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The 28th Legislature
Third Session

Alberta Hansard

Wednesday afternoon, November 26, 2014

Issue 7a

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

Third Session

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Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 26, 2014

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. Holy and great Creator, guide us this day and every day. Since millions of Albertans have put their trust and faith into our hands as lawmakers, help us to do our very best to not disappoint them. Amen.

Please be seated.

Introduction of Guests

The Speaker: Let us begin with school groups, starting with the hon. Member for Spruce Grove-St. Albert.

Mr. Horner: Well, thank you very much, Mr. Speaker. It is indeed an honour to rise and introduce to you and through you to all Members of the Legislative Assembly a very large contingent of students from Spruce Grove Woodhaven middle school. We have 134 visitors in both galleries. I had an opportunity to have a chat with them down in the rotunda as they were there for their pictures. They passed a law, just as we do, in their parliament that would require mandatory French as second-language schooling in Alberta, which I thought was quite interesting. A vigorous debate was had by all, but I guess it passed. They are accompanied by teachers Rob Peet, Mark Bradshaw, Jayna Butler, Mary St. Amand, and Hazel Wolfert, and parents Jerry Russell, Carie Purdy, and Cory Sinclair. As I said, they are in both galleries. I would ask that they now rise and receive the traditional warm welcome of the Assembly.

The Speaker: Are there any other school groups?

If not, let us move on with other important guests, starting with Edmonton-Decore, followed by Sherwood Park.

Mrs. Sarich: Thank you, Mr. Speaker. It's my honour and privilege to rise today to introduce to you and through you to all Members of the Legislative Assembly seven guests here in recognition of the Ukrainian Canadian Civil Liberties Foundation CTO project, where 100 memorial plaques were unveiled across Canada on August 22, 2014, to mark the 100th anniversary of the implementation of the War Measures Act. One of the memorial plaques was unveiled in Edmonton-Decore at the Ukrainian Youth Unity Complex.

My guests are seated in the members' gallery, and I would ask them to please rise as I mention their names: Mr. Taras Podilsky, chair, Ukrainian Youth Unity Complex unveiling committee and activist in recognition of the internment operations; Mr. Emil Yereniuk, chair, Ukrainian Canadian Congress internment and assisted to co-ordinate the Canada plaque project; Mr. Jerry Bayrak, internee descendant of Mary Hancharuk Bayrak – she was the last survivor of all the camps across Canada; Mr. Eugene Harasymiw, posthumous; Mrs. Natalie Harasymiw, wife of Eugene Harasymiw; Mr. Adrian Harasymiw, son of Eugene Harasymiw; Mr. Andriy Harasymiw, president of the Ukrainian Canadian Civil Liberties Foundation and son of Eugene Harasymiw; and Mr. Andrew Hladyshesky, QC, lead negotiator of the federal internment redress agreement. Also, unable to attend from Calgary were Ms Halya “Helen” Wilson and Mr. Borys Sydoruk. Both were

activists in recognition of the internment operations. I would now ask the Assembly to please provide the traditional warm welcome to my guests.

Thank you.

The Speaker: Thank you.

The hon. Member for Sherwood Park, followed by the leader of the ND opposition.

Ms Olesen: Thank you, Mr. Speaker. I'm so pleased to introduce to you and through you to all members of this Assembly two constituents from my constituency of Sherwood Park, Jayme Paccagnan and Derek Fettback. I would ask that they rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Edmonton-Strathcona, leader of the ND opposition, followed by Fort Saskatchewan-Vegreville.

Ms Notley: Thank you very much, Mr. Speaker. It's my pleasure to rise today and introduce to you and through you to all members of the Assembly my guests, Debbie Arcand and Rodney Kusiek. Debbie and Rodney are both executive members of the Alberta Union of Provincial Employees local 47, which represents continuing care employees in the private sector in central and northern Alberta. The Alberta NDP is extremely proud to stand with local 47 to fight for an increase in funding for seniors' housing across the province. I'd like to ask my guests to rise, which they've already done, and receive the traditional warm welcome of the Assembly.

The Speaker: Thank you.

The hon. Member for Fort Saskatchewan-Vegreville, followed by Edmonton-South West.

Ms Fenske: Thank you, Mr. Speaker. Today I'd like to introduce to you and through you to all members of the Assembly Mr. Chris and Mrs. Carol Robertson. The Robertsons are constituents from Fort Saskatchewan-Vegreville, and we're very proud to have them here today. Mr. Robertson is the first and only person in history to travel from the bottom of mainland Canada to the top under his own power, on his bicycle. He has authored a book entitled *To the Top Canada* and has spoken to over 5 million Canadians, challenging Canadians with just one question: what will you do to make Canada a better country than you found it? I would like them both to rise – they're seated in the members' gallery – and I ask for the traditional warm welcome of the Assembly.

The Speaker: Thank you.

The hon. Member for Edmonton-South West.

Mr. Jeneroux: Thank you, Mr. Speaker. I'm pleased to introduce five students from the University of Alberta. I spoke to their class recently about my compassionate care bill and what it means for Albertans. They're now interested to see the inner workings of the Chamber, so I'm very happy to have them here today. They're looking very studious up there as well. I ask Maria Dolores Irizar Carrillo, Kristen Huggett, Sandra Langat, Erin Cherlet, and Carla Cichowska to please rise and receive the traditional warm welcome of the Assembly.

The Speaker: Thank you.

Members' Statements

The Speaker: Hon. members, two minutes each, please.

Provincial Debt

Mr. Anderson: Mr. Speaker, the message in today's fiscal update couldn't be clearer. There is an emerging fiscal crisis developing in this province, that we need to address immediately. We have a systemic budget deficit. What does this mean? It means that in order to avoid having to borrow money to pay for government infrastructure and services, the oil price needs to be roughly \$110 per barrel, but it isn't. Instead, oil prices are set to be in the \$60 to \$80 range for an extended period of time, which means billions upon billions in new debt every single year. Our provincial financial health is literally in the hands of oil tycoons in the Middle East. It's upsetting, and it's disturbing.

Now, I could stand here and rail against this government for putting us in this position. The Wildrose has been sounding the alarm on this exact set of circumstances for the last five years, and our suggestions, including many that the government is now actively considering, were regularly mocked and called extreme. The fact is that I don't really care whose fault it is anymore. I just know that if we in this House truly care about our kids and the future of our grandkids, the future of our amazing province, we need to come together and fix this problem. We need to ask ourselves: what are we leaving to our children? A bunch of debt? Schools, hospitals and roads that they can't afford to staff or maintain because they are drowning in debt finance charges? What kind of legacy is that?

We still have time to get this right, but we must start now. Our window of opportunity is shrinking daily. It is my hope that all of us in this House can come together and agree to a new, multiyear fiscal plan that will balance the budget at \$80 oil, eliminate the need for additional debt, and save for the future. We are at a critical, critical crossroads. We owe it to all Albertans to get it right.

Thank you.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by Fort Saskatchewan-Vegreville.

1:40

Provincial Fiscal Policies

Mr. Mason: Thank you very much, Mr. Speaker. The second-quarter fiscal update delivered today by the Finance minister reflects the provincial government's continuing dependence on oil and gas royalty revenue to fund public programs. His job, as he put it, was to finish the fiscal year in the black. Hard choices lie ahead, so he said. Hard choices indeed. A large drop in royalty revenue with no increase from other sources means only one thing: more cuts are coming, layoffs and hiring freezes are coming, waiting lists will grow, and user fees will rise.

The Premier said that lower oil prices mean that it won't be business as usual for the government, but for this PC government, cuts when oil prices fall is business as usual. This government has promised for years to get off the royalty roller coaster, but here we are once again coming over the top of the rickety track, about to plunge down amid screams and white knuckles. We've been on this ride too long, Mr. Speaker, and it's time the government got serious about getting off it.

In the early 2000s the Klein government, its coffers brimming from sky-high natural gas royalties, offered two major tax cuts, ironically, to the people who needed them least. The first was the flat tax, and the second was a massive cut in corporate income taxes. Both of these initiatives cost the provincial treasury billions of dollars. Now with gas prices down and oil prices right behind, this PC government is poised to cut health care and education and other public programs yet again.

Mr. Speaker, there is a price to be paid for rock-bottom tax rates for the wealthy and the corporate sector. That price is paid by low- and middle-income Albertans, who depend on the government programs, including access to our health care system and a high-quality, accessible education for our kids. It's paid by seniors who receive inadequate care in nursing homes and by young people who can't afford a postsecondary education.

Mr. Speaker, there is something we can do. A good start would be to axe the flat tax, a practical step. In that way we can take one concrete step to ensuring that when the price of oil drops, we are not yet again laying off teachers and nurses. Every other province in this country has a progressive income tax. It's time Alberta did as well.

The Speaker: Thank you.

The hon. Member for Fort Saskatchewan-Vegreville, followed by Edmonton-Decore.

Patriotic Acts

Ms Fenske: Thank you, Mr. Speaker. Our society was rocked when Warrant Officer Patrice Vincent and Corporal Nathan Cirillo were killed on Canadian soil. Prior to this many of us thought that we were immune to such horrid acts of terrorism in Canada. It seemed that we all stopped and took a collective breath, and during that breath we took stock of the many rights and privileges we enjoy. Our children have the freedom to attend school, and in Alberta we even have many educational choices. We have the right to assemble, to move about freely. We have the right to practise our chosen religion. The list is lengthy, and we should give thanks each and every day for those opportunities and for the men and the women who wear the uniform to protect our country.

Throughout the province acts of patriotism sprang forth. Some people sang *O Canada* just a little louder. Many more people attended Remembrance Day ceremonies, and in Fort Saskatchewan one man, Chris Robertson, got up extra early, grabbed the enormous flag he had from his national unity ride from March 1997 to January 1998, stood on the corner of highways 15 and 21 in our early Fort Saskatchewan rush hour, which, by the way, is just as congested as any large city rush hour, and proudly waved the flag. He wanted motorists to share the pride he had for his great country and to share the message. They responded. They honked their horns. Soldiers, their families, and industrial workers stopped and thanked him and brought him a lot of coffee, by the way. Coverage of this small act spread across the world. The message: we will not be silenced.

Chris Robertson, seated with his wife, Carol, in the members' gallery today, moved to Alberta from Ontario less than a month before his flag-waving stand. He followed his children here, and he loves his adopted province. He rode from Point Pelee to Tuktoyaktuk to take a stand for national unity, and he challenges all Albertans to ask themselves what they can do to make Canada a better place than they found it.

The Speaker: Thank you.

Ukrainian Canadian Civil Liberties Foundation CTO 100 Project

Mrs. Sarich: Mr. Speaker, Canada may be renowned for its tolerance, multiculturalism, and respect, and it may pride itself on the Charter of Rights and Freedoms, but enacting the 1914 War Measures Act was a dark moment in our nation's history. This was a piece of legislation which permitted the Canadian government to establish a national internment operation. From 1914 to

1920 in excess of 8,500 Ukrainian and other European immigrant men, women, and children who were unconnected with the conflict of the First World War were imprisoned at 24 internment camps throughout Canada.

The apprehended immigrants, who had come from what were seen as enemy countries, had their movements controlled, their properties and valuables confiscated, and anyone thought to be an enemy sympathizer could be arrested and kept in internment without trial. These were immigrants who chose our great country in response to the Canadian government's first concentrated policy to promote immigration. They came seeking opportunity only to become prisoners in the Canadian promised land. This was not a proud moment, Mr. Speaker, in Canadian history, and it is very difficult to comprehend the unjust policy mistakes of the past. As a fourth-generation Ukrainian it is with a heavy heart that I am reminded of the price paid by our forebears. The damaging effects and crippling impact of an internment experience are incomprehensible.

Mr. Speaker, on Friday, August 22, 2014, at 11 o'clock local time the Ukrainian Canadian Civil Liberties Foundation CTO project unveiled 100 memorial plaques across Canada to commemorate the 100th anniversary since the War Measures Act was initiated. The Ukrainian Youth Unity Complex in Edmonton-Decore was one of the 100 sites to unveil a memorial plaque. Special thanks to the Ukrainian Canadian Civil Liberties Foundation, the Ukrainian Canadian Civil Liberties Association, the Descendants of the Ukrainian Canadian Internee Victims Association, and the Canadian First World War internment recognition fund. Together their steadfast efforts will ensure that the generations will be vigilant *to keep alive the memory of those who have suffered*.*

Thank you.

The Speaker: Thank you.

The hon. Member for Strathcona-Sherwood Park, followed by Medicine Hat.

Strathcona Community Hospital

Mr. Quest: Well, thank you, Mr. Speaker. The recently opened Strathcona community hospital is an excellent example of the health care services that we enjoy in this province. Albertans want to receive the care they need close to home, and the opening of the Strathcona community hospital ensures that residents have access to the quality health care they need in their community.

The hospital provides a seniors' clinic and an ambulatory home-care clinic, ensuring that community seniors are taken care of, houses the community mental health facility, providing county residents with comprehensive mental health services, and offers rehabilitation services and chronic disease education classes. It has a 24-hour, seven-day-a-week emergency department, which means that people can receive emergency care in our community instead of being sent to Edmonton, and features 27 stretcher beds suitable for an overnight stay if necessary.

On average only 3.6 per cent of emergency department visits have required transfer to another facility to meet complex medical needs. That means more than 96 per cent of emergency cases are able to be dealt with by the Strathcona community hospital. The hospital responded to nearly 19,000 visits between the time it opened this spring and the end of October, around 125 patients per day. For the last 30 days on average the wait time from triage to being seen by a physician is 1.2 hours.

The success of the Strathcona community hospital shows that your government is committed to providing Albertans with a

patient-focused, efficient, effective, and sustainable health care delivery system. I'd like to congratulate the community hospital on their opening and their successful delivery of health care services in Strathcona county in the last few months. With partners like the staff and physicians at the Strathcona community hospital we'll be able to continue to provide Albertans with quality health care services that meet their needs in their community.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Medicine Hat.

Housing Initiatives in Medicine Hat

Mr. Pedersen: Thank you, Mr. Speaker. I wish to share with all Albertans a real success story. The Medicine Hat Community Housing Society is on the verge of ending homelessness within its five-year goal, five years ahead of the provincial goal. Ending homelessness means that no one in our community will have to live in an emergency shelter or sleep rough for more than 10 days before they have access to stable housing and the wraparound supports needed to maintain that status. This has been achieved through engagement of community partners and local stakeholders in addressing the complexity of affordable housing and homelessness.

This collaboration takes a systems approach to change the status quo in Medicine Hat in order to effect meaningful and lasting change. In 2001 Medicine Hat was the first in Alberta to implement the housing stability program, which focused on increasing housing stability for social housing tenants to reduce the risk of homelessness. Since April 1, 2009, 489 homeless adults plus 253 children have been housed. Like other communities, we do have a variety of factors that cause homelessness, and the key is working with local partners to address those issues and tackle them head-on.

In Medicine Hat it is estimated that homelessness costs between \$66,000 and \$120,000 per person annually while providing housing with wraparound supports is estimated at \$13,000 to \$34,000 per person annually. There is an estimated 51 per cent reduction in days spent in the hospital, a 41 per cent reduction in the use of emergency rooms, plus a 48 per cent reduction in the number of days spent in jail. To meet the final goal of ending homelessness in Medicine Hat, there is a request to the provincial government for additional funding of \$12.6 million.

Medicine Hat had similar per capita numbers to Edmonton's and Calgary's and yet found a path to success. If Medicine Hat has found a solution that works in the real world, then it can be shared and the lessons learned can be implemented elsewhere. I want to congratulate all the Medicine Hat partners in reaching this lofty goal by facing this challenge head-on with the true intent of success.

Thank you, Mr. Speaker.

The Speaker: Thank you.

1:50

Oral Question Period

The Speaker: Hon. members, 35 seconds for each question, 35 seconds for each answer, maximum. Let us begin with the Leader of Her Majesty's Loyal Opposition.

Provincial Budget

Ms Smith: Mr. Speaker, the second-quarter financials are in, and I couldn't help but notice that the new managers are using the same budgeting tricks that got the old managers into so much trouble. Instead of counting money in and money out and reporting the

*The text in italics exceeded the time limit and was not read in the House.

difference the way any normal Albertan would understand it, they continue to pretend that some spending isn't really spending. Apparently, you can take in \$44 billion, spend \$47 billion, borrow \$3 billion, and still claim that you have a surplus. Imagine that. To the Premier: why does he continue to claim a surplus when he knows he is going deeper into debt?

Mr. Prentice: Well, Mr. Speaker, in response to the direct question I would encourage the hon. member to spend some time with the Auditor General to clarify her understanding of public-sector accounting rules, which the Auditor General, I'm sure, will be happy to do, because the premise of her question is entirely incorrect. But I do welcome the focus upon the public finances of the government of Alberta. The Finance minister spoke about this today. This is a time that warrants prudence, caution, and discipline in terms of public expenditures.

The Speaker: First supplemental.

Ms Smith: Thank you, Mr. Speaker. I would encourage the Premier to return to the consolidated budgeting that we used to have under Klein and Dinning.

This government couldn't actually balance our books when oil was around \$100 a barrel, but since then oil has fallen to the \$70s. The hole in our budget will be massive if this continues. Good fiscal management once had Alberta with no debt and \$17 billion in savings, but during an economic boom this government nearly wiped out our savings and took us into debt. Will the Premier tell us how far into debt he is willing to go?

Mr. Prentice: Well, Mr. Speaker, as Albertans we have the lowest tax rates in Canada, we have the highest income in Canada, we are arguably the only jurisdiction in North America that is in a net asset position. This is all something that Albertans should be proud of, and at the hands of this government we'll continue to manage the finances of this province in a responsible way. But I would again encourage the hon. member to meet with people from the accounting profession, from the public sector – the Auditor General is a good source of information – because her understanding of public-sector accounting is wrong.

Ms Smith: Mr. Speaker, Albertans were also proud to be debt free.

Speaking of debt, Mr. Speaker, this government likes to pretend that debt doesn't have a cost. They borrow billions and tell us that it must be done, but then they don't tell us the downside. Here are the facts. By the end of this year Alberta taxpayers will be forking over \$700 million to service our debt. That's \$700 million that won't be available to pay for education or to look after our seniors. To the Premier: doesn't he see that his government's debt policy has long-term dire consequences?

Mr. Prentice: Well, Mr. Speaker, very clearly, we have a fiscal advantage in this province. We have a competitive advantage relative to all other jurisdictions in North America. It's important that we maintain that. As I've said to the hon. member, our province is in a net asset position. You only need to look at the heritage savings trust fund, at the assets that we have relative to the debt that we have to understand that. We are the lowest taxed people in the country by a very wide margin, and this is a source of enormous competitive advantage to our province. We have no sales tax. We have the lowest effective personal income taxes. These are advantages that this government is intent on maintaining.

The Speaker: Second main set of questions. The hon. Leader of the Opposition.

Ms Smith: For the record, Mr. Speaker, we'll have \$20 billion worth of debt by the time we go into the next election in 2016, and that's not acceptable.

Alberta Health Services Executive Compensation

Ms Smith: Mr. Speaker, the Public Accounts Committee yesterday made it clear just how badly managed Alberta Health Services is. One of their most senior executives was proud to explain how AHS retitled their executive layers. You see, she used to be an executive vice-president, but now she is a vice-president. What she couldn't tell the committee was if any money was saved by taxpayers when positions like hers were renamed. So can the Premier assure us that when AHS did its retitling process, Albertans actually saved money?

The Speaker: The hon. Minister of Health.

Mr. Mandel: Thank you, Mr. Speaker. Alberta Health Services made a tremendous effort to reduce the number of executives in the organization by about 80 different people. They've rejigged the situation. They've created opportunities to have people do other jobs. I think that it's very important that they're trying to make sure the organization still is run properly with people who have great talents.

