



Province of Alberta

The 29th Legislature
Second Session

Alberta Hansard

Wednesday morning, November 9, 2016

Day 47

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta
The 29th Legislature

Second Session

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New Democrat: 54 Wildrose: 22 Progressive Conservative: 9 Alberta Liberal: 1 Alberta Party: 1

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Legislative Assembly of Alberta

9 a.m. Wednesday, November 9, 2016

[The Speaker in the chair]

Prayers

The Speaker: Good morning. It was a long night.

Please bow your heads and pray or reflect in your own way. Grant us the serenity to accept the things we cannot change, courage to change the things that we can, and the wisdom to know the difference. Let us work together for the betterment of this province, this country, and this world.

Orders of the Day

Government Bills and Orders

Second Reading

Bill 28

Public Health Amendment Act, 2016

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

Dr. Turner: Thank you, Mr. Speaker. It is my great pleasure to rise in the Legislature today to move second reading of Bill 28, the Public Health Amendment Act, 2016, on behalf of the Minister of Health.

The intent of this bill is to make sure our immunization programs are protecting Albertans from vaccine-preventable diseases. Amendments are aimed at increasing our child immunization rates and improving the way immunization services are delivered in Alberta. This would better protect Albertans from outbreaks of vaccine-preventable diseases. Our current rates of immunization are not high enough to prevent outbreaks like measles or whooping cough. Outbreaks occur in our schools, child care facilities, and in our larger communities every year. They affect our children and all Albertans.

The amendments that are proposed to the Public Health Act focus on reaching out to parents of children who are unimmunized or underimmunized. Our proposed amendments will allow Alberta Health to collect student enrolment data from Alberta Education and match it with immunization records in the provincial immunization repository. This will enable us to better identify children with missing or incomplete immunization histories. Currently government is missing immunization information for about 15 to 25 per cent of our students. Public health professionals will be asking parents of these students to provide their child's immunization records, complete any needed immunizations, get a letter from a doctor indicating a medical exemption, or sign a form indicating they declined immunization for their child.

Parents may choose not to have their children immunized, but their children will be excluded from school in the event of a serious vaccine-preventable disease outbreak such as measles. This practice already happens, and it's not about punishing parents if they make a decision not to immunize their child. Rather, government has a role in protecting children and all Albertans from contracting a potentially deadly vaccine-preventable disease and preventing further spread of that disease.

In August 2015 the Canadian Medical Association expressed support for policies that would require every student to provide a declaration of immunization before being admitted to school. In addition, the Canadian Medical Association encouraged conversations between parents and health officials when there is a

decision not to immunize. Our proposed approach aligns very closely with these recommendations. The goal is to work with parents to immunize their children and to ultimately increase our immunization rates. We want to be able to remind parents who may have forgotten to immunize their children or to report their children's immunizations and, if needed, to address any questions that parents may have about the benefits or safety of the immunizations.

Having complete immunization information means that fewer children will be kept out of our schools unnecessarily during an outbreak. We'll be able to quickly and efficiently identify the children who need to be excluded from the school or other community setting. We also want public health officials to be able to seamlessly contact parents of children enrolled in licensed and approved child care programs during outbreaks. The bill provides a provision that clarifies that a medical officer of health can obtain parent contact information from those licensed and approved child care programs such as daycare when an outbreak or an exposure to a communicable disease occurs. These officials will contact the parents of children affected by the exposure or outbreak as required, and this is the current practice.

Amendments will also address the way immunization services are delivered in Alberta so that Albertans have access to safe and high-quality immunization. If passed, all health practitioners who provide immunization will be required to report information about all immunizations and follow vaccine schedules posted by our chief medical officer. All health practitioners will also be required to report adverse events following immunization, and all persons who handle, transport, or store vaccines will be required to follow protocols developed by government to ensure safety and effectiveness. These amendments will help ensure that vaccines are being given safely and enable the province to be able to keep more complete immunization information for all Albertans.

