to figure out why and what the motivation is for using heavy-handed techniques in the last days of a legislative session – why would you do that, right? Why would you do that? The first thing that I came across is that you're using the dying days and closure so that you hope that people don't notice and everything will just go away. Well, Mr. Speaker, that strategy has gone by the wayside because we've never seen people so worked up about labour legislation in this province for, like, 25 years.

Here we have even the Wildrose Party speaking out against the principles of people having their freedoms limited, the freedom of assembly, the freedom of speech. You know what? That's a good thing. It's good to exercise those muscles, Mr. Speaker, because you only get what you fight for, ultimately, when it comes to democracy. You don't have those things handed to you. If you let down your guard, there's always somebody there to take those things away, right?

It's not as though, you know, governments have nefarious and mean-spirited intentions and motivations. What there is a motivation for is – if you do give people a rollback in their wages and a limitation on their capacity to represent themselves for health and safety and workers' rights and job conditions and

wages in the future, you can make a lot of money off that. Let's call this for what it is, Mr. Speaker. Bill 45 is a way for someone down the road to make a lot of cash off workers in this province by limiting their capacity to represent themselves, by limiting their capacity to defend themselves, and ultimately by limiting their capacity to negotiate for wages in the future, right? So it's not just a battle of will or ideology. It's power, and it's money.

Mr. Speaker, I'm here to represent the interests of working people in this province. I've made it clear. We know from the beginning, the history of both the Canadian commonwealth federation and the New Democratic Party of Alberta – right? – that we are here in partnership with working people to ensure that that shift of power and money is balanced over to the majority of working people in the province. That's how we work. That's how we operate. That's why we exist, our *raison d'être*, so to speak. Right, Edmonton-Strathcona seatmate? That's kind of like what we're here for.

Every time we see those things bumping up – and we know it's a struggle, right? We know that it's a tension that always will exist because there are always people pushing and pulling for more power and money for their group and so forth. But we also know from the recent history of both this province and this country and in the industrialized world that the balance has been very upset in that tension towards the very rich and fortunate few who are not just millionaires but billionaires, Mr. Speaker. The distribution of the wealth, the goods and services that we produce, that GDP that we seek to both grow – right, Mr. Edmonton-Gold Bar? Of course, we have that in common. We want it to grow, but we also want it to disseminate into as many parts of the economy as we can to stabilize the society, to create more equitable, socially just, and sustainable circumstances for that growth and to ensure that you can have that growth taking place like a slow burn, so to speak, over a reasonable amount of time and without the vagaries of recession and the boom-and-bust cycle that we so often suffer from here in the province of Alberta.

All of those things, Mr. Speaker, relate directly back to these little single points in history, and I'm going to keep these Bill 45 and Bill 46 copies as just a little bit of a souvenir of history. This is a little point in time here where we see directly that push between people who choose to write this sort of legislation, to move more power and money over to their group, a very small group that is disproportionately endowed with both power and money, and a push-back to the vast majority of Albertans, who want to raise their families and have a modest growth in their income, pay their bills every month and so forth, not looking for some inordinate push of power back but to try to restore the balance, a balance that looks to legislate for the middle class, to legislate for equity and equality and social justice and for a sustainable economy and a sustainable environment in which we could raise our families.

This idea of fracturing and breaking off pieces of different groups of working people in this province, again, is entirely misleading. Bills 45 and 46 cast a pall or shadow over anyone who negotiates their wage, who negotiates their working conditions, who will advocate for safety and so forth regardless of whether they belong to an organized association of labour or not. It casts a pall over all of those things.

What we do in here is set precedents, right? That's what unions are very good at. Although union representation in the province of Alberta and across Canada has gone down a little bit, these things wax and wane. They'll come back up again, certainly. I'm confident of that. But what it does is that it sets a standard by

which all other people get paid. If you don't have a Suncor setting the standard . . . [Mr. Eggen's speaking time expired] Oh, time flies when you're having fun.

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

Standing Order 29(2)(a) is available. Edmonton-Centre.

**Ms Blakeman:** Thanks very much, Mr. Speaker. Under 29(2)(a). The member had just started to talk about how unions lead the way in pay for the rest of the working people. I'm wondering if he could just expand on that, please, and finish his thought.

**Mr. Eggen:** Sure. Thank you. I appreciate that. I was just in the middle of a subjunctive clause, as we say in the teaching of English. I want to just finish that sentence.

We see the women and men who were here observing this afternoon, which I really appreciate, by the way. It really helps to animate. I'm always speaking to people that are looking at their computers and playing poker and reading novels [interjection] No, no. Company on this side excluded. Here we have people that have a vested interest in the very letter of these laws that, hopefully, we can put aside here in the next few hours and weeks and months. We're not just expending energy here for no reason. This is a very grave matter of great importance, right?

As I said two nights ago, you know, I come from a family where a lot of people worked in the public service, and I have two daughters that are studying at university to become, you know, a nurse and a teacher, respectively. So I take this very personally. I take it deadly, deadly seriously.

**4:50**

What organized labour helps to do is set a standard, a benchmark by which other workers benefit as well. To the Suncor you have the Syncrude. Suncor and Unifor set a standard by which the many other thousands of workers in Fort McMurray benefit tremendously. The same with our medical associations that we have, HSAA, UNA. There are a lot of medical workers that are not enjoying that sort of direct protection, but they enjoy the umbrella in the broadest possible way by which the standard is set from the United Nurses of Alberta or HSAA for what the pay should be. It's no coincidence that in those areas the organized union population actually is growing.