Ms Smith: Well, that was quite a dance, Mr. Speaker. Rejigged, indeed.

Mr. Speaker, at Public Accounts we asked what work former AHS CEO Chris Eagle did for the \$650,000 he was paid when he went from being CEO to special adviser. The answer was unsatisfactory, to say the least. Any normal person would conclude that he was given a phantom job as a way for the government to pretend that they weren't actually paying him a severance package. Will the Premier ban the practice of creating phantom jobs for failed executives?

Mr. Mandel: Mr. Speaker, first of all, this Premier has been very clear about the role, that we must ensure that people get proper value for their money in Alberta. Those things will not happen under my watch. To be very clear, the current head of Alberta Health Services also said that proper contracts will be done in a proper way. People will not get the kind of severance that happened in the past. This is a new regime, a new time, a new leader.

Ms Smith: Yes, Mr. Speaker, but they're still rejigging the VPs rather than getting rid of them.

Alberta Health Services management is a mess. Allaudin Merali's expense scandal at Capital health should have been shocking, except that this government then appointed Merali to be the chief bean-counter for the entire government, and AHS then stole him for themselves. By the time this is over, Merali will have collected millions of dollars in severances and executive pensions from the taxpayer. Can the Premier tell us the total cost to the taxpayer for the legal fees they've paid to settle this severance circus?

Mr. Mandel: Mr. Speaker, this was an arrangement that was settled through an action – that was a previous Premier. This is a new government, a new way to do things. This Premier makes sure that contracts are done in a way that meets the standards which Albertans expect. We will not do that anymore. But it's also

very important that the member realize that there are people at Alberta Health Services who work very hard, and to say disparaging words about the people there is not fair or reasonable.

Student Assessment

Mr. McAllister: Mr. Speaker, we have some troubling news regarding education in Alberta, and I believe that we need to address it. A new report from the CBE shows that the grades for Calgary public school kids on their PATs are declining significantly. Now, it's no secret that the past few ministers of Education have been pushing a dramatic shift in the education system. They proudly announced that they are changing everything. It is not working. To the Minister of Education: why are you phasing out PATs at a time when achievement is declining so? Are you trying to cover up poor performance?

Mr. Dirks: Mr. Speaker, Alberta students are performing very well on the international stage and on the national stage. We recently had test results which indicate that students here in Alberta have the highest science test results across the country. That's something that we can be very proud of. Student assessments are very important, and we will continue to ensure that we have the very best student assessment system that we can in our province.

Mr. McAllister: The CBE is also proudly telling Albertans that it is getting rid of percentage grades for K to 9 students. Now, this flies in the face of the Premier's mandate letter calling for coherent grades – and for the record, quite frankly, I support the majority of the direction of that mandate letter; I believe it was very good – so to the Premier: will you do the right thing for our kids and intervene, or will you do what many have done before you and follow the lead of the educators?

Mr. Dirks: Well, Mr. Speaker, I'm very pleased to see that the member opposite is in tune with lining up and embracing the mandate for education of this particular government and this particular minister. We're going to ensure that we have a coherent grading system that parents understand, that is in the best interests of students, and that moves forward our education system in the direction of the mandate letter that has been given to me.

Mr. McAllister: I would certainly support it if you'd put it into action, Minister. There's no question.

Mr. Speaker, we're hearing from teachers that the new SLAs are a complete disaster. Now, we know that the PATs weren't perfect, but we need continuity, and we need accountability in the education system. Right now we don't have it. We need it for the betterment of our kids, and we need it for the system, also. To the Premier or the minister: will you undo yet another mistake by the former Premier and revisit the issue of PATs?

2:00

Mr. Dirks: Well, Mr. Speaker, Albertans expect us to ensure that the needs of students are at the heart of our education system and to ensure that parents and students have the ability to identify students' strengths at the beginning of the year so that they can move on improvement right through the rest of the school year. We are very pleased to be phasing in our new student learning assessments. We are piloting with the grade 3s at this particular point in time. Administrators, students, parents have been responding positively to the pilot. We're going to continue to ensure that we have the very best assessment system . . .

The Speaker: Thank you.

The hon. leader of the Alberta Liberal opposition.

Provincial Fiscal Policies

Dr. Sherman: Thank you, Mr. Speaker. The results of the second-quarter fiscal update are out, and just like in health care, they're not good. Despite a booming economy we have broken roads, packed classrooms, a lack of quality seniors' care, underfunded municipalities, less savings, and more provincial debt. The Premier states that the new PC government is focused on sound conservative fiscal principles. That's just code for more of the same without the extravagances of the previous regime. To the Premier: what, if anything, have the Conservatives really conserved?

Mr. Campbell: Well, Mr. Speaker, it's nice to hear the rhetoric from across the floor, but the reality is that we do have one of the strongest financial positions in North America, and despite the recent downturn in oil prices we're still on track to run a surplus this year. This is a great economy. We're doing well in the forestry sector. We're doing well in the agricultural sector. Our housing starts lead the country. We are going to have a plan in place to make sure that we control our spending. We're going to make sure that we look at efficiencies, that we contain costs, and that we are very productive as a government.

Thank you, Mr. Speaker.

Dr. Sherman: Mr. Speaker, being the best of a bad bunch is nothing to brag about.

Like his predecessors, the Premier has made many promises. However, our children, families, and seniors can expect to bear the burden of failed PC policy. Today we have over 140,000 children living in poverty, more inequality in our society than ever. Mr. Speaker, we need better public services now. We must pay for them today and not continuously pass the blame to the previous leaders and pass the buck to the next generation. To the Premier: how are you going to keep these promises and build our province, with declining oil revenue, with your current fiscal policies?

Mr. Campbell: Well, Mr. Speaker, it's obvious the member didn't hear the answer I just gave. We have a great economy. The Premier has made it very clear that we are going to manage the growth we have in this province, which is unprecedented anywhere in North America. We're going to look after our core services in health care, education, seniors, and our most vulnerable, and we are going to control our spending and make sure that Albertans are proud of this government moving forward.

Dr. Sherman: Mr. Speaker, the two previous Premiers tried to control spending, and we're in this mess today.

In 2001 this Conservative government gave the largest tax cut to large corporations and the wealthiest and tied the delivery of our essential public services to the price of a barrel of oil, leaving no wiggle room when nonrenewable resource revenues dropped like today. The regressive flat tax was actually a tax increase on middle- and lower middle-income Albertans and a massive tax cut for top earners, which brought \$1.5 billion less into the treasury. To the Premier: will you now fix this inequality and bring in a fair and progressive income tax?

Mr. Campbell: Well, Mr. Speaker, we have a fair tax system in this province, and it's shown by the hundreds of thousands of people who come to this province every year because they see the advantage of being in Alberta and they see the opportunities. We

have the highest wage income earners anywhere in Canada and the lowest tax regime, and we're going to continue to have that.

Hospital Infrastructure Maintenance

Ms Notley: Mr. Speaker, AHS has two lists it uses to track deferred hospital maintenance. One list is the must-have-yesterday list, and there the Mis needs about \$43 million. AHS also has a preservation list, which describes the current work necessary to maintain the hospital over time, and by that measure the Misericordia needs \$110 million. My question is to the Premier: your Minister of Health talks about \$25 million, but in the face of ongoing deterioration at the Mis should Albertans be accepting \$25 million out of the necessary \$110 million as good enough?

Mr. Mandel: Mr. Speaker, to the hon. member: my understanding is that we've committed \$40 million to the Misericordia hospital, the first \$25 million being in the first few years. The Misericordia hospital is now getting the second and third floors reworked and rebuilt so that they can be put back into use. I think this government is making every effort to make sure the Misericordia hospital delivers the services it needs to for the citizens of west Edmonton. There are challenges there, but the challenges are being met by this government.

Ms Notley: Well actually, Mr. Speaker, the government has two choices. It can continue to dither over replacing the Mis, in which case the \$110 million is required for its preservation, or it can commit to a new Mis and invest the \$43 million that is required today to meet the most emergent repair obligations now. Either way, \$25 million doesn't get the job done. So to the minister: won't you admit that fact, secure the needs of the people in west Edmonton, and actually invest what's necessary?

Mr. Mandel: Mr. Speaker, this government cares deeply about the residents of the west end of the city of Edmonton. Our commitment is to make sure the Misericordia hospital operates in as effective a way as possible. There are many patients in that hospital. We have to find a balance of what we're renovating, what we're using, and make sure the hospital still functions in an effective way. Investing \$25 million today is the first step. We will continue to invest in a facility that ensures Albertans have the kind of health care they need in Edmonton.

Ms Notley: Well, you know, Mr. Speaker, when it comes to the province-wide must-have-yesterday maintenance list, this government is over \$400 million short. But this PC neglect isn't just about numbers. It's actually about a lack of emergency services when they're needed, it's about delays in diagnostic testing, it's about compromised infection control, and the list goes on. To the Minister of Health: will you fully fund the urgent needs of all Alberta's hospitals now, or will we see the kind of deterioration we see at the Mis spreading throughout the province?

Mr. Mandel: Mr. Speaker, I think that if the hon. member would look at the investment that this government made across this province, whether it's in Grande Prairie or Fort McMurray or Medicine Hat or any other number of cities in this province, we've made a tremendous effort to rebuild and invest in the infrastructure in this province. We'll continue to do that. We'll also continue to invest in the operation of these facilities by ensuring that they have the financial support so that they can deliver the services they need for their communities.

The Speaker: Thank you.

Let's proceed, and please avoid or curtail any preambles to supplementals so we can get the most members up who want to ask questions.

Let us start with Calgary-Fish Creek, followed by Red Deer-South.

Health Care Wait Times

Mrs. Forsyth: The Premier asked Albertans to judge this government on its progress, so let's talk progress. In September 2013 Albertans waited an average of 38 weeks for shoulder surgery. In September 2014 the average wait was 43 weeks. In September 2013 the average wait time for back surgery sat at an extraordinary 40 weeks, in September 2014 still 40 weeks. In September 2013 Albertans waited 32 weeks for cataract surgery. A year later that wait time has not changed either. To the minister: is this progress?

Mr. Mandel: Mr. Speaker, this government takes very seriously its desire to make sure that Albertans have excellent access to our system. We've invested in long-term care. Home care is up 26 per cent. We've invested new dollars in a variety of other programs to ensure that emergency wards are taken care of. You know, the challenge is that when a hundred thousand new people are coming into the province, it puts great pressure on the system. This government is doing all it can to ensure that wait times are under control.

Mrs. Forsyth: Given that in May of this year wait times for a knee replacement sat at 42 weeks and that by September it had grown to 45 weeks, Minister, is this progress?

Mr. Mandel: Mr. Speaker, wait times can be a variety of things, and numbers can be numbers. But let's just quote. Wait times for radiation therapy for cancer were three weeks last year and 5.3 weeks four years ago. Cataract surgery: the wait was 31 weeks last year, 41 weeks four years ago. Knee replacement surgery was 42 weeks last year, down from 49 weeks. Colorectal cancer screening: 57 per cent last year, 36 per cent in 2008. This government is making steps to do the kind of things necessary so that waiting time is decreased.

Mrs. Forsyth: Given that in May of this year Albertans waited 37 weeks for a hip replacement, and in September it's still 37 weeks, Minister, progress has been slow. Yes, there has been some improvement and progress, but what are you going to do so that people don't have to wait this incredibly long time?

2:10

Mr. Mandel: Mr. Speaker, to the hon. member: we are very concerned about wait times. We want to make sure that Albertans have access to the kind of service they need as soon as possible. We're investing billions of dollars in the health care system. We'll continue to try to improve wait-lists. But you know something? One of the big things we have is our PCNs, our primary care networks, which give Albertans access to their own doctors, and 80 per cent of Albertans are accessing their own family doctors, which gives them an opportunity to get into the system. I think this is a policy that is really one of the best in this country, and the PCN is a way in which we can deliver the kind of service necessary.

The Speaker: Thank you.

Provincial Fiscal Position

Mr. Dallas: Mr. Speaker, with the Q2 results released today, we've all seen how things can change in just a couple of short months and the subsequent impact to Alberta's fiscal situation. My questions are for the Minister of Finance, President of Treasury Board. What, Minister, are we doing right today to ensure that this province doesn't plummet into a deficit position by year-end?

Mr. Campbell: Well, Mr. Speaker, while Alberta's finances are on track to balance the budget at the end of this fiscal year, there's no question that with declining oil prices we need to be fiscally prudent and responsible, and business can't be as usual. So we're going to look at, as I said earlier, efficiencies, containing costs, and increasing productivity. Across government we've made it very clear to our ministers and our departments that we will look for ways and bring forward actions so that we can contain our spending while maintaining our core services.

Mr. Dallas: Well, that sounds good, Minister, but our fiscal situation was much different in September, and based on this, we committed to build hundreds of new continuing care beds and the most expansive school infrastructure program in Alberta's history. How can we accomplish this without taking on new debt or pushing back delivery timelines?

Mr. Campbell: Well, Mr. Speaker, we have a capital plan, and our Minister of Infrastructure will bring that forward in the next little while. We know that we have two challenges. One is to control the spending within government and our operations, which we're going to do, but we also have to make sure that we look after the unprecedented growth in this province. If we look at a hundred thousand people, that's 15,000 children, and that's 28 schools. We need to make sure we have spaces for our children in education, we need to make sure we have spaces for our people in long-term care facilities, and we'll make sure that happens.

Mr. Dallas: Well, my final question to the same minister. Once again we find ourselves at the mercy of volatile resource revenues, which we know we cannot control. I know that the Premier is working hard to open up new markets for oil, but what are we doing as a province to reduce that reliance on one revenue source and to build a more resilient economy?

Mr. Campbell: Well, Mr. Speaker, I was very clear this morning that we need to get off the roller coaster of oil prices and we need to look at diversification and innovation in all sectors, which will be key to addressing the issues, whether they be agriculture, tourism, or the tech industry. Forestry, for example, has made significant investments in the technologies used in the mills across the province, including facilities in my own riding of West Yellowhead, in both Edson and Hinton. These investments allow us to compete on the world stage, which will keep Albertans employed, strengthen communities, and contribute to our economy and our provincial revenue.

The Speaker: The hon. Member for Calgary-Shaw, followed by Calgary-Fort.

Child and Youth Advocate Recommendations

Mr. Wilson: Thank you, Mr. Speaker. The annual report of the Child and Youth Advocate came out last week, and it highlights a shocking trend. It notes that the Ministry of Human Services often does not address his office's recommendations and that there has

been minimal action taken on most of the recommendations. Given the history of this file and how just last year the outcome of your ministry's unwillingness to address and implement the advocate's recommendations was front-page news almost daily, to the Minister of Human Services: can you please explain this appalling lack of action?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Working with the Child and Youth Advocate, Mr. Graff – I've had my first meeting with Mr. Graff – I think it's really important to talk about these recommendations and to see how we can improve the child care system. We know the child care system is not static; it's always being adapted. Working with communities, taking into account all the needs that we have, cultural sensitivity, research, and current best practices: that's what I'll continue to do with him.

Mr. Wilson: Weak sauce, Minister.

The fatal care series prompted your ministry to take serious action and announce a five-point plan to address your government's failures, one of which was appointing a team of professionals to accelerate required action on recommendations from previous reviews. Now, were you just hoping that this problem would go away, or can you demonstrate to Albertans that you take it seriously and tell us how you will fix this problem before we have more kids dying unnecessarily in your government's care?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Thank you, Mr. Speaker. The hon. member is talking about the oversight committee, so ably chaired by Mr. Tim Richter. We know the work that the oversight committee did in looking at the recommendations and in looking for solutions on how to solve some of the problems we have. Any recommendations we look at, we need to learn from and not place blame but support the children and youth and families with the help they need.

Mr. Wilson: The advocate himself is suggesting that you're not following or implementing his recommendations. He can't make it any clearer.

Another report came out today with three more recommendations to improve services for our kids and prevent future tragedies. What assurances can the minister provide to Albertans that these recommendations will not be cast aside as so many others have? Frankly, given this government's history, why should we believe you at all?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. No one feels the passing away of this troubled young man more than the young man's aboriginal community. My thoughts go out to his family, friends, caregivers, and loved ones.

We know the Premier and this government are committed to working closely with First Nation and Métis leaders to develop solutions. I also know that we are making a difference in that we've seen an 11 per cent decrease in the number of aboriginal children in care in the second quarter of this year. We will continue to work with the designated First Nations on a regular basis.

The Speaker: The hon. Member for Calgary-Fort, followed by Calgary-Buffalo.

Workforce Integration of Veterans

Mr. Cao: Well, thank you, Mr. Speaker. We all know that men and women serving in our nation's military work hard and put their lives on the line for our freedom, so it is only right that they have their field experience recognized upon returning to civilian life. Unfortunately, I have a constituent who told me that he served as a mechanic in the military, but his credentials were not recognized when returning home. My question is to the hon. Minister of Jobs, Skills, Training and Labour. How can a veteran of the military remain in the trades and more effectively integrate into the workforce?

The Speaker: Thank you.

Mr. McIver: Well, Mr. Speaker, I thank the hon. member for standing up for men and women in uniform. It's important that we recognize their service and sacrifice made throughout the years, and it's important that we help them get back into the workforce after they've served.

The Alberta Apprenticeship and Industry Training Board recognizes a long list of military trade qualifications as equivalent to Alberta trade certificates. I invite the hon. member to give me the details on his constituent so that we can see how we can fit that in and get your constituent help. All of the members of the Canadian armed forces that hold trade qualifications . . .

The Speaker: Thank you.

First supplemental.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister. You mentioned some programs available for veterans to advance their skills so they can secure jobs. I would like to see that. If there's a list of such, we would love to have it.

The Speaker: The hon. minister.

Mr. McIver: Thank you, Mr. Speaker. It's important that we get this particular case dealt with. I invite the hon. member to get the details, because I do know that if the Department of National Defence gives a trade certificate, we recognize that. So we need to look into this particular case.

We have several other programs to assist veterans. Again, I invite the hon. member to get together with our ministry and with your constituent, and we will address the situation as best as we can.

The Speaker: Final supplemental.

Mr. Cao: Thank you, Mr. Speaker. To the same minister. That is very good news that there's a program as such for integrating veterans into our workforce. But what about any funding coming up for that as well?

The Speaker: The hon. minister.

Mr. McIver: Well, thank you, Mr. Speaker. We have several programs that work with veterans. One is called the base-to-business program, which helps to increase the capacity of employers to hire and retain military veterans and transition them into the civilian workplace. We also work with our federal partners, with Canada's helmets to hard hats program, which assists retired military members transition specifically into the trades. So we are doing that on an ongoing basis, and I want the hon. member to know that we're in contact with those programs to look at ways to enhance them.

The Speaker: Thank you.

2:20

Provincial Fiscal Policies

(continued)

Mr. Hehr: Today's financial update reinforces the fact that Alberta's fiscal structure is broken and does not let the province do what it needs to do today: build schools, hire teachers, reduce homelessness, ensure a vibrant middle class, and provide dignity and hope to those living in poverty. If the government couldn't fulfill promises like these when oil prices were considerably higher, how does the Premier expect to do it now?

Mr. Campbell: Well, Mr. Speaker, as I've said earlier, we will balance our operating budget, and we will continue to build the necessities that we have to as far as infrastructure to look after our children that need new schools, to look after our seniors that need new spaces in continuing care.

Mr. Hehr: What we should have learned over the course of the last 25 years is that having the lowest tax jurisdiction by a country mile leads to two things, spending all of the oil wealth in one generation and leaving the province unable to build schools in neighbourhoods where kids live. To highlight this, not one of the 50 schools promised in the last election has been constructed. Why persist in employing a broken fiscal structure that leaves this province perpetually short in both good times and bad?