There are a few administrative amendments to the act also being proposed. An amendment will allow the chief medical officer of health to require doctors or professionals working in laboratories to report an incidence of a disease to a medical officer of health if the chief medical officer decides it is necessary. Doctors and laboratory professionals already report diseases to the chief medical officer. The requirement to report to a medical officer of health would be to support timeliness and rapid reporting to those working in the field. Another amendment would require that sexually transmitted infections be reported to a medical officer of health instead of the current practice of reporting to the chief medical officer.

In conclusion, immunization is one of the most important public health interventions we have. It protects our children, families, and all Albertans from the devastating effects of illnesses such as measles or polio. We want to work with parents and support them in getting evidence-informed information about the benefits of immunization and the importance of reporting immunization decisions with the goal of raising those rates. We also want to work with our partners who are involved in delivering immunization services to Albertans so that Albertans receive the high-quality immunization services they deserve and expect. With Bill 28 we are providing parents more opportunities to link in with supports in our health system. This will help and encourage parents to immunize their children.

I'd like to take this opportunity to encourage all of my colleagues on both sides of the House to support this bill, and I really look forward to hearing the ensuing debate. Thank you very much.

The Speaker: The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Mr. Speaker, and thanks to my honourable colleague for the introduction of the bill and the first comments. It's

important to note that this legislation does not significantly change the existing authority granted to the medical officers of health under the regulations of the Public Health Act, which currently can require children carrying highly infectious diseases to stay away from school and in the case of measles require unimmunized children to stay away until the outbreak is cleared. This, of course, is done for safety and for the sake of those with compromised immune systems.

Mr. Speaker, we know that immunization rates have fallen short of the ministry's targets for years, and we do value individual and parental choice over these medical procedures with coerciveness, and we are glad to see that this legislation focuses – focuses – on information collection and education for Albertans to make more informed choices. This is preferable. It is preferable to aid informed choice over more coercive measures.

9:10

We are encouraged to see improved reporting being required from health professionals also for adverse effects. We know that all medications carry some risk of adverse reactions, and it will help improve our understanding to have all this data aggregated, tracked, and analyzed.

Mr. Speaker, this bill does expand the information-sharing authority from just the medical officer of health's ability to get enrolment records currently from school boards to allow the Ministry of Health to get all records from Alberta Education, and as with any increase in information sharing, it is crucial to follow this up with robust protections to ensure that personal information is not inappropriately used or lost.

Mr. Speaker, this piece of legislation also allows the medical officers of health to obtain records from licensed daycare facilities, and in the event of outbreaks this does seem to make sense. However, we also have to recognize that these daycare facilities are often small, with small administrative staff and very tight budgets. I have concerns with their ability to absorb new reporting requirements into their operating budgets if this process becomes too cumbersome. We want to see this program kept lean and efficient.

Alberta Health Services, with Alberta Health's \$21 billion, 55 per cent of the revenue we collect, 40-some per cent of the money we spend, as I understand the process, rather than Alberta Education will be reaching out to Albertans to ensure that they have informed information and to ensure that our public health people have the proper records.

I've seen last year's Alberta Health Services department \$240 million over budget. When I see another \$400 million going on top of the \$800 million already spent on electronic health records, when I hear from some of our good, hard-working front-line workers that they're fearful that the \$400 million will not be efficiently spent, that this money will end up in just an Alberta Health Services data redistribution analysis technique, I'm concerned that this doesn't become part of a bigger government, big information, big, inefficient system. I will be watching for that, and hopefully that will not detract from the opportunity to inform all Albertan families of the pros and cons of protecting their children.

With that, Mr. Speaker, I will be asking my colleagues in the Wildrose to support this at second reading, and we will look forward to the discussion and the debate as this moves through the Legislature. Thank you.

