



Province of Alberta

The 28th Legislature
Third Session

Alberta Hansard

Wednesday afternoon, December 10, 2014

Issue 15a

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, December 10, 2014

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. Dear Lord, today, as we mark the international declaration of Human Rights Day, let us be mindful and respectful that human rights belong equally to all and that many have died in attempting to achieve and/or to protect those rights as a fundamental component of the freedoms we enjoy. Amen.

Please be seated.

Introduction of Guests

The Speaker: The hon. Member for Edmonton-McClung.

Mr. Xiao: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of this Assembly a prestigious group of Albertans joining Citizens for a Civil Society and its flagship project, Daughters Day, in celebration of Human Rights Day, December 10. These Albertans have dedicated their lives to building a more inclusive and welcoming society, inspired by our common aspirations and democratic traditions that make human rights a way of life for all Albertans. As I say their names, I ask that they rise and receive the traditional warm welcome of this Assembly. Seated in the Speaker's gallery: Mita Das, president of Citizens for a Civil Society; Jack O'Neill, a recipient of the Order of Canada and former chief commissioner of the Alberta Human Rights Commission; Mary O'Neill, a former MLA for St. Albert; Elexis Schloss, a recipient of the Order of Canada, an advocate for the homeless, and a philanthropist; Muriel Stanley Venne, a recipient of the Order of Canada and the president and founder of the Institute for the Advancement of Aboriginal Women.

Thank you, Mr. Speaker.

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

Mr. Wilson: Thank you, Mr. Speaker. Today marks the 66th anniversary of the universal declaration of human rights being adopted by the United Nations, and it is certainly a rare occasion that the House sits on December 10 and has an opportunity to recognize this important day. To share in this celebration, there are several prominent Albertans in attendance in the Speaker's gallery and the members' gallery. It is an honour for me to introduce to you and through you to all members of the Assembly six Albertans who have dedicated their lives to achieving the spirit of the universal declaration of human rights for all people: Alexis Antonakis, a volunteer with Jewish Family Services; Than Aung, a volunteer with the Burmese Cultural Society; Sonia Bitar, a former citizenship judge and volunteer with Changing Together; Jagdish Bhatia, a businessman; Tara Bhatia, a mentor; and Shreela Chakrabarty, a filmmaker. Please rise and receive the traditional welcome of the Assembly.

The Speaker: The hon. Leader of the Alberta Liberal opposition.

Dr. Sherman: Thank you, Mr. Speaker. I'm pleased to rise and introduce to you and through you to all members of this Assembly several prominent Albertans in attendance in the members' gallery who are here with the Citizens for a Civil Society and its flagship

project, Daughters Day. Citizens for a Civil Society is a registered nonprofit organization in Alberta that promotes and supports human rights and dignity. Daughters Day celebrates the lives, contributions, and achievements of all daughters.

Sixty-six years ago the United Nations adopted the universal declaration of human rights, the principles of which are enshrined in law through the Canadian Charter of Rights and Freedoms, the Alberta Human Rights Act, and the Alberta Bill of Rights. December 10 is a day worthy of recognition in this Assembly, and to that end these Albertans, who have dedicated their lives to building a more inclusive and welcoming society, are here with us today. They are seated in the members' gallery, and I would ask them to rise as I call their names to receive the traditional warm welcome of this Assembly: Lan Chan-Marples, a facilitator and volunteer with Chinese community services and the Canadian Multicultural Education Foundation; Earl Choldin, a human rights advocate; Satya Brata Das, cofounder of Daughters Day and the founder and principal of Cambridge Strategies Inc.; David Evans, a journalist; Soraya Hafez, a volunteer with the Canadian Council of Muslim Women, Edmonton; and Charan Khehra, cofounder and chairperson of Daughters Day.

Thank you, Mr. Speaker.

The Speaker: The hon. leader of the ND opposition.

Ms Notley: Thank you, Mr. Speaker. It is also my pleasure to rise today and introduce to you and through you to all members of this Assembly some additional guests from Citizens for a Civil Society, an Alberta nonprofit organization that, as you've heard, promotes and supports human rights and dignity. My guests are here today as well to celebrate the 66th anniversary of the adoption and proclamation of the United Nations universal declaration of human rights. These Albertans have dedicated their lives to building a more inclusive and welcoming society, inspired by our common aspiration and democratic traditions that make human rights a way of life for all Albertans.

Seated in the members' gallery are Cynthia Lazarenko, a volunteer with Seniors United Now; Danielle Monroe, a volunteer with ACT Alberta, a group that prevents human trafficking; Philomina Okeke, a professor of women and gender studies; Jitendra Shah, vice-president of CIBC Wood Gundy and president of the Mahatma Gandhi foundation for peace; Lori Sigurdson, manager, professional affairs, with the Alberta College of Social Workers; Rose Marie Tremblay, consultant and volunteer with Edmonton Social Planning Council; and Paula Kerman, photographer, writer, and social advocate. I would now like to ask all of my guests to rise and receive the traditional warm welcome of this Assembly.

The Speaker: Thank you.

Let us move on to school groups. The Associate Minister of Aboriginal Relations.

Mr. Dorward: Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to members of the Assembly two community members from l'école publique Gabrielle-Roy, located in my constituency of Edmonton-Gold Bar, a K to 12 francophone public school. They are here to bring awareness to the need for a playground for the school, that has had 50 per cent growth in the last five years. They're seated today in the members' gallery, and as I read their names, if they could please stand: Mme Diana Stralberg, playground committee chair, and M. Jean-Daniel Tremblay, principal of the school. I would now ask that they receive the traditional warm welcome of the Assembly.

Thank you.

The Speaker: Hon. Member for Edmonton-Strathcona, I believe you have a group here from Mount Pleasant elementary to introduce.

Ms Notley: Yes. Thank you, Mr. Speaker. It's actually really a pleasure for me to rise and introduce this group because I speak to this grade 6 class usually every year. Every time I go and visit with them, they're brilliant kids and often have incredible observations to offer on politics and other issues. I always invite them to come and observe question period, so I'm very excited that they've been able to come today and that we're still here and they'll be able to observe question period. I would ask that all the students and the teachers from Mount Pleasant rise and receive the warm welcome of this Assembly.

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

Mr. Denis: Thank you very much, Mr. Speaker. It's a pleasure today to rise and introduce to you and through you two individuals I know, Kevin Feth and his son William. It's William's first time here for question period today, I understand. William is a student at Harry Ainlay high school here in Edmonton. Kevin I've known for several years. He is a partner with Field Law in Edmonton but also the president of the Law Society of Alberta. Kevin's term as president will be concluding in the next couple of months, and I wanted to thank Kevin, in particular, but also his family for the sacrifices that he's made serving our profession. Please join me in giving them both the traditional warm welcome of this Assembly.

The Speaker: The Minister of Service Alberta, followed by Edmonton-Meadowlark.

Mr. Khan: Thank you, Mr. Speaker. I rise to introduce to you and through you to the rest of the Assembly two very bright and capable people who work very hard for Albertans every day in the Ministry of Service Alberta. I'd like now to ask Scott Seymour and Marisol Mora, who are seated in the members' gallery, to rise. Scott Seymour is newly married, and he and his wife live in Sherwood Park. Scott shares his hometown of Grovedale, a little hamlet south of Grande Prairie, with the hon. Minister of Transportation. Scott, the duke says hi.

Secondly, we have Marisol Mora. In addition to her public service, she is pursuing a management degree at the University of Lethbridge. She commutes from Lake Isle and is planning to go home to Costa Rica for Christmas to visit her family. Very lucky.

I'd ask the House to give them the traditional warm welcome. Thank you very much.

1:40

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by the Minister of Infrastructure.

Dr. Sherman: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly a wonderful young lady, Wendy Collins. I met Wendy at a community town hall in the summer, and she was studying for her political science degree. She expressed an interest in working in the Legislature. Lo and behold, Wendy has been a valuable member of the Liberal opposition caucus team helping us do our job in the Legislature. Wendy is also working towards a PhD in psychology in addition to her interest in political science. If that isn't enough, today is Wendy's birthday. On this very special day on behalf of the Alberta Liberals and, I'm sure, all of the members in the Assembly I would like to wish Wendy a very happy

birthday and ask her to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The Minister of Infrastructure, followed by the Member for Grande Prairie-Smoky.

Mr. Bhullar: Thank you very much, Mr. Speaker. I've got two sets of introductions. First of all, I'd like to introduce a member of the family who, I would say, my wife thinks best resembles my behaviour, my three-and-a-half-year-old nephew, Jovan Sidhu. Jovan is a very enthusiastic member of my family, and I can see from his work ethic and his very charming nature that he is likely to be a future MLA, a member of this Assembly. I'll ask Jovan to rise and receive the warm welcome of this Assembly.

Secondly, Mr. Speaker, I guess I should introduce Jovan's parents: Sankalp Sonny Sidhu, and Nisha Sidhu. Sankalp is a very unusual name in all cultures, including my own. In fact, he is the only person in North America with the name Sankalp. So I would like to congratulate him for that as well today as he rises in the Assembly. Joining Sankalp and Nisha are their business partners Dany Fillion and Brian Marsin. I'd ask them to rise and receive the warm welcome of the Assembly.

The Speaker: The hon. Member for Grande Prairie-Smoky, followed by the Associate Minister of Asia Pacific Relations.

Mr. McDonald: Thank you, Mr. Speaker. I'm pleased to rise today to introduce to you and through you two board members from NADC that are here doing their work this week: Pat O'Neill and Eva Urlacher. Pat, who is from St. Paul, has been a board member for seven years, and his daughter works for the Minister of Jobs, Skills, Training and Labour here in the Legislature. Eva has been a board member for six years and has done a tremendous amount of work in the Bonnyville-Cold Lake area and is a great asset to the board. They're in the members' gallery. Could they please rise and receive the warm welcome of the Assembly.

The Speaker: The Associate Minister of Asia Pacific Relations.

Ms Woo-Paw: Well, thank you, Mr. Speaker. It's my pleasure to introduce to you and through you the fifth cohort of the global academic leadership development program with the University of Alberta. This exciting program, sponsored by the China Scholarship Council, selects university administrators from institutions across China to study at the U of A for three months. Our first five cohorts have hosted over 150 administrators from over 40 Chinese institutions. The 30 Chinese senior administrators here today are from 16 universities across China. They have been here since September and will leave on December 19, after completing a 12-week university leadership development program exposing them to Canadian university administration practices. They are joined by Miss Cen Huang, assistant vice-president, and Mr. Wei Liu, program administrator with the University of Alberta's international program. They are seated in the members' gallery, and I ask that they please rise and receive the warm welcome of this Assembly.

The Speaker: Thank you.

Members' Statements

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

Human Rights

Mr. Wilson: Thank you. Mr. Speaker, 66 years ago the United Nations adopted and proclaimed the universal declaration of human rights. It was born out of the ashes of some of the most horrific crimes humanity has ever seen and stands as a document testifying to the most noble of ambitions: ensuring and maintaining the most basic of human rights for all people, groups from all nations, from all backgrounds. While the world since 1950 is still marked by horrific crimes against humanity and by nations still torn by war, I am proud to be part of a province and a country that continues the necessary work to achieve universal recognition of basic human rights across the world.

Here in Alberta we are lucky to have nonprofit groups like Citizens for a Civil Society to promote human rights and dignity along with community organizations like Daughters Day, who are committed to ending discrimination, violence, and human rights abuses against all women. With their incredible contributions here in Alberta a growing volume of citizens are gathering together, working towards achieving a more inclusive and welcoming society inspired by our common aspirations and strong democratic traditions.

On the national and international stage we can all be proud of the initiatives taken by our federal government. Our Prime Minister continues to work toward saving the lives of the world's most vulnerable women and children through the maternal health initiative.

Mr. Speaker, I'm proud of the work that Canada is doing on the front lines to protect innocent women, children, and vulnerable peoples from the most inexplicable and horrific crimes by groups such as ISIL.

Mr. Speaker, let's take today to remember the unspeakable injustices that are committed against individuals and all of humanity while celebrating the achievements we have made and looking forward to the work that must still be done.

Thank you.

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

Human Rights in Alberta

Ms Notley: Thank you, Mr. Speaker. Today is international Human Rights Day, and this year's theme is Human Rights 365, encompassing the idea that every day is human rights day. But LGBTQ youth in Alberta face a fight for their basic human rights every day, and now this PC government doesn't have the respect to be honest about why at this point they're not protecting these rights.

The universal declaration of human rights was proclaimed 66 years ago today, yet unfortunately our Premier's understanding of human rights has not kept up. Let's be clear. There is no right to discriminate, not for governments, not for school boards, not for anyone. The Premier is hiding behind an outdated interpretation of our Constitution to get out of having to take a real position on LGBTQ rights. There is no right to discriminate. There is simply an acknowledgement that Catholic school boards may retain the religious character of their schools. No court has ever found that these rights extend to creating what is essentially a separate but equal, 1950s-style group of second-class citizens.

GSAs are separate, voluntary, extracurricular groups. In no way do they infringe on anyone else's rights or interfere with the school's religious character. The Premier's best defence is a case which draws from precedent set in jurisdictions with a different

system and that, more importantly, is almost 30 years old, when Charter rights were in their infancy. The law evolves, as does our province, even if this PC government won't.

Alberta's Catholic school boards themselves have said that they will not challenge a law protecting GSAs. There are no excuses left to avoid joining the 21st century. Alberta's LGBTQ youth have a right to a safe, inclusive education, a right to nondiscrimination, a right to dignity and respect. Today, on international Human Rights Day, this Premier needs to stop dodging the real issue and stand up for LGBTQ students in Alberta.

The Speaker: The hon. Member for Edmonton-McClung.

Human Rights Day

Mr. Xiao: Thank you, Mr. Speaker. December 10 is international Human Rights Day. Today we mark the anniversary of the signing of the universal declaration of human rights by the United Nations member states in 1948. Signing this important document meant that for the first time in history the universal protection of fundamental human rights was set out, providing a common standard of achievement for all peoples and nations.

The slogan for this year's Human Rights Day is Human Rights 365. The United Nations has launched the campaign to promote the importance of human rights not only today, on Human Rights Day, but 365 days of the year. The campaign

celebrates the fundamental proposition in the Universal Declaration that each one of us, everywhere, at all times is entitled to the full range of human rights, that human rights belong equally to each of us and bind us together as a global community with the same ideals and values.

1:50

The Alberta Human Rights Act and the Alberta Bill of Rights are important pieces of legislation that help guarantee that all Albertans have the dignity and respect they deserve.

Mr. Speaker, in the 66 years since the universal declaration was signed, many advances have been made both here at home and around the globe to uphold the rights of women, minority communities, people with disabilities, the LGBTQ community, indigenous people, and many others. However, we are too often reminded that much work remains to be done to ensure that all human beings, regardless of gender, sexual orientation, ethnicity, where they are born and live, are afforded and protected by the same inalienable rights.

Mr. Speaker, a list of events being held across the province as well as more information about international Human Rights Day and the many ways Albertans can get involved is available on the Human Rights Commission website, albertahumanrights.ab.ca.

Thank you.

The Speaker: Thank you.

Oral Question Period

The Speaker: Hon. members, let us be reminded that we have 35 seconds each regardless of whether we're posing a question or trying to answer one.

Let's start with the Leader of Her Majesty's Loyal Opposition.

Provincial Fiscal Policies

Ms Smith: Mr. Speaker, in the spring I asked the Premier's predecessor how she would balance the budget if oil dropped to \$90. During the by-election we talked about the impact of \$80 oil.

When session started, just four weeks ago, I asked the Premier what he would do about \$70 oil. Today oil is kissing \$60. The impact on our resource revenues will be substantial. The trickle-down impact on our economy could be severe. Is the Premier prepared to take steps to rightsize this government's spending while protecting core front-line services?

Mr. Prentice: Mr. Speaker, I thank the hon. member for her question. Certainly, oil prices today, WTI prices, were in the range of \$60.30 per barrel. I'm aware of the significance of this to our province's finances. But I think it's important to note that while there are as many opinions about oil prices as there are bank analysts, I would encourage the hon. member to consider what Moody's had to say today in the peer comparison that they published pointing out that the strengths that we have in our province are a strong balance sheet, our tax competitiveness, and our fiscal discipline, which we intend to maintain.

Ms Smith: Mr. Speaker, a few days ago during question period I expressed hope that the Premier was right when he predicted that oil would range between \$65 and \$75 for the balance of the fiscal year. The last few days have dashed those hopes. We are starting to see the economic impact of a very low-price environment. Yesterday the Finance minister stood here and said that our economy was "still growing." Well, I'm afraid that if it is still growing, it won't be for long. Will the Premier reassure Albertans by telling us what options are under consideration to deal with this problem?

Mr. Prentice: Well, quite specifically, Mr. Speaker, the alternative that is under consideration is that we will maintain financial discipline in this province, as simple as that. We intend to do that. If you read the Moody's report which was published today, which I referred to, they indicate that that, in fact, is what Alberta needs to do. That is what financial agencies and raters expect our province to do in these circumstances. They point out, they highlight that our tax competitiveness and the strength of our balance sheet, which provides us with both long- and short-term financial assets and therefore liquidity, are exactly what we need to maintain.

Ms Smith: Mr. Speaker, in the economic downturn of 2008 the provincial government prolonged the impact of a low-price environment by bringing in the new royalty framework. As a result, we didn't bounce back as quickly as we should have, and it took six major changes before they finally got it right. Will the Premier assure Albertans and our energy sector that his ministers aren't considering any policies that will make things worse?

Mr. Prentice: Well, certainly, Mr. Speaker, the circumstances that we are entering in are new. They're untested. It is going to take prudence and discipline on the part of the government in administering Alberta's finances. But we are in a strong position. While we are all concerned about this, I think it is important that we note that Albertans are tough and resilient. Our economy is tough and resilient. The Moody's report, again, projects that even in the circumstances that we are currently in, Alberta will experience growth in the next year, growth that leads this country. We continue to be disciplined, and we need to do exactly that.

The Speaker: Second main set of questions.

Energy Company Licensee Liability Rating Program

Ms Smith: Perhaps an example, Mr. Speaker. Speaking of places where poor government policy can make an economic downturn worse, yesterday we asked about the licensee liability rating program. While the goal of LLR is laudable, it was poorly crafted and earlier this year put many junior oil companies at risk of insolvency during a high-price environment. Its consequences will now be more severe during a low-price environment. Will the Premier put a pause on this program and re-evaluate the approach?

Mr. Prentice: We will certainly evaluate any measures which any department of this government proposes to take, Mr. Speaker, that will have an impact on jobs and investment in our energy industry over the course of this low-price cycle that we are in. We must all be mindful that we need to maintain our competitiveness through this. At the same time I want to be absolutely clear that no one should underestimate the strength and the resilience of the energy industry in this province. This price trough that we're in is not about our competitiveness or about our long-term future, both of which are strong.

Ms Smith: Mr. Speaker, when we pushed the government hard on the issue of the LLR earlier this year, they modified the program, with a management regime that stretched out payments for smaller companies. That was good, but in the new very low-price environment more is needed. The program as structured may lead to the end of hundreds of small and medium-sized energy companies. This will increase the financial obligations and stresses on the remaining medium and large oil companies. Will the Premier agree to review the LLR program to ensure that it doesn't harm our economy?

The Speaker: The hon. Minister of Energy.

Mr. Oberle: Thank you, Mr. Speaker. Yesterday I indicated in my answer that I had heard the concern from the small operators. I thank the hon. member for recognition of the goals of the program and the fact that a financial program is assisting the payments. I met with the small operators and identified the concern. I promised to meet with them again. I informed my department and the regulator that we would be meeting very soon. They're doing the background work. We will. It's not just that issue; we are deeply concerned about the competitiveness across the board, and I will meet with them. I guarantee you.

Ms Smith: I think meeting is a good first step, Mr. Speaker, and I do hope that we actually see some accommodation because if government policies reduce the capacity of the Alberta energy industry to bounce back from a low-price environment, we're all going to suffer.

This is a policy question, but it's also an intensely important personal question for hundreds of thousands of families who derive their income and prosperity from our energy industry. To the Premier: will he assure those Albertans and indeed all of us that the policies of his Energy ministry are not going to make things worse?

Mr. Oberle: Mr. Speaker, I can assure you that nobody in this House is going to take this more personally than me and our Premier. I absolutely will meet with those operators, and I can assure their families that we will do everything we can. The competitiveness of our industry is absolutely critical to us. We understand the jobs and the wealth that they create, and we will absolutely work on this.

The Speaker: The hon. Leader of the Opposition. Third and final main set of questions.