But, lo and behold, the very biggest one of all is the Alberta provincial government. That's the battle that we're looking to here today. Considering all of the public services that we enjoy from the Alberta government, give them credit. GOA is a fine, fine thing that provides a lot of good benefits to people. I think it's so great that we're going to take it over someday, and we'll even fix it up, and it will even be better.

But let's not forget that it's the women and men who actually do those jobs that make it great. If you take those people away, you will have a very empty building here, which will eventually have no purpose to it at all. You can take away the firefighters in the north one season or one week, and you will lose a lot of valuable real estate in timber and even towns and cities along the way. You look at those flood recovery and emergency response people, and they're just a fantastic group of people.

We need to feed, Mr. Speaker, into the goodwill that makes people choose to serve as public servants in the first place. We need to nurture that. We need to remunerate that properly. We need to listen when working conditions are brought forward. There are lots and lots of ways in which we could do that. We need to be in the spirit of goodwill of the season. We need to take

Bill 45 and give it a little Christmas holiday, just like we will all soon have. Give it a break for a while, come back to it in a couple of months, and let's find something that everyone can live with, with true consensus.

Thank you.

**The Speaker:** Under 29(2)(a)? The hon. Member for Edmonton-Strathcona. We have about a minute left on this section.

**Ms Notley:** Okay. Well, I have two questions. The first is just whether the member actually can define what a subjunctive clause is, because I can't.

The second is: knowing, as you do, the terms of Bill 45 and understanding what members of AUPE have been presented with through Bill 46 in the midst of bargaining – when they thought they were in the midst of good-faith bargaining, lo and behold, they weren't – do you have any concerns or perhaps predictions about what the combination of these two bills, what their impact is on the whole ability of other public-sector unions, for instance UNA or HSAA, to engage in good-faith collective bargaining with this government given the message that they have clearly sent through these two bills, through Bill 45 and Bill 46? Do you have any concerns about whether or not, really, we have the ability to continue collective bargaining in the public sector?

**The Speaker:** Thank you.

The time for 29(2)(a) is expired, and we go on to the Deputy Premier, followed by the Member for Cardston-Taber-Warner.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. It's an honour and a pleasure to rise on this bill. I notice that even though we're debating one bill, we seem to be switching from one to another, so if I am guilty of doing the same, I hope you'll be equally forgiving of my comments as well. I actually have listened very attentively to two or three of the previous speakers, and I'd like to comment on some of the statements that they have made.

The first one would be that yes, these members are correct. In the province of Alberta we can be very proud of the fact that we have had relative labour peace for a number of years. As a result of that, all of us as Albertans benefit because that means that our hard-working public servants deliver the services that Albertans rely on in many cases for their subsistence. That means that in the private sector, with building trades and others, projects are completed on time, on budget, and we get to benefit from the outcomes of their hard work and the employer's investment.

There have been instances, as you know, from time to time that such wasn't the case, but overall I think it can be said that the government of Alberta as an employer should be considered to be a fair employer because if it wasn't, if it wasn't showing good faith, a good spirit of collaboration, and an appreciation for the work that is being done day in and day out, 24/7, by public servants throughout our province, that wouldn't be the case. I think the relative peace that we have had compared to other provinces says two things, that we have very committed, very hard-working civil servants and that we have a government that is appreciative of the work that they do and that treats them fairly for the work that they do. If that wasn't the case, we would have lockouts and walkouts and strikes much more frequently than what we see. [interjections] Mr. Speaker, I hope that you will give me the same opportunity as you gave the other members to speak without interruption.

Mr. Speaker, you have to acknowledge that there are strikes that are considered to be legal, and some will argue that they're

beneficial, that this is part of this discourse between employer and employee group that allows for expression of dissatisfaction. Employers can exercise under the labour code their ability to lock out, and employees can exercise their ability to walk. That has happened, and that will continue to happen. Whether some of us would argue that this is not the best, most productive way of resolving labour conflict, such is the case. As a matter of fact, it's unfortunate when it happens because even though you find a common ground, some common denominator, and you settle the dispute, settling the relationships not only between employer and employee but even between co-workers often takes not only years but decades, and it festers. So both parties, I imagine, in most cases try to avoid those situations.

Mr. Speaker, we have had an example very recently of a strike, as you know, that not by this government but by an independent third-party adjudicative body and then the courts was found to be illegal. It didn't meet the requirements of the code. It was, as we refer to it, a wildcat strike. Now, why would anyone have an issue with wildcat strikes? Well, aside from the fact that they're illegal, just like any other illegal activity, which, obviously, should not be condoned by anyone, just like illegal lockouts would not be condoned by anyone, there are very serious consequences that come as a result of these activities. There are reasons why certain sectors of workers are simply not allowed to go on strike legally, because their work is so important, so paramount to the well-being of the province and of the beneficiaries of their work that if they were to abandon their posts, serious harm could fall upon either the province as an entirety or those who benefit from their work. We don't need to list the professions, but there are a number of professions designated as falling into that category.