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

Mr. Rodney: Well, thank you very much, Mr. Speaker. It is indeed a privilege to rise today to speak to Bill 28, the Public Health Amendment Act, 2016. I can appreciate the intention of this bill and

its attempt to improve public health outcomes or, as I would personally put it, the wellness of Albertans. That's a matter of importance to everyone in this province, and due to my tenure as minister of wellness I can certainly attest to this fact.

Now, in this ministry we focused on policies that were positive, proactive, and preventative, that kept Albertans as happy, healthy, and out of the hospital as much as possible. I understand that this piece of legislation addresses this aspect of wellness policy, so for that I thank the hon. Member for Edmonton-Glenora for following a policy path that was actually forged by the previous Progressive Conservative government.

Mr. Speaker, Bill 28 enables education and child care providers to share student vaccination records with Alberta Health so the department can conduct targeted outreach to increase vaccination rates of students. It also works to enhance vaccine safety and does so by ensuring that all publicly funded vaccines are transported and handled appropriately.

Now, Mr. Speaker, I speak through you to the members of this Assembly and, of course, all Albertans when I say that the science is irrefutable. Vaccines do work. They are integral in preventing communicable diseases, and they do help to protect the health and well-being not only of our children but of all Albertans. So policies such as this are in the public's best interest, and they do help to increase vaccination rates throughout Alberta. This is a value, an idea that I believe members of our Progressive Conservative caucus believe in and will support. The well-being of our children should be at the forefront of all of our policy decisions, and I'm glad that this government is making that a priority in this instance.

With that in mind, Mr. Speaker, I want to be on record saying that the privacy of our children and their families must be reflected in this process. This must be achieved – and I trust that it will be – through the professionalism of our health and education and public service officials. It's of utmost importance that sensitive information pertaining to the health of an individual is maintained.

I also want to advise the government with respect to parental communications. The message must be conveyed that this bill does not interfere with the rights of parents to exclude their children from vaccinations for medical or other reasons. Ensuring and respecting parental rights is critical with respect to policy matters, and this simply must not be forgotten.

Wearing a different hat now, Mr. Speaker, as advocate for indigenous relations, this bill offers an avenue to explore an issue that's very near and dear to my heart, and that, of course, is the well-being of our First Nations and Métis and Inuit children. I understand and I acknowledge from first-hand experience the incredible challenges that are faced by indigenous Albertans. I really, really do hope that this bill provides the semblance of a framework that may be utilized by school divisions to address the wellness of our indigenous friends.

With the utmost level of respect I encourage the hon. Member for Edmonton-Rutherford as well as the hon. Member for Edmonton-Glenora to build – build – upon this legislation with effective policy that enhances the public health of our indigenous individuals and communities through wellness programs and by working, obviously, with our First Nations, Inuit, and Métis friends and, of course, with the federal government. Doing so will in fact enhance the quality of life for so many young people, and that's something that just cannot be overlooked in this process.

From a departmental perspective now, Mr. Speaker, I would hope that the government has an appropriate plan in place to ensure that accurate data transmission occurs between our public servants in health and education. With a project such as this, the time and resources allocated do have the potential to be quite large, so we do have to do this right.

To sum up, Mr. Speaker, I believe that this bill utilizes a preventative, proactive focus in health care in order to improve wellness outcomes. That's something, in my humble opinion, that is lacking within our health care system today in a big way, and it's world-wide. It's equally important that we work to prevent disease before it occurs in addition to curing disease, and doing so can help to reduce health care costs and improve the quality of life for all Albertans. It's a win-win for everyone. Bill 28 helps to achieve this through the utilization of vaccines which are useful, effective, and efficient.

Now, as mentioned and just to stress the importance for one last time, it's our wish, our desire, our hope, our plea that this government find creative ways to work with our indigenous populations in ensuring that this bill maximizes wellness outcomes for them and for all Albertans. In working to achieve this, I am more than willing to extend a helping hand to the members opposite in charge of the Indigenous Relations file and, of course, wellness and beyond. Feel free to take me up on it. We can help.