The Speaker: The hon. Minister of Infrastructure.

Mr. Bhullar: Thank you very much, Mr. Speaker. Of the 50 schools that were committed to in phase 2, the vast majority of them are actually in the tendering process as we speak. Construction for the vast majority will be starting early next spring, and children will be in classrooms for the vast majority of those schools in the fall of 2016 as promised.

Mr. Hehr: To the minister of the treasury. Every PC Finance minister who has retired from politics has stated that we have a revenue problem. Further, economists from all sides of the political equation have confirmed as much. Why won't this government ensure schools are built, teachers are in classrooms, and seniors get the care they need by returning to at least a progressive income tax, like all other provinces, to bring in some fiscal sanity?

Mr. Campbell: Well, Mr. Speaker, as I said earlier, we have the highest wage and income earners anywhere in Canada, and we have the lowest tax regime. We will continue to build schools, we will make sure that we have teachers to put into those schools, and we will make sure our kids get the best education possible.

The Speaker: The hon. Member for Edmonton-Calder, followed by Lacombe-Ponoka.

Child and Youth Advocate Recommendations

(continued)

Mr. Eggen: Thank you, Mr. Speaker. Today the Child and Youth Advocate released another heartbreaking report into the death of a young man in provincial care. Last week the advocate said that the government's responses to his recommendations show that "there has actually been minimal action taken on most of the Advocate's recommendations." This is absolutely unacceptable. Can this Minister of Human Services explain why her department is failing

to take action on recommendations meant to protect Alberta's most vulnerable children?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Again, as I said previously, a death of any child is a tragedy, especially a child in care. My thoughts again go out to the family, the caregivers, the loved ones, and friends who tried to help this troubled young man.

We know that in working with the aboriginal community we're doing many, many things, including developing cultural plans, working with the elders, the community and family connections, and, as well, the signs of safety program, which we have begun to implement, that has shown great success. Finally, there are mental health supports that we are providing, including supports to the caregivers as well.

Mr. Eggen: Well, again today we see the results of this government's neglect. Given that this report shows clearly that despite this young man being an obvious suicide risk, there was no plan put in place to prevent his death and given that the advocate identified that this government has repeatedly failed to take action on this officer's recommendations, that could have prevented this death, will the minister commit to responding to the advocate's recommendation in regard to suicide prevention within 60 days?

The Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. Again, working with the Child and Youth Advocate with this unfortunate passing, we know that the supports that we have in place that we did to help this young man were – some of the mental health supports that we needed to put in place were there. At the end of the day it was all of the staff that were there doing the best they could. The recommendations that have come forward are something that we'll be looking at.

Mr. Eggen: Well, Mr. Speaker, given that today's report and last week's report and last year's report show the harm that is done to children in care when they are bounced around from place to place and given that the advocate once again is recommending that this government take action on transitions, will this minister commit to implementing the advocate's recommendations with 60 days?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. The recommendations that have come forward with respect to a cultural plan, the suicide risk intervention, and the information sharing are something that we're looking at in the ministry. Information sharing is something that is of deep concern to me, especially when individuals go between provinces, those things, so I will be looking at that very carefully. I look forward to having the conversation with the Child and Youth Advocate on the good work he is doing.

The Speaker: The hon. Member for Lacombe-Ponoka, followed by Edmonton-South West.

Chronic Disease Management

Mr. Fox: Thank you, Mr. Speaker. To quote from the September Auditor General's report on chronic disease management:

AHS does not have meaningful indicators for its CDM performance . . . [It] is not able to determine readily on a province-wide basis how much it spends on CDM services, how many patients

or which ones attend, what its waiting lists are, or whether the services are effective.

To the Minister of Health: how can you provide meaningful health outcomes when you're not measuring chronic disease management effectively?

Mr. Mandel: Mr. Speaker, we're making every effort to ensure that there are a variety of measures. Alberta Health Services does do a lot of measurement right now, and we're endeavouring to put those in a more broad-based way so they can have more meaning for the citizens of Alberta. Measuring chronic illness is vitally important, and making sure people have the understanding of what we can do for them depends upon how we can measure what outcomes are needed. We'll continue to do that.

The Speaker: First supplemental, hon. member.

Mr. Fox: Thank you, Mr. Speaker. Given that the Auditor General also states that "a unified clinical information and electronic medical record system in Alberta is one of the greatest potential areas for improvement in CDM and health care as a whole" and given that the government has spent hundreds of millions of taxpayer dollars on developing the electronic medical records over the years, why are we still left without a unified system that would allow chronic diseases to be managed more effectively, Minister?

Mr. Mandel: Mr. Speaker, the hon. member raises a very important point. In Alberta right now we have a variety of e-medical records systems. We need to create one record system. Right now we're looking at Calgary as a very good system. We're looking at trying to take that across the province. They've done a great job down there. We think that's an opportunity to do something which is affordable and reasonable but will deliver the kind of information both for the clinicians and the researchers. We've got a group going right now with Service Alberta. We're trying to make sure that we move forward on that. It's vitally important.

The Speaker: Final supplemental.

Mr. Fox: Thank you, Mr. Speaker. Given that family care clinics were offered up as the made-in-Alberta solution to this team-based health care and invested in heavily for three years by this government before this minister pulled the plug, Albertans want to know what this minister is proposing as a primary health care alternative that will address the complex needs of chronic disease patients here in Alberta.

Mr. Mandel: Mr. Speaker, we do have a wonderful system right now, called the primary care networks, which is being used throughout the province. We did support those family care clinics which were started and were ongoing. We think they have value. We're not trying to define what has to be in communities. We want to talk to communities to see what they need. We're going to a variety of communities across the province of Alberta to develop the kinds of programs they need not just for the community but for those who deliver the services. We need to listen to the doctors and the various other people in the system so that we can make sure that we get it right. Family care clinics had some benefit, but they really didn't meet the need.

The Speaker: The hon. Member for Edmonton-South West, followed by Strathmore-Brooks.

School Construction in Southwest Edmonton

Mr. Jeneroux: Thank you, Mr. Speaker. Like many Albertans, I'm thrilled that this government is under new management. However, we still have a mighty task ahead of us. As we all know, our student population continues to grow. In my own constituency of Edmonton-South West Southbrook school, a K to 6 public, is put out to tender. Allard, a K to 9 public; Desrochers, a K to 9 Catholic; Windermere, a K to 9 Catholic; Ambleside, a K to 9 public; Windermere, a K to 9 public, are all in the planning stages. Minister of Infrastructure, we're incredibly grateful to see these seven new schools, but the parents of Edmonton-South West want to know when can we expect . . .

The Speaker: Thank you.

The hon. Minister of Infrastructure.

Mr. Bhullar: Well, thank you very much, Mr. Speaker. The member is quite right. This is a mighty task, and that's why the people of Edmonton-South West are lucky to have a mighty MLA representing them. I can confirm that Heritage Valley, which was tendered on September 19, actually closes tomorrow. Windermere and Ambleside, which went to tender on October 2, close December 19. Construction will . . .

The Speaker: Thank you. I'm sure we'll hear more.

First supplemental.

2:30

Mr. Jeneroux: All right. Thank you, Mr. Speaker. I may be mighty, but he's bigger than me.

Given that Johnny Bright school, Monsignor Fee Otterson school, Bessie Nichols school, and Sister Annata Brockman school are all P3-model school builds, what role will P3 contracts play in the construction of these seven new schools?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you very much, Mr. Speaker. Some might say that we've had mighty significant savings by using the P3 process in the past. In fact, \$245 million have been saved using the P3 process for schools. At present we are working with our partners in various school jurisdictions to focus on having schools open in the fall of 2016, as soon as possible, and we'll look at a variety of methods of delivering those.

The Speaker: Final supplemental, hon. member.

Mr. Jeneroux: Thank you, Mr. Speaker. To the same minister: given that we have a mighty model of schools built in partnerships with our communities, an example being George P. Nicholson school, with a YMCA daycare and an AHS health clinic, what role will we be able to see community partnerships play in these seven new schools?

An Hon. Member: Don't say it.

Mr. Bhullar: Mr. Speaker, if I might . . . [interjections]

Community partners, Mr. Speaker, are very, very integral to the construction of our schools. In fact, in many new communities school infrastructure is perhaps the only public infrastructure available. I promote these partnerships but not at the expense of delays. Children deserve to be in schools close to their homes as soon as possible, so I encourage all to work on those partnerships long before construction starts.

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

North West Upgrader Project

Mr. Hale: Well, thank you, Mr. Speaker. The North West upgrader is the only refinery out of eight that hasn't been cancelled and has been consistently plagued with delays and cost overruns. Last January the PC government committed Alberta taxpayers to a financial black hole by giving \$300 million in corporate handouts to the financially risky project. According to the former PC Energy minister Ted Morton this commitment has resulted in the \$26 billion liability, up from the \$19 billion already committed. To the Minister of Energy: will you commit to get out of the business of picking winners and losers?

The Speaker: The hon. Minister of Energy.

Mr. Oberle: Thank you, Mr. Speaker, and thank you for the question. An interesting question. It's been clear on all sides of this House that not only is access to international markets important to Albertans, but upgrading is important as well so that we get maximum value for the natural resources that we have in our province. We have reviewed from a number of angles the North West Upgrading project. It is under construction. It will be built, it will deliver, and it will expand the suite of products that we offer to international markets.

Mr. Hale: Mr. Speaker, given that Morton points out that "the province is now on the hook for \$26 billion in processing payments . . . which translates into a processing cost of \$63 a barrel, making it even less likely that the investment will ever break even" and given that we are bound by contract to these commitments, can the minister explain what steps are being taken to ensure taxpayers won't be left on the hook for this government's corporate handout?

Mr. Oberle: Mr. Speaker, there are no corporate handouts involved here. We've incented the construction of a merchant upgrader by using our BRIK barrels, and we'll pay an upgrading toll on those barrels, and then we'll get the revenue from the sale of that upgraded product. The full product review is available on the website. There's nothing secret. There are no corporate handouts. It's a project that's met many reviews, and we're quite pleased with the progress.

Mr. Hale: Mr. Speaker, \$300 million of debt in cash that they're giving them: I call that a handout.

Mr. Speaker, given that this project is increasing government liability in the form of guarantees and grants to the tune of \$26 billion and given the government's outright refusal to increase the total guarantee to the cattle feeders' program, which only receives the \$55 million guarantee, can the minister explain why this government's policy has so blatantly placed PC-chosen corporate interests ahead of hard-working Albertans such as the cattle feeders?

Mr. Oberle: We're putting the interests of Albertans and their interest in getting the maximum value for our resources at the forefront, and we're not putting anybody else's interests in front of those. This House has repeatedly and Albertans have repeatedly talked about the need to upgrade in our province. We're delivering, Mr. Speaker.

The Speaker: Thank you.

The hon. Member for Calgary-Glenmore, followed by Medicine Hat.

Services for Seniors

Ms L. Johnson: Thank you, Mr. Speaker. Our government continues to address the changing needs of Alberta's growing seniors population. Residents of Calgary-Glenmore are pleased with the Premier's decision to create a stand-alone Seniors ministry; however, Health still plays a major role in providing for seniors' needs. My first question is for the Minister of Health. Given that most seniors prefer to stay in their own homes, what health services is your department providing to support their desires?

The Speaker: The hon. Minister of Health.

Mr. Mandel: Yeah. Thank you for the question. Mr. Speaker, we all know that if we can keep our senior citizens living in their homes, it's a much, much better way for their lives and their families as well as for the province of Alberta. Home-care spending has increased 26 per cent over the last couple of years, to over \$500 million a year. That's a commitment. The 2014 budget dedicated additional funding to home care and rehabilitation services like the destination home program, which helps people return home quickly after hospital visits, which is vitally important.

The Speaker: First supplemental.

Ms L. Johnson: Thank you, Mr. Speaker. My first supplementary is for the Minister of Seniors. Given that seniors in Calgary-Glenmore are active and are staying in their homes, how is your ministry supporting with nonhealth supports?

Mr. J. Johnson: Mr. Speaker, it's a very good question. This MLA does a great job advocating for her constituents and for her seniors. You know, seniors have become a big priority under this Premier and this government. While there are many initiatives going across several ministries, the ones that are unique to mine are the property tax deferral program, the Alberta seniors' benefit, and the special needs assistance. The special needs assistance is a program that provides lump sums to help seniors pay for repairs and things, some of the soft services within their homes. The property tax deferral allows them to tap into the equity in their homes to pay utility costs or whatever they need to put that money towards so that they can remain independent.

The Speaker: Thank you.
Second supplemental.

Ms L. Johnson: Thank you. That was a mighty fine answer, Mr. Minister.

Given that the affordable supportive living initiative program, or ASLI, has moved from Health to your ministry, how is this initiative helping to meet the growing needs of Alberta seniors?

Mr. J. Johnson: Mr. Speaker, this is one of the good-news projects of this government to date. It's our goal to provide the absolute best care to seniors at the right place in the most appropriate manner. Many will notice that there was a large announcement with respect to the affordable supportive living initiative: 1,500 spaces, \$180 million. We issued the RFP last month – it closes December 19 – and we expect to be looking at those and making decisions in the new year. Those facilities will be built to the higher standards so that seniors can age in place. We expect this

increased volume that we'll add to the 1,400 units will be coming on to help seniors age . . .

The Speaker: Thank you.

The hon. Member for Medicine Hat, followed by Calgary-Varsity.

Homelessness Initiatives

Mr. Pedersen: Thank you, Mr. Speaker. In light of recent reports we know that there is more work to be done on the 10-year plan to end homelessness. Thousands of Albertans spend every night on the streets or in shelters, and this PC government continues to let them down. In Calgary alone there are over 3,500 homeless men, women, and children. We know that the government has verbally committed to ending homelessness, but we've seen little progress year over year. Why doesn't this PC government care about these at-risk Albertans?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Thank you, Mr. Speaker. The most recent homeless count showed a decrease of 16 per cent province-wide since the launch of our plan. In Edmonton homelessness was 27 per cent lower, in Lethbridge it was 45 per cent, Wood Buffalo saw a 49 per cent drop, and that's despite the population growth by more than a hundred thousand people a year.

Mr. Pedersen: Mr. Speaker, given that operating on a housing first principle is important and given that this is the model that the government says is being implemented, can the minister responsible tell us if it is a lack of funding that is causing this inaction, or is it government inaction that is leaving so many Albertans sleeping on the streets every night?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. We know that there's the interagency housing committee and there are seven cities that are working very hard on the issue, including folks from Medicine Hat. We know that housing first is the model we need to pursue. We also know that there is a need for that, and that's something that we need to discuss further. But we also know that nearly 10,000 people were provided housing and supports since the launch of our plan and 3,200 have graduated from the housing first programs. We know they're working.

2:40

The Speaker: Final supplemental.

Mr. Pedersen: Thank you, Mr. Speaker. Given that the Medicine Hat Community Housing Society and its partners have been leading the charge in ending homelessness in five years, not the 10 years the province has set out, why can't this government follow this successful model used in Medicine Hat, take some action, and finally address the issues facing the homeless Albertans across this province?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. We know the importance of the discussions the seven cities are having, including Medicine Hat. It's going to help the other cities solve the problems of homelessness and make sure people get into the housing first program versus temporary shelters. I look forward to

further conversations with this committee, and I know we need to continue working on this important issue.

Introduction of Bills

The Speaker: The hon. Member for Whitecourt-Ste. Anne.

Bill 203 Safety Codes (Sustainable Structures) Amendment Act, 2014

Mr. VanderBurg: Thank you, Mr. Speaker. I'm pleased to rise today to request leave to introduce Bill 203, the Safety Codes (Sustainable Structures) Amendment Act, 2014. The bill proposes to amend the Safety Codes Act to allow buildings of wood construction to be built to a maximum of six storeys, or 18 metres. The bill will ensure a commitment to safe, sound, and affordable infrastructure development. It will contribute to the growth and prosperity of municipalities and communities across Alberta.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Whitecourt-Ste. Anne has moved first reading of Bill 203, Safety Codes (Sustainable Structures) Amendment Act, 2014.

[Motion carried; Bill 203 read a first time]

Tabling Returns and Reports

The Speaker: Hon. Member for Banff-Cochrane, I understand you have two tablings. Proceed, please.

Mr. Casey: Thank you, Mr. Speaker. Pursuant to section 15(2) of the Alberta Heritage Savings Trust Fund Act I am pleased to table the 2014-15 first- and second-quarter report on the Alberta heritage savings trust fund.

The Speaker: That was two and one, I gather?

Mr. Casey: Yes.

The Speaker: Thank you.

Let's move on to the Minister of Jobs, Skills, Training and Labour, followed by Edmonton-Beverly-Clareview.

Mr. McIver: Okay. Thank you, Mr. Speaker. I'd like to table the Certified Management Accountants of Alberta 2014 annual report and the Certified General Accountants' Association of Alberta 2014 annual report, possibly the final reports subject to the passing of Bill 7.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by Calgary-Mountain View.

Mr. Bilous: Thank you very much, Mr. Speaker. I'd like to table the appropriate number of copies of a text sent by a student to our gay-straight alliance hotline. In this text message the anonymous student describes how he intended to start a GSA at his school but was shut down by the school board. It's one of the many messages we've received which prove that Bill 202 is necessary and support for GSAs by school boards needs to be mandatory.

Thank you, Mr. Speaker.

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

Dr. Swann: Thanks very much, Mr. Speaker. I'm tabling the appropriate number of copies of the Ontario Bill 38, which recently passed first reading and will ban the use of menthol as a flavouring in tobacco products next year.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by Edmonton-Centre.

Ms Notley: Thank you, Mr. Speaker. I'm tabling a section of the list of AHS preservation infrastructure maintenance project needs for a five-year period as of June 25, 2014. What this shows is a troubling \$103 million needed in projects and funding to maintain and preserve the Mis. This is well above the \$43 million in deferred maintenance costs that we already know the Mis has requested for urgent needs to keep, oh, say, the roof from falling in. What the document illustrates is a major failure of the government to do even the bare minimum for the Mis.

Thank you.

The Speaker: Thank you.

The hon. Member for Edmonton-Centre, followed by Strathmore-Brooks.

Ms Blakeman: Thanks very much, Mr. Speaker. I have two tablings from constituents. The first is from Mary Mumert, and Mary is writing to tell me that her rent has now gone up to \$795, so almost \$800 per month, which she knows is just over half of her AISH. She's asking for some kind of help because everybody is feeling the pinch, and she's worried that it's going to continue to go up and her AISH payment is not.

The second tabling is an e-mail, actually quite a lengthy e-mail, from Dawn Lindboe, also a constituent, who's making the point about how frustrating it is now with an infestation of bedbugs and cockroaches. Living in an apartment building, she has now gone through and been sprayed four times in seven weeks and never got a response from Alberta Health when she complained. You have to wrap all of your belongings up and rewrap them, and it's just a really frustrating position to be in. She's looking for some improvements in the way this is dealt with.

Thank you.

The Speaker: The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Mr. Speaker. I'm going to be tabling the requisite number of copies relating to a question that I asked some time ago about three roads in the constituency that I represent of Strathmore-Brooks, in the county of Wheatland and the county of Newell, provincial highways 569, 841, and 876, some pictures of these roads, and some letters to the hon. Minister of Transportation regarding their condition.

Also, the required number of copies referring to the question that I asked today. It says, "Morton: Upgrading bitumen is risky gamble for government," dated September 15, 2014, in the *Calgary Herald*.

The Speaker: Thank you.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk: on behalf of the hon. Mr. Fawcett, Minister of Environment and Sustainable Resource Development, pursuant to the Environmental Protection

and Enhancement Act the environmental protection security fund annual report April 1, 2013, to March 31, 2014.

The Speaker: Thank you.

Hon. members, there are no points of order, so we can march right along and go to Orders of the Day.