Long-term Care

Ms Smith: Mr. Speaker, I asked some questions about seniors yesterday and discovered that the Health minister, the Seniors minister, and Alberta Health Services weren't on the same page. Yesterday an AHS executive ludicrously suggested that we have an overcapacity of long-term care beds in this province. The Health minister said that it was a regional thing; some parts of Alberta have "too many beds." This was curious, of course, since in the by-elections the Health minister announced new seniors beds for every region of Alberta. Can the Health minister tell us which parts of Alberta have too many long-term care nursing beds?

The Speaker: The hon. Minister of Health.

Mr. Mandel: Thank you, Mr. Speaker. I was making a reference to the province as a whole. I think that we in the last little while are in the process of building more long-term care beds in areas that are in need of them, and we'll continue to do that. We value making sure that our people, seniors, and those in need of long-term care will have facilities where they need them.

Ms Smith: Mr. Speaker, let me tell the nature of the problem. In 1993 we had about 13,000 long-term care nursing beds in this province; 21 years later we have 14,200 beds. In the meantime we have gone from a 2.5 million population to 4.3 million residents, and our population has gotten older, on average. No reasonable person can actually believe that there are too many long-term care nursing beds in Alberta. Why are AHS and this Health minister trying to redefine who needs a long-term care bed rather than just simply building enough beds?

2:00

Mr. Mandel: Mr. Speaker, we will continue to do what's needed for the citizens of Alberta. But let's be clear. One of the policies this government has developed is for more attention to home care, trying to keep people in their homes. We're spending over half a billion dollars a year to make sure that we're able to keep people in their houses. We're working with them. We're encouraging people to stay in their houses. Our home-care program is doing that.

Ms Smith: Mr. Speaker, the Health minister knows that if there isn't a long-term care nursing bed, then they stay in acute-care beds in hospitals. He's not solving the problem.

We also heard another dodge yesterday when the Seniors minister suggested that the Seniors' Advocate had the authority to call for investigations into improper seniors care. Now, the minister should know this isn't true, but let's take him at his word. Since almost every month we hear about shocking cases of seniors with festering bedsores or seniors with fungal infections or seniors left for days in soiled diapers, why has the Seniors' Advocate not launched any investigations?

Mr. J. Johnson: Mr. Speaker, the Seniors' Advocate plays a very important role. There are a number of avenues open to constituents and seniors and indeed MLAs from this caucus, including working with local management on issues as well as going to the Seniors' Advocate, who does have the ability to call inspections and to help constituents navigate. They've also got the ability to call under protection for persons in care, which has a toll-free number. I'll

give it to you right now. It's 1.888.357.9339. As a matter of fact, people have an obligation and are compelled to call if they're aware of any abuse or lack of treatment for seniors.

The Speaker: Thank you.

The hon. leader of the Alberta Liberal opposition.

Provincial Fiscal Policies

(continued)

Dr. Sherman: Thank you, Mr. Speaker. Before the election the PCs promised every Albertan a new car, a school, a hospital, and a chicken in every pot, and after the election some unforeseen fiscal reality requires Albertans to do some belt-tightening. Every PC Premier gives us a new excuse: a price differential, a bitumen bubble, and now a price drop. No matter what you call it, this PC government always acts surprised whenever volatile resource revenue goes volatile. To the Premier: how is it that your PC government can't balance the books and save enough money in the good times and falls so desperately short in the bad times?

The Speaker: Thank you.

Mr. Prentice: Well, Mr. Speaker, there appears to be a question buried in the rhetoric of those comments. The long and short of it is that the world energy industry is currently in unexpected circumstances with oil prices, as I understand it, at 12-year lows. This is something that relates to what is taking place inside OPEC. It is something that every single oil producer in the world is grappling with right now. It is not unique to Alberta. Certainly, the Premier of Alberta cannot control energy prices. The key is to control what we can, and that is prudence in our fiscal finances.

Dr. Sherman: Mr. Speaker, the question is premised on the fact that the PCs have tied public services to the price of a barrel of oil.

At the last heritage savings trust fund meeting I asked the CEO of AIMCo about budgeting and planning for changing oil prices. He admitted that a year ago he warned that we should be preparing for \$70 a barrel when oil was at \$100, but that notion was not very well received according to him. The Alberta Liberals have been saying the same thing for years and urging the government to introduce a more stable revenue-stream structure based on taxation. Dr. de Bever says that he can't find an economist in the province who would disagree. To the Premier: why do you still refuse . . .

The Speaker: Thank you.

Hon. Premier, I hope you heard a question in there.

Mr. Prentice: Well, Mr. Speaker, I cannot speak definitively to the advice that's been offered by the Liberals in terms of the public finances of the province, but I will refer to the fact that the most respected credit agency in the world, Moody's, today said that one of the strengths that we have is our balance sheet and the state of our public finances, that we have relied in the past on prudent forecasting, and that we have taken windfall natural resource revenue and used it to pay down debt, to continue to build infrastructure, and to build up financial reserves. That is exactly what we need to continue to do, not the sort of policies that my friend is advocating.

Dr. Sherman: Mr. Speaker, the Liberals are the only ones who've paid down debt in this country, while the Conservatives have racked it up.

The Premier also told us that he'll be rolling up his sleeves over the Christmas break and wrestling this problem to the ground. While we certainly appreciate his commitment to hard work, no amount of cowboy economics is going to make this problem go away. Next year babies will still be born, children will go to school, the sick will need hospitals, and seniors will get old. To the Premier: the only thing that seems to be in question is if your government will give regular, hard-working Albertans a tax cut and ask the wealthy to pay their fair share. Will you reintroduce progressive income tax or not?

Mr. Prentice: Well, Mr. Speaker, we will continue to administer the finances of the province in a fiscally responsible way. I point out that my friend is critical . . . [interjection] My friend is critical of the state of Alberta's finances. I again refer to him . . . [interjection]

The Speaker: Hon. Member for Calgary-Buffalo, there is a time and place where you will be recognized if you wish. Right in the middle of someone else's speech time is not it.

Let us move on to the hon. Premier to conclude.

Mr. Prentice: Mr. Speaker, if I might respond to that question, what we have in this province that makes us competitive and that will allow us to weather this tough circumstance is our tax competitiveness, the fact that we have the lowest taxes in the country, that they are fair, and that they're fairly administered, that we have built up financial assets that no one else in Canada has at this point and which put no one else in a position to be able to weather what is about to happen. That is exactly what we're going to continue to do.

The Speaker: Thank you.

The hon. leader of the ND opposition.

Emergency Room Capacity Issues

Ms Notley: Thank you, Mr. Speaker. Doctors at the U of A hospital are reporting the most severe patient backlog since 2010. The emergency room is so full that doctors are treating patients in the corner of the waiting room. Experts say that the backlog is a risk to patient health and safety and requires urgent and immediate attention. To the Minister of Health: what specifically is your government going to do today to alleviate the unacceptable status at the U of A ER?

The Speaker: The hon. Minister of Health.

Mr. Mandel: Thank you, Mr. Speaker. We have great confidence in our emergency doctors. They do an incredible job. The nurses and their teams do tremendous work. We realize that there are challenges with an ever-growing population, but we have done some things for that. We're reducing the dependence on acute-care beds, opening up new long-term care beds. Actually, of the original 464 people, we've moved almost a third into long-term care beds. We've put in transition beds. We've made every effort at this point in time to try to help the system. We understand that there's an issue, and we'll continue to work with the physicians and the emergency doctors to . . .

The Speaker: Thank you.

Ms Notley: Well, it doesn't seem to be working, Mr. Speaker. U of A doctors say that less than 40 per cent of patients are being seen and discharged within acceptable timelines and that, instead, patients are waiting up to eight hours to see a doctor. This crisis in

the ER occurs repeatedly, and every time this government puts a Band-Aid on the problem, they then rip it off through their own incompetence. To the Minister of Health: when will this government take off its ideological blinders, start providing an actual increase in the number of long-term care spaces for patients trapped in our hospitals, and fix this ER backlog?

Mr. Mandel: Mr. Speaker, several months ago we started that process, and under the leadership of the Seniors minister we're continuing that process. We're building more and more beds, long-term care beds, supportive beds, and trying to move people into those facilities. It doesn't happen overnight. As I said a few seconds ago, we have moved almost one-third of our original goal of 460 within the first year into those beds. We'll continue to do that. All of our teams are working very, very hard to be successful, and we understand the challenges.

The Speaker: Final supplemental.

Ms Notley: Thank you, Mr. Speaker. Well, speaking of long-term care, when it comes to long-term care, this government is sitting by while Covenant Health saves money and reduces patient care hours on the backs of both patients and loyal, long-serving front-line workers. To the Minister of Health. Covenant's so-called reorganization is awe-inspiring in the level of chaos it is creating right now, and it will undoubtedly contribute to the number of vulnerable and ill patients who end up in ERs unnecessarily. To the minister: why in heaven's name are you letting them get away with this?

Mr. Mandel: Mr. Speaker, Covenant Health is an incredibly well-respected organization that runs several facilities in Edmonton, and we are a great supporter of theirs. The fact of the matter is that they're a private operator, and they decided to make some changes. They have to meet all the standards set out by the province of Alberta. We will ensure that they do that. They've made a modest reduction of I think about five staff in their three facilities, where they have 650 employees. They'll continue to deliver service. That is a group of people, Covenant Health, that's passionate about people and will continue to deliver what's needed to Albertans.

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

2:10 Energy Industry Competitiveness

Mr. Hale: Thank you, Mr. Speaker. The energy industry is the backbone of the Alberta economy. It impacts job growth, retail sales, and home values. But with oil prices in decline the industry is rightly concerned about the future. Right now major energy producers are cutting their capital budgets, cancelling investments, and bracing for uncertain times. To the Energy minister: what new policy changes are you making to ensure that drilling doesn't stop and our producers have the confidence they need to continue to invest in this current climate?

Mr. Oberle: Well, I thank the hon. member for the question, Mr. Speaker. Let's be clear that the current situation is driven by the international price of oil, not by the government policy environment. The energy companies are doing what they're going to expect our government to do, which is to manage their finances in a prudent and cautious manner. We fully expect them to do that. At the moment nobody has talked about curtailments in

production. We are talking constantly with the energy industry, and we will respond.

The Speaker: First supplemental.

Mr. Hale: Thank you, Mr. Speaker. I do have some information, that I'll share with you, where some companies are cutting their budgets.

Given that a major pipeline project would go a long way to improving our competitive advantage but that most of these potential pipelines are years away from happening, if ever, Albertans want to know: what steps are you taking today to improve our competitive advantage and show the world that Alberta is still a responsible energy player and a good place to do business?

Mr. Oberle: Well, let me be clear to the hon. member that market access is number one in my mandate letter. The pipelines are going to happen, and they are not years away from happening. In addition to that, Mr. Speaker, we're working on value-added initiatives right here at home. This will be done right.

Mr. Hale: Mr. Speaker, given that in 2008, when the economy was in recession and oil prices were suffering, this government panicked and made things much worse with poorly-thought-out policy changes, can the minister assure this House that he's actually talking to industry this time and won't make policy decisions regarding the carbon levy or royalties that will further harm the oil patch?

Mr. Prentice: Well, Mr. Speaker, my colleague, I think, is referring to the comments that were made yesterday in the House of Commons by the Prime Minister. Both the Prime Minister and I have been very clear that we intend to protect jobs and investment in the energy industry. Key to that is the question of our economic competitiveness. We will be environmental leaders, as we currently are. What we will not do as Albertans is unilaterally impose penalties and levies on the energy industry that will damage jobs and investment in this province.

The Speaker: The hon. Member for Calgary-Varsity, followed by Calgary-Fish Creek.

School Construction Update

Ms Kennedy-Glans: Thank you, Mr. Speaker. Albertans know that falling oil prices will impact government revenue. In fact, yesterday the Premier noted that if low oil prices persist over the next year, it could cost the Treasury as much as \$6 billion or \$7 billion. While revenues decline, population continues to increase, including more school-age children. In light of this, is the Minister of Infrastructure still confident that he can deliver on the 230 new schools promised?

The Speaker: The hon. Minister of Infrastructure.

Mr. Bhullar: Thank you very much, Mr. Speaker. Yes, we are confident. Because the Alberta population continues to grow, we project that there will be a 25 per cent increase by 2023 of school-age children. Every time our population increases by about a hundred thousand, 15,000 of those people are school-age children, and that means we need 28 new schools. So we have to project for our continued population growth to make sure that the quality of life that Albertans are expecting is there for them.

Ms Kennedy-Glans: There's no doubt these schools must be built, but Albertans want to know that we're actually making progress, so we want some details. The 230 promised schools are divided into three phases. In phases 1 and 2 there are 160 schools. Will the minister tell us how many schools in these phases are completed, under construction, in tender, or in some other phase?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you, Mr. Speaker. I can report progress from the last time we discussed schools in this Assembly. In phase 1, 31 are complete, three of them are close to completion, and one, because of the Calgary floods, is in the planning stage. In phase 2 one is complete, 20 are under construction, 28 will be out of tender within this month, and 73 will be going to tender within the early parts of next year.

Ms Kennedy-Glans: People appreciate this detail.

In phase 3 government promised another 75 new or modernized schools, but only planning dollars were allocated. Why did the government do this, and when can we expect to see progress on these phase 3 schools?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you, Mr. Speaker. What we heard from our stakeholders across this province is that the planning-and-design period can take upwards of one year, so in an attempt to shave off that time and to get children into new classrooms as soon as possible, we allocated planning dollars earlier so that people can begin the planning and the design of new schools so that, hopefully, we can get children into classrooms much quicker than before.

Long-term Care (continued)

Mrs. Forsyth: Mr. Speaker, last year the government spent \$910 million on health services in long-term care, or more accurately that's the amount of money that they think was spent on health care. Long-term care operators receive funding based on the care plan they develop for residents, yet incredibly the Auditor General says that nobody bothered to check if those care plans are actually being implemented so that the seniors can get the basic care they so richly deserve. To the minister: when you spend almost a billion dollars a year on health services in long-term care, checking to see if those health care services are actually being delivered seems like a no-brainer.

The Speaker: The hon. Minister of Health.

Mr. Mandel: Thank you, Mr. Speaker. There are some people who don't have plans, but for the most part the Auditor General acknowledged that there are many, many who have health care plans. They're important plans. The health care plan allows the LTC facility to look at the kind of care the individual needs but also, which is vitally important, at whether or not we put the person in the right level of care. That's something that we've had a bit of a challenge with. I hope we'll continue to do that. We are doing that. We'll continue to do that under the auspices of Alberta Health Services and with the co-operation of the various facilities.

The Speaker: First supplemental.

Mrs. Forsyth: Thank you. Given that in response to the Auditor General's report AHS said that they're ready to implement a

system to monitor whether facilities actually hire the number and ratio of staff that they are funded to provide and that they would publish quarterly reports beginning in the fall of 2014, Minister, fall ends in 11 days, and the report is nowhere to be seen. Where is it?

Mr. Mandel: Mr. Speaker, when reports become available and they're finished, we will put them on the website for people to review.

Mrs. Forsyth: Thank you. I'll look forward to that, Minister.

Given that oil prices are plummeting, the government talks about belt-tightening, and there are still seniors that aren't getting two baths a week even though you promised you'd do that, can the minister explain to me why I'm reading in the morning newspaper that a senior AHS executive wants to spend upwards of \$25,000 to study Calgarians' feelings on e-cigarettes? Minister, that's ridiculous. How many baths would that be?

The Speaker: The hon. minister.

Mr. Mandel: Thank you, Mr. Speaker. Alberta Health Services should not be going out and doing those kinds of things at this point in time. These are difficult times, and we will talk to them about the kind of investments they're making.

Postsecondary Institution Accessibility in Calgary

Dr. Brown: Mr. Speaker, all my questions are for the minister of advanced education. Over the past five years the number of turned-away students in the city of Calgary to our postsecondary institutions has increased by over 200 per cent. The comparable figure for Edmonton and the rest of the province is 93 per cent. Can the minister explain why so many students in the city of Calgary are being turned away from postsecondary education when they are qualified for entrance?

The Speaker: The hon. Minister of Innovation and Advanced Education.

Mr. Scott: Thank you very much, Mr. Speaker. I'd like to thank the member for the question and for being such a strong advocate for our postsecondary system. In this case we'd make sure that we are comparing institutions fairly. Acceptance rates vary across the institutions, across Campus Alberta. In this case an institutional comparison simply doesn't make sense because we have various policies and we have various programs at each institution. Like all members in the Assembly, we want Campus Alberta to be the best postsecondary system in all of Canada. I will take the member's concerns into account as we go forward.

Dr. Brown: Will the minister do something to lower the number of turnaways in the city of Calgary, and will he ensure that people can attend an institution closer to home, where they can get their education at a lower and more reasonable cost?

The Speaker: The hon. minister.

2:20

Mr. Scott: Thank you again, Mr. Speaker. Our government is working hand in hand with our institutions so that we have the best system for learners and for taxpayers, a system that is accessible for students and sustainable for institutions and for taxpayers. The University of Calgary, like the rest of Campus Alberta, is working on an institutional plan for the year ahead. I'll be sitting down with all our Campus Alberta partners to make sure

that they have a plan that makes sense and that is responsive for Alberta.

Thank you, Mr. Speaker.

The Speaker: Final supplemental? Thank you.

Let us move on to Calgary-Mountain View, followed by Edmonton-Calder.

Covenant Health Staffing Changes

Dr. Swann: Thank you very much, Mr. Speaker. This government and Health minister continue to make wasteful decisions with predictable results, low morale in staff and intermittent crises from emergency rooms to long-term care. Dr. Bill Sevcik, whose letter I will table later, this week described staff frustration, increased legal liability, and intolerable risk to patients, largely due to the failed long-term care and home-care policies in this government. Now Covenant Health is laying off 600 LPNs at the Edmonton General site. To the minister: with ER Dr. Sevcik appealing for very practical improvements, increases in ER nurses today and reinstating triage physicians . . .

The Speaker: Thank you.

The hon. Minister of Health to respond.

Mr. Mandel: Mr. Speaker, Alberta Health Services is doing all they can in working with ER doctors, with Covenant Health, with various other facilities in the province to deliver the kind of health care that they're able to do, and we're in support of what they do. They are challenged, we admit, but will continue to do things, whether it's creating transition beds, whether it's creating more long-term care spaces, whether it's working with the doctors to find new ways to transition some of the staff, some of the people in the emergency departments. We're working very hard to do it. It is a difficult task, and we'll continue.

The Speaker: First supplemental.

Dr. Swann: Thanks, Mr. Speaker. Well, given repeated warnings from the Auditor General about the state of long-term care in Alberta by what logic does this minister expect the layoff of 600 front-line workers by Covenant to improve safety and care of vulnerable seniors and reduce visits to ERs? By what logic, Mr. Minister?

Mr. Mandel: Mr. Speaker, as I indicated before, Covenant Health is a private operator. As a private operator they make decisions within the context of the rules that Alberta Health Services and the Alberta government set in ensuring that proper patient care is taken. We will make sure they do that. In these difficult times they do what they can to make sure. Covenant Health, I'm sure, is always only interested in patient care and patient health.

Dr. Swann: You, sir, are responsible for the health of Albertans, not Covenant Health, which is publicly funded, by the way.

Given that Covenant Health duplicates the role of Alberta Health Services and collectively costs \$57 million a year from the public purse, will you show some leadership and bring Covenant Health under Alberta Health Services and free up those dollars for front-line care? Fifty-seven million dollars a year.

Mr. Mandel: Mr. Speaker, Alberta Health Services has an agreement with Covenant Health. The government has agreements. We'll abide by our agreements. We will work with the people we

need to work with to make sure things are done as efficiently as possible, and we'll continue to do that.

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

Supports for Refugees

Mr. Eggen: Thank you, Mr. Speaker. The federal Bill C-43 will allow the provinces to impose minimum residency requirements for refugee claimants to access social assistance. This means that this PC government could leave refugee claimants without any income at all if they follow this directive. To the Minister of Human Services: will you assure Albertans that refugees fleeing oppression and violence will not be left destitute by this government, and if not, why not?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Bill C-43 is being discussed at another level of government, the federal government. I want to assure the House that our commitment to providing support for refugees remains exactly the same.

Mr. Eggen: Well, given that many refugee claimants are ineligible for work permits and given that even these claimants who are eligible to work in Alberta need some source of income just to get settled and to get their feet on the ground, to the same minister – we need to get a clear answer – will you honour our human rights conventions regardless of the outcome of Bill C-43?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Indeed, as I said previously, this bill is currently in discussion, and I want to assure this hon. member and all members of the House that we will continue to support refugees that come to Alberta. Our commitment remains exactly the same.