Mr. Speaker, all matters considered, I am pleased to stand here today with my Progressive Conservative caucus in support of Bill 28, and I encourage all hon. members to do the same.

Thank you, Mr. Speaker.

9:20

The Speaker: Are there any questions or comments for the Member for Calgary-Lougheed under 29(2)(a)?

Seeing none, the Opposition House Leader.

Mr. Cooper: Well, thank you and a very fine morning to you, Mr. Speaker. It's a pleasure to be here in the Assembly this morning representing the outstanding folks from, as you know, the outstanding constituency of Olds-Didsbury-Three Hills on a number of very important matters that will be before the House today, the first of which is Bill 28, the Public Health Amendment Act, 2016.

I'd like to just spend some time this morning chatting a little bit about the importance of this bill, a little bit about what this bill is, what this bill isn't, and some of the potential risks in the handling of this particular piece of legislation, in particular areas around privacy and potential costs of this. Let me be clear that there is significantly more that I support in this bill than any of the concerns that I may have around this particular piece of legislation. I think an overall desire to increase the health of Albertans is a very good desire to have. I think the overall goal of ensuring that we have a healthy and safe community is something we should all aspire to.

I want to just identify that this piece of legislation is about the sharing of information and then the ministry's ability to act on that information in the form of public health education and work in collaboration with the Ministry of Education and the Ministry of Health to ensure that those two departments are working well together to ensure that the level of vaccination across our province is to the standard that will assist in the health of those populations.

I do just want to note what this bill isn't. This bill as it currently stands is not about mandatory vaccinations. I know that there are people on all sides of the aisle that have some concerns around mandatory vaccinations. I can tell you already that even though this bill was just recently introduced, some outstanding constituents from Olds-Didsbury-Three Hills have already contacted me and the office expressing their concerns around the possibility that this is a bill on mandatory vaccinations. I assured them that it wasn't.

I think that there are two very separate issues there, one of which – I am in support of parental choice as well, although I am personally more than pleased to vaccinate my children. The concern around this bill – we should not get distracted that this is a

conversation around mandatory vaccination when it is truly a conversation around information sharing and the government's ability to educate the public on vaccines. In fact, in some cases, if the information is shared appropriately, it will identify potential challenges that parents may have been unaware of or a child that may have in fact missed a vaccine that they would have liked to ensure that their child had.

There are a number of strong points in this legislation, and I encourage my colleagues on this side of the House as well as that side to support this particular piece of legislation.

One of the things that I think the government needs to be aware of, though, is that the both Department of Health and AHS haven't shown the best track record when it comes to the privacy of Albertans. We have seen over the past 18 months a significant number of breaches of the privacy of health records of Albertans, and I think that as the ministry increases the total amount of information that they have and that they have access to, they need to also be ensuring that positive steps are being put into place to ensure that the privacy of Albertans is held with the highest amount of security as well as respect. We've seen significant numbers of breaches in this area, so as we add more information, that there's access to, I certainly have some pause around the ministry's ability to deal with that information appropriately. Now, I hope, Mr. Speaker, that that information will be dealt with appropriately, and I put certain amounts of trust in the minister to ensure that that actually does happen.

The other potential challenge or risk that I see as we increase the total amount of information and the sharing of information between departments is exactly the IT resources that will be required to ensure that that can be done in the most effective way possible, both for privacy purposes as well as for cost purposes. We see significant overbudget costs and overspending on IT resources inside AHS and the ministry, and that presents a risk when it comes to adding more departments that need the ability to communicate. This is an area that the government is not meeting their targets on, so to add more complexity is concerning.

That's not to say that the risk of that information sharing doesn't outweigh the complexity of the challenge, but it's something that both ministries need to be very aware of and attentive to because if this information is handled poorly, not only will it result in the opposite of the desired effect, but it will also cost taxpayers significantly for the government to not get it right. I certainly encourage both ministries to ensure that they're working as well as possible together, that the resources for IT management are spent as effectively and as efficiently as possible because if all of those things happen, we can wind up with a better system between the departments as well as, hopefully, better health outcomes as well as, hopefully, better IT resources.