Orders of the Day
Government Bills and Orders
Committee of the Whole

[Mr. Rogers in the chair]

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

Bill 6
Statutes Amendment Act, 2014 (No. 2)

The Chair: I'll recognize the first speaker. The hon. Member for Edmonton-Centre.

Ms Blakeman: God, I hope other people are going to speak to this. [interjections] Okay. Good. Because this bill is – well, in the old days, Mr. Chair, which was two years ago, statutes amendment acts like this that came forward with amendments to multistatutes were called miscellaneous statutes, but they involved a certain amount of negotiation with the opposition members, and the Official Opposition, in fact, had the veto power to pull bills out if they felt they weren't minor changes to the bills. But, ever clever, this government decided not to allow that process anymore, so now they're just called statutes acts.

When this originally was talked about, it had 16 different statutes that were being discussed in one act, and I pointed out that as fast as I can speak, I couldn't speak fast enough to cover every bill that was being included in this in the amount of time that I'm allowed to speak to it. It's incredibly unfair, and I hate being made to do a poor job on something. I hate being put in this position.

2:50

You know, I'd need another couple of weeks to be able to really understand what's in this bill. The advice that I received and always took from Nick Taylor was that if you're not absolutely sure about what's in a bill or you're not absolutely sure that you support it, don't vote for it because there'll be something in there that you didn't understand or you didn't read that'll come back to haunt you. So I'm in a funny position with this, you know, because the staff have had a briefing. It seems to be okay. But what does that mean? I haven't read every word in this. Has anybody else?

Mr. Hale: Bill 1?

Ms Blakeman: Bill 6.

Just wait. I'll read it out to you, and you'll see why my hair is changing colour again. This statute is amending the Dairy Industry Omnibus Act, 2002, the Farm Implement Act – that's two – the Safety Codes Act, and the Workers' Compensation Act. That's four. So it's changing four different acts at the same time, Mr. Chair, and it ain't just, you know, a name change. It's not just a typo correction. There is stuff that is being actually changed here.

It's really frustrating when the government does something like this because we'd all like to do a good job, and it's hard to do it. Now, the government has been co-operative in giving us briefings, with 24 hours' notice, mind you, which makes it a little hard to spin on a dime. For those of us that are in small caucuses, this isn't

easy to do, but I do appreciate the opportunity to get technical briefings on this.

This is the one that's coming under the broad classification of agriculture because all of the acts that are being changed can be generally clustered under that. The only one that I'm really questioning is the Workers' Compensation Act. Of course, I was hoping that I would see compensation and coverage for nonfamily farm workers, which has been something that my caucus has worked on for a very long time, but it seems to be that it's about disclosure of personal information that would be continued to be governed by section 40 of FOIP and subject to a rigorous review and a redaction process to ensure only necessary information is disclosed. Well, under general circumstances I'm not going to agree with that. You know, I'm the avenging angel of making sure that people's personal information is protected, but the reverse of that is that the government gives out the information that it should be giving out. So on the face of it I'm not going to object to that.

You know what? I'm going to let some other people speak to this, and maybe I'll get a chance to stand up later, once I have an opportunity to listen to a few other people lay out their reasons for supporting it or for not supporting it because I just don't feel well enough prepared.

Thank you very much, Mr. Chair.

The Chair: Thank you, hon. member.

I'll look for the next speaker. The Member for Edmonton-Caldor.

Mr. Eggen: Thank you, Mr. Chair. I appreciate the opportunity to speak to Bill 6, the Statutes Amendment Act, 2014 (No. 2). Oh, yes, of course, because we split it in half. That was very good.

Actually, that brings up the first sort of categorical comment that I wanted to make here this afternoon, and that is that I'm seeing this disturbing trend of pulling together a large volume of statutes amendments. This used to be sort of a tradition, I believe, with miscellaneous statutes amendments that would be agreed upon between the House leaders before the Legislature went forward so that we knew that it was an innocuous package of, perhaps, bureaucratic or timely adjustments that needed to be made for the sake of the public service and for changing laws, maybe, in other provinces and so forth.

Now we are seeing, Mr. Chair, these statutes being put together, but then inside of them we're finding some individual changes that are not really miscellaneous changes at all, nor would we have agreed to them if we did sit down and have a meeting with the House leaders before to decide if this package of miscellaneous statutes amendments would be okay. As some provision to that, at least, we managed to split this in two, I believe, which showed some sign of negotiation.

Always, you know, when you are trying to make the House work, it's very important that you do carry something in your pocket to negotiate with. Certainly, we only have limited tools available to us as opposition to negotiate the conduct of the House and the passage of bills and so forth in the House. But I would suggest that the government should always remember that they should bring something to the table as well because in the spirit of good governance and making good laws, ultimately, we do want to use the time in the best possible way.

Let's say that yesterday I found that by not following the agreed proposed business order that we had set forth, that we get every morning – as a House leader, I get it as an e-mail. By deviating from that in such a radical sort of way so that we shot forward, it's like growing lettuce or kale in your garden. I'm sure that you've probably seen this – right? – where everything becomes very

edible and lush for a minute, and then after a couple of days it shoots up and the whole plant becomes bitter and you can't eat it. Similarly, as a metaphor, Mr. Chair, I would suggest that we saw the same kind of thing happen yesterday.

I would just like to make sure that we know that not just the Order Paper but the agreed-upon proposed business order is followed or, if it is not followed, that we have a discussion about that before the afternoon or the evening proceeds because now we're in a position where some bills came forward, including this one, before we even got our amendments from Parliamentary Counsel and the briefing notes from our dedicated staff put together. You know, I just find that very disturbing.

The reason that this is relevant, of course, is that Bill 6 was brought up on the Order Paper yesterday even though it was not agreed upon nor did we have the capacity to even provide the amendments or to debate it properly. You know, that just doesn't work, Mr. Chair, because ultimately we provide our amendments and our discussions in the interests of best practice to create good laws. If that gets compromised, then the whole proceedings of the House get compromised as well.

That's just the first thing I wanted to say. I hope everyone understands that. I mean, we don't have that many tools available to us as opposition, but one of the things that we can do, certainly, is alter the way time passes here in the House, just to let you know that in case you are surprised during the course of this afternoon.

Bill 6, the Statutes Amendment Act, 2014 (No. 2), has updates and clarifications and changes to five different existing acts. You know, most of them seem to be okay. Certainly, the amendments to the Dairy Industry Omnibus Act of 2002 make changes to perhaps make the supply and management of the Dairy Control Board to – well, it became Alberta Milk, changing that organization, and in itself that seems okay. Certainly, the Dairy Control Board is something that I think maybe we need to revisit in the future someday. It certainly did provide a good service and stable governance of the industry, but that's not for us to discuss here today because, of course, the amendment is just to do with the governance of Alberta Milk, which seems fairly straightforward, I think.

The second section is dealing with two different acts, the Farm Implement Act and the Farm Implement Dealerships Act, which will combine to create the most utilitarian and practical title of Farm Implement and Dealership Act. This section of this bill certainly seems okay. It seems to be in alignment with other provinces such as Manitoba, Saskatchewan, Ontario, so that really doesn't have a great deal of problems as well.

3:00

The third section of the bill deals with the Safety Codes Act, which I believe falls under the Ministry of Municipal Affairs. This seems to be something to do with ensuring fire protection and the building code as well. The bill seems to be dealing with registering designs and registering the safety of designs. I guess there's only one administrator that could approve those designs in the past, and this might allow for a multiplicity of people to be able to deal with those designs. Again, that seems okay.

The fourth section of the bill is the one that we find to be a problem, and this is amending the Workers' Compensation Act. Mr. Chair, I'm sure that as an MLA as well as the chair here in the Legislature you know that the Workers' Compensation Board is a great source of controversy and problems for many thousands of Albertans around the province. We know that there are lots of problems with the timely delivery of services that are insured under the Workers' Compensation Act and the delivery of those services under the board. Apparently, this amendment in Bill 6 is

designed to allow WCB to disclose information related to a worker's claim or his or her appeal of a decision of the board to other entities directly concerned such as employers, doctors, and so forth.

The government seems to be insisting that this is just a codification of an existing practice, but I just immediately had some alarm bells flare up in my mind when I heard this, because, of course, like I said, the WCB in general is a source of great anxiety and controversy amongst people right across the province and because ensuring the sanctity and the privacy of information, the very most personal information of people, I think is very important, especially in this day and age of electronic records and so forth. Right away I thought, based on those two things, that we should investigate here further. Sure enough, these things in this section of the larger bill are the areas where we have concern.

You know, we're here to help, of course. That's why we're elected here and placed on this Earth. So we have some amendments that can help make this a better bill and a better place, which we will get to as soon as we get them delivered. Like I said from the beginning of my speech, we were caught out yesterday by Bill 6 appearing somehow on the Order Paper when it wasn't meant to, and the timely execution of Parliamentary Counsel and so forth just made it impossible that we would have the amendments available to us before. So we will be seeing those this afternoon sometime, I'm sure, in due course.

Certainly, we oppose this lack of consultation, first and foremost, that came up with this WCB portion of this omnibus bill. You know, like I said before, we would be happy to package these things to make sure that the Legislature is functioning in a smooth and operative place. But when we sort of have these things foisted on us, then, you know, I'm concerned. I've watched omnibus practices in the United States and in the federal government. Right? Calgary-Buffalo, you should be thinking about this, you know, these big omnibus bills. They are a tool that the federal Conservatives have been using now for a number of years, and it's quite odious and offensive, really. We know that it's a way by which you can put a little package of maybe bills that you agree with and bills that are necessary and that people really need and then tuck some offensive neoliberal, sort of right-wing thing in the corner somewhere that you can't accept. It creates this dilemma, Mr. Chair, for honest, hard-working MLAs like ourselves over here in the NDP. We have this sword hanging over us.

That's kind of what we're presented with here today with the WCB section of this larger bill. So, yeah, it makes it hard for us to, you know, support a larger thing, including dairy and farm implements and all this other stuff that might be very necessary, because suddenly you have this WCB thing tagged onto the end of it, which is not acceptable.

The changes to the Workers' Compensation Act. We noticed that there wasn't a great deal of consultation going on, so we did it really fast in the last 48 hours, using our amazing powers of telephone and electronic media and the connections we have to shop this around and say: "You know, we're suspicious. What is this thing?" We've talked to a number of people. One individual told me that these changes decrease the transparency of the WC process in regard to how and to whom the WCB can transmit information about a claim. Okay? This person who advocates for WC claimants as a business also said that under these proposed amendments there are fewer safeguards to ensure that employers don't see irrelevant details about an employee's claim like their medical history, medications, or claims they've made previously in other jurisdictions, as suggested in section 147(4).

I mean, this is a fundamental problem, right? If an employer has access to different aspects of an individual's medical file, they can

exert prejudice over that individual by maybe knowing that they have a pre-existing condition, either physical or mental or both, that might compromise their capacity to do the job or their capacity to be promoted or exert any other sort of powers that an employer has over an employee. You know that this is something that raises a red flag amongst all working people and especially us as the New Democrats.

Under existing occupational rulings in the previous legislation the Workers' Compensation Board is not allowed to divulge claimant information to an employer if the employee files an appeal to an Appeals Commission. So while personal information might still be governed by freedom of information laws, FOIP, there still will continue to be a redaction of certain information – there should be anyway – no longer a two-step redaction process when things are sent to an Appeals Commission. Again, a serious problem. Can you imagine yourself in this situation? It's a compromise of your personal security.

Also, Workers' Compensation Board claimants should be entitled to privacy from their employers just like any other Albertan. Why would we diverge from that basic human right when someone has to make a claim to the WCB? The power imbalance between employer and employee, which is a chronic issue – right? – that is so often tipped in favour of the employer here in this province, is heightened somehow by the filing of a claim. The rights of an employee need to be given special consideration, I believe, in this situation because they are in a compromised circumstance. It's not like you are just moving along freely with your job and your life. You've run into a physical or other compromising situation that requires you to file a claim with WCB. So that, by definition, should be a person that we would defend and look after more through regulation, not less.

3:10

The workers' compensation process, Mr. Chair, needs to be a transparent process, first and foremost – right? – so that employees understand what's being done on their behalf and their rights are not being trivialized merely because they have decided to make a claim against their employer. It's a basic and, I think, unassailable position to start with.

The Privacy Commissioner, who's an officer of the Legislature here, rejects this claim that the WCB would be providing personal information to an employer as a fundamental component of the system. So, again, we hire and carefully pick these officers of the Legislature to ensure a third-party objective analysis of what we do in this Legislature. In this case I think the Privacy Commissioner makes it clear that providing personal information to an employer is a fundamental component. The current practice is not enough to merit these changes. The Privacy Commissioner notes that the WCB seems to make it a habit to disclose claim files to employers after they've only completed two forms, neither of which explicitly requests the claim file or makes a reasoned argument why it's needed.

So, Mr. Chair, you know, it seems pretty clear to me that the relevance of this larger bill, first of all, like I said before, brings forward the problem of grouping together miscellaneous statutes and then changes that have more substance to them. You know, we should refrain from that practice, and I think everybody would be the better for it.

Two, it's very important that we ensure and maintain clear communication between all parties in the Legislature to know that if we are moving faster or slower through different points of legislation, we sort of agree to do that. Right? I mean, like I said, this is something that if you just picked it up and said, "We're just going to change the dairy board or Farm Implement Board," we'd

say, "Hey; that sounds great." But after another six or seven hours we realize that there is a substantive problematic piece of this bill that requires further examination.

So that's kind of what I would like to just open with, and I welcome other people's analysis and comments.

The Chair: Thank you, hon. member.

Before I recognize the next speaker, could I just ask that we keep the side conversations down to a softer roar? Thank you.

I'll recognize the Member for Calgary-Mountain View.

Dr. Swann: Thanks very much, Mr. Chair. I'm pleased to rise on Bill 6, Statutes Amendment Act, 2014. As others have mentioned, this has been a whirlwind, with this bill being so late and things moving so quickly, so it does give us pause.

There's so much that we have to get up to speed on that it's with reservation that we have to approach such a large omnibus bill, which was, I gather, cut in half at the request of our House leader and still has four bills and amendments within it, including the Dairy Industry Omnibus Act, with transitional provisions repealed; the Farm Implement Act, combining the Farm Implement Dealerships Act, which is repealed, with maximum fines doubling to \$100,000; the Safety Codes Act, to increase the workload efficiency of the administrator by allowing safety codes officers to register designs and remove burden from the administrator to determine safety that is beyond the requirements of the act; and then, finally, the Workers' Compensation Act, which itself is such a large and complex bill, with huge implications for many workers in this province, the general purpose here being to clarify the workers' compensation authority to disclose information, improve flow, and resolve natural justice issues along with operational issues. According to the government the amendments are supported by the appeals tribunal and the Appeals Commission. These amendments address recent decisions by the office of the Information and Privacy Commissioner which questioned the authority of the WCB to disclose information deemed necessary to conduct its business.

Well, that raises not a few concerns with not only workers but also with workers' agents, and as I will identify in the next bit, I will be recommending two amendments to try to ensure that, especially in the Workers' Compensation Act, we are addressing some of the concerns about workers' agents and the appeal process itself.

Under the Dairy Industry Omnibus Act the sections were transitional provisions when Alberta Milk took over the production quotas from the dairy board. The board was a government board that oversaw the quotas and inspection. The ministry kept the inspections, and Alberta Milk obtained the quota. So, clearly, not a great concern to this caucus, especially since Alberta Milk is a producer-run organization.

The second act, the Farm Implement Act, also seems to be progress. I met with the minister and his researchers, and it seemed quite sensible that maximum fines could be increased to \$100,000 from \$50,000 when someone has been jilted in relation to a farm implement sale or the repair of a warranted item.

Section 30.3(3) requires the distributor of the implements to purchase from the dealer any and all unused equipment, parts, and supplies in the event the agreement between the two is terminated or expires. This section denotes the rate of the returned items, the due date of the payment, and the provisions for court appeals.

Section 30.4 requires the distributor, on the request of the minister, to provide to the minister a copy of an agreement between them and the dealer, particulars of an unwritten agreement with any and all dealers, and a copy of written or unwritten agreements with

any or all dealers with respect to the return of implements or parts to the distributor.

Section 30.5 denotes the provisions that must be included in an agreement between a dealer and a distributor. These provisions are who pays for the replacement costs for a substitute farm implement to be provided to the farmer and, number 2, how farmers will be notified if a part or implement cannot be provided and how the substitute implement cost will be covered by the dealer and the distributor.

This act, The Farm Implement Act, also adjusts regulatory powers under section 30.3(4), which allows for interest to be charged on amounts owing to the dealer by the distributor. The Lieutenant Governor in Council may set the interest rate. The Lieutenant Governor in Council may also set any regulations governing any matter in connection with the incidentals to section 30.3, the repurchase of implements, and 30.4, the minister requesting copies of agreements or provisions between distributors and dealers. All the other regulatory powers remain the same.

Those are some of the issues that we have very little difficulty with. Some of the concerns, as I mentioned, relating to the Workers' Compensation Act are somewhat different and will be addressed in amendments.

With your permission, Mr. Chair, I will put forward an amendment to the Workers' Compensation Act.

The Chair: Do you have an amendment ready to go, hon. member?

Dr. Swann: Yes.

3:20

The Chair: Okay. The pages will circulate that if you just pause for a brief moment, and then I'll invite you to speak to it.

This being the first amendment, hon. member, we will deem that to be amendment A1. If you'd send me the original, I'd really appreciate it. Thank you.

I think you can start speaking to the amendment, hon. member, amendment A1.

Dr. Swann: Thanks, Mr. Chairman. This is an amendment to Bill 6, Statutes Amendment Act, 2014 (No. 2), that it be amended in section 4(4) in the proposed section 147(3)(a) by adding "including the worker or the worker's agent" after "directly concerned." This was raised to us by concerned individuals who've been involved with the Workers' Compensation Act for a number of years. We don't have any trouble with sharing more information with both the worker and the Appeals Commission but also want it to be accessible to the worker's agent. We don't see any reason why that should be withheld from someone who's acting in the interests of the worker, including a lawyer or an advocate. It would simply make clear that withholding that kind of information from the worker's agent would be either deliberately or incidentally ignoring the importance of that agent on behalf of the worker to seek justice or to seek appeal of decisions that were not in the worker's best interest.

I look forward to the discussion, Mr. Chairman. I think it's a common-sense decision that simply includes the phrase "or the worker's agent" in the sharing of information around an appeal in relation to the worker's compensation.

The Chair: Speaking, then, to amendment A1, are there other speakers? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Well, thank you very much, Mr. Chairman. I appreciate the amendment that's been made by my hon. colleague from Calgary-Mountain View, and I very much understand the

intention. This bill will allow the disclosure of otherwise confidential information of a workers' compensation recipient to maybe his medical people or to his employer. The hon. member, as I understand it, wants to make sure that the workers' compensation recipient themselves or their agent also has access to the information, and I appreciate that.

The difficulty that I have with respect to this – and we have some amendments of our own with regard to this – is that we don't think that section 147(3) should actually exist in the sense that we don't accept that the employer, for example, should have access to confidential workers' compensation files about their employees. So we're actually going in the other direction. We're wanting to get rid of this as opposed to adding to it.

Now, if it's going to be there – and I can't imagine that the government would vote down an NDP amendment to a bill, but if that should happen, Mr. Chairman, then this would strengthen a section that we would really rather just get rid of. As we're speaking, we're trying to come to some decision with respect to this. We're in a bit of a conundrum about it because our amendments will just basically punt the section in general. [interjection] I guess we can strengthen the section and still vote against it in the end. I think that makes sense.