Mr. Speaker, what happens when they do go on an illegal strike? Well, in the most obvious cases we as government or any employer have the fiduciary duty to continue delivering the service, which means you scramble and you hire any and all other workers that can possibly somehow simulate the work that is being done by those who chose to go on an illegal strike, but you do this at a great expense. This very short illegal strike that happened by AUPE just a few short months ago cost the taxpayers of Alberta over \$13 million, \$13 million in paying overtime to RCMP officers, repairing damage to facilities, and other expenses that came along. That is \$13 million of hard-working Albertans' tax money that could have been spent on other services or enhancing services that are being provided to Albertans by our public sector.

Cost, money, is important because it is taxation, but there is even a more important price, Mr. Speaker, that often is being paid, and it was, actually, quite well evidenced in the last illegal walkout. It is simply the danger, the peril at which you put your beneficiaries of the work that you do by abandoning your post.

5:00

I know that there are a number of people out there who have little sympathy for inmates, for those who are paying the price in our correctional facilities. I personally don't share that because we do have a duty to still protect them and keep them safe even though they may not be our exemplary citizens. There's a duty to keep them safe and in good health.

There are also other co-workers that are abandoned and left at peril. We saw that, actually, with medical professionals left behind by guards and left with prisoners, that were not equipped to deal with that and were possibly put in danger in that environment. As government or as any employer you simply cannot allow for that



to occur. We know it occurred because we even had leadership of other workers expressing concern with the fact that their members, their workers were now being exposed to unnecessary danger as a result of that.

That is why we have certain professions designated that should not and could not strike legally. But, Mr. Speaker, there are situations – and we’ve seen them in the past – thankfully in Alberta not so often, where a mere threat but a serious threat of a strike can cause also very disastrous consequences. Those are cases where upon a legitimate threat, where a minister or employer is of the opinion that indeed a strike may actually happen, they have to reallocate resources, put extra resources into hospitals or wherever the facility may be in preparation for that strike actually occurring. You know that all Albertans and oppositions and I would be critical of a minister who didn’t properly prepare for that contingency when he or she knew that a reasonable and valid threat was made.

We expect our seniors and our patients and others to have continuum of care, and if the threat is valid and serious, we as an employer have to prepare for that contingency at an incredible cost to taxpayers but also with a possibility of peril to those who are receiving the services because, again, when you put in replacement workers, that service is never delivered as professionally or as well as it is by our public service.

Mr. Speaker, that is why we have to have legislation that governs that. Now, one would ask the question: “Well, then, why wasn’t the last legislation good enough? We had acts, legislation on the books.” Well, I’ll tell you. Because the last strike was also – I would say a striking example, but I will use the word “good” – a good example where you had a leader of a union come out and say: with the fines that are currently on the books, they’re so irrelevant that I can pay them standing on my head. You know what? Upon review of that legislation, that leader of that union was right because that legislation was written 20 years ago.

The fines that were embedded in that act were in Canadian dollars of 20 years ago. When we look at today’s value, just adding inflation into account and the union’s capacity and how it has grown in numbers of members and their funds, those fines were really irrelevant. It’s like giving you a \$2 speeding ticket. You know that that would neither be punitive, nor would that ever serve as a deterrent. As a matter of fact, why would you even slow down for a police officer if you knew that it was going to be a \$2 ticket? The fact is that the law obviously was not effective. It resulted in an illegal strike, and it resulted in public mocking of legislation, and it needed to be updated, Mr. Speaker.

Now, this is where we’re morphing, I guess, in our discussion a little, but the Member for Edmonton-Calder was saying that he was elected to this Legislature to represent hard-working people, and he refers to union members. Well, Mr. Speaker, this province has 4 million hard-working Albertans. Every Albertan, no matter where they work and what they do, whether in an open shop or a union – they are hard-working people.

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

**The Speaker:** Hon. Member for Edmonton-Calder, what is your point of order and your citation, please?

#### **Point of Order Imputing Motives**

**Mr. Eggen:** Standing Order 23(h), (i), and (j), misrepresenting what I was saying and so forth.

**Ms Blakeman:** Imputing motives.

**Mr. Eggen:** Imputing motives. That’s right.

The member suggested that I was just speaking about working people – right? – only hard-working people. I said specifically in my speech – and you can check the Blues – that I was referring to everybody in this whole province.

Thank you.

**The Speaker:** Well, hon. member, I’m going to hear from the government side, but, as I recall, considerable leeway was given to you in your remarks, including leeway from the Speaker when you referred to people playing poker in here and doing all kinds of other things. No one took objection to that although I was about to rise and make a comment on that because I thought those comments were inappropriate.

Let’s hear what the hon. Deputy Premier might have to say.

**Mr. Lukaszuk:** Well, Mr. Speaker, I will simply not allow this to cut into my speaking time, so if that’s what the member feels he said, I accept that just so I can carry on.

**The Speaker:** Thank you for the clarification.

Let’s move on, then.

#### **Debate Continued**

**Mr. Lukaszuk:** Mr. Speaker, the fact is that as a government, and not only the government side but the opposition, we have a fiduciary duty to 4 million Albertans. We have to make sure that we treat our civil servants in such a manner that we attract the best – and I think we do – and that we remunerate them fairly, and I know we do compared to other civil servants in the same categories across the country. But at the same time, we have to be sensitive to the fact that the public service, including us in this Chamber, is funded by generous taxpayers of the province of Alberta, all 4 million Albertans. That is the balance that we have to strike.