Now, I'm sure you'll understand, Mr. Speaker, that even though this bill has the best of intentions, sometimes the delivery of this government hasn't been as good as it ought to be, so I think it's fair that we just raise some concerns and highlight some potential risks for the ministry and for the minister.

I'd just like to close by reiterating my support for the fact that we are not moving towards mandatory vaccinations but that parental choice is being retained and also my support for the health outcomes of this legislation being a real net benefit for all of our children across the province.

9:30

I'd like to thank the minister. I hope that they can deliver on this piece of legislation in a manner that achieves the outcomes that are set out in the legislation and do so in a respectful manner that

respects the privacy of all Albertans and the resources that will go into this piece of legislation.

The Speaker: Under 29(2)(a), are there any questions to the Official Opposition House Leader?

Hearing none, the Member for Calgary-Mountain View.

Dr. Swann: Well, thank you, Mr. Speaker. After last night's results I guess anything is possible. I hear support from the Wildrose for a really common-sense health bill, and I'm pleased to see that even though it might shift some of the priorities away from individual freedom to collective good. That's part of the dilemma that we always face, but I guess that part of what I'm hearing from the government is that we will not take choice away from people, but we will enable them to make the healthy choice the easier choice. That's fundamental to actually improving population health.

We have to make it easy for the individuals based on good information and easy access and reliable records so that we can actually follow up with people in a timely way and allow them to make an informed choice instead of a somewhat uninformed or fearful choice or a choice that is made for them by their circumstances. I'm thinking particularly of low-income folks, single moms, who just can't get everything together, and somehow vaccination and vaccination timelines don't necessarily fit into their hectic schedule or their schedule of priorities.

The bill, as has been stated, proposes to amend the Public Health Act to introduce measures to boost immunization rates in schoolchildren and preschool children to better protect them from vaccine-preventable diseases, to better protect all of us from vaccine-preventable diseases. As we get older, of course, our immune systems weaken, and any of us could be vulnerable to conditions that we thought we were immune to from childhood immunizations, but these have waned and we are now vulnerable.

I applaud the minister and this government for moving forward on something that the Liberals have been calling for for some time, which is not mandatory vaccination but mandatory informed choice, to have accurate records, to have the ability to contact people, to have the ability to respond to an outbreak in a way that is really showing competence in the health system, that says, "We are calling you because your child has no record of immunization; therefore, we are going to have to exclude them from school" or "We're going to have to give some prophylactics," depending on what the condition is, "and we are going to reduce the spread. We're going to reduce the cost of this."

When one talks about prevention as cost saving, one has to recognize that the cost of addressing an outbreak of disease is phenomenal: chasing everybody that had any contact with a particular case, finding out their contacts, their family contacts, isolating them, quarantining them, keeping them out of work, and then getting all those folks in the school to upgrade their vaccine status. That's one of the opportunities of an outbreak, that everybody, if they haven't had their booster, gets called in for their booster. It is a huge and expensive undertaking to deal with an outbreak, not even mentioning the suffering and sometimes rare death in the case of measles or whooping cough or even influenza if it's a child who is vulnerable.

Let's remember that we're protecting those who for one reason or another can't have the vaccine and therefore are vulnerable to a disease. We're protecting those who are on cancer chemotherapy. We're protecting those who may need extra protection because of lung and heart disease and would be therefore extremely vulnerable to a particular condition like influenza, for example.

It's clear to me that this is going to be a cost-saving measure. I share the concerns of the opposition that we have to do this . . .

Mr. Cooper: See? Common sense.

Dr. Swann: Pardon me?

Mr. Cooper: It's common sense.

Dr. Swann: Common sense, yeah.