Mr. Eggen: Well, Mr. Speaker, given that when the federal government cut refugee claimants' payments for their health care, we did not see any action on that at all from this government and given that regardless of Bill C-43 this government can still do the right thing, is this PC government going to follow its federal cousins in this race to the bottom of cutting off refugee claimants from income supports? People need to know. Yes or no?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. To me, it's incredibly offensive, the fearmongering that's going on. I will say it again. Our commitment to supporting refugees remains exactly the same.

The Speaker: The hon. Member for Lacombe-Ponoka, followed by Dunvegan-Central Peace-Notley.

Registered Nurses' Scope of Practice

Mr. Fox: Thank you, Mr. Speaker. Alberta is home to 36,000 registered nurses, who've been trying to convince the government for over five years to grant them limited prescribing authority. These are some of the most skilled and dedicated health professionals in the province, who would be able to provide first-line treatment for common conditions where antibiotics or other

schedule 1 drugs would be required. Making these regulatory changes would allow better access to care and would mean less burden on local rural health centres and emergency departments. To the Health minister. Other health professionals have been empowered with expanded scopes of practice. Why not Alberta's highly skilled registered nurses?

Mr. Mandel: Mr. Speaker, we much appreciate the question by the hon. member. As a matter of fact, I was meeting on that last night, and it's going through the process. Unfortunately, it's a two-sided coin. The nurses are not as quick, we're not that quick, and the system has not moved nearly as fast as we would like to see it move. We're in the process of trying to encourage everybody to move along the line so we can get the nurses to do the kinds of things that they've asked for in the bill. We're in strong support of this.

Mr. Fox: Given that many of the rural communities across the province have RNs working in emergency departments, often without physicians and nurse practitioners present at all times, and given that rural and remote emergency departments often require registered nurses to act immediately to treat life-threatening patient conditions, why won't the government provide limited prescribing powers to these highly trained nurses so that delays can be prevented and lives can be saved?

The Speaker: The hon. minister.

Mr. Mandel: Yeah. Mr. Speaker, as I've said before, this is a process. It goes through legislation. It has to go through approval. A variety of people have to review it, not just the government but nurses and other individuals who are part of the process. Unfortunately, it takes too long. I would like to see this whole procedure go very quickly. I was quite surprised that it's been, I think, since 2011 that we've been working on this one. There is a need for the nurses to be able to prescribe the necessary medication in rural areas, but right now we haven't got that completed. We look forward to moving quickly. I do thank you for the question.

The Speaker: Thank you.

Mr. Fox: Mr. Speaker, the nurses have been working on this with the government for over five years now. Given that the government has rewritten regulations related to the scopes of practice for Alberta's 12,000 LPNs, 4,500 pharmacists, and even the dozen or so physician assistants – really, all good moves, by the way – at the same time the government has ignored the 36,000 registered nurses across this province, who could be utilized more effectively. To reiterate, it's been five years they've been working on this. Will the minister commit to working with CARNA to complete the regulation-drafting process by the spring of 2015?

The Speaker: The hon. minister.

Mr. Mandel: Thank you, Mr. Speaker. I would encourage the member to call CARNA up and tell them to move through the process as quick as they can. We'll move as quick as we can. We'll get this approved. It's an important step. We would encourage everybody to make a phone call, to get it done. We'll move quickly.

The Speaker: The hon. Member for Dunvegan-Central Peace-Notley, followed by Olds-Didsbury-Three Hills.

Neonicotinoid Pesticides

Mr. Goudreau: Thank you, Mr. Speaker. On November 25 the Ontario government announced a move to limit the use of neonicotinoid pesticides. Several recent studies have tried to link the use of neonics as the single causal source in the decline of bee populations. Some of you may know that Falher is known as the honey capital of Canada, so this issue hits close to home for my constituents and all of the other beekeepers in Alberta. To the Minister of Agriculture and Rural Development: is the Alberta government considering similar things?

The Speaker: The hon. Minister of Agriculture and Rural Development.

Mr. Olson: Thank you, Mr. Speaker. I'd like to thank the hon. member for the question. He's a great advocate for bees and honey – I know that first-hand – a very important segment of the agriculture industry in Alberta but often overlooked. We have been following this issue very closely. We have no plan to restrict the use of neonics. As a matter of fact, we've been working very closely with the federal government, and our department has developed an analytical method to look at whether or not there are residues visible, and we're not finding much evidence of that in Alberta.

The Speaker: First supplemental.

2:30

Mr. Goudreau: Thank you, Mr. Speaker. To the same minister, then: can you explain how common neonics use is in Alberta and what they are used for?

Mr. Olson: Well, it is a pesticide, and it's applied to seeds for the purpose of keeping down pests that affect the plant. It's interesting, though, that in Alberta we apply it differently. We use different equipment than in Ontario. In Ontario it's primarily used on corn and soybeans. Those are not the crops that we're using neonics on in Alberta. As I've said, we have not found evidence of a problem here. Any residues that we've found have been at very low levels.

The Speaker: Final supplemental.

Mr. Goudreau: Thank you, Mr. Speaker. Again, to the same minister: can you tell me what the government is doing to prevent bee deaths?

Mr. Olson: Well, this is an interesting issue as well because bee deaths are happening and in great numbers, actually, in other parts of the country and the continent. As a matter of fact, Alberta is the only place in North America where populations have actually doubled. Since 1989 we've had a doubling, from 142,000 colonies to 282,000. At the same time, though, the winterkill rate has decreased by half, from 40 per cent down to 20 per cent. That's due to good management practices, assisted by our department.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills, followed by Calgary-Currie.

Home Renovation Consumer Protection

Mr. Rowe: Thank you, Mr. Speaker. The state of Alberta's home reno market, as recent events have shown, is an utter mess, going relatively unchecked by this government. We have seen contractors abuse the system with the lack of control. Examples

have shown that contractors who receive payments for work not yet done can file for bankruptcy, leaving the consumer with the bulk paid for unfinished work or no work done at all. Can the Minister of Service Alberta tell us what actions he has taken to address these issues for the protection of our Alberta homeowners?

Mr. Khan: Mr. Speaker, I'd like to thank the member for that very good question. As a former electrical contractor the member knows that the majority of contractors in the province of Alberta are hard-working, honest, capable businessmen. With that said, he does speak to an alarming issue. We have a couple of issues before us that we are investigating. As such, at Service Alberta we're always looking to improve, and I have directed our staff to look at what we can do to strengthen consumer protection when it comes to contracting issues.

Mr. Rowe: Thank you for that, Minister.

Given that for many Albertans the cost of home renos represents a significant investment, to the minister: how and why are irresponsible contractors allowed to take inordinate sums of money for prepayment, shut down, and open a new business in another name just to do it all over again?

Mr. Khan: Again, Mr. Speaker, I'd like to point out to the hon. member – and I believe he is aware and I believe all members of this House are aware – that Alberta is one of the very few jurisdictions in North America where we do have some consumer protection legislation in regard to contractors. Now, he also does raise a very good point in that contractors are remodelling and doing home renovations with very large sums attached. As such, that's part of our continual improvement agenda with Service Alberta. We're going to take a look at some of our surety bonds and make sure that we're getting the right protection for consumers.

The Speaker: Final supplemental.

Mr. Rowe: Thank you, Mr. Speaker. Given that in recent years fraud and deception have been unfortunate factors in this industry – we do recognize that there are many, many good contractors out there – and given that in some cases not only are consumers duped out of their deposits and renos but some are finding liens placed on their homes for services and supplies of subcontractors, why does there exist no protection for homeowners for unpaid bills by the contractor?

Mr. Khan: Again, I want to thank the hon. member for the question. The hon. member does speak to an issue in regard to good and healthy consumer protection activity. Consumers should not be paying 50 per cent up front, Mr. Speaker. I think they know that. We can help consumers by getting that message out. He speaks to some issues around liens. Again, these are activities that I've instructed my department to start doing some work on to see if we can strengthen our consumer protections when it comes to contractors and some of these very important issues that the member talks about.

The Speaker: The hon. Member for Calgary-Currie, followed by Banff-Cochrane.

Sexual Violence Victims

Ms Cusanelli: Thank you, Mr. Speaker. Sexual violence affects people of all walks of life. We are all vulnerable to being victims of this crime. Unfortunately, this issue often makes people

uncomfortable and is rarely discussed in public. Recent events have placed the spotlight back onto sexual violence. My first question is to the Minister of Human Services. Given that only 8 per cent of victims are reporting cases of sexual violence, how can we even begin to help those who suffer the traumatic effects of this crime?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Sexual violence thrives in silence, and we know it's very hard for many people to come forward. We have 11 sexual assault centres and agencies across Alberta that can help victims. We also have some child protection centres doing incredible work, like the Zebra Child Protection Centre in Edmonton, the Sheldon Kennedy centre in Calgary, and, of course, the Caribou Child and Youth Centre in Grande Prairie. A multidisciplinary approach to solve the problems. As well, last May in Calgary a child sexual abuse forum was held to help inform the development of a child sexual . . .

The Speaker: Thank you.

Ms Cusanelli: Mr. Speaker, my next question is to the Minister of Justice. What is your ministry doing to assist victims of sexual violence, and what do victims of sexual violence need to know that could help them navigate Alberta's legal system?

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. I'd like to thank this member for putting her attention to this important issue. I want it to be clear to all victims that your rights are put first, and help is available. There are 75 police-based victim services programs and 40 community-based programs spread across this province. I've met with several of them, and more than 2,800 highly trained professionals are ready to provide this information and crisis response. When victims come to any of these programs for help, they have to be treated with respect, dignity, and compassion.

The Speaker: Final supplemental.

Ms Cusanelli: Thank you. Again to the same minister: what tools are provided to law enforcement to support victims who report these crimes in their pursuit of justice?

Mr. Denis: Mr. Speaker, our law enforcement offices are often the first point of response, and as such they have a responsibility to treat every incident of sexual violence with sensitivity and diligence. I have met with many of these officers across the province, and I would say that they do just that. My ministry is partnered with law enforcement agencies in many capacities to ensure the appropriate response to violent crimes. Again, it's always about putting the victim first. They didn't ask to be put in this position.

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

Tourism Levy Utilization

Mr. Casey: Thank you, Mr. Speaker. Tourism is a \$7.8 billion sector employing over 135,000 Albertans. The Alberta tourism levy was created to help promote and develop Alberta as a destination of choice. Stakeholders in my constituency of Banff-

Cochrane have raised concerns about allocation of these funds and want to ensure they are used for the intended purpose. To the Minister of Culture and Tourism: can the minister explain what initiatives the Alberta tourism levy supports?

The Speaker: The hon. minister responsible for tourism.

Ms Kubinec: Thank you, Mr. Speaker. The tourism levy was developed in 2005 after extensive consultation with stakeholders and looking at what other countries and provinces do. It is a self-sustainable fund, meaning that there are no government funds that go into it, and it goes towards promoting and enhancing Alberta as a destination of choice and increasing our share of the market. I'm going to bring your attention to the Remember to Breathe campaign that Travel Alberta put out. That's the kind of work it goes into.

Mr. Casey: To the same minister: can the minister explain why the allocation of these funds changed from the 80 per cent to Travel Alberta and 20 per cent to the ministry agreed upon by the government and industry in 2005 to a recent 70-30 split between Travel Alberta and the ministry in 2013?

The Speaker: The hon. minister.

Ms Kubinec: Thank you, Mr. Speaker. The tourism levy responds to the industry's requests for sustainable funding. In 2013, when there was a tough budget, there was a reallocation of funds, but all of the funds are staying within the tourism industry, and some of it is going over to the development of new products.

The Speaker: Final supplemental.

Mr. Casey: Thank you, Mr. Speaker. Given that funding to Travel Alberta is critical to the future of tourism in Alberta, can the minister offer any assurance that the 70-30 split in the tourism levy will not change for the 2015 budget?

The Speaker: The hon. minister.

Ms Kubinec: Thank you, Mr. Speaker. We are working on our budget plan, and we don't know exactly what that's going to look like, but we do know, as our Premier has been quite clear on, that with falling oil prices, it's going to be a tight budget. My goal is to make sure that the full proceeds of that levy stay within the tourism industry.

The Speaker: The hon. Member for Calgary-Fort, followed by Red Deer South.

2:40

Homelessness Initiatives

Mr. Cao: Well, thank you, Mr. Speaker. There are two major shelters for the homeless in Calgary in my constituency, the Calgary drop-in centre and the Salvation Army Centre of Hope. Now, the risk of being homeless is facing harsh circumstances, particularly in the winter. Unfortunately, surviving this winter weather and trying to find the next meal is really important for some Albertans. To the Minister of Human Services: what is being done to support some of the most vulnerable Albertans who are homeless, particularly during the winter months?

The Speaker: The hon. Minister of Human Services.

Mrs. Klimchuk: Well, thank you, Mr. Speaker, and thank you to the hon. member for the question. First of all, the housing first

approach that we have provided \$83 million in funding this last year. We know that once an individual is in a stable home, we can start dealing with addiction and mental health issues as well. Part of the success is that our community partners across the province have great housing first programs. Among those is the scattered-site assertive community treatment program. There is one in Calgary called the Alex Pathways to Housing, and that has helped those who frequently use the health and justice system.

The Speaker: First supplemental.

Mr. Cao: Well, thank you Mr. Speaker. To the same minister. I learned that homelessness is no longer just an urban issue. What measures does your ministry take to help those people in rural communities?

The Speaker: The hon. minister.

Mrs. Klimchuk: Well, thank you, Mr. Speaker. Of course, this government helps vulnerable Albertans, urban and rural, wherever they are. We know that there are many homeless individuals in rural communities. We also know that the seven cities are working together to deal with this problem. The hidden homeless, some of the youth who are couch surfing, is what we're dealing with as well. That's why we're working with youth, especially in the area of youth homelessness. Some of the projects that we want to do are in Cochrane, Camrose, Peace River, Lloydminster, and Brooks.

Mr. Cao: Mr. Speaker, to the same minister: living homeless, on the street or in an emergency shelter, is no place for young Albertans to grow up, so what plans do you have to keep the youth out of these situations?

The Speaker: The hon. minister.

Mrs. Klimchuk: Thank you, Mr. Speaker. As I mentioned previously, the \$3 million we're going to be investing in the youth homelessness across Alberta means that those youth will be able to have access to programs. Also, we always look at the families as a first approach, trying to get the youth to go back to their families. If they can't, of course, we try to assist the families and then keep them in homes on a temporary basis and then move to the housing first model.

The Speaker: Thank you, hon. members. One hundred questions and replies were heard today.

Thirty seconds from now we will call upon the hon. Member for Fort McMurray-Wood Buffalo to continue with Members' Statements.

Members' Statements

(continued)

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo.

Impaired Driving

Mr. Allen: Thank you, Mr. Speaker. Well, it's beginning to look a lot like Christmas everywhere we go. I was going to sing that, but—it's a wonderful time to spend with family and friends and raise a glass or two of holiday cheer. Sadly, it's also a time of year when we need to step up our efforts to curb impaired driving. Every year police services across our province, the country, and around the world are out in full force reminding people that if they're going to

drink to plan ahead. It's as simple as calling a cab, taking public transit, phoning a friend, or designating a driver.

Unfortunately, Mr. Speaker, it's a message that continues to fall on deaf ears. Health Canada estimates that more than 1,500 Canadians die and 74,000 Canadians are injured as a result of impaired driving every year. In fact, in 2013 80 people were killed in alcohol-related crashes in Alberta, and 396 people suffered major injuries. What's more, on average 8,600 people are convicted of impaired driving in our province each year. To put that into perspective, it's twice as many people as will fit in my new stadium in my constituency of Fort McMurray-Wood Buffalo. Frankly, that's completely unacceptable.

Impaired drivers impose an enormous cost on our society. The consequences have a devastating impact on families, the health care and legal systems, and the general public. In other words, Mr. Speaker, we all pay the price. Drivers who decide to get behind the wheel after having one too many face not only the possibility of killing themselves, their friends, or someone else; they also face very serious legal, financial, and social ramifications.

As police so often remind us, if you drink and drive, your luck will run out, and you will get caught. Even worse, you may be involved in a severe collision that harms someone you love. It's a sober reminder before we head out to enjoy a wonderful evening: who are you willing to lose?

Mr. Speaker, I urge Albertans across the province to truly make this a season of joy by making the right decision, to not drink and drive. It's that easy.

Hospice Care

Mr. Young: They say that there are two things one cannot avoid, death and taxes. While we have not completely avoided taxes in Alberta, they are very reasonable, and with our public health efforts, the quality of life that we all have in Alberta, and a health care system that is the envy of many, indeed, Mr. Speaker, we are very fortunate. Nonetheless, death does come to us all.

Ideally, each of us and our loved ones will pass away in a place that we want to, with our family and friends and with the medical supports that we need. End-of-life care, or palliative care, can be provided in hospitals, in one's home, through hospice outreach, or in residential hospice. Hospice care is a type of care and a philosophy of care that focuses on the palliation of chronically ill, terminally ill, or seriously ill patients' pain symptoms and attending to their emotional and spiritual needs.

In my constituency Pilgrims Hospice provides end-of-life support and outreach. I would like to commend the board of directors, staff, volunteers, and families who collectively provide these services as Albertans' life journeys come to an end.

Community- and family-based hospice care provides terminally ill patients the supports they need in a dignified and compassionate manner. Typical supports include complex pain management, addressing psychosocial and spiritual distress for patients and family members, and end-of-life decision-making.

Located in the quiet community of Crestwood, Pilgrims Hospice is a family-centred organization in Edmonton-Riverview that provides end-of-life care in a supportive environment. Mr. Speaker, Pilgrims Hospice places an emphasis on the person's quality of life, developing respectful relationships with those who seek its services. Most of all, Pilgrims Hospice provides critically ill individuals the opportunity to live their last days in a calm, peaceful, and fulfilling way.

The Speaker: Thank you.

The hon. Member for Stony Plain.

Heritage Savings Trust Fund Comparability

Mr. Lemke: Thank you, Mr. Speaker. I stand today to address a concern many have spoken about that requires clarification. I'd like to clear up some misconceptions regarding jurisdictional comparisons between Alberta and Norway. People have pointed to Norway as a model for how the Alberta government should treat its oil revenue. They compare Norway's global fund . . . [interjection] I'm sorry. I'm respectful when you do a member's statement. I expect the same.

The Speaker: Hon. members, there is a long-standing tradition that we don't interrupt folks when they're giving their private members' statements, and in particular we don't do points of order either. Let us abide by that on all sides of the House.

Hon. member, please continue.

Mr. Lemke: Thanks, Mr. Speaker.

People have pointed to Norway as a model for how the Alberta government should treat its oil revenue. They compare Norway's global fund and our heritage savings trust fund. They like to illustrate the amount in each to try to make the case that Alberta's fund is being mismanaged. It makes as much sense as comparing Alberta to the United States, Germany, or Nigeria. Like those, Norway is a sovereign country while Alberta is a province within a country. In fact, Alberta occupies only 6.6 per cent of Canada's land mass. We share revenue with the rest of the country through royalties and transfer payments. Norwegians pay 25 per cent in sales tax. Alberta has no sales tax, a low personal tax, and a low corporate tax.

Why has the government of Alberta adopted this strategy? It's simple: to attract business and growth to expand our economy. Is it working? Clearly, it is, Mr. Speaker. The proof is in the hundreds of thousands who have moved here and the investment that is being brought to Alberta. People are coming to Alberta because of the opportunity. Our challenge is to continue to provide the best health care, education, and quality of life possible, and that is truly a legacy we can all be proud of.

Thank you, Mr. Speaker.

2:50

Presenting Petitions

The Speaker: Calgary-North West, do you have a petition there? Okay. Why don't you proceed, and then we'll go to Calgary-Buffalo.

Ms Jansen: Thank you, Mr. Speaker. I'm tabling the requisite five copies of a petition signed by more than 3,500 residents of Scenic Acres in Calgary-North West. They are concerned about the proposed francophone school . . .

The Speaker: Hon. member, is this a petition or a tabling?

Ms Jansen: It's a petition.

The Speaker: It's a petition? Okay. I thought I heard you say something else. Carry on.

Ms Jansen: They're concerned about the proposed francophone school for their community, that it hasn't received proper assessment, and they'd like the project halted until an alternative land option is reassessed.

Thank you.

The Speaker: Thank you.

The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. I have two petitions I'd like to present. The first one has a couple of hundred signatures, and they are urging the Alberta Legislative Assembly to "consider a financial increase of the Monthly Core Benefits to the Barriers to Full Employment . . . Medical Benefits with Alberta Works."