Mr. Speaker, actually, this Premier has taken an initiative which is rare in this country, but I’m noticing that other provinces will follow suit, where we made a determination that there are not more or less important civil servants. They’re all important. If you are receiving social benefits, your social worker at that moment in time is the most important person in your life. If you’re lying on a hospital gurney, that nurse at that moment in time is the most important person in your life. They’re all equally important in what they do, and that means we have to treat our workers with some form of equity. That means that we are not going to negotiate contracts based on what the price of oil happens to be today or on who the minister in charge of a given portfolio happens to be today or on what raise another union somewhere else in the country happened to get today. What you actually end up doing is pitting one sector against another within the public service, where you’re lucky if your contract comes to an end when the price of oil is at a hundred bucks, and too bad, tough luck, if your contract comes up in a negotiating period when oil just dropped two weeks ago to 30-some dollars, as we have seen in this province. It happens very often.

We have formed, Mr. Speaker, a body within the government of Alberta, the Public Sector Resources Committee, which is now bringing equity to all of our public-sector negotiations, and what we’re looking at are two very important variables. Number one is: what is the market trend in Canada, and how are we faring within

the market trend? We know that we want to attract and retain the best, but at the same time we know that we want to be very sensitive to Albertans and their taxation and how much they pay for the services they receive. We also want to be sensitive to affordability but not exclusively either. I know that there are members of the opposition who will argue: “Well, you know, this year your budget looks really good. Give them 10 per cent, 5 per cent. Next year give them less.”

Mr. Speaker, affordability is not the only variable. Let me give you a little anecdote, and actually it's a true one. I had to replace the roof on my house about a month ago. Well, the roofer that showed up – actually, three or four of them showed up to do quotes on my roof. They didn't ask me how much I make. You know, the price of the replacement of my roof wasn't dependent on my salary, my ability to pay. There simply is a going rate for how much it costs to replace a roof, and that's what you pay. That is what we govern ourselves by, and that is how we will ensure that we treat our civil servants, public workers, with a certain sense of equity and respect throughout the entire system and not have the lucky and the unlucky, based on when they happen to negotiate. We've seen that.

5:10

At this point in time we have been looking at a certain range of settlements. We have done so with the teachers, we have done so with the schoolteachers, and we're hoping, because there is still a lot of time left on the clock, to arrive at a similar, not identical but similar, settlement with this union.

I wish I could say more, Mr. Speaker, but at this time I would move to adjourn debate.

**The Speaker:** Thank you, hon. Deputy Premier. Your time has expired, but 29(2)(a) is available. So far I have the hon. Member for Cardston-Taber-Warner . . .

**Mr. Lukaszuk:** Mr. Speaker, I moved to adjourn debate.

**The Speaker:** I'm sorry. I missed that. I was answering a note here. My apologies.

The hon. government member has moved that we adjourn debate on Bill 45 at this time.

[The voice vote indicated that the motion to adjourn debate carried]

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

[Ten minutes having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Amery	Griffiths	McDonald
Bhardwaj	Hancock	McIver
Brown	Horne	Quadri
Cao	Horner	Quest
Casey	Jansen	Sarich
Cusanelli	Jeneroux	VanderBurg
DeLong	Johnson, J.	Weadick
Drysdale	Johnson, L.	Webber
Fawcett	Khan	Woo-Paw
Fraser	Kubinec	Xiao
Fritz	Luan	Young
Goudreau	Lukaszuk	

Against the motion:

Barnes	Kang	Sherman
Bikman	McAllister	Stier
Blakeman	Notley	Strankman
Eggen	Rowe	Swann
Forsyth	Saskiw	Wilson
Hehr		

Totals: For – 35 Against – 16

[Motion to adjourn debate carried]

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

**Mr. Hancock:** Thank you, Mr. Speaker. All the members have been summoned in here. I would ask for unanimous consent of the House to shorten the time between bells, if there are further divisions this afternoon, to one minute.

[Unanimous consent granted]

**The Speaker:** Hearing no objection, I believe we can shorten the bells. The customary tradition would be to leave one minute between the first ringing and the second ringing. So ordered.

**Mr. Saskiw:** Until 6?

**Mr. Hancock:** Just for clarification, it would seem that there is some concern that this might be for this evening. Well, we could ask for the same unanimous consent this evening if members . . . [interjections]

**The Speaker:** As I understand it, your motion is for the afternoon only.

**Mr. Hancock:** Yes.

**The Speaker:** So up until 6 p.m.

## Bill 46

### Public Service Salary Restraint Act

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

**Mr. Horner:** Thank you, Mr. Speaker. I rise today to move third and final reading of Bill 46, the Public Service Salary Restraint Act.

I'd like to make a few comments. My colleague from Edmonton-Whitemud has spoken on the two bills in the previous readings. I have as well and have made a number of comments, and those are on the record. But I did want to respond to a few things that I think are important from some of the other colleagues that have spoken when they were speaking to Bill 45 but related actually to Bill 46. I think, Mr. Speaker, it is important that there is a separation between these two pieces of legislation.