I share your concerns that it has to be done efficiently and effectively. We've spent a tremendous amount of money on IT, and we still can't communicate between doctors' offices and hospitals and hospitals and clinics. We have wasted a lot, millions of dollars, on IT systems that do not allow compatible sharing of information. It's really shocking that we have over the last 20 years, since I've been in politics and before I was in politics, been hearing iterations of IT systems that have not actually generated the kind of communication ability between physicians, between hospitals, and it's really unfortunate. We get duplicate testing done because doctors can't get a hold of results of previous testing. We can't share records from hospitals to clinics because their IT system isn't compatible. It's really unbelievable that at this stage, in 2016, we still have to find IT systems that will talk to everybody in this province and allow for efficient sharing of information.

The resources that are needed are going to be increased, I presume, because public health nurses are already stretched. We're now asking them to not only make continued phone calls but follow up with people and in some cases provide special clinics for their kids to get updated, in some cases spend an hour with a person because they really don't get it and they need a lot of information and persuasion, I guess, to see the opportunity for protection. It's definitely going to take more resources if we're going to do this well, more resources on the IT side and more resources on the nursing side to work with people. It's up to a third of people who don't believe in vaccinations, who believe that it's ultimately harmful, that it's ultimately going to cause them to be ill, that it's ultimately going to cause long-term damage to their unborn child, for example, or whatever the fear is. We're talking about new resources, extra resources, if we're going to do this well, and I know that the minister understands that.

I think this bill strikes the right balance. All of us will be safer. We have the data to back up incidents that occur from time to time, even polio. We've had polio outbreaks in communities in southern Alberta, where the whole community decided, for religious reasons or otherwise, that they didn't want any vaccines, and someone brought in polio from outside the country or maybe from some other part of this country and introduced it into a community. It spread through that community and threatened all those who either had weakened immunity – and there were older people – or threatened those who indeed never got a vaccine in our own mainstream communities. It is a tremendously costly thing to deal with even a single case of measles or mumps or whooping cough. Diphtheria, for example, crops up periodically. These are serious conditions, especially in a population that hasn't been exposed to them for decades.

Of course, what's happened is that successful prevention has meant that people don't think they need them anymore. That's the irony. Because we don't see diphtheria anymore, because we don't see haemophilus influenza meningitis much anymore – someone reminded me yesterday at a conference that we used to get about 200 deaths a year in Alberta from meningitis due to haemophilus. We had two last year instead of 200 as a result of the haemophilus meningitis vaccine that's available now. It's very easy for us as a society to say: "We don't need vaccines anymore. Let somebody else do it." Well, if you don't achieve what's called herd immunity, after the cattle herds, at least 80 per cent, preferably 90 per cent

coverage, you will get outbreaks. You get herd immunity if you get up to 90 to 95 per cent coverage for the vaccine.

No, vaccines are not perfect. Not everybody reacts well to them, and there are some reasons why individuals may not choose to have them after being well informed, and they have that right. They always have that right. Otherwise, it's assault to force somebody to take something they don't want. It always has to be their final choice. But we don't have a system yet that will properly identify those at risk, make sure they're given the full information, and make sure that we get the highest possible rates of immunization possible.

9:40

As kind of a parallel question for the minister, I guess, the next step really has to do with health care workers. Health care workers often refuse to take influenza vaccine and therefore put their own patients at risk in health institutions in the case of a flu outbreak. We also, I think, need to apply the same principle to health care workers if they're not prepared to protect themselves and therefore their patients. Some of the most vulnerable patients, of course, in our society are in hospitals. In some cases health workers would be bringing the flu virus in.

If they're not prepared to take the vaccine – and they have to have that choice, presumably; we can't force health workers to take flu vaccine if they don't want it – their fallback, then, is that they have to wear a gown and gloves and mask when they go into the hospital during a flu outbreak. That is only consistent with what we're saying here. We're saying that we want all children to be vaccinated unless there are extreme reasons not to. Well, I think the same principle is going to have to apply to health workers if we're serious about our ethical commitment to first of all do no harm. If we as health workers are taking a preventable illness into a hospital, then I think we are failing in some ways as well.