The second one is in regard to the DRP process. They're petitioning the Legislative Assembly to urge the government of Alberta to "re-evaluate the Disaster Recovery Program and how it has affected Albertans since its introduction following the flood of 2013, and to ensure flood victims are compensated for their losses." There are approximately a thousand signatures on that petition.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

Are there other petitions? Lesser Slave Lake, did you have one? Okay. Please.

Ms Calahasen: Mr. Speaker, I am tabling a petition from the constituents of Lesser Slave Lake requesting that "the High Prairie Medical Clinic be allowed to lease adequate clinic space in the separate Interprofessional Clinic building at the new High Prairie Health Complex site."

The Speaker: Thank you.

Tabling Returns and Reports

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by Calgary-North West, followed by the Associate Minister of Aboriginal Relations.

Mr. Bilous: Thank you very much, Mr. Speaker. If you'll indulge me, I have two tablings today. The first is the appropriate number of copies of a letter sent to the Premier by Carmen McConnell, a mother of three whose oldest son is gay. In this letter she very eloquently stresses the needs for GSAs in all schools. She explains how any antibullying support would have been extremely helpful to her son, who at times suffered from self-hate to the point of cutting himself. I hope the Premier listens to her words very carefully.

My second tabling, Mr. Speaker, is the appropriate number of copies of an article from the *International Business Times* from December 8, 2014. The article includes a quote from Pope Francis stating that the Catholic Church needs to help parents stand by their gay children.

Thank you, Mr. Speaker.

The Speaker: Hon. Member for Calgary-North West, did you also have a tabling? No? Okay. I show you listed here as having a tabling as well.

Let's move on, then, to the Associate Minister of Aboriginal Relations, followed by Calgary-Mountain View.

Mr. Dorward: Thank you, Mr. Speaker. It's my privilege and pleasure to rise today to table the requisite number of copies of a letter from Mme Diana Stralberg, playground committee chair for a school in my constituency, l'école publique Gabrielle-Roy, appealing for support for their playground redevelopment project.

Our school population is highly diverse, representing at least 12 francophone countries [from] around the world, and over half of [the] students are from recent immigrant families. About 90% of students ride the school bus from other neighbourhoods.

Thus, the playground is the only place that they get to play during their noon hour. They need to raise money and came today to tell

the Assembly about that. I have the tabling for you, and I'm sure everybody will get an opportunity to read that in due course.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

The hon. Member for Calgary-Mountain View.

Dr. Swann: Thanks, Mr. Speaker. I have two tablings. The first is from Dr. Bill Sevcik, emergency room director at the University hospital, outlining his deep concerns about staff frustration, increased legal liability, and intolerable risk to patients as a result of the overcrowding and the lack of long-term care and home care.

The second is a tabling on behalf of the Member for Edmonton-Meadowlark in relation to his question to the Premier on the impact of the oil price tumble and the so-called price trough.

Thank you.

The Speaker: Are there others? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Yes. Mr. Speaker, I have a copy of a letter sent to the Premier by yours truly noting a recent report showing that inequality in Alberta is rising. In particular, one group of people appear to be falling behind even further. It's women. In fact, Alberta has one of the largest gender wage gaps in Canada. Women make approximately 57 per cent of what men make in this country. One of the recommendations I make in this letter is that we introduce pay equity legislation like most other provinces in Canada.

Thank you very much, Mr. Speaker.

The Speaker: Thank you.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Campbell, President of Treasury Board and Minister of Finance, return to order of the Assembly MR3, asked for by Mr. Hehr on April 14, 2014, copies of government studies or proposals related to the establishment of flood or disaster insurance in Alberta that were prepared between June 1, 2013, and January 1, 2014.

On behalf of the hon. Mrs. Klimchuk, Minister of Human Services, responses to questions raised by Mrs. Towle, the hon. Member for Innisfail-Sylvan Lake; Dr. Swann, the hon. Member for Calgary-Mountain View; Ms. Notley, the hon. Member for Edmonton-Strathcona; and Mrs. Jablonski, the hon. Member for Red Deer-North, on April 9, 2014, Ministry of Human Services 2014 main estimates debate.

The Speaker: Thank you.

Hon. members, there are no points of order today, so we can move on.

Orders of the Day

Government Bills and Orders

Third Reading

Bill 11

Savings Management Repeal Act

Mr. Oberle: Mr. Speaker, I'm honoured to rise on behalf of the President of Treasury Board and Minister of Finance to move third reading of Bill 11.

The Speaker: Thank you.

The hon. Member for Airdrie.

Mr. Anderson: Thank you very much, Mr. Speaker. Our caucus will be supporting this bill. This is obviously something that we actually have been fighting for. Certainly, when it came up as Bill 1, this was an attempt by the former administration to carve out sections of the Alberta heritage savings trust fund for, frankly, I'm sure, well-meant use. Nonetheless, the temptation would be to put them into these funds that could essentially be used to give out grants to various organizations at the will of the government. That, obviously, is not the point of the heritage trust fund. That's not the reason that we have that fund. This is clearly a bill that was designed to put an end to that brainwave. We're very glad to see that that has been put to bed, so we will be supporting this bill.

The Speaker: Are there others? The hon. Member for Edmonton-Calder.

Mr. Eggen: Thank you, Mr. Speaker. Yes, similarly, the Alberta New Democrats will be supporting Bill 11. It's a long and winding road sometimes that we travel, to see the time and effort that we spent to fight this last year, and then, lo and behold, it's been pulled.

You know, we certainly did oppose the introduction of the Savings Management Act because of the ground that it was laying for the concept of social impact bonds, and we really have a strong problem with that. It squeezes and fragments the public sector. Social impact bonds are investments where private investors can fund projects and programs delivered by nonprofit or charitable agencies. This is sort of the way they've gone in the past in other places around the world. The project meets measurable goals. Then they pay back investors. This is the way it's played out in places like Britain, and it's been quite appalling. So this is a nice step back from doing this.

3:00

Rather than committing to social spending every year, this government has a tendency to sort of lash about between different pet concepts and making cuts. Under the grave pronouncements of the government here in these last few days with the price of oil, I also know that they have their slashing look in their eyes as well. You know, it's very unfortunate to see that taking place.

This act was only introduced in March 2014 and came into force on April Fool's Day in 2014, which is interesting, and eight months later here we are repealing the bill. We know that social programs are too important to risk on a new and untested method for funding social services. The bill removes the groundwork for that, so we're definitely back on some better footing. Our real concern, however, Mr. Speaker, remains that the consistent funding of Alberta's programs and services is always on shaky ground at best.

In 2012, for example, we were promised a balanced budget with no new taxes or service cuts. Certainly, there is a revenue situation that we have to deal with here, but, you know, if we make long-standing plans to save over time, then this would be a time when we could access those savings and balance out the vagaries of the international price of oil that we have to deal with.

While now the Premier here in the province has changed, what does remain clear is that regardless of who is the leader of the PC government, it has to start to make long-term plans for the future. We should be addressing our serious revenue problem. We all know that the drop in the oil prices will have an effect on programs and infrastructure. Currently 25 per cent of our revenue comes from oil, so this really leaves us vulnerable, as we see here

today, with the price down to I think 60-some dollars here today. It's interesting to watch the national markets decline as well. We've created an overdependence on this industry right across the whole country, it seems.

It's certainly, I guess, something that we can look at and vote for. We've come to a consensus that that's what we should be doing on Bill 11.

The only other thing I wanted to mention is that the importance of leaving the capacity for us to save in our heritage trust fund I think is imperative. We know that if you do that in a codified sort of manner and do not just leave it up to the Treasury Board or political considerations or external economic considerations, then you are much more likely over time to have a considerable fund that you can rely on when times might get tough.

It's important to remember that we haven't hit the actual tough times. We heard it last year from this government as well. It's one of their favourite things to do, to cry, you know, that the sky is falling, always. Now we are in a situation where things are definitely more substantively being restricted in terms of energy prices, but it's important to keep an even hand and to remember what the government exists for in the first place. I mean, we're not an oil producer. We're a government, and we are existing to ensure that we provide essential services that our population requires. We happen to be an oil-producing province, but the distinction is very, very important to make. Of course, we would be responsible for providing essential health care, education, and infrastructure regardless of what our main industries are in this province. I think we need to take a long look at that. It's a great opportunity to do that, quite frankly, with a dip in the price of oil right now.

I know we have to make some adjustments, and this is a very good adjustment, the repeal of the Savings Management Act. We certainly will be supporting this, Mr. Speaker.

Thanks for the opportunity to say a couple of words.

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

I see no one. Are there any other speakers to third reading of Bill 11? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Well, thank you very much, Mr. Speaker. I'll keep my comments short. I just want to remind members of the House that this is another fantastic example of a really poor piece of legislation brought in by this PC government and which had to be repealed eight months later. We spoke quite passionately against this bill. Its first incarnation was Bill 1, actually, the very centrepiece of this government in the sitting when we came back. Most members on the other side were on that side and part of the government, and many, interestingly, spoke in favour of Bill 1 and how great it was going to be. Yet we see now that, like many other bills that have been repealed – and there's quite a list of them – this is one that is being repealed.

Now, I can say that we are quite happy with the fact that this bill will repeal Bill 1. Like I had mentioned, Mr. Speaker, we were opposed to it when it was first tabled in this House. I just wanted to remind Albertans that with many pieces of legislation, when they're done hastily, when they're done without adequate consultation, when they're done without input from the opposition, we find ourselves in this situation.

A bill that pops to mind from a previous sitting is Bill 28, that threatened to haul mayors off to jail. We argued vehemently against that incarnation of Bill 28. Six months later there was an amendment act to it, and again it was amended and repealed. I found it very fascinating that many of the amendments in that bill in its second incarnation were amendments that the Alberta NDP

had put forward when the bill was first tabled. You know, what I would like to see is more co-operation and work done between all parties, where the government accepts amendments and is open to dialogue from all different parties and points of view, which, in my opinion, would mean much better legislation for all Albertans instead of what we tend to see in this House, which is an unwillingness to accept most amendments by opposition parties.

Having said that, Mr. Speaker, glad to see that this bill is coming through the House and repealing Bill 1. We will be supporting it.

Thank you.

The Speaker: Thank you.

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

I see no one. Are there any other speakers to third reading of Bill 11?

The hon. member to close debate.

Mr. Oberle: Mr. Speaker, I thank the hon. members of the two opposition parties for their comments. I say that while we may differ on some facts of history, at least we agree on the intent and the apparent support for this bill.

I move that we call the question, Mr. Speaker.

[Motion carried unanimously; Bill 11 read a third time]

The Speaker: Hon. members, before we proceed with the next item of business, could we have unanimous consent to revert briefly to tablings?

[Unanimous consent granted]

3:10 **Tabling Returns and Reports** (reversion)

The Speaker: Hon. Minister of Justice, please proceed.

Mr. Denis: Thank you very much, Mr. Speaker, and I thank the members for their indulgence. I neglected to table a couple of items here that I had just put under my desk in the Routine. I have five copies of the annual accountability report of the Law Society of Alberta.

I have five copies of the Alberta Human Rights Commission's annual report.

And I have five copies of the Alberta Law Foundation's financial statements. I will pass five copies of them all to the page.

The Speaker: Thank you.

Government Bills and Orders **Third Reading** (continued)

Bill 9 **Condominium Property Amendment Act, 2014**

The Speaker: Hon. members, we can proceed onward now with the presentation and movement at third reading of Bill 9 by the hon. Member for Sherwood Park.

Ms Olesen: Thank you, Mr. Speaker. I'm pleased to rise and speak to the amendments in Bill 9, the Condominium Property Amendment Act, 2014. The amendments will modernize the legislation, establish a framework for a condominium dispute tribunal, strengthen government enforcement powers, and create the authority necessary to enact required regulations.

Mr. Speaker, during second reading and Committee of the Whole there has been concern that there has not been enough consultation or that consultation did not engage the right stakeholders and that these amendments are being rushed through. This government is committed to ensuring Albertans have the highest level of protection and that changes to Alberta's condominium legislation reflect the input of our stakeholders.

Mr. Speaker, I want to lay out the consultation work that was carried out by the government on Bill 9. In 2009 the government formed a 16-member working committee to look at issues affecting the industry. The membership of this committee included the north and south chapters of the Canadian Condominium Institute, the Alberta Real Estate Association, the Association of Condominium Managers of Alberta, the Canadian Home Builders' Association – Alberta, and other members representing developers, owners, and the legal community.

In 2013, based on input from the working committee, Service Alberta developed the Let's Talk Condos consultation survey. This survey covered a number of topics, including dispute resolution, purchase cancellation rights, insurance requirements, disclosure to buyers, board governance, and standards of practice for condominium managers. We received over 4,000 responses from the public to the survey, and a majority were from condominium owners. Owners were a very important part of our dialogue, especially as this is consumer protection legislation.

Mr. Speaker, once we had analyzed the responses from the survey, the government set out to form a number of task teams to continue working on issues such as reserve funds, governance, condominium managers, insurance, new condominium developments, and dispute resolution. The membership of these task teams was composed of many of the organizations I named previously as well as input from owners and the legal community.

All this hard work culminated in the introduction of Bill 13 in this House towards the end of the spring 2014 sitting. Over the summer we allowed time for all stakeholders to review the legislation and solicited their feedback so that we could continue to improve the bill. The result of that feedback is Bill 9, which is a refined but substantially similar draft based on the comments we received from stakeholders.

Mr. Speaker, please be assured that we have listened to Albertans and that we will continue to listen as we move forward in implementing these changes. We were happy to work with the Member for Olds-Didsbury-Three Hills to pass an additional amendment, and I want to extend my thanks for his interest in this bill. In the coming months we will gather additional input from our stakeholders as we develop regulations.

In closing at third reading, Mr. Speaker, I'd like to note that the majority of Albertans who have contacted us have urged us to move forward with this bill overwhelmingly.

Thank you, Mr. Speaker, and with that, I move third reading.

The Speaker: Thank you.

The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Well, thank you, Mr. Speaker. I rise to actually support this bill now. [some applause] I know we find that amazing, but something is better than nothing, I always say.

There are gaps, I feel, in this bill that perhaps should have been addressed. I do want to congratulate the minister and Service Alberta for doing the consultations prior to writing the bill. That was a huge step, but I feel there's another step missing, and that was consultation after the bill was drafted. I think we could have avoided a lot of the amendments that went on and so on, but overall, as I said, I think something is better than nothing. We look

forward to the regulations and to seeing how that's going to affect the bill and carry it even further.

What we're looking for here is consumer protection. While there were consultations being done, I don't feel there was enough with the actual people who were affected the most, and that is the condo owners themselves. But that's history now. Let's carry on. Let's make sure that the regulations address some of these issues and go forward.

With that, Mr. Speaker, I thank you, and I will support the bill.

The Speaker: Thank you.

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

Standing Order 29(2)(a) will be available after this speaker.

Mr. Bilous: Thank you very much, Mr. Speaker. It's my honour to rise and speak to third reading of the condominium act, Bill 9. I do have some comments that I'll make in regard to some of the comments made by the hon. member who moved this bill. You know, I appreciate that there was some consultation done by this government over the past year and a half. I attended some of the consultations or the public forums that were hosted. I can tell you, though, that there are numerous groups who do have reservations about the bill as it's currently written and the fact that there are areas that are omitted in the bill that would have actually given much stronger consumer protection. I get that the government likes to say it over and over again, but saying it doesn't make it so if it's not in the legislation. So I will go through and talk about my different concerns.

The first one is, again, the fact that there are groups that would like to have been consulted on what the government decided to include or not include. What I mean by that is that, yes, there might have been some initial conversations with different organizations and individuals, yet those same entities have no idea what's going to be included and what's not. The frustration is, again, that when a bill is tabled by this PC government, they can't wait to get the heck out of this House. So bills move at a breakneck speed through different readings, which severely limits the ability of and the role that the opposition plays in drafting amendments designed at improving a bill.

I think that members of the House need to be reminded that the purpose of Committee of the Whole and amendments is to draft amendments with all Albertans' best intentions in mind. Now, I infer that this government believes that they're the only ones with the best ideas. Well, I'm sorry to say that other parties, other members consult with other organizations as well.

Largely, one of the voices of concern is the Canadian Condominium Institute north Alberta chapter, which has a significant number of members and represents, first and foremost, individual condo owners. That's their clientele. That's who they speak with and on behalf of. Again, you know, it's not lost on me that a meeting of condominium owners was struck on Sunday evening, and there were over 300 people that turned out at a last-minute meeting to discuss this bill. So despite the government saying, "Everybody loves this, and we've consulted everybody, and this is great," I don't think that's the reality for many people.

Like I said, some of the issues were on the follow-up in consultation, you know, but there are three areas that I'm just going to talk about, matters of insurance and clarity around that. There are a lot of questions surrounding insurance and how it works. Property manager accreditation: a concern with the fact that in legislation it will fall to the RECA as opposed to going to an independent, arm's-length third party. The last point is on document disclosure to owners, Mr. Speaker.

What we were looking for is to defer this bill into the spring to ensure that it includes everything that it should to maximize protection for condo owners and consumers. Many issues, Mr. Speaker, that should be dealt with in this legislation as far as what impacts condominium owners on a day-to-day basis aren't being dealt with in the legislation, and this was probably one of our largest concerns. They're being left to regulations.

3:20

Mr. Speaker, we don't believe that this is the appropriate way to deal with these important issues. Changes that impact people's homes should happen in the Legislative Assembly through, you know, our robust debate, through different points of view, and through adequate oversight. Again, much of the details are being left to regulations, which are dealt with behind closed doors. I appreciate that the minister and other ministers have said: well, it's more expedient that way. Well – you know what? – nobody said that democracy is the most expedient form of government, but we do live in a new Westminster-style democracy, and details that affect condominium owners should be discussed in the light of day, not behind closed doors in the cover of darkness. That, I think, is a very legitimate concern.

Regarding property insurance, you know, some of the most serious issues facing all condominium corporations in the province are property insurance issues, Mr. Speaker. Although, certainly, condo boards and owners and possibly the government can't do much about the rising premiums, our position is that the government could have addressed insurance issues, including – and here are some questions for the minister – what property must the corporation insure; and what must the unit owners insure if a unit suffers damage because of an insured peril; who should actually be responsible for overseeing the work of restoring the inside of the unit, the corporation or the owner; who should be responsible for paying the deductible portion of insured loss, and under what circumstances? These questions are not answered and dealt with in the legislation, and I don't think it's fair to condominium owners across this province that those answers will be dealt with through regulations at some point in the future.

Looking at as-built documents, under Bill 9 developers are only required to provide as-builts if they exist. It doesn't require them to produce them. The as-builts are construction drawings produced upon completion of a project or a particular job. They reflect all the changes that are made in the specifications and working drawings during the construction process and show the exact dimensions, geometry, and location of all elements of work completed under the contract. A finished building rarely corresponds exactly to the original plans in every detail, and this normally happens because of unforeseeable on-site complications and variations. Sometimes such discrepancies may occur accidentally and may be economically unfeasible to rectify. That's one of the purposes of as-built measurement, to record these variations.

Accurate as-built drawings are one of the most important elements of any postconstruction process, including any major repair or renovation. If these drawings are not provided to the corporation, decisions will have to be made on guesswork, or the corporation will have to spend many tens of thousands of dollars attempting to re-create plans showing the now hidden elements in the building, the walls, the roof, the foundations, and the ground such as pipe and duct routing and sizing, terminal unit locations, et cetera. Also, as-built drawings can be a valuable day-to-day tool for the board. For example, the accurate depiction of a shut-off valve location is critical in emergency situations.

An approach to an as-built drawing preparation is for the installation contractors to maintain a master set of manually marked up redline drawings as changes are made during construction and as all components of the installation are completed. The contractors are required to confirm that they installed per the original drawings or the records or to record the changes made. These changes are then incorporated into the final as-built documents.

There is an added cost to the developer to produce these documents, so some developers objected to the requirement to provide the documents to the condominium corporations. Our position is that the cost, even if passed on to the owners in the purchase price of the units, is money very well spent, Mr. Speaker.

I can tell you that for those three reasons, in addition to follow-up on consultation, I'm very reluctant to support this bill. In fact, Mr. Speaker, I'd actually like to introduce a motion on behalf of the Member for Edmonton-Strathcona.

The Speaker: Hon. member, are you talking about an amendment that you wish to present?

Mr. Bilous: Yes, Mr. Speaker. I am moving an amendment that "Bill 9, Condominium Property Amendment Act, 2014, be not now read a third time but that it be read a third time this day six months hence."

The Speaker: Thank you. Could you please present it to the pages? The pages will then distribute it, and we will then debate it.

Would the House agree to allow the member to continue on while it's being distributed since he just read it into the record?

I believe it's been agreed – so why don't you continue on as the pages distribute that? – but first bring a copy to me and to the Clerk just to ensure that it's all in order, and then we'll proceed.