The hon. Member for Edmonton-Centre loves theatre. We all know that. She loves to rewrite history, evidently, as well. We are not cutting the public service here. In fact, there is no wage freeze for this bargaining unit within this piece of legislation either. In fact, we have frozen the salaries of management for the next three years. We have, as you know, through Members' Services frozen the salaries of MLAs for the next three years. That's not what's in this piece of legislation, Mr. Speaker.

In fact, we're not forcing the agreement in this piece of legislation either. What we're asking for is negotiation. We're asking for the Alberta Union of Provincial Employees' leadership to

come back to the table. We have an offer on the table as we speak that is actually higher than what is in the legislation. There are things in there like enhanced vacation pay. There's enhanced entitlement around Christmas closure. That's what we want to sit down and have a discussion about. This is not the end-all of what could be the agreement, and I'll talk a little bit more about that, too.

The hon. member also talked about the fact that we agreed somehow to compulsory binding arbitration. Well, Mr. Speaker, when one group decides that they no longer wish to negotiate, and they walk from the table and make an application for compulsory binding arbitration, there's no: "Well, we can't disagree" or "We can't agree." It's there. We had to be at the table to sign onto that. But after 12 days of negotiation in May and two days of mediation and then immediately applying for that binding arbitration, that's hardly negotiation, and we're asking for them to come back to the table.

Secondly, the Premier mentioned in an answer to a question in question period a day or two ago that she had actually had a communication with the president of this particular bargaining unit and asked: would they come back to the table prior to this legislation ever seeing this Legislature? The answer was: no; they weren't coming back to the table even though we'd put an offer on the table.

You know, the other piece to this, of course, is that the hon. member talked about: well, we've changed the pensions. We haven't changed any pensions. We have proposals on pensions for the LAPP, the PSPP, the SFPP, and the management pension program. These proposals were brought forward because of the sustainability issue in all of these defined benefit programs. In July of 2012, when I spoke with all of the leadership of all four plans, I heard them very clearly say to me: "We want to protect the defined benefit plans. We want to protect the core benefits for our members. Don't go down the road of the Wildrose and have a defined contribution and cut off defined benefits." In fact, I remember, Mr. Speaker, because I spent the day with them, and they had buttons that said something about protecting the DB.

Then we went back to say: "Okay. So how do we look at proposals? How do we ask all of those boards for their proposals to do that? Let's make that happen." But you can't wait forever, Mr. Speaker. You have a 7 and a half billion dollar unfunded liability that is shared by taxpayers and plan members. We need to start doing things today to protect those benefits for the future.

We said, "Let's, as one of the principles, protect the core benefits of those plans," so we asked for proposals. Those proposals came in at the end of March of this year. Frankly, Mr. Speaker, we were a little bit disappointed that the proposals, many of them, simply said: "Leave it alone. It'll fix itself. Some day the returns will get better, and all will be well." Well, all of the actuaries that we've spoken with, all of the other pension plans across the nation are taking action or know that they have to take action.

We decided we would put some proposals on the table, which we are still hearing consultation about until the end of December, and I am still open to good suggestions that would come forward that would see us change even the proposals that we have on the table. Some of them are: instead of going from 85, maybe go to a 90. There are a lot of things that are up in the air on that, but to actually connect that with what we're doing in Bill 46, which is related to one bargaining unit, the AUPE . . .

5:30

**An Hon. Member:** Now.

**Mr. Horner:** Just now. It's over after this.

. . . which is related to just the agreement that is on the table today. It even is built into the bill that once this is all done, the bill is done.

So to suggest, as the Wildrose likes to suggest, "Vote for us. We're now the union guys in the room" because we're going to reinstate all of this stuff by 2016, well, there won't be anything to reinstate. The bill actually expires. All of these things will come back to the table. This particular piece of legislation is only for this agreement. For them to do that, I know it's a bit disingenuous. [interjections] Well, it's in the bill. You should read the bill because it's in the bill. The bill has no long-term effects. It is a bit disingenuous, and some have commented on the fact that from where the Wildrose . . . [interjection] Sorry, Mr. Speaker, I . . .

#### **Speaker's Ruling Decorum**

**The Speaker:** You can see what happens, right? You start interjecting over here. It's a little bit prolonged, and then somebody takes the bait over there, and then it's prolonged. Then it comes back here, and pretty soon we have no debate at all. I'm going to count up how many times I've risen on this point over 18 months because it's really curious. It just defies logic and words. I just can't find the words to express how disappointed I am.

The hon. President of Treasury Board.

#### **Debate Continued**

**Mr. Horner:** Thank you, Mr. Speaker. The legislation that we're also debating in this House is around penalties for individuals who break the law. That's not what Bill 46 is about. So, again, to tie the two of them together is disingenuous at best, Mr. Speaker.

The other piece that I did want to mention while I have the floor was that there was some discussion around, you know, the Lougheed legacy. I've actually received a few e-mails from people who have made comments about my father's ability in this House and some of the things that he may or may not have said and what he would have done. I take great pride in my father's service to this House and to this province. I don't say it for that, Mr. Speaker; I say it for the message to those individuals who sent me e-mails suggesting that they knew him better than I. I can tell you, Mr. Speaker, and some across the way, by the way, that I feel very comfortable that what I am doing in service for the taxpayers of Alberta and, in fact, for the staff that work for me and the people that have supported me in my term here is the right thing for Alberta.