The same principle, I think, will have to apply. Whether we do that hospital by hospital or whether we do that maybe next year as a new bill, I leave that to the minister, but I think it's certainly something that needs to be discussed in the medical community, in the senior administration of Alberta Health Services. It makes a lot of sense to apply the same principle of mandatory choice, informed choice, and in this case ethical conduct to those who care for the sickest in our community.

So with those caveats, ensuring that we have the resources that these folks need to do a proper job and that we have an IT system that is communicating properly between physician offices and public health units and hospitals and that we get that integrated electronic medical record that we have so long needed, I'm all in favour of moving in this direction. It's a very progressive decision, and it brings us in line with Nova Scotia and Ontario. Ontario has gone even further. But we are, I think, finding the right balance between informing and allowing people to make a conscientious choice at the same time, making sure there are consequences for not taking a vaccine that is actually going to prevent spread in the community.

Thanks, Mr. Speaker.

The Speaker: Under 29(2)(a), are there any questions for the Member for Calgary-Mountain View? What is the wish of the House? Are there other members who wish to speak?

Mr. Orr: Under 29(2)(a).

The Speaker: Under 29(2)(a)?

Mr. Orr: Yeah. Please.

The Speaker: Yes. Proceed.

Mr. Orr: I just wonder. To the good doctor from Calgary-Mountain View: I'm interested in the reporting of adverse effects. I think that may have some interesting value in terms of resolving fears, confirming fears. I'd just appreciate it if you'd comment on that.

Thank you.

Dr. Swann: Well, an excellent question. Thank you. I'm very pleased to respond to that. Everything we do has benefits and risks, so the bottom line is: do the benefits of a vaccine outweigh the risks of the vaccine? It's statistically 10 to 1, the benefits over the risks; 1 in 10 may have adverse effects from a vaccine. There's a national reporting centre for vaccine-adverse events. You can look it up online. They welcome the data, whether it's headaches, fever. You can report anything that you feel is in a timely relationship to that vaccine, and that means at least within three days of a vaccine. If you have an adverse experience, it should be reported to your doctor. The doctor should report it to Ottawa and the adverse effects registry. That's the only way you get a good database, at the end of the day, especially with new vaccines being introduced all the time. That's the only way we can put together any epidemiology of disease versus vaccine risks.

I don't know that it's used as much as it should be. I don't know that doctors are reporting as conscientiously or patients are reporting as conscientiously as they could to keep that record current and up to date, but certainly events that bring people to hospital, events that cause death: those are all reported if there's any connection to a vaccine. And it has to be. We have to know, in fact, not only how that particular vaccine affected that person but what the cumulative impact is of the 30 or 40 vaccines that we've all had in our lifetimes. At the end of the day, epidemiologists are looking at those who have had that array of vaccines and those who have had none and trying to compare whether there's any difference in cancer rates or depression. Those kinds of comparisons all have to be made on the basis of fact, and it relies on people reporting adverse events as well as the prevention of disease.

Thanks.

The Speaker: Any other questions or comments under 29(2)(a)?

Are there any other members who would like to speak to second reading of Bill 28, the Public Health Amendment Act, 2016?

Would the Minister of Health like to close debate on the matter or the Member for Edmonton-Whitemud?

Ms Hoffman: No.

Dr. Turner: No, sir.

[Motion carried; Bill 28 read a second time]

Government Bills and Orders Committee of the Whole

[Ms Jabbour in the chair]

The Chair: I would like to call the committee to order.

Bill 24

Forest and Prairie Protection Amendment Act, 2016

The Chair: We are currently discussing amendment A2. Are there any further speakers to this amendment? The hon. Member for Lacombe-Ponoka.