Mr. Bilous: Thank you very much, Mr. Speaker, and I thank the hon. members for allowing me to continue. If I manage my time correctly, this should all fit within my window of opportunity to speak.

Mr. Speaker, I recognize that amendments to the condominium act are much needed and long overdue – I do recognize that – and I do appreciate much of the effort that the minister and his ministry have made. Again, you know, I'd be remiss if I just passed this forward after hearing causes of concern from individual condo owners and organizations that represent individual condo owners.

You know, it's my position, Mr. Speaker, that when we pass a bill through this House, we not only get it done but we get it done correctly. The concern that I've been hearing from many people is that this is moving too quickly through the House, and a delay of merely a couple of months, until we sit again in the new year, would mean that we can ensure that we have more details in the legislation versus relying on regulations, and we can get more clarity around insurance.

The most costly thing for condo owners is that when something happens or is discovered or there is a fault in a building, then who pays for that? Who is liable? Again, if it's the fault of an individual owner, if it's the fault of not just the developer but it's the inspector who signs off on it – I mean, Mr. Speaker, there of course are some very good developers out there who do follow the letter of the law, but there are also developers that cut corners, and at the end of the day you have individual Albertans on the hook with special assessments. I've had stories that people tell me of special assessments of \$10,000, \$15,000, \$20,000, which in many ways is quite ridiculous, to expect a person to be able to cough up that much money, especially if it's something that could have been avoided.

For those reasons, Mr. Speaker, I will urge all members of the Assembly to vote in favour of this amendment. Let's redraft this bill, get it right, and come back and debate this in the new year.

Thank you, Mr. Speaker.

The Speaker: Thank you.

Hon. members, Standing Order 29(2)(a) is now available. The hon. Member for Vermilion-Lloydminster.

Dr. Starke: Well, thank you, Mr. Speaker. The hon. Member for Edmonton-Beverly-Clareview may find it somewhat shocking that I was listening rather intently to his comments, not with regard to the hoist amendment but specifically with regard to what he said a little bit earlier in his speech. If I could ask him a question about that, or do I need to stick directly to the hoist amendment?

The Speaker: Well, tie it to the hoist amendment because that's where he ended speaking.

Dr. Starke: Okay. Well, we'll tie it back, then. During the course of your speech, you mentioned about us following the new Westminster parliamentary tradition. I'm somewhat of a scholar of parliamentary tradition, and I guess I was always under the impression that we followed the Westminster tradition. As near as I know, New Westminster is a community in British Columbia. Perhaps this is a new NDP socialist idea that you want to bring in that would include delaying legislation by six months with unnecessary hoist resolutions. I'm just curious to know: is this part of the new Westminster parliamentary tradition that you're trying to introduce into our Assembly?

The Speaker: Well, hon. members, I think we're all aware that we follow the Westminster tradition, but hon. Member for Edmonton-Beverly-Clareview, did you wish to put something on the record from your standpoint?

Mr. Bilous: No. I just wanted to thank the member for that riveting question. You know, clearly the member opposite has never made a mistake in his speech in his time.

Anyway, I would have appreciated an actual question regarding this bill, but I think all members of the House can grasp the reason for this hoist and my position behind it.

Thanks.

3:30

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

If not, then speaking to the amendment, which will be called H1, I'll recognize Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Speaker. This Condominium Property Amendment Act which is before the House really is much-needed legislation. Although I will be supporting this hoist amendment, I would be remiss if I didn't point out that the Condominium Property Act that we have here in this province was a long time coming in the first place. I will point out that British Columbia actually had protection for condominium owners as far back as 1997. As a result of some leaky condos and some difficulty with condominiums and their construction practices, that province moved very quickly in that fashion and provided condo owners some protection in that province. In my view, it was much needed at the time.

You know, the wheels of justice move somewhat slower here in this province. It took us almost 15 years longer to introduce even basic protections for condominium owners in terms of actual protections to the property they were buying and protections for things like the building envelope and the like. We all know that

there was a rash of troubles throughout much of the building phase that was going on in this province, actually, from that time, 1997, all through till we had legislation going forward.

I, too, have heard groups not only in northern Alberta but other people in Calgary who are otherwise concerned that this bill does not contain the requisite amount of information to allow people to govern their lives accordingly and to understand what the rules are in regard to their property, in regard, specifically, to insurance claims, in regard to property managers' roles and responsibilities and, in fact, the roles of who pays what and when and the legal recourse which this bill provides largely because, if you compare the legislation, our government in its wisdom is moving virtually everything with substance into the regulatory process. Although easier to amend and easier to go forward on, I don't think it gives people the ample insurance that their consultation has been heard.

I will give the government credit. There appears to have been some consultation on this file, yet because it is not present in the bill, because this consultation is not reflected in what we're actually seeing before this honourable House, the people are wondering if they've actually been heard, whether the consultation was meaningful, whether it led to any tangible results. That is the confusion and the concern that is out there, not only in the north but down where I live, in Calgary. Our office has been flooded with numerous concerns in this regard, that they're not certain what protections this bill is going to provide.

So I think that's where we are. The citizens would like to see in this bill the rules and the regulations of how they can go forward. That's where we are. I think we'd like a more fulsome bill coming forward from the government, with this in place. People could then see that they have been heard, that it's actually reflected in the bill, that it's not going to happen behind closed doors and the like. So if this passes and if this government would actually do the work of putting actual rules into the bill, I think that would be somewhat helpful.

I am almost certain that this amendment is going to fail, but I will say that the government going forward should try to bring more clarity to their drafting principles, allow for the rules to be put into place so that people have an understanding that it is open and transparent, that it's not going to be changed on a whim through an order in council or otherwise change the game halfway through its being played.

In any event, those are my comments, Mr. Speaker, and my advice to the government going forward. We'll see where this goes.

The Speaker: Hon. members, 29(2)(a) is available. I see no one.

Is there anyone else who wishes to speak to Bill 9? The hon. Member for Edmonton-Calder.

Mr. Eggen: On the hoist – right? – Mr. Speaker.

The Speaker: On the hoist amendment. Thank you.

Mr. Eggen: Yeah. Certainly, I support this idea. It's been a very interesting few days, quite frankly. This is not something that I have within my responsibilities as critic, but I learned a lot over the last short while about concerns of consumers, the people who actually own these units. I have a number of quite large condominium units in my constituency as well, and like what I said yesterday about leaky condos, and so forth, it's a great problem. I just really always want to defer to making sure that the homeowners are the first priority and are consulted first, in the middle, and last as well.

I think this is a very rational idea, to defer this particular bill, and I thank everyone who has helped us to build a sound and reasonable argument on Bill 9. Thank you.

The Speaker: Thank you.

Standing Order 29(2)(a) is available. I see no one.

Are there any other speakers to amendment H1? The hon. Member for Calgary-Mountain View.

Dr. Swann: Thanks, Mr. Speaker. I'll add my support to this amendment. I think we've had quite a lot of e-mail and contact from a wide range of people interested in seeing a better bill come forward. It's complex. There's a lot at stake. And if the government is actually listening to the many who have written and the many concerns that haven't actually been addressed in some of the elements of this bill, they will pause and allow a longer process, a longer consideration, a more legitimate consultation, build a sense of respect, I guess, with the citizens of Alberta and the organizations that are trying to represent condo buyers, condo owners and take the prudent path, the conservative path, and delay the haste with this bill, which hasn't had the time and thoughtful amendments that could make it the very best it could be.

I'll be supporting this amendment. Thanks, Mr. Speaker.

The Speaker: Hon. members, 29(2)(a) is available. I see no one.

Is there anyone else who wishes to speak to amendment H1? The hon. Minister for Service Alberta.

Mr. Khan: Mr. Speaker, thank you for this opportunity. I wasn't going to say anything, but I feel obligated. You know, we have members of the opposition who are suggesting that this bill is in some way rushed. We have members suggesting that this bill is in some way a hasty bill, that it hasn't been given proper consideration. This bill in terms of being thoughtful, in terms of the thorough consultation process – consultations started in 2009. I guess that might be hasty for some people, five years of thorough consultation, but from my perspective it's ample.

3:40

Mr. Speaker, this consultation was started under Service Alberta when it was in the hands of the current Minister of Human Services. She did an exceptional job of bringing the consultative process forward. That was carried further by our current Minister of Infrastructure, who again did an outstanding job of engaging Albertans in this consultative process. Again that torch was passed to the hon. Member for Battle River-Wainwright, who carried on this consultative process, an exceptional and thorough consultative process. Through that process the hon. Member for Sherwood Park toured this province. The hon. Member for Sherwood Park engaged – and I won't repeat the list, that has been mentioned a number of times, of bodies and agencies and owners who gave ample and thorough feedback into this legislation. We're grateful to the Member for Sherwood Park for her work and for her efforts across the province.

What we have before us, Mr. Speaker, is that there is one body – I'll grant that – an organization called CCI north, who has been involved in our consultation process from the beginning. They've come forward and, by and large, the people who are suggesting that this bill needs to be delayed, that this bill is not right, are affiliated or associated with CCI north. I've spoken to the president of CCI north and thanked him for his involvement. I've told him that Albertans have spoken. Albertans want this bill to be passed. I think that we've reached a point where, as grateful as I am to CCI north and their participation – one of the members spoke of a meeting that transpired this past Sunday. Again, it was

a very constructive meeting, and they brought forward some amendments. We welcome that participation. I think that some of the amendments which our opposition brought forward were reflected from that meeting, and I'll come back to that.

I want you to know, Mr. Speaker, that CCI north – interestingly enough, we've talked at length that we've seen this bill before. It was Bill 13 in the spring. This bill made it through first reading, and had session lasted a few more days, it's very likely that this bill would have passed in the spring of 2013. It's very interesting to note that at that time this bill, which is substantially similar – there are very few wrinkles that have been added since the spring. CCI north endorsed the bill at that time. They didn't come out at that time and say that this bill wasn't ready or that this bill needed further consultation. It's interesting that they're stating those facts now, but I've spoken, as I said, to the president, and I've welcomed his participation in further consultation, as we will with all of our stakeholders, as we move forward with regulations.

There's also this thought that somehow we haven't engaged owners, Mr. Speaker, and that couldn't be further from the truth. I'll point not just to the ample and thorough consultation process that my predecessors have led and that the Member for Sherwood Park has done a phenomenal job of participating and leading. I'll point the members opposite to our Let's Talk Condos consultation, where we had 4,000 submissions, primarily from owners who have participated and helped us form this legislation. If we've done five years of consultation, if we have 4,000 stakeholders who have reached out to us and offered us guidance, I don't know how that can be conceived or construed as anything but solid, heartfelt, important consultation. To suggest that we've been hasty, to suggest that this is rushed, that just doesn't make sense to me, and it doesn't make sense to the Albertans who are anxiously waiting for this very important legislation to move forward.

Mr. Speaker, you know, just really quickly I want to talk about the amendments. Some of the opposition have suggested that they're not in favour of us moving forward and working out a good number of the details and amendments. I want to thank the Member for Calgary-Buffalo for pointing out the obvious fact that we can be agile and we can be more responsive when it comes to working out details in regulation. The current condo act is getting close to 20 years old. What we know is that the environment for condos 20 years ago was completely different than it is now. What we know also is that where we are with condos in the next 10 years will be completely different from where we are now. I want to thank the Member for Calgary-Buffalo for acknowledging that working out the details in regulation will help us be agile, will help us be responsive to our condo owners, to our condo boards, and to the condo associations as they move forward. So thank you for those comments, Calgary-Buffalo.

Mr. Speaker, I just can't support delaying this any longer, and the reason I can't support this any longer is that Albertans have spoken, and it's all our obligation in this House to listen to Albertans. The overwhelming majority of Albertans are demanding that this bill move forward. I can't support this hoist amendment, and I look forward to moving forward and doing good and collaborative work for Albertans.

Lastly, Mr. Speaker, again, you know, one of the members talked about how this government isn't being collaborative. We've talked about being under new management. I can't recall who it was, but they suggested that the government is not listening to amendments, that the government is not being responsive. Well, I want to remind that member that this government did work with the opposition. I want to thank the opposition. I want to again thank the Member for Olds-Didsbury-Three Hills for his

collaborative efforts on moving an amendment that I believe was one of the things that folks from CCI were actually speaking about. So to suggest in any way, shape, or form that this government is rushing, to suggest in any way, shape, or form that this government is not trying to do the best work it possibly can with our opposition, and to suggest that this government doesn't hold the values and responsibilities of Albertans as one of our paramount principles – I just can't support that idea.

I want to thank you for this opportunity, and we look forward to passing this bill, Mr. Speaker. I cannot support this amendment.

The Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available. Calgary-Buffalo, under 29(2)(a).

Mr. Hehr: I appreciate the minister's comments. Let's give him all the kudos he wants for consultation. I'll grant that it seems like there's been a lot of that. Nevertheless, I think the concern is that this consultation is not represented in your bill's drafting. The finished product doesn't recognize the rules and clarify what the responsibilities are in terms of insurance, in terms of property managers and how they carry on their business, and the like. The concern is primarily around the drafting of the bill and the fact that although you've consulted with many citizens and organizations, this has not been reflected in your bill. Can you address the concern that much of this information is absent from the bill and that you're moving into the regulatory process to do it on a more ad hoc basis instead of actually getting this information into the bill more substantively? We're hearing from stakeholders where they want it, in the bill.

The Speaker: Thank you.

Anyone else under 29(2)(a)?

Seeing none, are there any other speakers to the hoist amendment?

I see none, so let us, then, vote on the hoist amendment.

[Motion on amendment to third reading of Bill 9 lost]

[Motion carried unanimously; Bill 9 read a third time]

3:50 Government Bills and Orders Committee of the Whole

[Mr. Rogers in the chair]

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

Bill 2 Alberta Accountability Act

The Chair: Are there any comments or amendments to be offered?
The hon. Deputy Government House Leader.

Mrs. Klimchuk: Thank you, Chair. I'm rising to speak in Committee of the Whole, on behalf of the Minister of Justice and Solicitor General, some comments before we move on.

Bill 2 proposes amendments to three pieces of legislation: the Conflicts of Interest Act, the Public Service Act, and the Lobbyists Act. The Minister of Justice takes these matters very seriously and wanted to remind the House that twice he's been lauded by the CTF for his low expenses. The legislation is further supported by two Treasury Board directives, which will restrict severance and enhance procurement rules.

I listened with interest to the debate during second reading. I appreciate the comments from members who spoke to the legislation and its measures to increase accountability by elected

officials, political staff, and the public service. The hon. members for Edmonton-Strathcona and Edmonton-Beverly-Clareview raised several points about the bill, which I'm happy to address on his behalf.

The Member for Edmonton-Strathcona discussed amending the Election Finances and Contributions Disclosure Act, regarding large donations. I'd remind the hon. member that the Election Finances and Contributions Disclosure Act already sets limits on political contributions.

She also spoke about the timelines for the Chief Electoral Officer to investigate allegedly improper donations. In Alberta standard limitation periods are two years. Limitation periods for administrative penalties and administrative penalties under the Election Finances and Contributions Disclosure Act go beyond that. Those periods are set at three years. The Chief Electoral Officer can also make recommendations for amendments to elections legislation, and the purpose and effect of a statute of limitations is to encourage the timely resolution of disputes. Contravention should be pursued with reasonable diligence. The longer the limitation period the greater the chance that evidence has degraded or even been lost and that witnesses are unavailable. Pursuing prosecutions that have been long dormant is not reasonable and does not serve justice.

The hon. member also proposed four amendments to the Conflicts of Interest Act, including prohibiting members from using their position to lobby on an issue that directly impacts their financial interests; prohibiting member involvement in decisions that benefit political confidants; prohibiting the waiving of cooling-off periods for former political staff, members, and cabinet ministers; and applying the Conflicts of Interest Act to individuals employed by government agencies.

The Conflicts of Interest Act already states that a member has breached the act if he or she "takes part in a decision . . . knowing that the decision might further a private interest of the Member, a person directly associated with the Member or the Member's minor or adult child." In addition, that act states that a member breaches this act if he or she uses their influence or seeks to use their influence upon a government decision to further anyone's private interest.

Another point worth noting is that cooling-off periods apply to former ministers. They do not apply to former MLAs. The Ethics Commissioner's authority to waive or reduce cooling-off periods is appropriate. If a former minister competes on the same conditions as other applicants for a job, then the Ethics Commissioner can waive or reduce the cooling-off period so that the former minister may be hired for the job. If a contract is awarded through an impartial process that is open to a large number of people, the Ethics Commissioner can waive or reduce the cooling-off period so that the former minister can be awarded the contract.

There may also be situations in which there is no conflict of interest between the private interests of the former minister and the public interest. The Ethics Commissioner may waive or reduce the cooling-off period in such an instance. However, the former minister must comply with any conditions imposed by the Ethics Commissioner. The Ethics Commissioner is an officer of the Legislature, that is appointed upon the recommendation of the Legislative Assembly and is therefore in a position to act impartially in exercising her discretion.

The Alberta Public Agencies Governance Act requires public agencies to implement codes of conduct governing the conduct of its members and employees, and this includes the Alberta Energy Regulator. Alberta Health Services also has a code of conduct. These codes of conduct must include provisions requiring

members or employees to carry out their duties in an impartial manner, not to act in self-interest or to further private interests, and to disclose real and apparent conflicts of interest.

The Member for Edmonton-Strathcona also proposed amending the Election Act to prohibit MLAs from using government resources during elections or by-elections. We all know that government needs to continue to operate even during an election campaign, and ministers are required to continue their work while they are running for election or re-election. Bill 2 does not deal with election legislation. I would also remind the member that any actions in contravention of existing rules or statutes could result in an investigation.

My colleague also spoke about his desire for the passage of legislation to compel public disclosure of criteria for determining public infrastructure investment priorities; two, a list of public infrastructure priorities; and thirdly, explanations for any changes to that list should that occur. The government does publish lists of capital projects on several ministry websites. These approved projects represent areas of priority funding for government, and this government will deliver on the Premier's mandate to report to Albertans on the status of its approved capital projects on a semiannual report card. We believe in planning and investing in Alberta's infrastructure today and over the long term. That's why our government has committed to publishing a 25-year infrastructure plan, that will guide and support government direction and priorities around infrastructure needs.

The hon. Member for Calgary-Mountain View spoke about making appointments on merit. The Alberta Public Agencies Governance Act already sets out requirements for recruitment to public agencies. The Public Service Act requires hiring of the most suitable applicants, but wherever possible preference shall be given to in-service applicants. It also contains rules regarding when competitions are departmental, limited, or open.

The same hon. member also talked about having a budget officer who would report to the Legislature. I would remind that hon. member that we already have an independent Auditor General, who reports to the Legislature.

A few hon. members also spoke about moving Treasury Board directives into legislation. In the case of severance, we already have two board directives dealing with severance. Those directives are the termination and release of deputy ministers and other senior officials directive and the termination and release of employees directive. Thus, the Treasury Board has a history of dealing with these kinds of matters.

Severance is a matter that falls within the internal business of government, the kind of business that Treasury Board directives typically cover. In the case of the procurement and sole-sourcing directive, section 78(1) of the Financial Administration Act gives the Treasury Board the authority to regulate government and provincial agencies' contracting standards. Therefore, the Legislature has had the opportunity to specifically contemplate that the Treasury Board will give this type of direction.

Mr. Chair, in conclusion, I would remind the Assembly of a saying that the minister thinks fits Bill 2 very well, that sunlight is the best disinfectant. With Bill 2 we are making significant changes, and more information is being publicly disclosed. We are turning the corner as we enter a new era of accountability. We are changing how things are done in government. We are doing the work to ensure that high ethical and accountability measures are in place and to show Albertans that their faith and trust in us as their elected officials is deserved.

Before I sit down, I would move that we ask for one-minute bells.

The Chair: The hon. Deputy Government House Leader has moved that should we have a division during the committee, we have one-minute bells. This requires unanimous consent.

[Unanimous consent granted]

The Chair: I'll recognize the next speaker, the hon. Member for Airdrie, followed by Edmonton-Strathcona.

Mr. Anderson: Thank you, Mr. Chair. I'm just standing to propose a series of amendments. I'm sure other parties do have amendments as well, and I'll just get right to the point and circulate the first one.

4:00

The Chair: This will be A1, hon. member. Just a brief pause to get most of them circulated.

Proceed, hon. member.

Mr. Anderson: The amendment reads as follows. I move that Bill 2, Alberta Accountability Act, be amended in section 3(5) by adding the following after the proposed section 25.6(1):

(1.1) One or more of the codes of conduct and ethics made under subsection (1) must provide that a designated office holder, subject to any entitlements to termination pay under the Employment Standards Code, shall not accept, or enter into an agreement providing for, more than one severance payment from the Government or a Provincial agency in a 5 year period commencing from the receipt of the first severance payment.