Mr. Speaker, the Deputy Premier commented on the idea that just because our economy is turning around, just because we announced in our second half that, as it turns out, it's looking like our first half was better than projected, that we may have a billion-dollar surplus for the operating side of our ledger, we should somehow now all of a sudden open the gates and just pay everybody because we have more money. We have got to change that attitude, and we have got to change that culture because it has put us in a position where sustainability is in question. We need to deal with that from the expenditure side. The revenue side: down the road we can talk about that, too. But right now we need to ensure that we stay competitive, for sure. We want to attract the best and the brightest as well. Right now, as the Deputy Premier said, all of the research, all of the comparators you would have would suggest that we are very competitive, and we should stay that way.

Bill 46 provides that framework within which the government of Alberta can negotiate with the AUPE towards a new four-year agreement. Negotiation is a better way for us to go, and we want to get back to that bargaining table so that we can reach a deal on pay that is fair to our hard-working public servants but that is also fair to taxpayers, Mr. Speaker. It has to be such.

We still want to attract the best and the brightest, as I said, and we want to uphold Alberta's market edge through that competitive pay and benefits. When we talk about our work with the doctors and the teachers, the hon. Member for Edmonton-Centre said that, well, we legislated the teachers. No, we didn't. We actually sat down with the ATA. We came up with a negotiated deal. One of the boards said that they didn't want to follow through, but in the negotiation, Mr. Speaker, we talked about how the whole thing has to come together and that if we had to, we would bring legislation to bring the outliers into the deal that was negotiated with the ATA.

These are decisions that are directly impacting taxpayers across this province. I know that the people in the galleries are all taxpayers, too. The members sitting down here are taxpayers. The people that are outside plowing snow for us this evening and spreading salt are taxpayers, Mr. Speaker. These decisions directly impact the spending of their dollars. Therefore, government and the union reps should sit down and talk about it, and they should make that determination. So we do look forward to restarting those negotiations with the union.

There were comments that were made last night and, I think, even today in question period about the deal that was negotiated with British Columbia's workers: a five-year deal, 5 and a half per cent, roughly 1 per cent per year, and they have a profit share. Well, I wouldn't call it a profit share, but it's a share of whatever the increase in GDP is over their forecasted piece. Now, Mr. Speaker, I've said this before. You don't get a deal like that by going to binding arbitration. You get a deal like that by going and sitting down in fairness to both the taxpayer and the membership and saying: what would be a unique way for us to deal with this? I, frankly, would think that would be a neat thing for them to offer. I think it would be something that would be interesting, and I hope the bargaining units and the table look at something like that. I'm waiting for something to happen, for them to come back to us with an offer.

We have over the next two months, Mr. Speaker, the opportunity to reach an agreement with our public servants, as I've said, that is even better than what's in this legislation. What we have on the table right now in terms of our offer is better than what's in this legislation. There is room for us to make a better agreement. We've shown that. So let's sit down. Let's talk about it. Let's have some negotiation. Let's see what we can do that is even better than what's in the legislation. But it's fair to the taxpayers given all of the other agreements that we've done, and we have been very up front with this union and other unions that this is the path that we are on for sustainability to ensure that we can balance the budget in the future so that we are fair to them and to the taxpayers. I look forward to the results of that over the next two months.

Therefore, I would hope that you would join me in supporting this piece of legislation. Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Cardston-Taber-Warner.

**Mr. Bikman:** Thank you, Mr. Speaker. I'm happy to be here and to represent the people of my constituency and others who have taken the time to write in and express their concerns about what appears to be a unilateral action that's taken without due

consultation to change a right that has existed in our province to make up or compensate for the fact that those who provide services that are deemed essential can't strike, so they have the opportunity to trust in the fairness of objectivity of an arbitrator, something that the government appears unwilling to do.

I think the concerns that have been expressed to me and that we've discussed in our caucus amongst ourselves – this sets a precedent. Now, the government says and we've been promised and the act, in fact, says that it will cease to exist or be in effect once certain things have happened, the deal has been made, the new contract is in place. Well, the question, obviously, to all of us and to those workers who currently provide their labour service to the government through their public service union is: which tough bargaining union will be the next victim of a new Bill 46, as I said last night, the ugly stepsister of Bill 45?

I wonder if the minister and the government itself are surprised at the union's reaction to this, and if you are, why would you be? You've taken away a right through the stroke of a legislative pen and the power of your numbers and the 45 per cent of voters that voted for you as opposed to the concern that the 55 per cent that the rest of us represent are expressing here from this side of the House. I think that should carry some weight, and I think that a government that was seriously interested in providing appropriate legislation and appropriate responses to its challenges would want to share their proposed or their anticipated bills and the covenants in those bills with the rest of the Legislature to get other points of view and perspectives.

5:40

It seems to me somewhat arrogant to think that you've got a corner on intelligence, a corner on the pulse of the people and understanding it. The fact that you have more members elected: congratulations. You ran a very effective fear-and-smear campaign. That doesn't change the fact that 55 per cent of the people in the province didn't vote for you. This will likely change in 2016, as we referred to. We don't hold ourselves up necessarily as the party that speaks for and represents the union. What we're holding ourselves up as is the party that speaks for common sense, that speaks for common decency, that speaks for the rule of law, that speaks for the right of people to appeal through a predetermined system that existed for a long, long time and has proven to be effective.