Okay. Mr. Chairman, I'm speaking in favour of this amendment, and I appreciate the hon. member helping me clarify the strategy with respect to this. As the hon. member has moved that the proposed section 147(3)(a) will be improved by adding "including the worker or the worker's agent" after "directly concerned," on that basis we will support strengthening this very weak section before we support getting rid of the section altogether, and when you put it like that, it makes perfect sense to me.

Thank you.

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

Mr. Bilous: Thank you very much, Mr. Chair. I appreciate the hon. member's amendment to this act. I'd like to speak, you know, in generalities for a moment about this act.

First of all, we find ourselves facing yet another omnibus bill, which I find to be fairly problematic for a couple of different reasons, Mr. Chairman. One, when we start amending – and I know the government likes to downplay the act and refer to it as minor housekeeping types of changes – the reality is that we've seen time and time again this PC government, the same government that was elected in 2012, that hasn't changed, try to slip through other pieces of legislation that are not just mere housekeeping but that have a significant impact on many Albertans.

Part of it was going through this act – and I'm not going to lie. I mean, some of these sections, particularly the one that this amendment deals with, I find quite problematic. You know, it's interesting. As my colleague the hon. Member for Edmonton-Highlands-Norwood has just stated, we do have a couple of amendments to try to improve this bill. Again, it's going to be a long shot of an attempt to improve the bill because of, especially, section 4, that is quite challenging.

I appreciate the hon. Member for Calgary-Mountain View's attempt to improve this section. We're talking about ensuring that we are proposing legislation which serves the interests and the best interests of our greatest resource here in the province, which is its people. We're talking about trying to improve access to and make it easier for those that need to access workers' compensation. We know that there are many Albertans who are frustrated and get frustrated by the system and the bureaucracy that they have to work through. In this section we're talking about

protecting our workers and ensuring that they're not going to be exposed and that that information will remain confidential.

I think it's interesting, you know, that this amendment is trying to provide a worker with another option. We're talking about the worker or the worker's agent. I think I have a pretty good idea of where the member is going with this. I mean, there are a lot of people who are in the Alberta workforce who may have service providers that help them, so this is ensuring that if there are people who are care workers or workers that are designated to provide assistance, they will be privy to this information so that they can properly advocate on behalf of the worker and help them navigate through the system.

I can tell you, Mr. Chair, that I can think of direct examples of this. In my former capacity as a high school teacher in the inner city we did have a number of students that regularly needed help navigating through the systems of bureaucracy, that often are interpreted as – or one gets the impression that they are – barriers and walls that are put up by this government in order to make the system less accessible. Whether it's talking about dollars or rights that people have, it seems like they're intentionally set out to frustrate and discourage someone from accessing what they are legally entitled to and what their rights are as an Albertan and as a citizen. There have been many times when I have actually played the role of an advocate on behalf of my students and acted in a capacity of helping them navigate through some very challenging systems.

3:30

Now, maybe they didn't always apply to WCB. Maybe they applied more to accessing dollars for school, for grants, for housing. But the point is that I played a pretty crucial role, as did many of the staff that I will give a shout-out to, not only staff at Inner City but staff throughout the province that are advocates for their clients, that are there because they feel a sense of compassion and wanting to ensure that the rights of all Albertans are not only protected but that Albertans have a voice.

As we know, Mr. Chair, there are a growing number of people that are fitting into or falling into this growing disparity gap, you know, a disparity between the wealthy and a growing number of people that are struggling to make ends meet. I see that this amendment would provide additional support for those Albertans that, again, struggle to advocate on their own behalf.

You know, to put this into the context of my position today as the representative for Edmonton-Beverly-Clareview, my office regularly gets calls and letters and visits from folks who are trying to navigate through the system of WCB and who get quite frustrated. Now, obviously, my staff do a phenomenal job. I'm extremely grateful for the work that they do advocating for my constituents and advocating on behalf of my constituents. One of the largest numbers or sources of calls that come in do relate to WCB.

It's my understanding of this amendment that this would provide, again, the tool or the ability to inform workers. As we know, Mr. Chair, you know, we're trying to ensure that Alberta is as inclusive as possible. We're encouraging people to join the workforce and to work, and there are people who sometimes need additional assistance or, again, need a voice or an advocate on their behalf. This amendment does deal with that and provides workers an opportunity to ensure that their advocates are part of the process and that they have that information.

You know, in a few minutes, Mr. Chair, I will be speaking to, I believe, an amendment that my colleague the hon. Member for Edmonton-Highlands-Norwood will be bringing forward. Now, that deals with the whole of section 4, really, of this act. So in an

attempt to try to improve a subsection of section 4, I am speaking in favour of this amendment. I will urge all of my colleagues of this House to support this amendment, making this system a little more accessible and, again, ensuring that all Albertans have the opportunity to have representation or assistance or an advocate working with them, which I think is a very good idea.

With that, I will thank the member for moving this amendment and encourage all members of the Assembly to support this amendment.

Thank you, Mr. Chair.

The Chair: Thank you.

Other speakers? The hon. Member for Calgary-Shaw on amendment A1.

Mr. Wilson: Thank you, Mr. Chair. What I'm wondering is if there is anyone on the government benches who can clarify for the House that the way the amended bill is looking to be read is: any person "directly concerned," but the amendment is just clarifying with "including the worker or the worker's agent." I'm wondering if someone from the government bench can tell me if they would define someone "directly concerned" as the worker or the worker's agent, thus making the amendment somewhat redundant?

Thank you.

The Chair: We might be able to get to that a little later, hon. member.

Meanwhile, I'll recognize another speaker. The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Chair. I appreciate the chance to speak on this amendment. It almost feels telepathic. I don't know how the Member for Calgary-Mountain View was perhaps seeing what we were seeing in such a clear sort of way.

Mr. Mason: He's clairvoyant.

Mr. Eggen: Clairvoyant maybe. Maybe our first names are the same. I don't know.

It certainly does focus specifically on section 4(4), which, as I outlined in my original comments, was the problem with the section of Bill 6 that I had spoken about in my first go-round here. So I just want to look at that again because, you know, we want to make sure that we fix this, right? I mean, it's not as though we're trying to create any obfuscation here at all. We want to make sure that we get the job done here.

Sections 147(3) and 147(4) talk about fewer safeguards to ensure that employers don't see irrelevant details about employees' claims like their medical history, like other jurisdictions did, okay? I mean, this is the essence of, really, what part of one of our amendments is as well. The section talks about transparency of the process and protection of privacy rights of workers who are forced to file claims with the WCB or decisions through the Appeals Commission.

You know, it's a defence of current practice that I don't think, Mr. Chair, is good enough, really, to merit changes. It's not just like: "Oh, well. This is the way we've been doing it for so many years, you know. Let's codify it." Well, maybe what we were doing for so many years is not the best thing to do, right? It could be that people were just simply backsliding into the practice of sharing this information, which, in fact, was detrimental to, maybe, some of these people whose files were passed around.

The Privacy Commissioner notes this as well, and notes that the WCB is starting to make a habit of disclosing claim files to employers after they complete only two forms – right? – which it

explicitly requests the claim file or makes a reasoned argument as to why it might be needed. The amendment that the hon. Member for Calgary-Mountain View did bring forward here is to add “including the worker or the worker’s agent” after “directly concerned.” You know, I guess I’m going to play it both ways here in case this one maybe doesn’t get voted with an overwhelming majority. I’m certainly going to support his amendment, and then I can always have a backup one in case I need to.

You know, it’s really important that we show some solidarity with the workers who actually are compelled to make claims to the WCB because, of course, like I said before, they are in a compromised situation to begin with. It’s not as though you are with your full health and faculties when you are in the midst of a claim process with the WCB. You’re more likely to be, in fact, quite the opposite. With that in mind, I think it’s incumbent upon all of us to ensure that there’s some sense of protection of an individual’s rights and not anything less than that.

Mr. Chair, I certainly do support the Member for Calgary-Mountain View’s amendment. I wish and encourage everybody to support that amendment. We can only expect that if not, I might have one that I can pull out of the hat as well.

3:40

The amendments to Bill 6, because of its voluminous sort of collection of statutes, I guess, from the beginning make it not a miscellaneous statute but really some form of the American-style omnibus bill that is a plague on democracy both in the United States and in our federal government. You might have innocuous statutes about milk and so forth, but then you have within there the Workers’ Compensation Act, and the section that is a little bit less than palatable.

That’s why we certainly feel like we want to just pull that out, right? If we amend it, that’s great. If we change the language, that’s good, too. Then just as a backstop, an extra little bit of safety, I have another idea in my pocket to perhaps fix this.

You know, I really encourage all members not to just vote for Calgary-Mountain View’s amendment but to express themselves a little bit about it, too, because I always find that when I talk things out, I feel better. I’m feeling, obviously, really good now, and I can only imagine that I’m going to feel excellent by 6 o’clock.

Thank you.

The Chair: Are there other speakers to amendment A1? The hon. Member for Edmonton-Strathcona.

Ms Notley: Yes. Thank you, Mr. Chair. I’m privileged to be able to rise today and begin discussions on Bill 6, which as . . .

The Chair: Specifically to the amendment, hon. member.

Ms Notley: Yes. Right. Sorry. The amendment to Bill 6. So in discussing the merits of the amendment, it’s possible I might touch on Bill 6; in particular, the section of Bill 6 which relates to amendments to the Workers’ Compensation Act and, in particular, amendments in Bill 6 relating to the Workers’ Compensation Act which talk about confidentiality of information.

I’m glad that the Member for Calgary-Mountain View chose to raise this issue. We, too, have very significant concerns, frankly, about all of section 147. I think this is a good opportunity to look a little bit into how Calgary-Mountain View proposes to fix the problems in section 147. I think, certainly, his proposal does help a little bit, so in principle I do appreciate that it’s helping in the kind of way that I would like to see help. The only, I guess, concern that I would have is that I do believe it’s possible that we’re going to come forward afterwards and attempt to eliminate

this section altogether. But in so doing, we’re doing it for a number of the same reasons that Calgary-Mountain View has proposed his amendment.

Essentially, what he is talking about here is ensuring that the worker or the worker’s agent is very clearly included in the list of people who would receive information that the board considers necessary to carry out the purposes of the act. I think that’s a really important issue because I certainly spent a good deal of time in my career before I was elected working in the area of workers’ rights. I was an advocate that way and spent a lot of time dealing with health and safety issues and representing workers when they had concerns relating to their entitlement to workers’ compensation.

I will say that, generally speaking, this is a system in Alberta that troubles me deeply. The overarching record of our Workers’ Compensation Board has not been balanced, and it has not achieved the objective of assisting workers who are injured in the workplace so that they suffer no loss of income arising from the injury they received in the workplace. As many people in this room I’m sure know, you know, workers’ compensation is the product of what’s often known as a historic compromise.

The historic compromise was one where a little after the turn of the century, back a century in the early 1900s, people noticed that a lot of workers were getting killed and very, very seriously injured at work. Then what would happen is that their families would be incredibly destitute as, you know, maybe 1 out of every 50 of them would navigate all the hurdles between them, their poverty, and the court system in order to be able to sue the employer for what was invariably a multiplicity of negligent actions, in order to receive some kind of compensation for the injury which occurred at the hands of the employer, who, as many people here I’m sure know, legally is seen to be in control of the workplace. Anyway, that was the historic compromise.

So what happened was that, on one hand, workers more often than not were not getting any kind of compensation, nor were their families. On the other hand, even as it went from, say, 1 out of every 10 workers getting compensation and then 2 out of every 10 and then 3 out of every 10, employers started to get worried that those insurance costs were getting out of control and this might actually become too expensive for them, having workers having the right to sue them. Indeed, that’s what has happened in the U.S.

All that being said, as a result, then, there was a negotiation that occurred legislatively, essentially between workers and employers, where workers gave up the right to sue the employer, and in return the employer replaced the workers’ income, so they suffered no loss of income as a result of their injury. They never got any pain and suffering compensation, they never got anything for a loss of pension, they never got anything for the impact on their family, none of that kind of stuff, but at least they didn’t lose their income.

That was the theory, and WCB was to be this objective, fair, neutral arbitrator, taking the place of a judge, actually, in this dispute between workers and employers. What has evolved in Alberta, unfortunately, is that WCB does not function as an objective, neutral arbiter or judge between workers and employers. WCB functions as a tool of the employer, through the work of this government, as a means primarily of saving employers money. So they are basically a very, very cheap form of insurance to employers. They measure their success by how little benefits they have to pay out, and they measure their success by how few premiums they ask Alberta employers to pay.

For instance, employers in Alberta pay about half the national average of what is paid to injured workers as a result of injury, and that happens at the same time that we have some of the worst

injury statistics in the country. What that means, in fact, is that our so-called neutral arbitrator between the interests of employers and workers is actually tipping the balance very aggressively on one side in favour of employers and at the expense of working people and their families once they've been injured. That's a long-standing process that's been going on in this province.

So, then, this section suggests that we can somehow rely on this theoretically objective and neutral board to decide what confidential medical information of the injured worker should be given to any number of people for any purpose, and that's what this legislation would do. It would give that massive, broad authority to the WCB. The presumption is: oh, we can trust them because they're a neutral arbitrator. Well, my friends, I will tell you that they are not, and they have not been for years.

People in this province also suffer from another disparity, which is that we have amongst the lowest funding for legal aid in the country and that almost no Albertan can gain access to legal aid support to hire a lawyer to help them in their legal contests vis-à-vis the WCB. Since there's no access to the courts, there's no way to pull the WCB back towards the centre of what should be a neutral, objective adjudication role, and in the absence of the courts doing that and holding them accountable, it doesn't happen. So the only people that take the WCB to court in Alberta are employers. Workers never do.

3:50

This goes directly to this issue because the issue here is that this section without the amendment basically gives the board the discretion to decide whom should get that information. What the member from Calgary-Mountain View is trying to achieve here is to ensure that, at the very least, the worker or their agent – and just to be clear, it's not their counsel; they can't afford counsel 99 times out of a 100 – would at least be aware and receive the same information that is distributed to other parties.

It is an effort, therefore, to insert a little bit of specific balance to what is otherwise a very unbalanced process. Given the way I introduced our position on this amendment, you can imagine that, really, it's more likely the case that we would be proposing that we just punt the amendment to section 147; I guess it's section 4(4). That's actually what we would probably choose to eliminate altogether.

But I certainly appreciate the intent of the Member for Calgary-Mountain View. I think his intent comes from a similar place as the rationale that I'm just describing. It's very possible that I will vote in favour of it, but I have to say that we may still feel compelled to then suggest that the whole darn thing has to go. But in case we lose that one, I'll certainly make every effort to win this one, because it would certainly be an improvement in that regard.

I look forward to having a chance to talk more generally about section 4(4) and the replacement or the substitution of section 147 once we're no longer speaking about the amendment, and I certainly will be doing that.

I do appreciate the opportunity to talk about my support for the amendment that is proposed by the Member for Calgary-Mountain View.

Thank you.

The Chair: Are there any other speakers? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Oh, yes. It's my honour, Mr. Chair, to get up and speak again to this. I think the Member for Edmonton-Strathcona was quite eloquent in her speech. I always find it fascinating to

listen to her arguments. You can definitely see her background as far as coming from a background of law and being very meticulous in her evaluation and assessment of a bill, which is greatly appreciated and, I think, adds great value to the discussion that we have here in the House and to the points that my caucus, the Alberta NDP, are able to bring forward.

I'll keep my comments fairly short. Most members heard, when I spoke a little while ago, about the value of this amendment. Now, I'm speaking to the value of this amendment in, again, improving the ability that Alberta workers have, through an agent on behalf of the worker, to be included in the discussions and to be aware and to have information, not restricting them or being excluded from getting all the information. Again, if we're talking about either caregivers or those that are there to provide support, then it makes sense that they are entitled to understanding the process of a claim or of a person who's working through that. I think it's very important that we consider this.

Now, I mean, it's interesting. We do have a couple of amendments, to attempt to strengthen this section of the bill. When I move those in a few moments here, I will speak, again, more broadly to concerns that I have with omnibus bills and bills that deal with multiple acts and multiple sections of acts. It makes it very challenging to have a thorough and rigorous debate in this House, where different amendments to acts really deserve the time to be a stand-alone piece of legislation, to have that kind of thorough debate. Part of it comes down to the courtesy that the government should be extending to the opposition as far as giving us as much time as possible to work through a bill and its process.

I think, you know, something that's very interesting about this House is the process of how the opposition acquires the bill, obviously after the first reading, but the time seems, at least this week, the speed at which we are blasting through pieces of legislation – I'd like to remind all the members of the Assembly that we're enacting laws that affect this year more than 4 million people. Down the road – I mean, we're expanding very quickly here in the province. We should be taking the time to go through this and have a thorough debate. I don't think rushing legislation does anyone any favours.

I'm happy to remind members of this House of when Bill 28 was first introduced and the fact that it was our caucus that sounded the alarm bells on Bill 28. For those of you who can't remember, that was the discussion of locking up and incarcerating mayors of municipalities, you know, which was – I'm not sure where that idea came from. I really have serious questions for the Ministry of Municipal Affairs and whoever authored that. But my point, Mr. Chair, is that there were many amendments that the Alberta NDP brought forward at that time. Those amendments, unfortunately, were voted down by the government, the PC Party. Lo and behold, six months later an amending piece of legislation came back, and there were numerous amendments that we put forward that were in the government's amendment to their own bill. At the end of the day, that's time that we debated those, that could have been resolved a year prior.

You know, when we look at wasting 87 members' time, your time, Mr. Chair, the Clerk, the Legislative offices staff, if we're going to bring forward legislation, then let's take the time to get it right, get it right the first time, and have fulsome debate. Now, I know that there are members of this Assembly who seem to think that, you know, I don't know, an hour or two hours is fulsome debate on a bill. I disagree. I think we need to provide the opportunity and to move at a pace that ensures that members, who, again, are speaking not just for themselves, on behalf of their 40,000 to 50,000 constituents or so, are heard and that their opinions are expressed.

You know, Mr. Chair, I'll remind you that at times it takes time from the first reading, when the bill is accessible and gets into our hands, for us to consult with stakeholders. I know that the government loves to use the term "consultation." I'm not going to lie; it causes me to get a bit of a twitch because it seems that their definition of consultation is completely different than when you talk to municipalities, First Nations, other stakeholder groups, environmental groups. You know, the definition of consultation changes drastically.

My point, though, is that, you know, we like to speak with our stakeholders, our members, engage Albertans as well. When a bill zips from first reading to third reading in the span of 24 hours, as have many of the bills that are on the Order Paper, Mr. Chair, it makes it very challenging for the opposition to read through the bill, interpret, and then offer amendments which are, for the most part, meant to strengthen and improve a bill. They might be ideas that the government hasn't thought of. They might be ideas coming directly from stakeholders. There is real value – again, we live and work in a multiparty parliamentary system that values the opinions of different perspectives. Quite frankly, that's why I'm here, to provide perspective. If we value the input of all parties in this Legislature and all members of the Legislature, then they need to be given the opportunity with which to have debate and share their ideas.

You know, getting back to this amendment, I'm happy that we've had as much debate as we've had. I'm sure the member that moved this amendment is quite content with the discussion that we've had. I look forward to further discussion. I hope members opposite will speak to some of the amendments that we're going to be bringing forward. I will urge members of the Assembly to support this amendment.

Thank you, Mr. Chair.

4:00

The Chair: Thank you, hon. member.

I'll recognize the hon. minister of agriculture.

Mr. Olson: Thank you, Mr. Chair. I want to, first of all, thank all members who have taken part in the discussion, the debate on this amendment. I would like to just provide a little bit of context, some of which was already in my comments in moving second reading, so some of this may be repetitive. In terms of context I would just say that this amendment really does stem from some practical experiences that have been noted by the Workers' Compensation Board, which, I might point out, is obviously made up of representatives of both employers and employees and the general public. Comments have come from the Appeals Commission and also in conversations with the office of the Privacy Commissioner. In fact, there have been a number of discussions back and forth between these parties in coming up with these amendments.