Mr. Chair, this is a part of the law that I've been repeatedly trying to get into legislation for several years now. It's been the subject of two private members' bills and a private member's motion of mine along with another piece that I'll talk about later. The point of this is just to solve the problem of double-dipping that sometimes occurs.

What's happened in the past in a lot of cases is that an employee of, say, Alberta Health Services or a region will leave Alberta Health Services or the region and collect a severance, generally a very large severance. In the past, anyway, it's been a very large severance. Then they go in-house into government and work at the Department of Health or another department, work there for a year or two years or so, whatever, and then for whatever reason they're let go. Then they collect another severance, and it's a really large severance, and it happens in some cases within a couple of years, two, three years. Essentially, they're collecting two very large severances within a couple of years. When we're talking about large severances, some of these, in the past anyway, have been in the half-million dollar to a million dollar range, so we're not talking about small sums of money.

Now, this isn't going to save our \$7 billion fiscal hole that we're in by any stretch, but it does two things. First of all, it will save us some money as a government. I think that over several years it will save millions of dollars. It doesn't say that people can't move from one area or agency of government to another and not collect their first severance. If that happens, you know, they're allowed to do that. However, it guards against the double-dip, where essentially they go from one to another to another, maybe, and they can collect multiple severances.

I think it increases transparency. I think it's a bit of an obvious fix. It's something that we've seen, this double-dipping, in the past. I'm not going to name any names. They're well publicized. There have been several examples. We've brought them up multiple times in this Chamber. I think that this is a very clear way to solve this problem, and I think it's long overdue. I hope that the government will support it.

Thank you.

The Chair: Thank you.

The hon. Deputy Government House Leader, speaking to the amendment.

Mr. Oberle: Thank you, Mr. Speaker. I'm pleased to rise to speak to this amendment. I don't recall, actually, the hon. member forwarding amendments on this particular topic, but I certainly don't deny that it happened. I will say with respect to this amendment to this bill that I think you could call this even an oversight. I think that this amendment adds value, I think I agree with the member that it adds some transparency, and I'm going to urge all members of this House to support this amendment.

Mr. Hehr: I, too, think this is a reasonable amendment. We've seen in the past where we've had an individual or multiple individuals who have worked through a government department or agency receive a large severance only to find that in a relatively short period of time they go to work in another government department and continue on in that fashion. It shuffles along, and all of a sudden multiple severance packages are out there, so we're leading to a compensation that exceeds, in my view, what the reasonable person would consider as what is to be found in their employment relationship with essentially the same government.

I think this will go some way to ensuring that the government watches its hiring practices, that it writes its employment contracts in a reasonable fashion that reflects the true nature of work being done. If they're working for the government in one department, well, my goodness sake, they can go work in another department without collecting an obscene severance package every time they get shuffled.

I think this would put the government on notice and, in fact, allow us to move forward in writing clear employment contracts that reflect the kind and the spirit of work we wish to receive from valued public servants.

Thank you very much, Mr. Chair.

The Chair: Are there other speakers to amendment A1?

Mr. Anderson: I'd like to thank the government minister. I know that we were in talks earlier with the Government House Leader, who presented this amendment to the Premier, who gave his support to it, and I want to recognize that. I think that it's a very good indication that there's an openness to improving transparency and accountability. Hopefully, we can see many such amendments to other legislation passed in the future.

Thank you.

The Chair: Are there other speakers to amendment A1?

Seeing none, I'll call the question.

[Motion on amendment A1 carried]

The Chair: Now back to the bill. The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you very much, Mr. Chair. I'm pleased to be able to rise in debate on Bill 2 in Committee of the Whole. The Member for Edmonton-Glenora in her initial comments responded to a number of the issues that we have raised and the concerns that we have with this piece of legislation.

Not to deal with all of them but a few of them, the notion that we need to restrict consequences to the governing party when it receives donations illegally from public bodies to only those illegal donations that have happened in the last two years because evidence, quote, unquote, deteriorates after two years is absurd. You know, typically that evidence is documented evidence, and

it's actually quite easy to trace. Certainly, when people engage in financial activity which is barred under other pieces of legislation, the restriction and the limitation period is not just two years, especially when it's criminal.

Quite frankly, I think that when the governing party receives financial electoral donations from publicly funded taxpayer organizations because they feel they have to, that is borderline criminal. The notion that we can't possibly prosecute it or investigate it if it happened more than two years ago is, quite frankly, disrespectful to Albertans, who have a higher standard, I think, just generally based on common sense and common decency, than that. So that's not a sound answer to our concern about this government's intensely self-serving decision to limit their liability under the election finances act for their party's own illegal activity which occurred more than two years ago.

4:10

The member indicated that we already have language in the Conflicts of Interest Act which prohibits a member from engaging in lobbying that impacts their own private interest above and beyond what is appropriate. Of course, the problem is that we really don't have that language because, unfortunately, the language that we do have has been interpreted to allow and to justify and to protect the activities of the Member for Edmonton-Manning.

While I acknowledge that any criminal investigation ultimately came to an end, the fact of the matter is that the spectre of having a member who has accelerated and enhanced access to senior public officials lobbying on an issue which has a direct relationship to his own personal business just flies in the face, again, of the regular person's understanding of what constitutes fairness and transparency and ethical behaviour. The fact that our current legislation allowed that to occur is a sign to me that our current legislation is inadequate. If we want to say to Albertans that we're cleaning things up, then that's what we should do. We shouldn't rely on poorly drafted legislation to allow people to swim through loopholes the size of Mack trucks.

With respect to the question of whether certain senior public officials are covered under conflict of interest legislation, the fact of the matter is that a code of conduct is not conflict-of-interest legislation, Mr. Chair. It is different. It is enforced differently, its consequences are different, the transparency of its enforcement is different, the reports around the investigation for a breach of code of conduct are different, it's not transparent, and it can be changed with the stroke of a pen. It is fundamentally different than having those senior officials accountable under the conflict-of-interest legislation. For the Member for Edmonton-Glenora to suggest that the two are the same is either intentionally disingenuous or, conversely, demonstrative of her not understanding what it is she's speaking about. It's one or the other; neither is good.

In terms of the question around government use of public resources during elections and whether that is appropriate, well, the member argues that government has to keep working during elections. Well, that's true. But you know what? Manitoba, Saskatchewan, and even their friends in Ottawa operate under election legislation which prohibits them from using public dollars during the course of an election to buy votes. The fact of the matter is that we don't have that kind of legislation in Alberta. But it does exist in other provinces, and that is what we have suggested in the past.

She's right: this act doesn't amend the Election Act. But if we were going to focus on true accountability and ensuring true ethical behaviour, it would. The simple failure of the government to address an incredibly important issue is not in and of itself a

justification for failing to address an incredibly important issue. So, again, that justification also holds very little water.

One of the other issues that the member raised was the question of whether it was appropriate to have the Ethics Commissioner have the right to waive the cooling-off period. Now, again, the fact of the matter is that the Ethics Commissioner has in the past waived the cooling-off period without there being a fully comprehensive and well-posted competition process for former members of this House. That is why we propose this amendment, and it is why Albertans expect to see it. It didn't look good, and it did not look like a particularly trustworthy behaviour when it occurred.

On that basis, Mr. Chair, I would like to propose an amendment to Bill 2. I will hand that over to the pages and wait for it to be distributed and then speak to it.

Thank you.

The Chair: Brief moment. This will be A2, hon. members.

Proceed, hon. member.

Ms Notley: Thank you. Let me just read in the amendment that I am proposing here. It goes as follows, that the Alberta Accountability Act be amended as follows:

A. Section 1(15) is amended

- (a) in the following proposed sections by striking out "12 months" wherever it occurs and substituting "24 months":
 - section 23.1;
 - section 23.7.

- (b) by striking out the proposed sections 23.11 and 23.71.

B. Section 3(5) is amended

- (a) in the proposed section 25.4 by striking out "12 months" wherever it occurs and substituting "24 months", and
- (b) by striking out the proposed section 25.41.

What this amendment does, as far as I can tell – this is an amendment that changes the cooling-off period for all those officials subject to the Conflicts of Interest Act to 24 months from 12. It also removes the waiver provision that allows the Ethics Commissioner to waive or reduce the cooling-off period at his or her discretion. These changes correspond with the recommendations that our caucus made in our minority report for the Select Special Conflicts of Interest Act Review Committee in 2013. These are the recommendations we made at that time.

The 24-month cooling-off period does reflect standards that are used in other jurisdictions. It ensures that people are totally separated from governance before they become consultants or lobbyists or employees of certain sections of our provincial government. It also, as I said before, removes the discretion to waive the cooling-off period. We clearly had an example before where we had a former minister hired under the former Premier within I believe it was three or four months of him having lost his seat by a very slim margin, and there was no clear record or proof of any kind of a full, competitive process, any posting of the position, any of that kind of stuff. Rather, it was a decision that was made very much to bring on an old friend, an insider, and find them a soft landing.

Quite honestly, Mr. Chair, the public service is not designed to be a soft landing for failed Conservative candidates. Taxpayers deserve better. That is why the conflicts of interest legislation is in place. There was never really any kind of significant explanation or worthwhile explanation provided for the waiver. Frankly, I think that it puts the Ethics Commissioner in an awkward and

uncomfortable position. I think that if you have rules that are designed to prohibit conflicts of interest, then you should simply apply them and live by them. This is not rocket science. It is not the case that every time this government brings in a rule to control its own behaviour, they need to write in a loophole to avoid following the rule that controls its own behaviour.

Quite honestly, I think that if they really are concerned about demonstrating a commitment to ethical behaviour, then they will accept this amendment, that includes this elimination of the waiver, and simply sign on to follow the rules that they themselves passed.

Thank you, Mr. Chair.

The Chair: Speaking to the amendment, the hon. Member for Calgary-Buffalo.

4:20

Mr. Hehr: Well, thank you, Mr. Chair. This is a very good amendment that I will be supporting. Moving the cooling-off period from 12 months to 24 months seems to be a reasonable time period from which we enact. Clearly, people with this type of power and influence in their former positions in the government should have a significant time away before they come back in to work in the government. Simply put, because of their position they would have a great deal of weight and sway and influence over various policies and provisions that have gone over, and they may actually limit the number of fresh eyes that go over legislation, fresh eyes that look at a problem differently, and fresh eyes that can implement a government agenda and work on behalf of the Alberta people.

I would also support removing the waiver provisions, largely for the same reasons that the hon. member spoke to. Having a waiver provision simply allows for an opt-out clause, that allows the government not to follow their own rules that they're setting under our code of conduct. That, to me, does not seem like a wise principle to put in. If you have the rules laid down, well, my goodness, you follow the rules. Having a waiver provision just seems like an ability to put a loophole in that allows the government, whenever they see fit, to appoint someone that used to be part of their government to a position, into a soft landing or into a job that they believe will provide that member with an employment possibility.

You know, why not wait the 24 months? Why not just enforce the code as put down and not put the various people in a conflict position themselves? Sending this to the Ethics Commissioner to get a ruling on a waiver: well, I too agree with the member that this puts the Ethics Commissioner in a very difficult spot in trying to analyze the rules as they're set down yet looking at this unique situation that has come about. In my view, it's not necessary, and we should, simply put, make the rule clear, make it transparent, make people follow it, and not allow for any wiggle room in this regard.

It would restore confidence in the system and ensure that situations don't arise like where we had a former cabinet minister lose in a close election and inside of three to four months receive a job within the same ministry where he worked. Well, my goodness, if that's not what we are trying to correct here, I don't know what is. We should close these loopholes and go forward in this regard. I think this is a good motion to go forward on.

Thank you very much, Mr. Chair.

The Chair: Thank you.

The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chair. I will be relatively brief as well. There are parts of this that I like. I understand the intent that the members are bringing forward by doubling the cooling-off period.

The Chair: Hon. member, if I may. You did send me a note, and if you're going to speak to that, I was going to try and send you one back.

Hon. members, the member has asked whether this amendment could be split and voted on separately. That can be done with the concurrence of the House. So if that is the wish, I can ask the question. I just need to verify.

With a majority of the members of the House, if that is your wish, hon. member, we could deal with that request. I'll leave you to continue and decide accordingly.

Mr. Wilson: Well, thank you for the clarification. I appreciate it on short notice. If I could ask for consent to do that. I don't know if you now call a vote.

The Chair: Just to be clear, then, hon. member, we have A and B. Are you hoping to separate that into two, or how would you propose to separate it?

Mr. Wilson: I would like to separate it into four if I may. Here's the intent of what I'm trying to do. I would like to be able to vote on the proposed sections 23.11 and 23.71 separately from the rest. So it's the ability to vote for A(b) separate from the remainder.

Part of the reason for this, if my hon. colleagues will entertain me, is because we had an amendment similar in intent to that, and I believe that if this is defeated, then we will not be able to present that amendment. So we'd just like to be able to have the vote separately for that.

The Chair: Well, if you want to put that to the House, then, hon. member, I can put that question, and we'll deal with it.

Mr. Wilson: So moved.

The Chair: The hon. Member for Calgary-Shaw is asking that this amendment A2 be dealt with in two parts by voting separately for everything but item A(b). I would entertain discussion on that proposal.

Hon. Members: Question.

The Chair: Just the question? Okay. The question, then, as asked by the hon. member, to be clear. We would vote this amendment A2. I would make it A2(1) and A2(2). Everything but item (b) under A is one, and the remainder.

[Motion lost]

The Chair: Then, hon. member, we're back to debating the amendment in its entirety. You may continue to speak.

Mr. Wilson: Well, I thank the members opposite for their cooperation in this matter.

I think it's pretty clear, Mr. Chair, the reason we would be supporting this, particularly around the striking of 23.11. You know, we're all very familiar with the situation that happened with our former agriculture minister, and I believe that the Ethics Commissioner having the ability to waive that period of time, the cooling-off period, for any former minister – I don't believe that that should be a viable alternative. I believe that if we're going to be truly accountable – and there's a reason why the cooling-off

period exists – having the option to waive it or find a loophole in the legislation allowing for it to be waived is not ideal.

Now, I struggle with it because now that this amendment is one piece, I don't think I would be supporting the idea of doubling the cooling-off period to two years, because I don't know if that meets what I would call a reasonable test. So I am going to sit down and hear the remainder of the debate and will be making my decision on whether or not I support this amendment shortly.

Thank you.

The Chair: Other speakers to amendment A2?

Seeing none, I'll call the question.

[Motion on amendment A2 lost]

The Chair: We're back to the main bill. Speaker to the bill? Are there others? The Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Mr. Chair. This is my first opportunity to speak to Bill 2, the Alberta Accountability Act. I, too, will be offering some amendments to go forward on to try and make this bill better and more inclusive of what I think the members of the Alberta public want and actually deserve. I will note, for instance, that this bill largely tries to acknowledge in some small way the difficulty the current government is under when it comes to ways it has acted in the past in regard to, I think, being seen to be using the public purse and to the unfortunate matters that were not necessarily what the Alberta people expect out of government.

I will say that the bill does fall short. We remember the new Premier promised to do much more than he is currently doing in this act. He promised amendments to the financial management act that would require the budget to be presented in a clear, consolidated format; producing a biannual report card on savings; and also to have merit-based appointments for agencies, boards, and commissions. The promise to cap staff severance payments and to put an end to sole-source contracts also never made it into the legislation. Instead, those provisions were only written into the Treasury Board directives instead of law, a practice that is quickly becoming a hallmark of this government.

4:30

We would have liked to have seen that happen. I also think it's a fair suggestion that if we were trying to really get a handle on things here in this province, it would have been wise to open up the Election Act and deal with our finance laws here, which can only be considered outdated in comparison to other jurisdictions. The fact that we still allow for union and corporate donations in this province, in my view, is an outdated rule. We should simply get to the principle where individuals can contribute in a reasonable fashion. I don't believe that having the ability to contribute up to \$30,000 in an election year meets the smell test of actually having average Albertans being able to contribute fully and fairly to the party of their choice. It leads to rampant abuses that can happen and rampant unlevel playing fields out there.

Simply put, we only look at the long list of contributors to political parties to figure that there is at least an air that people are supporting their political donations by having access to the government. We could go a long way to eliminating that perception if we actually got a handle on that. We all know that it's not in the government's interest at this time to do so, so I don't think we'll see that despite many members of this House stating that it is clear that we should have it. In fact, many editorial commentaries have been the same throughout this province.

So those are the shortcomings of the bill. I think you could have gone a lot further.

On that note, I would like to move an amendment to try and make the bill a little stronger if I could do that at this time.

The Chair: Thank you, hon. member. Amendment A3. We'll pause for a brief moment and circulate that.

Mr. Hehr: I move this amendment on behalf of the leader of the Alberta Liberals, that Bill 2, the Alberta Accountability Act, be amended in section 1(15) in the proposed section 23.1(1), (2), (3), (4), and (5) by striking out "12 months" wherever it appears and substituting "24 months."

If we look at this, it's simply to allow for much of what the last amendment was, to allow for a longer cooling-off period.

The Chair: Hon. member, just pause for a moment. This is out of order. This is exactly what we just dealt with in amendment A2. It's redundant.

Mr. Hehr: It's redundant? Well, it was approved by Parliamentary Counsel.

The Chair: I don't know about the sequencing of when they came through, but it's trying to do the same thing that we just dealt with a moment ago, hon. member. It's the same section, 23.1, and substituting "24 months" for "12 months." We just dealt with that.

Mr. Hehr: Well, are you ruling it out of order?

The Chair: This is out of order, hon. member. I won't accept this one. If you have another one, I'll deal with that.

Mr. Hehr: Sure. Let's try it again.

The Chair: Okay.

Mr. Wilson: Roll the dice.

Mr. Hehr: Let's roll the dice. Let's see what we can come up with next here. That is part of the difficulty, I guess, when we're dealing with amendments. Many parties in the opposition have similar ideas on how to increase openness and transparency.

Let's try this again. I will pass out another one here that may or may not pass your wise and thoughtful purview, but we'll try. I'll move it along.

Here it . . .

The Chair: Hon. member, if you'd just pause till I've seen it.

Mr. Hehr: Certainly. Sorry.

The Chair: Thank you.

This one is fine, hon. member. This will be amendment A3, and you may speak to it.

Mr. Hehr: Well, thank you very much. You know, we've come upon this time and time again in this House, where once a matter is kicked up to the Ethics Commissioner, we have a situation where we're not able to ask about it in question period. In my view, given that it often pertains to actions that the government is currently going through and that it actually applies to various things that are on the public's mind, I think this is an anomaly that may not be necessary in the spirit of openness and transparency and allowing us to actually get through the debates of the day.

We can see a situation that has arisen here recently where in the by-election numerous portables were granted to a school in the

midst of a by-election. These portables were on a list that the Calgary board of education had at a lower priority than other schools in the area on the list. We see this government time and time again saying that they respect local autonomy and local school boards' ability to make those decisions on behalf of their constituents, yet in the heat of a by-election we had a candidate who was the Minister of Education making a decision that directly impacted the list that had been provided by the CBE and may have actually impacted the election.

Hence, I would actually have liked to have seen in this Alberta Accountability Act a law that would have come forward, much like in other provinces, that would say, "Government, you have to respect the 30-day election period and not muddle in it, to be seen to be acting in a way that is trying to influence the election," which I think is the only conclusion that a reasonable person could come to, that that's why that decision was made. I don't think it was in the best interests of serving a reasonable democratic system and providing reasonable elections going forward.

We saw that when that was an issue at play here in question period, where we would have liked to have held the minister to account, understood more his thought process behind making that decision and the like. We've had other situations where something has been before the Ethics Commissioner, and it essentially ties the hands of this body to deal with the issue that is front and centre in the minds of the Alberta public. We think that given the importance of this we should have the ability to do that, to have that discussion here and to explore it while the Ethics Commissioner is doing his work and investigating. We think this would allow for issues of the day to be dealt with in a more expedient manner while they're fresh and topical and while the Alberta public wants answers.

I'm not certain what my colleagues in this House think about this. It's a new approach, and there may be actually some drawbacks to it. Nevertheless, on the whole, on balance, I believe it allows us to cut to the thrust of debate in a more reasonable fashion.

I'll put that forward, and hopefully some people will provide their thoughts on what we're trying to propose here.

The Chair: Thank you, hon. member.

Are there speakers to amendment A3? The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. I will certainly be supporting this amendment. You know, we've seen this now twice in this Assembly, where there's an issue that is on the top of the mind of the public and we are unable to ask questions to those who are involved in this Chamber, where we're supposed to hold the government to account, because the issue is being investigated by the Ethics Commissioner.