I guess that the promise written into the act that it's going to be cancelled or it'll cease to exist once certain things happen is a rather hollow promise. We all expect and, certainly, the other members of other unions I know are wondering if when things get tough or if they're trying to negotiate for the best possible deal, you'll just say: "Well, no. We'll just put in a new Bill 46." If you don't trust in the justness of your position and the strength of your argument and your ability to persuade an arbitrator and you've got the power, then I guess you exercise it and you propose and will obviously be successful because of sheer numbers and the fact that your members, your MLAs, are not allowed to vote to represent the wishes of their constituents but have to vote the way they're told to by the cabinet, then we know the outcome of this.

This exercise is an opportunity to express what is otherwise inexpressible from anybody but this side of the House, so we're left with the responsibility of speaking on behalf of those who can't speak here for themselves or who mistakenly chose an MLA who's not allowed to speak and vote the way his constituents want.

Therefore, we can't support Bill 46 because it's unfair and unjust. Thank you.

**The Speaker:** Hon. members, I've received several notes about how the order should proceed, so I have to tell you how it's going to be. Prior to this and under Standing Order 45 I had thought we would go government member and then Official Opposition and then other opposition and other opposition only because I had no other requests from government at that time for speakers. However, the tradition, as you all well know, is to ping-pong: government member, opposition member, government member, opposition member. I'll do my best to abide by that going forward because I have had requests for other members to speak.

I wonder if there's anyone else who wishes to speak here from the government side. No?

Then we'll carry on, and 29(2)(a) will be available after the next speaker.

We'll go over here to the Liberal caucus and ask Calgary-Buffalo to please offer his comments.

**Mr. Hehr:** Well, thank you, Mr. Speaker, for recognizing me to offer my thoughts on this bill. What I see is an unprecedented attack on organized labour and an unprecedented attack on the working people of this good province. I not only see it as an attack on labour, but I see it as an attack on the citizens of Alberta at large in that this government is seemingly content with trampling on our rights and freedoms that are guaranteed to us under the Charter of Rights and Freedoms. Primarily, I see this government trampling on two rights enshrined in section 2: the freedom of expression, which I will not dwell on – it was fundamentally trampled on in Bill 45 – and, primarily, the right to freedom of association. In my view, the freedom of association right it's trampling on is clear, and that should send a message that should really be of concern to all Albertans. In my view, it is a shameful day for this government to be doing this in this manner.

Under our freedom of association every citizen in Alberta is allowed to join a trade union and to have adequate access to a collective bargaining process. What this government is doing through this bill is a clear indication that you are not allowed to collectively bargain in this province in good faith, with due process, and have your day heard by a fair and final arbiter, by what we have established not only through the Supreme Court of Canada but through the law of the land in this province since 1977. With the deepest respect to the minister of the Treasury's remarks, I find them nothing but poppycock, and his view of the way this bill is presented is completely false with its actual intent and its purpose.

Here, let me go back a little bit. In 1977 former Premier Lougheed made wildcat strikes, or strikes by the public service, illegal, and whether that was wise or not, he realized he was taking away an essential right of those workers, the right to strike, and recognized in his wisdom and in the wisdom of the hon. minister of the Treasury Board's father that we have to allow for the collective bargaining process to be fair and to be available should we take away the right to strike. That has been the law of this land for the last 35 years or so.

No government, not even the Klein government, who had many follies into many different venues and, in my view, was wrong on many fronts, ventured into that draconian of a measure, that they would take away an ability of unions and people who are involved in trade unions, to interfere with the collective bargaining process, which, again, would be a breach of our fundamental rights to freedom of association.

What the government has done in this case now is that they have negotiated with the union, and they and the union have put forth bargaining positions, and, as is their right to do, the union has disagreed with the government's approach. They applied for

binding arbitration, which is their right to do and was the right that we have allowed over the course of the last 30 to 35 years. That is the bargain we have struck. At that arbitration process what happens is that the union will present their case, the government will present their case, and a fair arbiter will come to a decision.

Now, what the government doesn't like about this process and why we see this heavy-handed measure is that the arbiter will be presented evidence of the true picture of what is happening here in Alberta. It will be presented with evidence that we have a robust economy, that the private sector is doing well. In the last reports I see the average private-sector worker is receiving wage increases of roughly 3.6 per cent a year. That's the evidence that the arbiter will see, and that will influence his decision as to what his result is going to be. The government knows that the arbiter is going to come up with an agreement that is a heck of a lot better than the 0, 0, 1, 0 they have presented in this legislation and whatever they have submitted so far to the union. That is what this is all about.

Instead of allowing that fair process that has been established in this province since 1977 and that has been protected by our Charter of Rights and Freedoms, the government has pre-empted this with a bill here on the Legislature floor that holds a gun to the trade union's head and says: you shall come back here and negotiate with us despite the terms that have already been rejected until we get a deal that we like. In doing so, they have taken away the trade union's ability to negotiate in good faith because that needs a fair access to collective bargaining, a fair access to this process. The government has taken away that process, which is wrong, fundamentally flawed, an affront to our Charter of Rights and Freedoms, and is simply in bad faith.