I think the result that we have here is a practical solution to some issues that were on the horizon, because the Privacy Commissioner had taken a certain view of the way some of this information should be flowing. What we have here today as a result in terms of this amendment, not the amendment from Calgary-Mountain View but the bill itself, is something that will respect privacy, make for efficient movement of information when it's going up from the Workers' Compensation Board to the Appeals Commission, and, I think, serve Albertans generally and, certainly, serve workers and employers on both sides of the issue.

I don't feel that I can support the amendment from Calgary-Mountain View. I don't think it's necessary. I think it's redundant because we already have a system where the worker can sign a

consent for information to be shared. Also, in speaking to the Workers' Compensation Board and in the briefings both that I've received and that have been available to the members opposite, it's been noted that the Workers' Compensation Board was uncomfortable with having to filter and screen whatever would go to the Appeals Commission before they made their decision. So for the purposes of natural justice we thought that it was important that that information be available to the Appeals Commission. They still are subject to all of the FOIP requirements and the FOIP laws.

It should be noted, too, that at this point in time something like a million pages of information are being copied and passed to the Appeals Commission. We are trying to move and I know that the WCB and the Appeals Commission are trying to move to a system that will be electronic. It'll be much quicker. It'll serve the interests of everybody because the information will be more readily available.

While I respect the comments of the members opposite and have taken note of their comments, I can't support the amendment that's being offered because I do think that it is redundant. It's already available. The passage of that information is already available to people who are acting as agents and so on. I would encourage members to not support this particular amendment, and I look forward to further discussion and debate from all members of the Assembly.

Thank you.

The Chair: Other speakers to amendment A1?

If not, we'll call the question.

[Motion on amendment A1 lost]

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

Dr. Swann: Thanks very much again, Mr. Chairman. I'm disappointed that that amendment was shot down because it certainly didn't add any threat to the bill and would have given some comfort to workers that nothing would be withheld.

To go to a second amendment, I will be moving, on Bill 6, Statutes Amendment Act, 2014, that it be amended by striking out section 4(3) and substituting the following . . .

The Chair: Sure. Okay. If the pages would distribute that amendment. Just pause for a brief moment, hon. member.

We'll call this one amendment A2, hon. member, and you can speak to it.

Dr. Swann: Thank you very much, Mr. Chairman. This is an issue that has to do with the appeal process and the very short timeline that workers have to appeal a decision of the board in relation to compensation. It's a very problematic and frustrating and demoralizing issue for many workers who are not able to provide appeal information based on all the consultations that they may have made with doctors or various health workers and consultants around their injury.

They have to have this all together within one year to appeal. Many provinces in the country don't put any limit on the appeal period, but in Alberta we put a one-year limit on appealing, which in some cases has actually left people with serious injuries, especially head injuries where they have cognitive problems, emotional problems, out in the cold because they didn't get their appeals in within 12 months. The only reason that I can see that the WCB would want to limit the appeal period to one year would be to reduce their liability. This body, the WCB, is supposed to be

there to fairly and adequately compensate workers regardless of how long it takes for them to get all of the information from their specialists or consultants or counsellors.

The essence of this amendment is to extend the appeal period from one year to 10 years, to allow workers, especially those who are severely injured, who take months and months, in some cases, to get in to see their specialists, who may get contradictory reports from different specialists, who may need further surgery, who may need other aspects of their care, including mental health issues, dealt with – this unfairly excludes people when they haven't managed to get through the appeal process within one year, when you think about how long it takes to get in to see specialists, how long it takes to get in to surgery at times, when you think about the seriousness of the impacts on individuals' mental health and their families. It seems draconian and seriously unfair to limit people on the basis that they didn't get an appeal in within 12 months when they're dealing with financial issues, family issues, trauma, posttraumatic stress, and in some cases tremendous delays within the health system.

All we're saying, I think, in this amendment is that by striking out "one year" in subsection (8) and substituting "ten years," we are giving workers who are injured in the workplace a fair opportunity to appeal what they perceive as unfair decisions. If they don't have the evidence, if they don't have the support from various health specialists or psychologists to sustain their appeal, it will be thrown out. There's no reason to limit workers to a one-year appeal period unless it's simply to remove liability from the WCB, and that is not the purpose of the WCB. The WCB is really there to act on behalf of injured workers and try and make sure that they have a fair restitution of their rightfully due compensation.

4:10

I would really strongly encourage members here to consider this amendment as a vote in favour of fairness, justice, and requiring the WCB to do its due diligence and extend, in some cases, the appeal process beyond one year, which is impossible in some cases for the worker to do for the reasons I've given.

Now, the WCB will come back and say: well, we have the discretion; we could extend the period of appeal if we see that there are extended periods. But it never happens. Why does it never happen? Because they want to limit their liability. They want to reduce payments in some cases instead of letting natural justice do its job.

I feel very passionately about this. I've had a number of people in my office who have had various reasons – for some of them it's simply lack an awareness on the worker's part; for some of them it's because they've had brain injuries; for some of them it's because of their family dynamics, the loss of their house, whatever – interfere with their judgment or their ability or their timely appeal. Whatever the reasons there is absolutely no reason to limit a person's appeal if they have just cause for compensation. There is no reason to limit their appeal period to one year. In many other provinces in Canada there is no limit on appeals.

In the interests of being and being seen to be a fair government, we can implement what is a minor change on paper, from a one-year to a 10-year appeal period, but which has a huge impact on a number of workers. Thousands of workers over the last 50 years in Alberta have been excluded from reasonable compensation just because they didn't meet that very narrow, one-year period.

Thank you, Mr. Chair.

The Chair: Are there others, to the amendment?

Ms Notley: Well, I want to begin by truly thanking the Member for Calgary-Mountain View for this amendment. I want to congratulate him and/or his staff on the ingenuity of injecting this issue into today's discussion, because this is a really important issue, and it addresses a profound injustice which happens very regularly in this province. This is an absolutely excellent proposed amendment, and I absolutely support it.

Why do we want to change the appeal period from one year? Let me count the many, many ways. Let's begin by noting that it's a relatively recent decision by this government to inject the statutory limit on the amount of time a worker has to appeal. It was a decision that I believe was heartless, and it was a decision that displayed a profound level of being out of touch with the realities of working people who find themselves unable to attend work and unable to earn an income. Maybe folks over on that side are used to having, you know, five years of salary cushion between their time of working and when they start to get into trouble if they don't have an income, but regular working people certainly do not.

This issue of whether they are entitled to compensation when they are unable to work due to their injury is profoundly – profoundly – important to them. This one-year limit to an appeal restricts their rights more than would be the case for somebody exercising a number of different rights within our court system. Were I, say, for instance, Daryl Katz, I could wait six years to start a legal action about a breach of contract. So say, you know, that I'm a hugely wealthy developer and somebody breaches a contract and I think that I've lost hundreds of millions of dollars, I can wait six years before I go into court with that one.

But no, no, no. If I'm the injured worker who's been told that your back injury from being required to lift a patient on your own – and you're lifting that patient on your own because the other five people who might have been working with you that night have been fired or laid off or no longer exist. So you lift that patient, and you permanently injure your back in the course of doing that. Well, you are going to be told that that's because you're old and your spine is deteriorating and that it has nothing to do with that lifting action. Then you're going to be told that you don't have any income, and you have no ability to go to work to do the job anymore. Then you're going to be told that your employer has no obligation to accommodate you because, of course, employers in this province are about 30 years behind the rest of the country when it comes down to implementing their human rights obligations under the human rights code.

So that's what is going to happen to those people, and those folks are told that they only get one year to appeal. Wealthy, wealthy developers suing under breach of contract: six years. Injured woman, caregiver who helps patients and has her back injured at work: one year. Does that sound fair to you? I'll say what I think it sounds like. I think it sounds like beating up on some of our most vulnerable yet important members of our society. So that's just to start.

That being said, let's just talk about other reasons why a worker may not be able to file an appeal within one year. The first one has already been identified by the Member for Calgary-Mountain View. That is that the injury experienced by the worker may actually have implications for their mental and emotional state. It may be a form of PTSD. It may be a brain injury. It may be an excruciatingly painful back injury, which ultimately generates an addiction and an incapacity to sort of think clearly; that happens, too. So any of those things could be the nature of the injury, and the very nature of the injury then interferes with the worker's ability to file their appeal on time.

To review, that worker doesn't have a lawyer because in Alberta we have pretty much the worst legal aid system in the country, and there's no way on the planet that any injured worker in Alberta is going to get legal aid support to help them appeal. So they're on their own. If they've been injured in a way that impacts their ability to function emotionally and cognitively, then they're very likely to struggle to read those documents to file their appeal on time. So that's the first problem.

The second problem arises when the injury itself is not static within that one-year period. Anyone who's ever been involved in a car accident or anything like that knows that the permanence of the injury and the degree to which that injury impairs you is not crystallized within a 12-month period. So WCB says: oh, you don't have an issue that warrants your being off work because you're not really that disabled, so we're going to deny your claim for lost-time benefits. And you think: "Well, all right. Okay. Well, it seems to be kind of getting better." You go back to work and you carry on, and you realize after about three or four months that even though it's not quite the same as it once was, it is, actually, still impairing you, and you may be out of time to appeal the decision.

Now, the third thing which is problematic with that one-year limitation to appeal is the fact that, as we've talked about many times in this Assembly, our access to health care in this province is profoundly delayed. Oftentimes the very foundation for an appeal that a worker will do – and I now speak as a lawyer who used to do these kinds of appeals – stems from the medical opinion of the doctor. Well, how many examples have we heard about how long it takes to get in to see a doctor in Alberta? How many people can get in to a doctor, a specialist, that will have a sufficient gravitas to counter the written-on-a-notepad-out-of-their-back-pocket opinion of the paid WCB medical adviser, who's never actually met the worker.

So you've got that evidence in there saying: "Oh, no. It's not a compensable injury. I am a medical adviser. I've never met the worker, but I've decided the injury is not related to work." In order to counter that, you actually have to go see a doctor who's a specialist in the area because your evidence has to be better than the WCB's evidence. Then you have to wait to get an appointment to see that doctor. And guess what? That's if you know right away that that's what you've got to do and it doesn't take you six months to get advice on how to do that. Then, lo and behold, you're filing appeals when maybe you don't actually have a case, but you have to file the appeal because you don't know if you're ever going to see the doctor in time. It's just ridiculous. There's just no good reason for this one-year limit.

4:20

Now the issue of whether or not the WCB has discretion to extend the limit. Well, I've been on that side of that issue as well, and let me say this. I have made representations on behalf of injured workers who have done everything a reasonable person would do to ensure that that appeal is filed, and when the appeal is not filed on time, it is not their fault. It's because someone that was helping them told them they were doing it but didn't do it. For instance, right there. Like, that is an excellent reason why an extension of the time to appeal would be made, yet that, which is a classic case of a reason for extending the time of appeal, is rejected.

Then I've also in my time, sitting as an appeals commissioner, in different contexts looked at the question of whether or not one can extend the time to appeal a decision. I've looked at cases where it's very clear on the record that the person never actually received notification that the decision was made, yet no, we're not going to go ahead with that extension. We get to assume on the

basis of our policy that that person received the decision even though it's clear on the record of it that the address that it was mailed to is no longer this person's permanent address. I mean, really simple, basic, natural justice questions like this are repeatedly and regularly ignored by the Workers' Compensation Board in the administration of these claims. That happens and will continue to happen, and it will happen more and more when you're looking at a one-year time limit.

Personal injury claims: two years. Contract breach claims: six years. Vulnerable injured workers without legal representation: one year. You know, folks, really? I mean, when you look at the profile of the people that are accessing each of those different windows within which to appeal, it becomes very obvious very quickly that the ones who have all the time in the world are the most entitled, and the ones who have the least time in the world are the least entitled.

The Workers' Compensation Board, just to be clear, in the representations in the submissions that I've already made in the past, does not have a record that warrants them being characterized as entirely objective and neutral in terms of how they deal with workers and workers' appeals.

Another thing that's interesting, another example that I've come across – and I'll mention it when we talk about this section in more general terms as well, but it's also applicable to this. The Member from Calgary-Mountain View says: well, we need to extend the one year because we can't count on the WCB to exercise its discretion fairly. One of the interesting cases where I've seen the WCB not exercise its discretion fairly is where the WCB is both adjudicator and employer. You imagine: oh, they can't possibly be both adjudicator and employer. Well, yeah. Guess what? They are. They are in this province. With their own staff they exercise their discretion in a way which is just brutal. It is absolutely brutal. It's beyond the pale of acceptability, and it is absolutely not neutral. So for all those people who are actually employed by the Workers' Compensation Board, God forbid that they miss an appeal deadline, perhaps because of a brain injury, and they have to rely on the WCB, who is both employer and adjudicator, to make a decision in their discretion that would allow the person to still pursue their claim. I've seen it. I've seen that exact case.

Let me tell you that the record does not reveal a record of a professional, objective organization, for sure. All in all, there are a number of different reasons: when you consider that the appeal process itself with respect to the Workers' Compensation Board is extremely complicated and complex; when you pair that with the fact that much of the evidence that is collected and used when the merits of a worker's claim is considered is medical in nature, very professional in nature, and again, very complex; when you consider the issues around work-relatedness – for instance, does this lung condition typically arise when you are working with that chemical in the workplace?

Again, I've done a lot of WCB claims. I've done claims for firefighters, for pipefitters, for X-ray technologists where significant lung capacity issues have arisen as a result of exposure to chemicals. In all those cases, getting just the general research on those chemicals, what kind of injuries they typically are understood to cause and how that manifests itself in terms of the symptoms in the person who's exposed to them – that information is very complicated. It requires a lot of research. I can't even begin to tell you how many hours well into the night I have spent poring over those.

I think there was a website back in the day when I was doing this, about a decade ago, called PubMed. You'd just enter stuff, and you'd read medical journal report after medical journal report

after medical journal report, trying to decipher what actually supported the notion of a causal relationship between a particular chemical and a particular injury. That's very complex.

Then there's the issue of securing the medical reports. I think we have more than one medical doctor. We have two medical doctors in the Liberal caucus. I can't remember if we have more medical doctors over on that side or not. I'm having a blank.

An Hon. Member: We've got a veterinarian.

Ms Notley: A veterinarian absolutely works because it's even harder to become a veterinarian than a doctor, I'm pretty sure.

In any event, the point is that they will know that when they are approached to write medical legal opinions, it's not something they love to do. It takes a while for the appointment to be made. They often don't know how to write them. They charge lots of money for the medical legal opinions. When they do finally write the medical legal opinions, they take a long time to be written because it's not a doctor's happy place to be writing medical legal opinions. Most doctors' happy places are to not write medical legal opinions, so they delay it.

So you've got to badger your doctor to get a medical legal opinion. You've got to coach your doctor on how to write a relevant medical legal opinion. You've got to do the scientific research on the causation. You've got to do all that kind of stuff, and you've got to do all of it without a lawyer because, to review, you're not getting access to a lawyer if you don't have income, and you're not getting access to a lawyer through legal aid. So you're doing all of this on your own, and you've got to do it within a year. Well, that's just not reasonable. That's absolutely not reasonable. That's why this one-year appeal process has really hurt a lot of people.

Another thing that I found in my travels doing this kind of work is that oftentimes people won't realize that the injury or the symptoms they experience are actually related to work. The classic case is, of course, repetitive strain injury. Classic case. You know, you're typing in an awkward office set-up, and you have a new boss come in, and suddenly the amount that you're typing triples. You start doing that, and about eight months later you start to feel a little bit sore, so you file a WCB claim. WCB says: "No, not related. This is your own kind of achiness because you're a diabetic or you're a woman over 50." All the various and sundry explanations that they love to use to say that these kinds of things aren't related to your work. So you keep it up, and then your employer ups how much you've got to type yet again, and about a year later you're going to see the doctor. Now you're wearing wrist braces, and you're being scheduled for carpal tunnel surgery. Now you might even lose time. Of course, you filed your claim 14, 15 months ago. WCB was very fast in rejecting it, and it took another 14, 15 months for the symptoms to slowly grow to the point that you're now losing time off work. And guess what? You no longer have the right to appeal the decision because it's the same mechanism of injury as what originally started, and it actually took two years for it to grow from being a painful annoyance to being a job-ending condition.

4:30

Those are just some of the examples of how people are (a) repeatedly, over and over and over and over, having their rights overlooked by this process and (b) how they also suffer. Their families suffer. Their income is lost. Their families are stressed out, and they struggle to put food on the table for their kids. Generally speaking, you're creating more opportunities for poverty. To be clear, this person is injured, so they are not able to work. The

way that's supposed to be fixed is workers' compensation, but unfortunately workers' compensation is denied to them by these incredibly oppressive and restrictive limitations, which, I will just remind people once again, are not applied to people who sue for breach of contract. Just to be clear, the profile of the folks suing for breach of contract: these are not workers living from paycheque to paycheque. These are multimillionaire/developer business types. They get the six-year window. Our people or people that are more vulnerable get one.

That's what I have to say. That's why I'm very, very pleased that the Member for Calgary-Mountain View has made the decision to bring forward this motion. I'm glad that we've been able to talk about it because it really, really raises a profoundly important inequality that exists with respect to our workers' compensation system.

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

I'm going to recognize the Member for Edmonton-Beverly-Clareview, followed by Edmonton-Calder.

Mr. Bilous: Thank you very much, Mr. Chair. I'll thank my colleague from Edmonton-Calder for allowing me to speak in front of him. We both have some interesting points to make on this amendment.

Mr. Chair, there was a bit of a question circulating briefly or recently about the validity of this amendment. It's my understanding that Parliamentary Counsel has in fact declared that this amendment meets the parliamentary requirements to be a legitimate amendment.

You know, I have heard – and I'm sure that the minister will . . .

The Chair: Hon. member, if I may, just for the record the question was whether or not this amendment was attempting to amend the WCB act itself or this section as it refers to it in this bill. The clarification has been received from Parliamentary Counsel that it, in fact, speaks to this section of this bill and is therefore in order, so you can proceed to speak to it.

Mr. Bilous: Thank you for that clarification, Mr. Chair. I'd like to thank Parliamentary Counsel because this is, as my colleague stated, a very good amendment. I'm glad to hear that it is in order.

I've heard that the minister is claiming that this deals with the WCB act and not the omnibus bill that is currently being debated in the House here. You know what, Mr. Chair? That raises serious concerns. This is one of the points that the Alberta NDP has made regularly when it comes to omnibus bills and the challenge that we face in that this piece of legislation, that is going to amend a few different acts, is getting brought forward as one bill. You know, this is the time for us to bring forward amendments and to improve this one section, which deals with the Workers' Compensation Act. However, I find it interesting and maybe disappointing that the minister is advocating or trying to assert that this amendment deals with the act and not this bill.

I guess he's highlighting the fact that this is one of the challenges that occurs when you bring forward an omnibus bill as opposed to dealing with pieces of legislation that amend a specific act, one act at a time. Again, I'm very grateful that we can in fact debate this amendment. I do agree with the Member for Edmonton-Strathcona that this is an important amendment. As I've alluded to before, Mr. Chair, we do have a couple of amendments to try to improve this section of the act as well. We have a few opportunities here to make some progress on a bill, again, that covers, really, a variety of bills.

You know, a point that my colleague brought up, which is really important, is ensuring that when we're looking at appealing

decisions made by the Appeals Commission, there is adequate time to be able to collect and organize documentation in order to make an appeal and to present a proper case. As the act currently reads, there's only a one-year period for this to occur. Quite frankly, Mr. Chair, there are examples of where it's been very challenging for claimants to be able to organize everything they need within a one-year period, so it seems quite reasonable to me that we expand this window to a period of 10 years.