4:40

I believe that it's a relatively loose interpretation of the clause that has been enforced as it is. It doesn't make sense to me that we can't come into this Chamber and ask questions to the Premier or ask questions to a minister about actions that they have taken simply because it's under investigation by the Ethics Commissioner. It's not right. I do understand why we may not have a special select committee struck or an ad hoc committee struck to investigate an issue, but in the sense of not being able to address it right here in this House, where the ultimate accountability is supposed to happen, it seems strange.

I thank the hon. member for bringing it forward, and I will certainly be supporting it. Thank you.

The Chair: Are there other speakers to amendment A3?

Ms Notley: I would rise very briefly to say that I, too, agree with the spirit behind this amendment. These are important political issues that are also important to the public. It has been the case in the past that debate in this Assembly has been, in my view, artificially restrained as a result of sometimes an inappropriate interpretation of this rule and sometimes a less clear interpretation of this rule. So I think that, certainly, if we were to accept this section, that would promote the transparency brought by sunlight. Was that the phrase used?

Mr. Hehr: Sunlight is the best disinfectant.

Ms Notley: Yes. Sunlight is the best. That would promote the disinfectants brought to bear through sunlight, and we want to do that at every opportunity we can. So I urge my colleagues to support this motion.

The Chair: Further speakers to amendment A3?
Seeing none, I'll call the question.

[Motion on amendment A3 lost]

The Chair: Back to the main bill. The hon. Member for Airdrie.

Mr. Anderson: Yes, Mr. Chair. I have another amendment that I'd like to circulate.

The Chair: Please do, and we'll just pause for a moment. Thank you. This will be, if it's in order, amendment A4.
Hon. member, please proceed.

Mr. Anderson: Yes. All right. This amendment is dealing with sole-sourced contracts. Now, as we know, Bill 2 does not contain anything in the proposed legislation regarding sole-sourced contracts, which was a major campaign promise by the Premier. Now, what the Premier has done is that he has ordered or organized a Treasury Board directive that deals with sole-sourced contracts, improves the rules around sole-sourced contracts.

One of the biggest improvements, of course, was the idea of making any exceptions to the rule, any sole-sourced contracts, public within a quarter after they're entered into. This greater transparency is obviously going to improve and make sure that bureaucracies, departments, et cetera, are very sure that a sole-sourced contract is warranted and is justified under the circumstances because it will be public knowledge according to the Treasury Board directive.

That is a very good improvement, as is the fact that anything over a \$50,000 contract for capital and \$10,000 for services will automatically trigger a tendering process. That should save the public a lot of money. There has been a ton – a ton – of waste on sole-sourced contracts, particularly, again, in AHS. It's been a huge problem, as we've shown, billions of dollars in sole-sourced contracts, some of them probably justifiable, others, you know, almost loony-tunes. [interjection] Well, if we had a sole-sourced contract with the RCMP, for example, that would be a justifiable sole-sourced contract. But some sole-sourced contracts on things like communications and some of these other things are just not justifiable. There are many communication firms out there, and you can go down the list. So in most cases there is no need for a sole-sourced contract, which is why this will greatly improve things.

Now, the problem is, though, of course, that the Treasury Board directive is a directive and essentially is a policy of the

government at this time, which means that it can change at any time. It can change with another Treasury Board directive or with an executive order of cabinet or what have you. What this amendment does is that it essentially takes the Treasury Board directive, particularly the piece about making things public if there is a sole-sourced contract, and moves it into the actual legislation, which I think is stronger and makes it so that instead of just policy, it's an actual law.

The amendment says:

(1.1) Any regulation made under subsection (1) must contain a provision prohibiting any employee from issuing, granting or otherwise facilitating a sole-sourced contract with a supplier unless it is made public and made in accordance with all laws, regulations, and policies adopted by the Government respecting procurement.

So it's saying that they have to follow that Treasury Board directive, but the most important piece of this is that it must be made public.

I think that even though the procurement process can be changed by policy, that piece about making it public, I think, is just good governance. I think sunshine is the best disinfectant. It just causes people, even people that, frankly, might not even mean to be doing something untoward, to just have to pause and think, you know: if I grant the sole-sourced contract to X communications firm or X building firm or so forth, can I justify this if it's in the public eye? That pause, that sober second thought, looking and knowing that it's going to be out there – not with a FOIP or anything else; it's just automatically going to go out there – I think is going to cut dramatically the waste that we see in government, particularly with regard to sole-sourced contracts. A very easy way to tighten our belts.

I hope, Mr. Chair, that this will pass. Thank you.

The Chair: Other speakers to the amendment? The Member for Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Chair. I support this amendment. I think anybody who is serious about accountability in contracting and the problems we're having with public confidence and public trust in this province and the exorbitant overcosting of institutions like the south Calgary campus, which went from \$500 million to \$1.1 billion or \$1.2 billion because it was a cost-plus contract – anybody who really is serious about wanting accountability and transparency I can't imagine not supporting this.

The other added dimension of it requiring any sole-source contract to be public is just another check and a complement to that particular amendment. I think it's a good suggestion to strengthen a bill that this Premier and this government wants to gain credibility on. If they're really serious about this move to be more transparent, more accountable for the public purse, there is no question that this should be supported.

Thank you, Mr. Chair.

The Chair: Other speakers to the amendment? The hon. Member for Edmonton-Strathcona.

Ms Notley: Yes. I'm just going to speak in favour of this amendment so kindly and respectfully put forward by the Member for Airdrie, understanding that almost every sole-source contract is indeed justifiable, as he so kindly pointed out.

Notwithstanding that fact, I do think that this is a fundamental piece of the Premier's so-called accountability legislation, yet the way it currently exists, it's entirely discretionary and doesn't provide the certainty one would see if it were in legislation. So this amendment attempts to ameliorate that fact and attempts to

put a more definitive rule in place with respect to the prohibition on sole-source contracting and to give it legislative authority. Presumably, members from the other side, following on the guidance of their Premier, who thought this was a huge priority, would be moving forward to support this amendment.

I agree that this amendment is a good one, and it should be passed. Thank you.

The Chair: Thank you.

Other speakers to the amendment? I'll go to the Member for Calgary-Buffalo, then Edmonton-Beverly-Clareview.

4:50

Mr. Hehr: Well, thank you, Mr. Chair. I thought it was a very good amendment put forward by the hon. Member for Airdrie. In particular, I like the piece around public disclosure. I think having that as an automatic flow through that goes through as a result of putting this into legislation would be a big step forward. I know right now it's a directive and not in legislation, and having that piece, I think, goes a long way to ensuring that the public at least has the information available so they can judge for themselves whether a sole-source contract was necessary at the time or whether it was not. Just having a flow-through mechanism to make it public would go a long way to making things better in this province and, I think, easier for us to do our jobs on the opposition side of the House.

Thank you very much, Mr. Chair.

The Chair: Thank you.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you very much, Mr. Chair. I think that this is a very good amendment if we want to make government more accountable. I disagree with the Member for Airdrie citing that there are several examples of when sole-source contracts are necessary. I think that they need to be used with extreme caution.

You know, here's the thing, Mr. Chair – and I really hope the members accept this amendment. I find it really rich when you have a party that privatizes as much as it can in the name of competition in order to keep prices down, yet when it comes to contracts, then they play both sides. “No, no, no. But these contracts we're just going to give to our friends.” So if it's for your friends and insiders, then we don't want competition. We just want to hand it off to – I don't know – somebody who has a lifetime membership in your party. I don't know what the qualifications are.

You want competition, and then you don't want competition, so you're playing both sides of the fence here. I think that in the interest of saving and preserving and spending wisely the tax dollars that are collected, sole-source contracts are not the way to go about that. We do want competition. We want the best company being awarded a contract based on qualifications and merit and track record, not based on who they know on the inside, how long they've been a member, and how much they've donated to someone's campaign.

So this amendment, I think, is quite reasonable. In fact, after we've seen a few of the sole-source contracts go out this year for ridiculous amounts of dollars and then we learn about their connections back to the PC Party, I think Albertans want to see that there is a very open, transparent, healthy competition for government contracts. They should not be awarded or appointed; they should be earned.

Thank you, Mr. Chair.

The Chair: Other speakers to the amendment?

Seeing none, I'll call the question.

[Motion on amendment A4 lost]

The Chair: We're back to the bill. Speakers to the bill? The hon. Member for Edmonton-Strathcona.

Ms Notley: Well, thank you so much, Mr. Chair. We were talking last time about decisions made by the previous Ethics Commissioner where certain issues arose which sort of offended the common sensibilities of most Albertans who would look at issues and say: “Yeah. It kind of looks like a conflict to me. How can this not be a conflict?” You know, it's kind of hard when you run into people in the store, or the grocery store, on the playground, on the soccer field and they say: “I could have sworn that's what a conflict of interest is. How did that end up not being a conflict?” Then you have to say: well, it's just that our legislation is both written unclearly and, in some cases, not interpreted as clearly as it could be. As a result, we have behaviour that really does offend the common-sense notion of what is or is not a conflict of interest, where that behaviour is protected by our less than effective conflict-of-interest legislation.

I want to propose an amendment, Mr. Chair, that I had outside of the Assembly referred to by reference to the name of the member that it related to, but I will simply say that a current member of this House would be impacted by this amendment going forward, were it to happen again. In any event, it's one that we want to bring in because it will ensure a higher standard of behaviour going forward by all members of this Assembly.

So I'm going to distribute it, and I will speak when you would like me to.

The Chair: Briefly, once I've seen it, hon. member. This will be A5.

Proceed, hon. member.

Ms Notley: The amendment – I'll just read it into the record – is that the Alberta Accountability Act be amended in section 1(3)(a)(v) in the proposed section 1(1)(g)(i) by striking out paragraph (B) and substituting the following:

- (B) that affects an individual as one of a broad class of the public, unless
 - (i) the individual would receive a direct benefit that exceeds the benefit that would be received by other members of the class, or
 - (ii) the interest is so closely linked to that individual that if the individual were to advocate strongly in support of the interest a reasonable person would conclude that the individual if engaging in activities respecting that interest that are prohibited by this Act would be in a conflict of interest.

In essence, Mr. Chair, what this amendment is attempting to do is correct a decision made by the former Ethics Commissioner that essentially said that a member may pursue and advocate and lobby for a private interest and use their elevated access to senior public officials in order to lobby for a private interest if that private interest is one that affects a broad class of people equally.

Then the former Ethics Commissioner's decision concluded that people who have businesses engaged in construction, who would all benefit from a change to the Builders' Lien Act such that the builders' liens would not compel the construction contractors to pay their debts as effectively as they currently do – one of the members was lobbying senior public officials very aggressively to make changes to the builders' liens rules in a way that would have very much affected and benefited a private business that the

member also happened to have and to be actively engaged in at that time. What happened was that the Ethics Commissioner said: well, there's a broad class of people that would be affected by this, i.e., any builder.

Now, quite honestly, I think the member in this particular case actually had an uncharacteristically high number of legal disputes under way where they were defending against builders' liens, so I'm not entirely sure that I would buy the interpretation that it affected everybody in the class equally, because some people seem to be more engaged in litigation than others.

Notwithstanding that fact, that particular definition of a private interest by the former Ethics Commissioner essentially meant that it was not possible for a member to ever be found in a conflict of interest unless they had a business which no other person had. In essence, you'd have to be a person whose business was focused only on, you know, reproducing and sharing polka-dotted Barbie dolls with green hair because if anybody else was in the business of selling polka-dotted Barbie dolls with green hair, then suddenly there would be a broad class, and it was no longer a benefit to that member exclusively, so it did not amount to a conflict of interest under the legislation.

5:00

That's, effectively, how the Ethics Commissioner interpreted the legislation. It was, in my view, not a correct interpretation by that previous Ethics Commissioner. It essentially created a great big gargantuan loophole through the very heart of the Conflicts of Interest Act, the very foundational piece of the Conflicts of Interest Act which most Albertans would expect would work in a certain way, which is to make sure that MLAs aren't using the fact that they're MLAs to promote their private business interests. That's basic conflict of interest 101. Yet somehow this act was interpreted in such a way to allow a member to get away with basic conflict-of-interest behaviour 101.

This attempt at amending the act – and I will admit that it's a little bit awkward because we're limited to only amending the sections which are touched upon by the accountability bill that we're discussing. Nonetheless, what this language attempts to do is to inject a standard which comes down to: what would a reasonable person under reasonable circumstances conclude was going on? So a reasonable person test would be injected into this in terms of whether there is a perception of a conflict of interest.

And just in case people think that that's way too broad, just understand that conflict-of-interest legislation across the country has typically used different versions of the reasonable person standard. If it walks like a duck and it quacks like a duck, the odds are good that it may be related to the duck family, you know, if you're a reasonable person with a reasonably strong knowledge of what ducks look like. That kind of legal test has been injected into conflict-of-interest legislation in other jurisdictions.

Indeed, when the all-party committee looked at that issue, we looked at language from other jurisdictions that talked about this notion of not only should justice be done, but justice should be seen to be done. And where a member is behaving in a way that a reasonable person, based on all the facts and circumstances before them, would conclude that it looked like a conflict of interest was going on, then a problem arises and there is jurisdiction for the Ethics Commissioner to step in and make the behaviour stop and perhaps make a finding against the member.

That's what this section is about. We clearly have had a profound exception interpreted into our conflict-of-interest legislation by the former Ethics Commissioner, and it effectively means that there's almost no such thing as a conflict of interest in the Alberta Legislature right now. So if we don't take this

opportunity to fix it, then we run the very real risk that, for all intents and purposes, there's almost no behaviour which is prohibited under the guise of conflict of interest for MLAs within the province of Alberta.

I don't think that that's what Albertans believe is happening. I don't think that's what Albertans want to see happening, nor does that align at all with much of the language that we've seen coming out of the new Premier in terms of what he thinks is happening. I'm not even sure if he understands or if he's aware of this very unfortunate interpretation of our current legislation, that essentially allows for us, for all intents and purposes, to have marginal, at best, conflict-of-interest protection for Albertans in this province and that, in fact, this needs to be fixed.

This amendment is our attempt to fix it, so I hope that people will give it some consideration. Is it a little bit awkward? Yeah. We're using the wrong sections because we are limited to the sections which this bill touches on. Might I have written it a bit better if I could have? Yeah. But at the end of the day what we're getting at here, very clearly, is to expand on the exception to the private interest allowance so that people who are engaged in active lobbying on issues that very definitively and directly relate to their private business interests don't do it. It's that simple.

The Chair: Other speakers to amendment A5?

Mr. Hehr: I will be supporting this amendment for the reasons given by the hon. member. I believe we have struck out here because of a previous Ethics Commissioner's ruling on a grey area that essentially allows us to drive a Mack truck through a loophole here, that allows for an interpretation that the Alberta public, in fact, would probably deem offside with where we wish to go.

We should look at this amendment very closely. I think it goes a long way to looking at the individual member's conduct in this House when they're directly advocating on behalf of their business interests. When they're receiving a direct benefit from changes that they are proposing, this would go a long way. I think that the wording is actually pretty good.

- (ii) the interest is so closely linked to that individual that if the individual were to advocate strongly in support of the interest a reasonable person would conclude that the individual if engaging in activities respecting that interest that are prohibited by this Act would be in a conflict of interest.

It enacts the reasonable person test, which is what we've gone to as a standard of law. It would allow our members under this act to understand, you know: govern yourself accordingly. I think that by having this in there, it would send a strong message to the public that we're not going to have this type of behaviour condoned in this province. I think that under the act, by injecting the reasonable person test, we'd be able to look at things as they are. As they are. Does this pass the smell test? Does it provide the protection that we are looking for?

We in this House have an honourable, you know, position. We have access to things and the ability to talk to other members and people in power and to make decisions in a much greater ability than the average citizen in this province. Accordingly, we need to be governed by strong rules that regulate our behaviour, that make sure it's above board, that serve the broad interests of the public.

I think it's a good amendment. I think we should support it. I think it moves this province forward. It makes us regulate our activities and makes us think about what we're doing prior to going forward and forwarding our own private interests, whether they be for ourselves or for other classes of people if we think about how this legislation is going to directly affect our economic

outcome. If we see that situation where we're advocating for what has a direct benefit to our bottom line, well, then we have to govern ourselves accordingly, think twice, get clarification from the Ethics Commissioner and the like, and not allow for our actions to go past what would be acceptable behaviour under a reasonable person test that all Albertans could look at and say: yeah, that's not right. I think we need this to move forward in a fashion that would protect the public and would actually help us govern our actions more closely in this House.

Thank you very much, Mr. Chair.

The Chair: Other speakers to amendment A5? The hon. Member for Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Chairman. Very briefly, I will just concur with my colleagues. I, too, believe that this is a valuable addition and adds some much-needed clarity to this section of the Conflicts of Interest Act. I understand what the Member for Edmonton-Strathcona was saying, that she would have possibly tried to write this differently if she'd had the opportunity to do so. Barring that, I do believe, as the Member for Calgary-Bufferlo just articulated, that inserting the reasonable person test and giving our Ethics Commissioner the option and the ability to insert and use a reasonable person test while making a ruling or a judgment in regard to conflicts of interest is an important option for the Ethics Commissioner to have. Right now the act doesn't have that written into it.

I think that we should pass this amendment, and I look forward to members across the aisle supporting it as well.

The Chair: Other speakers to amendment A5?

Seeing none, I'll call the question.

[Motion on amendment A5 lost]

The Chair: We're back to the main bill. Speakers to the bill? The hon. Member for Cypress-Medicine Hat.

5:10

Mr. Barnes: Thank you, Mr. Chair. I, too, rise today to talk about the Alberta Accountability Act, Bill 2. I would like to table an amendment as well, and I have the requisite copies of it here.

The Chair: We will just pause while we circulate that. Just a brief moment before you start to speak to it.

It is amendment A6.

Mr. Barnes: Amendment A6. Thank you.

Amendment A6 wishes to lay out some specific people that a minister cannot grant specific contracts or benefits to. This would prevent ministers from granting the benefit of a government announcement to a candidate during a writ. Of course, the recent by-elections, branded by the press as buy-elections, B-U-Y, went a long way to hurt the value of democracy in our province. It went a long way to hurt the entire system. This is an opportunity to tighten up the rules for everyone. This is an opportunity, maybe, to make it fair for all parties but certainly – certainly – to make it so that 4 million Albertans feel that the system is fair and that they want to engage in it.

One of the reasons way back in 2010-2011 that I decided to get involved was because only 28 per cent of eligible voters voted in the 2008 election in Cypress-Medicine Hat. We've all heard the reasons why, the cynicism that comes out of voters, you know: we're all the same; the bureaucrats make all the decisions anyway; it's about favours. Here we are with a situation where the words "buy-election," B-U-Y election, were in every paper for a long

time, and we've seen this raised. We had it raised today by the Member for Edmonton-Strathcona and the Member for Calgary-Bufferlo, about a way we can make a law stronger, make the election process fairer and more First World for all Albertans.

It was interesting. During the by-election campaigns we literally saw billions of dollars worth of announcements in 28 days. It kind of surprised me, when we barely scratched the Stelmach schools, never mind the Redford ones, that we were announcing more. I hope someday that the cynicism of those announcements, when September 2016 rolls around and those schools aren't full of Albertans, will come back. Hopefully, I'm here to remind Albertans about what happened.

I heard some members, too, mention just briefly and recently the reasonable person test. The Member for Calgary-Bufferlo aptly called it the smell test. Everywhere in Cypress-Medicine people were saying: this is unfair; they're the government; they can do it; we know in opposition you can't. Again, guys, I think what happens is that Albertans don't reward you for it. They don't pat you on the back. Some of them support other parties, or they remove themselves from the system. Why would you want either to happen?

You know, other provinces, two of our neighbours, have already looked at this and said that it doesn't pass the smell test, that it doesn't pass the reasonable person test. Let's look at what Manitoba does. In Manitoba the government is not permitted to advertise or publish any information about its programs or activities:

(a) in the last 90 days before election day . . . in the case of a fixed date election,

(b) [or during] the election period . . . of a by-election.

Manitoba has recognized that this doesn't pass the reasonable person test, that it doesn't lead to our young people being involved in our democratic process, that it doesn't lead to the level of fairness that we all like to expect and we all like to have when we put our heads on our pillows at night.

In Saskatchewan

(2) During a general election, no government ministry shall publish in any manner any information with respect to the activities of that ministry.

(3) During a by-election in a constituency, no government ministry shall publish in any manner in the constituency . . .

or the city where the by-election is happening

. . . any information with respect to the activities of the ministry.