**5:50**

In my view, what is going to happen here is that there will be a legal challenge put forward by labour organizations. It's probably in the midst of being filed as we speak. In five years from now – who knows how long? – we will receive a judgment from the Supreme Court of Canada which says: Alberta, you're wrong; you took away our fundamental rights and freedoms, our right to free expression, and our right to freedom of association. That will be the record of this government. They will have introduced a bill here that is an affront to citizens of Alberta. That, to me, is highly disappointing.

Let's look. The minister was claiming that this government is attempting to live within its means. I think that's what he is saying that the basis of this bill is. But let's be clear. Like I alluded to earlier, any government in North America, in fact, throughout the western world would envy Alberta's position. Like I said, the private sector is doing well. Retail sales are up. Home sales are up. Corporate profits are through the roof. The only one who is broke here is the provincial government, and it's a result of their own refusal to look at a fiscal structure that is clearly broken, that clearly doesn't allow for predictable, sustainable funding, nor does it allow them to pay its public servants a reasonable day's wage at a time when it should have easy access to do it.

Let me explain why, Mr. Speaker. We have instituted a fiscal structure that essentially makes us rely on the price of oil for whether we can pay our daily bills. It's faulty. It's flawed. It's, in fact, stupid. Economists over the last 25 years have all said that and in fact every former Tory finance minister I've talked to about this – from Jim Dinning to Shirley McClellan to Ron Liepert to Ted Morton – all agree. We have a revenue problem. This is not a Liberal or a New Democrat idea. They all recognize we have a revenue problem. They agree our tax structure is flawed. So instead of taking all of the evidence from these fine individuals, who now have left politics, and economists of all stripes to allow

who now have left politics, and economists of all stripes to allow for workers in this province to get paid a reasonable rate, they would rather duck and hide and take egregious swipes at Alberta citizens and violate the Charter of Rights and Freedoms and bully their way to a settlement instead of actually fixing what has long been recognized as broken, our fiscal structure.

That is what is happening here. A government whose complete incompetence can be shown in the fact that over the course of the last 41 years we have brought in some \$375 billion in nonrenewable resource revenue. We've only managed to save \$16 billion of that. We've never had predictable, sustainable funding, and that is the end course of it.

In my view, this bill is short sighted and – I'll finish where I started – an unprecedented attack on organized labour, an unprecedented attack on the citizens of Alberta and their right to have the Charter of Rights and Freedoms protected. In my view, it has been the bill that – I didn't think that I was ever going to be confronted with a bill as offensive to me as Bill 44 was in the last Legislative Session, which trampled on human rights, singled out our gay and lesbian community for ridicule and disdain. I think it set this province back a number of years in that respect.

Since that time I find this bill equally appalling, with its attacks on what our reputation should be out there in the community, the way we should treat our public-sector workers, and recognize what we have done here in this province, and in my view it's quite a shameful day for this government.

Thank you, very much, Mr. Speaker.

**The Speaker:** Hon. members, 29(2)(a) is now available. Does anyone wish to speak to 29(2)(a)? Yes. The hon. Member from Cypress-Medicine Hat.

**Mr. Barnes:** Thank you, Mr. Speaker. I'm just wondering if the hon. Member for Calgary-*Buffalo* feels that the Premier and this government's broken promises since the election date may have impacted the crafting of Bills 45 and 46.

I'm also wondering – I know that in the Wildrose our position was recall in the last election, and I understand that in B.C. when the Campbell Liberal government kind of hid the truth from the people that they really wanted an HST, PST combined, starting the recall process of 21 MLAs for the Liberal party on Vancouver Island made a huge change in government policy. I wonder if the

member would care to comment on if recall might be an option for this province down the road.

Thank you.

**Mr. Hehr:** Well, I'll stick to the comments regarding how we got here and, increasingly, what we saw the province run on in 2012. Their election platform was a complete and utter sham and, in my view, was disingenuous to say the least. Look what they promised there, predictable, sustainable funding. They had building every school in the province, from Milk River to Zama City and the like. They promised the moon to anyone and everyone who was listening. I wonder if the people who ran for that party actually believed it when they were running for it, okay? Really, if you did – and, you know, I'm going to be honest. I drank Alison Redford's, hon. Premier's, Kool-Aid for a little while, too, because I thought maybe she would have the ability to fix what was broken in this province. I, like the rest of Albertans, in my view, was sold a bill of goods on election day.

To be honest, instead of fixing what's broken, here we are. We're taking it out on the backs of working people, not recognizing that they have a role to play in this province and that we should be grateful for that role. By not fixing that fiscal structure, here is what she has had to do. She has had to break every promise that she gave and now is running around trying to, in my view, make a silk purse out of a sow's ear, which is not going to allow us to move forward to the best we can today, which is ensuring kids in classes get educated, that people in care get cared for, that people get paid an honest day's pay for an honest day's work. We are here now trampling on civil liberties of Albertans to bully their way to a settlement that negates what we have done here over the course of the last 30 years and should be an affront to every citizen in this province.

Thank you.

**The Speaker:** Hon. members, I wish I could recognize more, but it is now 6 p.m.

Just before I adjourn the House, hon. Member for Calgary-*Buffalo*, I think that I heard you use someone's first or last name, so you might want to remind yourself that that's not normal form.

According to our rules it is 6 p.m. and we shall adjourn now until 7:30 p.m. tonight.

[The Assembly adjourned at 6 p.m.]

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