Again, folks who have to make claims through workers' compensation – I mean, the effects of whether it's an accident or what happens at work often affect them for life. It seems at odds that they have a very tiny window to be able to make an appeal as opposed to ensuring that Albertans have due process, that they have the ability to be heard and to appeal decisions if they feel that they are unjust.

This really does provide another tool for Albertans, you know, who are injured and trying to deal with claims. I mean, I can appreciate the level of stress, anxiety, difficulty, and duress that these folks are already under, and providing a very limited time frame for them to appeal a decision that's probably already taken a significant amount of time to get to the place that they're at – this provides them with a broader window to be able to appeal and to right a wrong, for lack of a better way of framing this, Mr. Chair.

You know, I wished on this amendment that I could speak as eloquently as my colleague the Member for Edmonton-Strathcona. She definitely has quite a bit of background knowledge and experience when it comes to working with the bill that deals with WCB claims and appeals, coming from, you know, a background of law. But the point here, Mr. Chair, is that this is an amendment that would greatly strengthen this section of Bill 6, and I'm hoping for and am very curious to hear the points and arguments that my colleague the Member for Edmonton-Calder is going to make on this. I'm curious to hear his interpretation and will urge all members of the Assembly to give him their undivided attention.

Thank you, Mr. Chair.

The Chair: Thank you.

The hon. Member for Edmonton-Calder.

4:40

Mr. Eggen: Thank you, Mr. Chair. I appreciate the brevity of the Member for Edmonton-Beverly-Clareview and his spry capacity to jump ahead of me. I don't know what that means, if it's an unconscious action that he's making there, you know, to demonstrate his youth and vigour. I don't know what it is.

Anyway, certainly, I'm interested in the Member for Calgary-Mountain View bringing forward quite a substantial amendment to Bill 6. It's, again, no surprise that it focuses specifically on the WCB part of this bill. You know, it's interesting that we would have any controversy, really, or that the essence of the controversy is on why we would be dwelling on WCB issues and WCB legislation so extensively here. Well, that's, ironically, exactly the essence of what I have a problem with, this using miscellaneous statutes structure to start to create something that resembles an omnibus bill. It's just like keeping Alberta rat free. You want to make sure that we draw the line somewhere between Saskatchewan and B.C. and keep the rats out. Well, I stand here today to make my claim to keep Alberta omnibus bill free as well.

We see the blight of the omnibus bill rampaging across the United States. You hear about it as this clever tactic that exists in all state Legislatures and national bodies in Washington, and it's become almost like an animal unto itself, right? It's given a life of its own, and it combines good ideas with bad ideas, it combines politically nefarious ideas with innocuous amendments, and the

whole heady brew can be toxic, quite frankly. You know, I just don't find any use for it here in Alberta, where we're straight-shooting sons of guns and men and women who cannot descend to using large pieces of legislation that don't have any relativity to each other just for the sake of – I don't know – a combination of expediency and maybe some other less than . . .

Mr. Bilous: To confuse, to hide.

Mr. Eggen: Yeah. You know, not really the best of intentions.

Again, we go back to the way that we do do this. Sometimes, the odd time here, we agree and sit down around a table and make a miscellaneous statutes agreement, shake hands, and everybody feels good. But we didn't do that with this one – right? – so the legislation gets hung up a little bit. Again, just to remind you, everybody gets hung up as well if we don't talk about how we're going to run our afternoons and evenings.

If Bill 6 had come through in a timely manner and I was given the mechanism by which to know exactly when it's going to be and to have my critics in place to debate not just Bill 6 but Bill 3 as well and other ones, then, you know, everything would have been smooth. It would have been like driving on fresh asphalt here. It would have been like a trip to the mountains, right? Instead, we're kind of stuck here.

Mr. Mason: We're going off road.

Mr. Eggen: We're going off road – that's right – driving in circles.

The Member for Calgary-Mountain View, I think, is showing some ingenuity here in building this amendment for Bill 6, speaking very specifically about the Appeals Commission, about the records of individuals and how they may or may not be shared. You know, there's a difference between natural justice, I would venture to say, and just continuing on with a habit that may be really not in the best interests of individuals. While it may have been common procedure to share files on individuals over the last number of years, it doesn't mean, necessarily, that it was the best practice or in the best interests of people that are actually filing. I just find that to be something that we need to be concerned about here in the Legislature.

I find it interesting that once you start talking about the Workers' Compensation Board, it's like opening a can of wasps, Mr. Chair, because you find that so many people have not done well by the way that the WCB functions. Certainly, I've learned a very practical and hard lesson with reviewing literally hundreds of cases of WCB claims that have come through my constituency office over the last number of years and just this tale of woe.

You know, so much of it could be easily fixed if we really did employ a sense of natural justice about looking to work in the best practice or the best interest of the individual filing the claim rather than trying to presume that someone is trying to exaggerate or somehow misrepresent their claim. By just simply approaching WCB claims backwards, I think philosophically we've created a sort of negative environment that is a little bit reflected in this part of the bill here, which is the sharing of information in regard to a person's medical faculties when they're filing a claim with the Workers' Compensation Board. Certainly, I find it interesting that we have to kind of work through that here. I think that for the sake of saving the other parts of this bill, which I believe to be quite regular and normal – there are certain populist sections here talking about the farm implements, and so forth, that are very useful for people in this province. By striking out or amending the sections here on the WCB, I think that gives us food for thought.

You know, I spoke to a number of people who advocate for WCB claimants here in the province, and they definitely made no

bones about how we should strengthen the privacy of individuals' medical files and not pass that information around helter-skelter, that people really are in a compromised situation when they are before the Appeals Commission or just filing the claim with the WCB. Again, if we make that presumption of innocence and presumption of best intentions the first premise by which we approach each individual case, then I think we'd go a long way to promoting goodwill – right? – because right now the adversarial environment that the WCB has created for themselves has just compromised that somehow.

Yeah. Good for the Member for Calgary-Mountain View for coming up with this innovative amendment. You know, I'm feeling really good about this one passing, but just in case, I think we might have something that can fix the problem as well.

Thank you, Mr. Chair.

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

Ms Notley: Thank you. I'm just glad to again talk a little bit more about this issue because it really is very close to my heart. I want to just talk about a couple of examples of people that I've dealt with in the past who were victims of the one-year limitation period in terms of appealing their case. I want to tell a little bit of their story, obviously with no names being released or anything like that.

One example for me was a corrections officer who I met back in the early '90s, when I worked for the Alberta Union of Provincial Employees. It was a young woman who had been attacked by an inmate at the remand centre and had in fact been isolated and sort of in a bit of a kidnapping situation for several hours with her life under threat until such time as the rest of the remand police were able to come in and save her from that situation.

4:50

Now, as it turned out in that case, she suffered physical injuries, so she applied to the WCB for compensation as a result of those physical injuries, and she received some compensation during that period of time. That's all great. Eventually her physical injuries resolved, and she was told that she had to go back to work. The letter was written, and a decision was made that she had to go back to work. That decision crystallized at a certain point. "Here's your decision. You've got to go back to work. You're super cool. Off we go."

Meanwhile, while she had been receiving treatment for her physical injuries, she also started getting treatment for growing, increasingly apparent psychological injuries. Those injuries slowly developed. By the time she was told that she had to go back to work, those psychological injuries had grown to the point that she was not in any state to read the fine print about appealing that issue. So she didn't appeal it when the decision letter was written that she was fine and she was ready to go back to work.

What happened was that she just didn't go back to work. A number of things occurred, issues related to whether she was allowed to be away from work, whether she had abandoned her position. Ultimately, she used her sick time instead of workers' comp time. Then she ran out of sick time, and then she started applying for LTD benefits. Meanwhile her condition deteriorated, and issues developed: substance abuse issues, family issues, lack of sleep, all the kinds of things that are often associated with PTSD. Anyway, eventually her family unit broke down. She ran out of sick leave. She was in tremendous crisis, and that sort of reached a pinnacle at about two years after she had originally been told that her injury was over and she was done.

Now, as it turned out in that case – that was, as I said, back in the 1990s – it was before the WCB introduced the one-year rule. So in that case we were able to do an appeal for her, and we were able at that time to go out and get the information that was necessary, send her to all the specialists, yada, yada, yada. To be fair, in that case once all that information was collected on her behalf by someone who understood the workers' compensation system – and, of course, it took her almost two years to get somebody, to finally pick up the phone and contact somebody that knew something about the issue. As soon as we heard her story, we went: "Oh, well, this is outrageous. I mean, you're suffering from PTSD. This is exactly, completely related to that initial incident from that point, you know, three years earlier." We sent her off to the doctors, and we contacted her treating professionals. We made the case, and we did the appeal. Of course, she ultimately received compensation, and she got her sick time back, and she got her job back, and yada, yada, yada. It all ended up brilliantly.

Of course, there are two differences between her position and many other people's position. First, of course, she was a member of a union. Ultimately, when things absolutely crumbled to the final extent and she reached out to her union, she was actually able to enjoy the benefits that so many Albertans don't enjoy, and she got the benefit of legal representation, that is not available to the vast majority of Albertans, who are not members of unions, in these situations. She also benefited from the fact, as I said before, that the one-year time limit was not in place. Now, of course, even with all the assistance that she could get through her union, she still would be potentially living on the street because that one-year time limit would have stopped her ability to appeal.

This is what happens with injury a lot, and anybody who knows anything about disability law knows that these kinds of issues are not clearly laid out within a year. That is often the case. And that is particularly the case when injuries gradually occur, when the condition itself gradually occurs, or when you're dealing with mental health issues. Those people are particularly vulnerable to not getting appropriate compensation.

I find that there are actually a lot of places in our regime of periodically, in a scattered sort of way, providing support to disabled Albertans where our system actually quite actively discriminates against people with mental health or cognitive or emotional illness. It's not limited to WCB. I will say that. But one of the places that you definitely see our system very exhaustively and effectively discriminate against people with mental health issues is in the WCB, and one of the ways that happens is where you have a time limit of exactly one year within which to assert your rights. So that is an issue that really needs to be changed.

Really, you know, if we could change this with the WCB and then also look at how we manage our AISH system and income supports systems and all those other ones – oh, I could go on forever about how we find a way to discriminate against the people with disabilities. We discriminate against those with mental health or cognitive or emotional issues because the very system we set up to establish their eligibility discriminates against people whose capacity to navigate that system is impaired by the very condition which contributes to their eligibility. So it's a circular problem.

I truly believe one of the first things I'm going to do if I ever get a chance to retire, which I will say that I do think about more longingly every day, is a systemic human rights complaint on the AISH process that we have in place on behalf of people with mental health issues.

Mr. Mason: Have a roast.

Ms Notley: After Brian organizes a roast, yeah.

Mr. Mason: And a Christmas video.

Ms Notley: And a Christmas video.

Anyway, that being said, I think I've had an opportunity to really lay out for my colleagues in the Assembly why the change that was made – I don't know, now; I'd say that it would be five to 10 years ago – that reduced the period of time within which a worker could appeal a decision made against them to one year, why that decision was such a bad, unfair, hurtful decision. And I hope I've given some description of why that hurts people. To be clear, we don't have legal representation. The issues are complex. People are usually in crisis, and that crisis can in fact be exacerbated by the very condition which would otherwise render them eligible for these benefits, and were they not workers injured by their employer, if they were a wealthy developer driving the street and hit by a stranger, they would have two years, and if they were a wealthy businessman suing somebody on a contract, they would have six years. But if they are an injured worker, they only have one. So that is all I'm going to talk about on that particular issue today.

I do once again need to provide my tremendous gratitude to the Member for Calgary-Mountain View for providing an ingenious opportunity for us to discuss this important issue today in the House. For those members who are annoyed by the fact that we get to talk about this issue in what was supposed to be a very simple miscellaneous statutes amendment act, this, to me, would be a cautionary tale to the government against the practice of lumping a whole bunch of issues together into a miscellaneous statutes amendment act and suggesting that they're all really merely administrative in nature and don't warrant their own separate pieces of legislation. This is what happens because the substance and the merits of said miscellaneous statutes amendment act can sometimes have far-reaching consequences, so something which should sail through reasonably quickly does not. Frankly, it ought not to because we're all elected here to do exactly what we're doing.

5:00

Dr. Swann: Is this part of what happens with an omnibus bill?

Ms Notley: These are exactly the kinds of problems and/or challenges and/or opportunities, I suppose, which occur when the government of the day chooses to replicate the rather anti-democratic practices of the Harper government and to bring them into our Assembly by creating larger and larger and larger omnibus bills entirely dedicated to the task of reducing legislative oversight.

I mean, at least in Parliament they sit I think at least 200 or 250 days a year versus here, where we're: not so much. I think that Prince Edward Island is the only province in the country which sits less frequently than we do, and of course it is roughly – I don't know – one-thirtieth our size or something like that. We're only a just a few days more than them, just to be clear; we're not 30 times more than them.

The Chair: You're still on the amendment, hon. member?

Ms Notley: I am. Thank you for that reminder, Mr. Chair. You're quite right.

Anyway, all that is to say that even though it is buried in a miscellaneous statutes amendment act, it is a very important one. Frankly, the Workers' Compensation Act as a whole is one that deserves thorough and extensive review by an all-party committee

for a very long time because there are so many injustices that occur every day to workers in Alberta as a result of decisions which are authorized by the legislation for which we are responsible.

Dr. Swann: Not to mention farm workers.

Ms Notley: Not to mention the fact that we don't even deal with farm workers. I know that's not what we're talking about in this amendment, so I won't go on about it for too, too long, although let me just say that it is really quite egregious that farm workers have no right to any kind of compensation. Again, I guess they can sue, but you've got to find yourself a lawyer. That's your first thing.

Mr. Mason: You're a lawyer.

Ms Notley: I'm a lawyer, but I tend not to do legal work anymore, so that just won't work. Anyway, all that being said, I've been distracted by the comments from Edmonton-Highlands-Norwood. It's very easy for me to be distracted.

All righty. Anyway, I'm going to once again end by thanking the Member for Calgary-Mountain View for this wonderful amendment. I completely support it without reservation, and I look forward to hearing further comments on it by my colleagues.

The Chair: Thank you, hon. member.

I'll recognize the Deputy Government House Leader.

Mr. Oberle: Thank you, Mr. Chairman. I would like to move at this time that we rise and report progress.

The Chair: The Deputy Government House Leader has moved that the committee rise and report progress.

[Motion carried]

The Chair: The committee shall now rise and report progress on Bill 6.

[The Speaker in the chair]

The Speaker: The hon. Member for Lesser Slave Lake.

Ms Calahasen: Thank you. Mr. Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 6. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Speaker: Does the Assembly concur in that report?

Hon. Members: Concur.

The Speaker: Any opposed? Thank you. So ordered.

Government Bills and Orders Third Reading

Bill 1

Respecting Property Rights Act

The Speaker: The hon. Member for Little Bow to move third reading.

Mr. Donovan: Thank you, Mr. Speaker. It is my pleasure to rise today and move third reading of Bill 1, Respecting Property Rights Act, on behalf of the Premier.

Bill 1 will repeal the land assembly project act and will also include the preamble to establish the importance of property rights to this government. I appreciated the comments during the second reading and the Committee of the Whole from the members who spoke to the legislation. It is clear that property rights are very important to all Albertans and to members of this Legislature.

Several hon. members spoke to the dissatisfaction Albertans have had with the Land Assembly Project Area Act, also known as Bill 19. This government has listened to Albertans and is repealing the Alberta assembly project act as part of Bill 1 as it does not meet the expectations of Albertans and their individual property rights. By immediately repealing the Alberta assembly project area act, we have demonstrated that we are here to listen. We have listened to all Albertans, and this government has acted at the first available opportunity.

More importantly, Mr. Speaker, this bill demonstrates this government's commitment to property rights. It affirms that private ownership of land is of fundamental importance to this government. The preamble sets out the parameters of how this government will treat property owners and what they can expect from our government going forward.

I was pleased to see several hon. members express their support for Bill 1. Some hon. members voiced concerns that more needs to be done to protect property rights beyond Bill 1, but, Mr. Speaker, Bill 1 is clearly a statement of support for property rights. It begins to address landowners' concerns and upholds their rights, and this government is not stopping there.

Mr. Mason: What government?

Mr. Donovan: This government.

Pursuant to the Property Rights Advocate Act the 2012 and 2013 Property Rights Advocate reports have been referred to committee for review. We will look forward to hearing from the committee and following their review to see if there are any ways we can better protect Alberta property rights. This government is committed to a clear and fair process that respects the Legislative Assembly and respects the input from the members of the Assembly in this process.

Mr. Speaker, our Premier's commitment to property rights has been a matter of public record for decades. He has made clear his intent to apply the same kind of common sense, responsibility, and balance to this issue that he has already demonstrated in many other files. I'm pleased to stand in support of Bill 1 and to support the property rights for Albertans. I urge all members to support Bill 1.

Thank you.

5:10

The Speaker: Hon. members, our convention is to go to the Official Opposition – we have one speaker there – and then to the Liberal opposition, then to the ND, and then we'll alternate after that.

The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Mr. Speaker. I'm pleased to rise to talk about Bill 1 as well. Of course, any step forward on improving property rights will be supported by the Wildrose caucus and our hard-working MLAs, our commitment for the last two and a half years, even the year and a half before the election, of supporting town halls, whether, in my case, it was several town hall meetings, sometimes with 200, 300 people at them, always – always – very, very amazed at a government that claimed to be conservative, that

would remove statutory consents without access to the courts, without access to full and fair compensation.

Of course, I'm very, very disappointed that Bill 1, the bill that the Premier, when he was running for the leadership and wanted to be leader of the PC Party and be the Premier of our great province, said was his most important act, ended up being seven words long. So disappointing. It's disappointing that it didn't at least tackle the huge infringements in Bill 36, where they can take a landowner's statutory consents away, take them away without access to the courts, without full and fair compensation to the landowner. Our MLA from Drumheller-Stettler has explained it very, very adequately to me this way. It's like you have a truck, and you use your truck every day. The government doesn't have to take your truck away to stop you from driving; all they have to do is take away your driver's licence. That's what the parts of Bill 36 do.

Possibly it's fair to suggest that because the Wildrose received 440,000 votes and became the Official Opposition, it stalled the government's desire to enact parts of Bill 36, that it slowed things down, which is a nice reward for all the people that voted for our MLAs in all the constituencies. Bill 36 still looms, with its draconian power, in the only western democracy where property rights, the driver's licence, can be taken away without full, fair, and timely compensation, without access to the courts.

Bill 24 still looms over us, where they can pump carbon into the pore space underneath our land without paying compensation.

We weren't in here for about six months, from I think some side of May 12 until a week or so ago as the PC leadership race went on, and I saw three people work quite hard at it around the province.

So it's very, very disappointing to see Bill 1, seven words long. There are other aspects to it, and it's why my MLA associate from Lacombe-Ponoka worked so hard on Motion 501, the idea of elevating – elevating – the importance of individuality, the idea of government knowing better where government ends and individual rights start.

True, Alberta has been a leader in Canada economically, growthwise, partly because of our ability to balance a budget, which for seven years now has been thrown away, partly because of no debt. We're somewhere around \$11 billion or \$12 billion now, headed towards \$20 billion, headed towards \$700 million or \$800 million a year in interest. The government still presents budgets that aren't consolidated. Now we're headed towards property rights. I use the phrase "kick the can down the road." Off to the committees. I don't know. When will the committees sit? When will the committees look at this?

I rise to support Bill 1. Yeah, it's a small baby step in the right direction when this government, this Premier, this new Premier, this reset, this fourth Premier in six years or whatever it is, said that it was his main thing, his main focus. Needless to say, I'm very, very disappointed in the efforts of Bill 1, although I guess that's better than Bill 2. We still haven't seen that one. That was also very, very important. So if property rights in Bill 1 was seven words long, integrity and accountability in Bill 2 might be three and a half words long.