So Saskatchewan, like Manitoba, has already gone several steps here to ensure that the process stays fair, to ensure we have the best process possible so our 18-year-olds and our 19-year-olds and our people that have felt disengaged who want to be involved feel that their voice counts, as it should count for every Albertan. Rural, urban, rich, or poor: it should count for every Albertan.

Dozens of new schools, dozens of new modernizations. September 2016 is coming. I hope you make it. Does this amendment tie your hands in any way?

Mr. Mason: I hope so.

Mr. Barnes: Actually, I hope so, too. It ties it in some ways to be more fair. What a shame that would be.

This amendment would not limit the ability of the government to govern during by-elections because if the announcement is required to be made because of an emergency or another urgent matter relating to public safety, well, then, of course you could make it. The opposition would want it no other way; the voters of Alberta would want it no other way. To this House: I know the voters of Alberta want a system that looks more fair, that is more fair. They want a system that's more inclusive to every Albertan

and a system that's more inclusive to all the opposition parties, even the ones without the \$45-billion chequebook.

I will ask all members of this House to support my amendment and help me make this more fair for all Albertans. Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Mr. Oberle: Mr. Chair, it's funny; we always get accused and just did in the last bill of hastily constructing legislation and not consulting anybody, and then we go through this process where we craft several amendments in the dead of the night and supposedly somehow they were all well constructed.

Mr. Chair, this particular amendment proposes to change a section under 23. Section 23 refers to restrictions on former ministers – former ministers. When you get to 23.1, the section that we're trying to change, it talks about what a current minister is in contravention of if he deals with a former minister or a former member of the staff. But the section is about former ministers, so why would you all of a sudden talk about the relationship between the current minister and somebody else? This is about former ministers and their staff, so this doesn't belong in this section, first of all.

Second of all, you're talking about the conduct of a candidate or his campaign. That is best left for the Election Act, where we talk about the conduct of candidates and their campaigns and what is proper or not. Mr. Chair, I'd humbly suggest this is not the proper amendment, nor is it the proper place for such an amendment in this act.

I'm going to urge that the Legislative Assembly do not support it. Thank you, Mr. Chair.

The Chair: Other speakers to the amendment? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Well, Mr. Chairman, just to respond. You know, the fact that the government has produced this bill and provided to the opposition for the last two or three days does not constitute a failure on the opposition to be thorough and consult. The government is setting the pace here, and for the minister to blame the opposition is just a little bit absurd. Nevertheless, I think the important thing here is that we might want to rename this the portable clause. The Minister of Education has said, you know, that he's listened to the public and so on and whatever and given them what they want. What they wanted, apparently, in the by-election was portables and school announcements, of course. Yes, they do.

5:20

I'm going to be making this point as we go on with some of the NDP amendments as well, that you can't count on this government to clean up its own mess. It has tightened rules except where there have been egregious breaches by the government itself in the past number of years. So the opposition, including our amendments, will try to hold the government to account and actually make amendments that would affect what the government has actually done or failed to do that violates the sense of ethics of the people in this province. I find it very interesting that they're not going to support these amendments. I think, quite frankly, what they've produced is an ethics and accountability bill that looks more like Swiss cheese than something that's bulletproof. [interjections] It reminds me of some highways just with driving around rural Alberta. It's full of holes, Mr. Chair.

The Chair: Hon. members, would you keep the side conversations just to a whisper. Thank you.

Proceed, hon. member.

Mr. Mason: The government has multiple blind spots with respect to its own transgressions, and that's very evident in the bill they brought forward.

Thank you. I'm going to be supporting this amendment.

Mr. Hehr: Well, I'd just like to say that, frankly, I couldn't give a tinker's darn whether it's in the right place or not. Getting this amendment through in this fashion will go a long way to providing good governance going forward. So if it's in the bill, even if it's in the wrong place, it's on the books. It would preclude the government from doing actions which the Alberta public saw in the by-election as being essentially untoward and not necessarily what's expected out of a government in other provinces. Manitoba and Saskatchewan have written in this law. I think it's a very good place to put this rule in place. It would get it on the books, and it would save us from having to do it at another time. I applaud the member for doing it, and it's a good place to put this rule in so people have it on the books. We'll be able to see it and have it right there in plain view so this government can govern itself accordingly on that file.

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

Dr. Swann: Thank you, Mr. Chair. I, too, will support this given that last year we spent many days on the Election Finances and Contributions Disclosure Act amendments and tried to instill some of these principles into the reformed, improved Election Finances and Contributions Disclosure Act amendments, and this was rejected. Where else can we introduce it? This is an eminently reasonable and publicly supported principle of accountability and reducing conflict of interest and building trust. The only reason I can see for this government to reject it is that they don't want to be accountable, and they don't want to improve trust with the public in Alberta.

The Chair: Other speakers to the amendment?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A6 lost]

[Several members rose calling for a division. The division bell was rung at 5:24 p.m.]

[One minute having elapsed, the committee divided]

[The Deputy Speaker in the chair]

For the motion:

Barnes	Hehr	Swann
Bikman	Mason	Wilson
Fox	Stier	

Against the motion:

Anglin	Horne	Oberle
Bhardwaj	Horner	Olesen
Brown	Jeneroux	Olson
Calahasen	Johnson, J.	Pastoor
Campbell	Khan	Quadri
Casey	Klimchuk	Quest
Cusanelli	Kubinec	Sandhu
Dallas	Lemke	Sarich
Dorward	Leskiw	Starke
Drysdale	Lukaszuk	Towle

Ellis	Mandel	VanderBurg
Fenske	McDonald	Weadick
Goudreau	McQueen	Xiao
Griffiths		
Totals:	For – 8	Against – 40

[Motion on amendment A6 lost]

The Chair: Hon. members, we are back to the bill.

Speakers on the bill? The hon. Member for Edmonton-Highlands-Norwood, followed by Calgary-Buffalo.

Mr. Mason: Thank you very much, Mr. Chairman. I also have an amendment. I would like to present it now. I will send it up to the table on behalf of my colleague the hon. Member for Edmonton-Strathcona.

5:30

The Chair: This will be amendment A7.

Hon. member, please proceed. You may speak to the amendment.

Mr. Mason: Thank you very much, Mr. Chairman. I'll move on behalf of my colleague the hon. Member for Edmonton-Strathcona that Bill 2, Alberta Accountability Act, be amended in section 1(3) by adding the following after clause (a):

(a.1) in subsection (5) by striking out “or” at the end of clause (d), by adding “or” at the end of clause (e) and by adding the following after clause (e):

(f) a person or group of persons in a relationship with the Member which a reasonable person would conclude is a proximate political or business advisory relationship or with whom the Member shares closely aligned personal or business interests.

Now, Mr. Chairman, this is part of the NDP set of proposals for strengthening the Accountability Act. As you no doubt have been told, we focused very much on the transgressions of this government or members of this government in the past in trying to close the loopholes that were used in order to excuse behaviour that would have been considered very questionable from an ethical point of view.

This particular one focuses on the issue of the potential conflict of interest or the purported conflict of interest of a previous Premier, who shall not be named in deference to the PC's preferences. In that particular case, there was a major contract, a huge contract awarded, when a previous Premier was the Justice minister, to a law firm to fight a tobacco case. In this particular case, this massive contract was awarded to a firm in which her ex-husband, campaign manager, and close political confidant was a senior partner. Mr. Chairman, this was dealt with by the Ethics Commissioner, and in a judgment, which we strongly disagreed with, the incident was cleared.

This is an attempt to close that loophole. In fact, I think I can recall, Mr. Chairman, that the Conflicts of Interest Act specifically says that if the person was involved in making the decision, there is a conflict of interest. The former Premier argued that she had not made the decision, and she pinned it on the then Justice minister who replaced her, now the agriculture minister, for making the decision. But the documentation clearly showed that the initial selection of the firm from among three contenders had been made by the former Premier when she was the Justice minister. So she clearly was involved in making the decision.

Nevertheless, Mr. Chairman, the Ethics Commissioner for whatever reason ruled that the relationship between the former Premier and her ex-husband, campaign manager, and close political confidant was not sufficiently close to have constituted a

conflict of interest. Nevertheless, we felt very strongly that the then Justice minister should have recused herself from this case and let someone else make the decision. In our view, the whole thing smelled very badly.

This amendment is simply an attempt to close the loophole, to say that in a case like that, there's no question but that a conflict of interest exists or that at least the perception of a conflict of interest exists, and the person should recuse themselves. This would strongly strengthen the bill, which, amazingly, seems to be dotted with bits of amnesia about what the real conflicts of interest are, what the real ethical lapses have been over the last five to 10 years in this government. This will strengthen the bill.

I'm sure all hon. members on all sides of the House will want to strengthen Bill 2, the Alberta Accountability Act, and correct those bits of amnesia and will support this amendment. Thank you, Mr. Chairman.

The Chair: Other speakers to the amendment?

Mr. Hehr: I think this is an excellent amendment. It allows our Ethics Commissioner and those in charge to apply the reasonable person test to be able to aptly judge in situations where close business or personal relationships or, in fact, political relationships are maybe being rewarded in certain instances. You can look no further than the examples brought up in this House over the course of the last number of years, and probably going back even further, where this principle has not been followed through on and the government of the day has played fast and loose and rewarded friends and political supporters with contracts. This would go a long way to end that practice and give us time where we can think about our actions and have laws that actually say that these actions will have more scrutiny and the ability to have an interpretation made about the behaviour in question.

Thank you very much, Mr. Chair.

The Chair: Thank you, hon. member.

The hon. Member for Calgary-Mountain View.

Dr. Swann: Thanks, Mr. Chair. I'm very pleased to stand in support of this as well. I think that if you ask the average Albertan if a close associate, business or otherwise, a relative, or a friend had an interest in one of the decisions of this Legislature, one of these ministers, the average person would say: of course that's a conflict of interest. Somehow that's escaped this government to this point, and I'm hoping that they will see this as an important opportunity, again, to rebuild some trust in our political process, in the decision-making, in the interpretation of conflicts of interest, in a sense of fairness, justice, and integrity, which there's a critical need to do.

There's no question that this is an important and strengthening amendment. It doesn't conflict with anything that these folks have said that they believe in. In fact, it would add to the strength of this whole bill. I hope that we'll see some support despite the fact that it's coming from across the floor.

The Chair: Thank you, hon. member.

Are there other speakers to this amendment?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A7 lost]

[Several members rose calling for a division. The division bell was rung at 5:39 p.m.]

[One minute having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anglin	Fox	Stier
Barnes	Hehr	Swann
Bikman	Mason	Wilson

Against the motion:

Bhardwaj	Horner	Olesen
Calahasen	Jeneroux	Pastoor
Campbell	Johnson, J.	Quadri
Casey	Khan	Quest
Cusanelli	Klimchuk	Sandhu
Dallas	Kubinec	Sarich
Dorward	Leskiw	Starke
Drysdale	Lukaszuk	VanderBurg
Fenske	Mandel	Weadick
Goudreau	McDonald	Woo-Paw
Griffiths	McQueen	Xiao
Horne	Oberle	

Totals:	For – 9	Against – 35
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[Motion on amendment A7 lost]

The Chair: We're back to the main bill. Speakers to the bill? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Yeah. I have an amendment, sir.

The Chair: All right. If you would circulate that and just pause for a moment until I get the original at the table.

You may speak to this, hon. member. We'll call this amendment A8.

Mr. Hehr: I'm moving this on behalf of the Member for Edmonton-Meadowlark. It's to move that Bill 2, Alberta Accountability Act, be amended in section 1(12) by striking out the proposed section 20(6). The reason for this is that under the proposed section 20 of the Conflicts of Interest Act a minister cannot hold financial interest in a company where his or her decisions as a minister may benefit the same company. For example, holding significant shares in a bank while Finance minister is a major no-no as it can be a large conflict of interest.

There are exceptions to this, where there is a blind trust or if the Ethics Commissioner gives his or her blessing. Subsections (2), (3), and (4) of section 20 lay out the criteria for this blessing. However, subsection (6) allows the commissioner to arbitrarily approve the financial holdings "subject to any conditions determined by the Ethics Commissioner." As subsection (6) is written, it appears to give the minister an out so that other criteria need not apply. We believe that the commissioner should make decisions based on the criteria set out in the act and only in the act, to allow for less wiggle room and to allow the full criteria to be evaluated as it is written in the act.

That is my amendment. We think it goes some way to increase accountability.

The Chair: Thank you, hon. member.

Other speakers to the amendment?

Dr. Swann: Well, Mr. Chair, again, another statement of offering to strengthen a bill that while moving the yardstick a little bit could be moved a lot if this government would let go of some of its pride and allow some reasonable amendments to be embraced. This would, again, build trust, give a stronger sense that this government is truly committed to doing what it says it's wanting to do: create a new relationship with Albertans and the Legislature

of Alberta, build a new sense of integrity and confidence in the political process, and reduce the level of conflict of interest that has been widely perceived and has created tremendous cynicism in this culture.

I'm hoping again that this government will honour its commitment to the people of Alberta and support this amendment.

The Chair: Other speakers to the amendment?

Seeing none, I'll call the question.

[Motion on amendment A8 lost]

The Chair: Back to the main bill. The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Mr. Chair. I'm moving that Bill 2, the Alberta Accountability Act, be amended in section 1(15) in the proposed section 23.3, and I have all of the copies right here.

The Chair: Okay. Just pause for a moment, please.

This will be A9, hon. member, and you may speak to it.

Mr. Barnes: Okay. Thank you, Mr. Chair. The whole idea here is to set out some general parameters for staff members on what constitutes a conflict such as influence or insider information. This amendment would be another way of preventing by-election announcements by saying that the Premier's and the ministers' staff enter into a conflict of interest if they participate in an announcement that benefits a candidate during a writ.

Probably a good idea is to have some protection from political staff. It's always important for employees and contractors to know where the boundaries are and what the limits are, so I feel that that may be helpful. Of course, a lot of our good, hard-working political staff can be very partisan at times, so clarification on ethical lines should be drawn. I don't see any way that this gets in the way of the work of political staff during the by-elections. It just keeps them from being pressured to take part in the kind of announcements that Manitoba and Saskatchewan know aren't ethical, that many people in Alberta don't like to see and know aren't ethical. It would give them some protection; it would give them some boundaries.

It's interesting when we look at this. As the Member for Edmonton-Highlands-Norwood said, you know: to get these into the exact proper spot, to get it into the exact proper part of the bill on such short notice is always difficult. So I very, very much appreciate my LAs' work on it, and my researchers' work on it.

But it reminds me of what the Auditor General said. I can't remember if it was the government planes or the sky palace he was checking into, but he said something like: you can't make a law or a rule for everything, so you have to fall back on principles. Manitoba and Saskatchewan understood the principle of not having partisan taxpayer money. All 4 million Albertans, all of them, get involved in a by-election in a way that is unfair, in a way that doesn't build a stronger democracy, in a way that doesn't promote a stronger and a better system.

5:50

Again, we saw billions of dollars of announcements during the 28-day by-elections a short time ago. People knew that all of the opposition parties, if we'd have won all four, still would have been the opposition. Is that a fair way to run an election in this time when we want more people engaged, when our people are smart and have so much information?

This amendment would go some distance – some distance – to make it so that staffers understand clearly where their lines are. It

would go a long distance to make it so the system is fair, the system is stronger, and I would ask that members support it.

The Chair: Other speakers to amendment A9? Do you want to speak to the amendment, hon. member? Okay. Go ahead, please.

Dr. Swann: Thanks. Well, again, an eminently sensible recommendation that would add to the credibility of this bill. It's interesting to me that the other side rejects amendments without giving any arguments for rejecting them. They don't want to, I guess, be on the record as rejecting something that's reasonable and supportable. It's disappointing. It's not what I think most Albertans would expect of their elected representatives, that they just sit there and then reject amendments one after the other. It's disappointing, but I hope that we will see some change.

Thank you.

The Chair: To the amendment, the hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Yes. Once again we see that just because something is legal doesn't mean it's moral or ethical. We're talking about accountability, and it's really quite appalling to think that the government – I know you're not this unaware. You do have some self-awareness. You realize that you're playing on a field that isn't level, that it's tilted in your favour. It's one, of course, that's been very effective. It's one of the explanations for 44 years of continuous rule.

It's not so much that the results that you've produced are above reproach, because we've seen time and again examples of reproach and unethical behaviour, whether it's actually ruled that or called it. People know in their hearts what's right and what's wrong, and you do, too, I submit, hon. members across the floor and those sitting beside me to the right, of all places, when they actually should be sitting to the left.

But it's the right thing to do. It's the right thing to do. I think that sometimes you have to do the right thing even if it's going to make it a little harder for you to perpetuate the myth that the only government worthy of support in Alberta is a PC government. Because it simply ain't. [interjections] It simply ain't so in spite of the loud protestations to the contrary by those who have hair.

Nevertheless, do the right thing for a change and support this.

The Chair: Thank you.

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

Mr. Anglin: Thank you, Mr. Chair. I'm glad to stand up. I will not support this amendment. I've heard this same debate now twice in a row with the Wildrose, and I'm going to be blunt because that's what I generally do. [interjections] Can you believe that?

The public is not stupid, and this amendment makes this presumption that the public can't see through some sort of campaign stunt if it is a campaign stunt. The fact is that the original provision of the act does cover what I think everybody wants covered. This idea that we're going to legislate morality – what we're dealing with is something that is both moral and ethical, and the fact is that there has to be some sort of decision-making capability with the Ethics Commissioner. But on this idea that the public can't see through it, I disagree with the Wildrose. The public is fairly intelligent, and they get what's going on. They see through falsehoods, many of the same falsehoods that the Wildrose throws out there.

I will tell you this. This amendment is a terrible amendment. It presumes that the public is not intelligent. I will tell you that the public is intelligent.

The Chair: Other speakers to the amendment? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thanks very much, Mr. Chairman. Well, I can support part of this, but I do have a problem with one of the sections. Certainly,

(a) to influence or seek to influence a decision to be made by or on behalf of the Crown to further a private interest of the member, a person directly associated with the member or the member's minor child or improperly further any other person's private interest,

is clearly something that we can support.

However, (b) of the same section says that, you know, basically, the government can't talk about something good that it's done in an election. Now, that's a little different from our amendment, where you can't make specific announcements to further your interests in a particular election or a by-election. You can't make those announcements during that period. This is that you can't talk about it. You can't publicize something that the government may have already done. I don't know how you're going to do that. I'm in a bit of a quandary because I don't know how this government gets elected on its record as it is. But if it did have some good stuff that it had done, it seems reasonable to be allowed to talk about it during an election campaign.

So I don't know if we can sever it or if somebody from the Wildrose can explain this one to me. This one gives me a bit of pause. But certainly regarding trying to influence a decision made by the government to benefit a person or a member: that's absolutely worthy of support.

The Chair: Thank you, hon. member.

Are there others?

Seeing none, I'll call the question.

[Motion on amendment A9 lost]

The Chair: We're back to the main bill. Speaking to the bill, the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: I have an amendment, Mr. Chairman.

The Chair: Can you pause for a moment while we circulate that, hon. member?

Mr. Oberle: I wonder – and I certainly defer to your wisdom, Mr. Chair – considering the time, if we should not consider calling adjournment until 7:30 this evening.

The Chair: I think the process, hon. member, is just that at 6:00 I would just recess until 7:30, so by the time I see the member's amendment, I suspect that's what will likely happen.

Mr. Oberle: I'm good to go. I'm sorry I interrupted, Mr. Chair.

The Chair: Hon. members, this will be amendment A10.

You may speak to it briefly, hon. member. You might have about a minute or so.

Mr. Mason: I'll at least put it on the floor. On behalf of my hon. colleague the Member for Edmonton-Strathcona I move that Bill 2, the Alberta Accountability Act, be amended in section 1(17) in the proposed section 25(1) by adding "or where the Ethics

Commissioner has reasonable grounds to believe that a breach or contravention of the Act has occurred or is occurring” after “reasonable notice to that individual.”

Speaking briefly to it, Mr. Chairman, the Conflicts of Interest Act currently only allows the Ethics Commissioner to investigate breaches or contraventions when there’s a request made or when he or she believes that the member or individual is acting in contravention of his or her advice or directions. This is really very narrow, meaning that a number of breaches or contraventions could happen and not be investigated as long as the MLA never approached the Ethics Commissioner for advice in the first place and no one else thought of requesting the investigation. So it says

that the Ethics Commissioner on reasonable grounds can start an investigation, and that seems to be a very natural thing to have happen.

I have some other things to say, but that’s basically the nub of the issue. If there are reasonable grounds for the Ethics Commissioner to start an investigation, he or she should do so.

Thank you.

The Chair: Hon. members, the committee will now recess until 7:30 p.m.

[The committee adjourned at 6 p.m.]

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