So I rise to support Bill 1, which totally removes Bill 19, which two Premiers ago was hollowed out anyway, never proclaimed, never acted on. Like many other Albertans, especially rural Albertans, I am very, very disappointed that this is all of the action we've received so far.

The Speaker: Thank you.

The hon. Member for Edmonton-Centre, followed by Edmonton-Beverly-Clareview, followed by the independent Member for Rimbey-Rocky Mountain House-Sundre.

Ms Blakeman: Thanks very much, Mr. Speaker. I'm really glad that I am going to get this chance to speak to any part of Bill 1. This bill has just whipped through so fast. It's Wednesday afternoon, and it's in third reading. So if I hadn't come in extra to do this, I wouldn't have been able to speak to this bill at all.

In many ways this was a good choice as the first bill, the flagship bill, for the new Premier because there's support for it pretty much through every party, for different reasons, interestingly enough, but there is support. Why am I supporting it? Why does my caucus support it? Well, because we were very much against the bill that is being repealed, the Land Assembly Project Area Act, which came through in 2009. I don't remember the number of it; Bill 19, maybe.

At that time it seemed like overkill. There were processes in place already. So if the government wanted to assemble land, to put through something that was going to be for the public good, for the common good, transmission lines or railways or high-speed rail links or any number of things that you would want to assemble a lot of land in a straight line for, you know, we have the Expropriation Act. We had other acts that were already allowing us to do this. So it seemed really over the top, kind of hysterical, if you will, that this act was so draconian.

It wasn't only that we're going to mark your land for the future, but we're going to mark your land for the future, and you can't do anything with it because if you do something with it, we're not going to pay you for it. So if you're on a farm and you're a pig farmer, don't bother putting up that new barn to expand your operation because come 25 years down the road, when we decide we're actually going to take this land from you, we're not going to compensate you for the new pig barn that you built. It just seemed: whoa; calm down. But, no, that's what happened here. Of course, lots of other people have talked about the number of bills that link together to further what the government was trying to do at the time.

What I find really interesting is that this act was never proclaimed, and now they're taking it off the books. Why now, you say? Why now? Because with the statutes review process that we have coming by in 2016, anything that hadn't been proclaimed, like this bill, the land assembly act, would have been wiped off. So if they just did nothing, it would have disappeared in another year and two months, right? So why did they bring it forward now? I mean, if I had to guess, the government had to be seen to be doing something, and property rights is a big, big point of contention. Certainly, it's a big point of contention between the government and the Official Opposition, represented by a number of my colleagues from the Wildrose Party. So it was something the government could be seen to be doing that might cause some problems over here. I don't know.

5:20

But what I was really taken by was that during the Premier's comments he talked about re-establishing trust, and this was to re-establish trust. Oh, sorry. I got a little off on a tangent. Boy, I do that a lot.

The purpose of the bill at the time was to assemble all of this land. Yes, indeed, but at that point we were talking about a very large electricity transmission company that happened to want land that was assembled for them. Lo and behold, here we are five years later, and that project has now been completed. Maybe that's why we have the timing for this bill. They no longer need to put it all together for that particular large electrical distribution company because it's been accomplished. Now they can wipe that bill off the books, and who knows? Maybe in a couple of years nobody will even notice.

Now to talk about the Premier's comments about wanting to rebuild trust. I was really taken with that because, like everybody else in Alberta, I'm watching this new Premier. I'm going: okay; do I think he's, you know, representative of me and my values and what I want to see happen in Alberta? Maybe. Maybe not. So I'm watching for what he believes in. I understand that the Premier thinks that this bill is step one in rebuilding trust with Albertans, but I think there are a couple of other steps that he needs to be taking, Mr. Speaker.

Here are a couple of them, things that the Premier needs to do to rebuild trust with Albertans. Well, I think for starters he could rebuild pride in the civil service. These are the people that work very hard to make us look good in the House. They work very hard to implement the policies that we're passing here. They work very hard on behalf of Albertans. They choose to go into the public service rather than going into the private sector, where the advantage would be gained by the company they work for, or perhaps they are the boss, and it's going into their own pocket. I'd like to see us back at a place where being a civil servant would be regarded as something that you're proud of, something that you would move towards as a younger person because there's a career in public service or at least a longer period of time than what we've been seeing.

The second thing is that I think the government could stop taking advantage of the not-for-profit organizations, the non-government organizations in this province because, boy, the government owes a lot to these agencies. So many of them have agreed to take contracts to provide services that the government used to provide but not on the same amount of money. The government only gives them the line amount for the money but not all the additional administration that goes around it. So you now have these groups out there in the community raising money to subsidize their delivery of a program that used to be a government program. All we hear is: let's get more volunteers. That's what we heard in the throne speech. Well, great. Let's get more volunteers doing stuff for free. Well, yeah, a lot of people like to do that, but the point of it is not to give the government free service. They do it for quite other reasons. I think if the Premier wants to be rebuilding trust, then he could be working to rebuild capacity and resilience with those communities.

I'd like to see this government quit playing games with the environment, monitoring, protecting the environment from greenhouse gases. Quit playing games. I mean, it's silly. It's embarrassing now, you know, to talk about a carbon levy that actually incents a change in activity. Right now it's just cheaper for those companies to pay, but it's not incenting any change at all. So what's the purpose of this? It's a money raiser, then? No. I think that has broken a lot of faith and a lot of trust with people. If he wants to rebuild trust with people, then let's look at some incentives to actually use that additional money generated by the carbon levy to incent people to move to solar and wind.

It'd be really nice if this government could rebuild trust with people. If they would stop killing our animals, that would be great. If we could manage to convince the government to leave the caribou alone instead of continually giving away licences that crowd into their space – we know it kills them, yet we keep doing this.

As the Premier said when he was bringing this bill forward, this is step one to rebuild trust with Albertans. Okay. Well, let me give you a couple of other ideas, then. Let's look at forest practices, where they're logging to the edge of waterways. That shouldn't happen. You could rebuild trust with a lot of us by stopping that. You could actually protect protected lands and not allow for additional licences to be granted for drilling and exploration.

The government could score a lot of points with people if they could manage to actually fund municipalities. I mean, hearing them talk yet again about: oh, we give every municipality MSI money. Yeah, well, the government never managed to achieve its first goal for how much money was supposed to be distributed through MSI funds. It didn't. They were supposed to come up to \$1.7 billion. They haven't even made it that far yet, and we're in the second iteration of the MSI funding. They happily allow the municipalities to be shouldering the load in providing the services directly to people.

If the Premier wants to rebuild trust with people by doing something like Bill 1 and repealing the land assembly act, okay, that's one step, but there's a lot of other things that can be done. It'd be nice if we could see the government and the Premier quit disrespecting the Legislative Assembly, quit disrespecting the opposition by playing silly games. You know, other people see this, and they phone us and they write us and they say: "What's going on? What is the problem here?" And we have to say: "Well, you know, they're playing silly buggers because they think it's amusing. Tee hee. Isn't that funny." Well, it's juvenile, frankly, and it's not respectful of the Legislative Assembly. So if the Premier wants to rebuild trust with Albertans, I'd like to see what he's going to do to make this a better place to work and to have it be more respectful.

You know, allowing private members to have their own time to be able to put current issues on the floor, like is done in the federal government: now, there's a concept. Right now we get polled during a lottery process in the summer, and our bills generally would come up the following spring, almost a year later, so they're no longer current, they're not up to date all the time. But we even have a situation now where the government is trying to make sure, by fooling around with stuff, that the bill I'm bringing forward and the bill ahead of me aren't even going to see debate. I mean, really? Really? I'm no threat to anybody. Heck, no. But it sure seems like it for the amount of activity that's going on over there to try and make sure that my simple little bill doesn't come to the floor. I mean, really, Mr. Speaker, that's building trust with Albertans? I'm finding that hard to believe.

If the Premier is really interested in – actually, there are a number of things. They could restore the speaking times. They could quit doing these multistatute bills, where we've got 16 bills going through. Oh, well, with some co-operation we managed to break that into two, I think a seven and a nine or something. But just trying to get through those bills and get a handle around them, you know, who's got the time to do that, especially when the government is racing through things? Why would they need to get out of this Assembly so fast? I thought we were scheduled to be here until the 18th of December. I'm more than happy to be here until the 18th of December, but it looks like we're going to be out of here by the 4th, if not sooner, at the rate we're going here. So, you know, take a deep breath. Settle down. Now, why would it be that the government, maybe even the Official Opposition, needs to be out of here so quickly? Well, I have a couple of theories on that, Mr. Speaker.

5:30

Anyway, I think what's important is that the Premier has said that he wants to rebuild trust. He believes he's going to be able to do it, move a step forward by repealing the Land Assembly Project Area Act. When it's gone, we still have, as I started with, the acts that were there before. Really, if these acts are that bad, if the Expropriation Act is that terrible, why don't you work within the confines of the Expropriation Act?

There are some ferocious hand signals going on over there. Is he all right?

The Speaker: Hon. member, I think somebody is trying to call somebody else out for a little chat. That's all. It's nothing to do with you. Apologies for the intrusion.

Ms Blakeman: With flags it would have been a really amazing semaphore demonstration.

Did he manage to get the person he was looking for?

Mr. Bilous: He did, yeah.

Ms Blakeman: Okay. There you go.

I'm encouraged that the Premier would want to take a step towards restoring trust with Albertans. I think that's an admirable thing to do. I think this is a good first step. Boy, I've finished my 15 minutes here, but I could use a lot more than 15 minutes to make suggestions on how this Premier and this government could restore trust with Albertans because they have done a lot to destroy it. And they're not bad people. These are not bad people. They all came here with an intent to do good things. Why, when you get them all in a room together, they manage to do stuff that is so bizarre I will never understand. Maybe it's the room – I don't know – the air they pump through it or something.

Anyway, I'm pleased to see that there is a commitment from the Premier.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

Standing Order 29(2)(a).

Seeing no one, I will recognize Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Speaker. It's my privilege to rise and speak to the third reading of Bill 1. I feel fortunate that I was able to speak to the second reading of this bill. But I think it is worth noting that it seems we're trying to move at a breakneck pace with legislation here, where, you know, several bills have moved from second reading, through committee, and into third within a 24-hour period. I would contend, again, that if we want to ensure there's adequate debate on these bills, we slow down the pace a little bit. I can appreciate that folks may be getting excited for the holiday season coming up. However, I think it is important, as representatives of the over 4 million people that live in this great province of ours, that we do take the appropriate and adequate time on each of these bills and recognize the trust that was given to us and the responsibility that we have as elected members.

[The Deputy Speaker in the chair]

Having said that, Mr. Speaker, I'm glad that I have the opportunity to speak to Bill 1. You know, it should be noted right at the outset that I will be supporting this bill. I believe my caucus will be supporting this bill as well. And there are some positives, the fact that it's repealing, I believe, Bill 19. That's positive. However, as some of my other colleagues have pointed out, I dare say that this bill doesn't go far enough. If we truly want to act in the best interests of landowners, of the rights of Albertans, then we need to have a serious conversation about several other pieces of legislation.

I know my colleague from Edmonton-Calder was on the road travelling the province and meeting with thousands of Albertans in community halls, in town halls, in community centres, in agricomms and met with some very outraged Albertans that this government was proposing at the time I believe it was Bill 36, the Alberta

Land Stewardship Act, and Bill 50, the Electric Statutes Amendment Act. You know, at that time as well there apparently were some folks that were instructed to attend some of these meetings in order to share some information as far as what was going on with the PC Party, and that, obviously, caused a considerable amount of outrage.

This bill, again, is repealing the Land Assembly Project Area Act. Now, you know, we'll just take a quick trip back in time here to when that bill, the Land Assembly Project Area Act, was introduced. My colleagues in the Alberta NDP argued against it right from day one. Arguments were made that, quite simply, it was heavy handed.

Part of the other issue here – and we'll be the first to acknowledge that – is that there are large amounts of land necessary for infrastructure projects that are going to serve the public good and are necessary for Albertans. But the challenge with the Land Assembly Project Area Act is that that bill put the government's own convenience ahead of property rights and the rights of Alberta landowners. That's something that we have an issue with. When we're talking about convenience, that shouldn't be the driving factor here, Mr. Speaker. It should be: what is in the best interests? Quite frankly, that section of the bill, you know, fell very short of actually being necessary for Albertans and for public infrastructure projects.

The interesting thing, Mr. Speaker, is that it also allowed the government to limit development that was allowed on someone's land. Part of the issue with that, you know, is that there was no provision for a timeline on when the project that the land was being saved for would begin. Furthermore, there were no requirements for compensation for the prohibition of development on the land for the owner. You know, for a party that frequently claims that they are in favour of and are advocates of the rule of law and property ownership, it's pretty rich and somewhat ironic that they'd bring forward legislation that basically railroads property owners' rights and the rights of landowners, that they don't provide adequate timelines, that they don't provide compensation. For those reasons not only our caucus but, I believe, most of the opposition was quite opposed to the Land Assembly Project Area Act.

Furthermore, it is worth noting, Mr. Speaker – my hon. colleague for Edmonton-Highlands-Norwood reminded me because this was before my time in the House – that the Alberta NDP really led the charge against Bill 19 and, I would argue, against bills 36 and 50 as well. I remember, you know, attending rallies – there were many Albertans quite upset about this – and listening to my colleagues speak at these rallies and standing up for Albertans, for landowners.

Interestingly, Mr. Speaker, it was amended in 2011 but not adequately enough to address the concerns that we raised. You know, for those that were listening earlier, I spoke about the pattern that this PC government seems to have where they charge out with legislation, then hit the brakes and realize, "Oh, we actually haven't consulted with the very people who the legislation is affecting, and we've ignored and voted against most of the amendments the opposition has put forward," which are often quite reasonable. They'd vote them down, and then later on, whether it's months or years later, they'd come back and introduce amendments to an act that they earlier introduced that contain many of the amendments and recommendations that the opposition put forward.

5:40

You know, I don't know if it's because they have a really hard time playing with others. I don't know if maybe this goes back to

some kind of childhood trauma or something, the fact that we have to continue to revisit legislation whereas, had this current government actually acted on their word – during elections we often hear grandiose promises about working with the opposition, and then we come into the House and see that actions speak louder than words and that that rarely happens.

Interestingly, in 2011 the Land Assembly Project Area Act was actually amended. They tried to make some changes. Some of the changes that they made didn't go far enough, in our opinion, but were based on some of the recommendations and amendments that we put forward years prior. Yet here we are now, in 2014, and they've realized, you know, they just couldn't fix the bill, so we need to now get rid of it. We've gone through this very interesting cycle over the last few years that could have been avoided. This is one of those moments where the opposition could quite easily say, "I told you so," but we won't do that.

Bill 1 is trying to remedy some of the problems that they created. Again, as I said, this doesn't quite go far enough. The concern that I have and that I share with my colleagues is that we have two other pieces of legislation, that are still on the books and exist, which desperately need to be repealed as well. I think I have the agreement of my colleagues from the Liberal caucus and the Wildrose caucus that those two bills should have been repealed as well.

Let's talk a little bit about Bill 50, and I'm sure that my colleague from Edmonton-Calder will be more than happy to share some of the stories and experiences that he had when he went around the province consulting and meeting with Albertans to get first-hand their ideas and feedback on this piece of legislation.

You know, we were disappointed that Bill 50 amended, back in 2009, the Electric Statutes Act. Now, I know that my colleague from Edmonton-Highlands-Norwood and my colleague from Edmonton-Strathcona both spoke in 2009 on this bill. The challenge and the problem with it not being addressed today in Bill 1 is that, clearly, this PC government continues to prioritize the interests of industry over Alberta families and individual landowners. We clearly see that one hand helps the other, and unfortunately who pays the price for this? Well, it's Albertans throughout the province, individuals and families.

Bill 50, just as a reminder for those who weren't in the House back in 2009 – and there are quite a few of us – allowed the cabinet to define what's considered as essential transmission infrastructure. Now, I'm reluctant and nervous when we get very prescriptive bills that give sweeping powers to cabinet and to the government. You know, it places unnecessary authority in their own hands and takes it out of the hands of the public and takes away mechanisms that are put in place to ensure that there's adequate feedback and adequate representation and basically concentrates that in the hands of a few, a few who, I may say, as we've seen over the last couple of years, have made grandiose promises regarding many things, I would argue everything under the sun, yet have fallen quite short on fulfilling those very promises.

To jump back – I digress, Mr. Speaker – to what was considered essential transmission infrastructure, basically what this did was that it cut out the Alberta Utilities Commission, which, along with other organizations, developed a process, again, for project assessment decisions, right? That was crucial because they decided that decisions that were made were done in a fair and scientific manner, weren't done on a whim, weren't done because they were offering favours to insiders, to industry, to friends.

You know, again, we're talking about a process that really did reflect openness and transparency and ensured that projects had criteria or that the AUC used criteria in order to select and

approve projects, which makes sense to me. Unfortunately, those processes now have been, because of Bill 50, bypassed, and the power to make a decision goes back to the hands of cabinet.

Now, Mr. Speaker, I'm not saying that the cabinet is evil. I mean, you know, I'm sure we could argue that there is a good person or a couple over there that wouldn't take advantage of the situation that they're in or the power that they have, but the concern is that there may be some that aren't going to act in the best interests of Albertans. As soon as you take away these processes, we're flirting with something that's very, very dangerous as far as ensuring that there is due process and that the public good is served first and foremost above individual interests or the interests of friends, funders, or anyone else who stands to benefit from it.

Now, when Bill 50 was introduced, we opposed it because it failed to protect consumers from the overbuilding of unnecessary transmission lines where the cost would be transferred onto Albertans. You know, that was one of the issues that . . .

Dr. Brown: Point of order.

Point of Order Relevance

The Deputy Speaker: Do you have a citation, hon. member, for the point of order?

Dr. Brown: The citation would be *O'Brien and Bosc*, page 788. The content of third reading should be confined to the final . . .

The Deputy Speaker: Hon. member, please. Our convention is to cite a citation based on our standing orders as to what is being breached by the hon. member, and you may quote *Beauchesne* or some other to back up your point. Did I hear you say 23(h) or (i) or (d)? Do you have some such citation? Is there such a provision that you want to reference, hon. member?

Dr. Brown: It's relevance.

The Deputy Speaker: Relevance. So, hon. member, you're asking that the member be relevant in his comments relative to the bill? Is that all you're asking, hon. member?

Dr. Brown: Yes. Exactly. The member is talking about a completely different bill. He's talking about electric transmission. He's talking about Bill 50. He is not talking about the bill that's before the House, which is Bill 1. Debate at the stage of third reading has to be confined to "the final form of the bill."

The Deputy Speaker: Thank you, hon. member.

The hon. member has 11 seconds to go. On your behalf I would ask him to confine his remarks to the relevance of the bill. I would hope that that would suffice, hon. member?

Dr. Brown: That would be fine.

The Deputy Speaker: That would suffice.

Hon. member, would you proceed? You have 11 seconds to conclude your comments.

Debate Continued

Mr. Bilous: Wonderful. Thank you, Mr. Speaker. In the end I will support this bill. Clearly, it doesn't go far enough. I'd love to tell you more about it, but we'll have to have that discussion some other time.

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

Seeing none, I'll recognize the hon. Deputy Government House Leader.

Mr. Oberle: Thank you, Mr. Speaker. I would like to move that we adjourn debate on Bill 1.

[Motion to adjourn debate carried]

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

Mr. Oberle: Thank you, Mr. Speaker. At this time, in consideration of the time, I move that we adjourn until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 5:50 p.m. to Thursday at 1:30 p.m.]

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