Mr. Orr: Thank you, Madam Chair. If I may, I'll just pick up where I was the other day, speaking on behalf of my amendment. We were

talking about section 23, which removes the checks and balances that should be in place for the protection of individuals. This section doesn't guarantee the protection of the rights of our citizens, and it implies that actions taken by the forest officers, individuals really acting under the direction of the minister, even when acting in good faith – and I don't think we should question that they would be acting in good faith – and I quote from the section, can have damaging results for the people of our province.

We realize that, sometimes, acting in good faith does unintentionally have the consequences of damaging results to citizens. So by putting this section in, in which there is complete immunity or no sense of accountability for forest officers, it really gives zero recourse for citizens in the instance of their rights being violated at the direction of the minister. I'm not saying that it would ever be intentional, but I am saying that consequently it can happen, and in fact the act essentially acknowledges that by talking about the fact that these results can be damaging.

There are many instances in which people act under the direction of their government, but that shouldn't mean that they or their government is restricted from recourse in the instances of actions that damage or harm people's homes or their livelihoods or their businesses. I'm just simply arguing for checks and balances, which is partly why we have courts in the land. The courts are there for, I suppose you could say, the little guy to ensure that government doesn't overstep their bounds. Some people abuse the power of the courts, and that's unfortunate – it plugs them up – but that's the function that we have, and we can't ignore it. We need to protect the rights of citizens without an overbearing authority, which can become abusive without those checks and balances.

9:50

I'd like to actually go back and quote the words of a current minister who used to be in the opposition, who rose with regard to a very, very same sort of phrase in the previous whistle-blower legislation. I quote this current minister as having said a couple of years ago, when referring to this phrase:

No action lies against a department, public entity or office of the Legislature, or an employee of any of them, for making a reasonable human resource management decision in good faith.

As you can see, that bill and this bill are almost word for word the same, identical in what's in section 23 of this bill.

This person continues to say:

There's too much that's either left for interpretation or up to the discretion of one person, the commissioner, which is too much power in the hands of one person and really should be given to the public.

You know what? I don't say this terribly often, but I do agree in this case with the current Minister for Economic Development and Trade, who I have been quoting, who said this about four years ago this month.

Another of our current ministers, the one for Education, on this same sort of subject also had similar thoughts on this issue two years ago in April, when he was against a section that, again, read almost word for word the same. I'm not going to quote it but just reference it.

I know that some individuals in this government actually probably feel much the same way about the abuse of power as we do. The NDP used to rail against the old government when they would exempt themselves from the laws. The old NDP used to be for a free and democratic society that did not abuse the rules. The old NDP used to be on the side of Albertans. Now that the old NDP is ministers, we're seeing a different side.

Although I'm starting to doubt it, I do hope that there are some remnants of the old argument, the old spirit of the NDP that used to

hate corruption and the unbalanced concentration of power that this section will in fact create. It is a step in the wrong direction. No one should be above the law, and we should not be creating laws that give individual ministers or individual employees of the state too much power. I hope that the two ministers I've quoted would speak with their colleagues and agree with the amendment that I'm now putting forward, that's now been tabled.

Frankly, friends, I just appeal to you on this. Think about the ordinary person who potentially becomes an abused nonentity in this. Democracy is one of the most valued parts of our heritage and recognizes that all citizens must receive equal civil rights. Most civil servants are, in fact, good and civil people, but all people make mistakes at some point. Nobody is perfect, and we don't expect them to be. Under this bill, though, they have significant powers to require costly remedies, to shut down businesses, to disrupt services, to really impact people's lives, to confiscate things. These powers are absolute, total, and non-negotiable when you take away the right to any kind of appeal or recourse or addressing the issue. Honest mistakes can happen that cost people their lives, that bankrupt them.

This bill actually creates a matrix in which people have to live, and there's no escape because there's not even a possible avenue of appeal or recourse. It's denied in this case. It's deliberately stripped away, and that's not fair for the people of Alberta, and that's my real point. While government employees should be protected from harm and harassment and liability – I have no problem with that – so should citizens in a just society. There should be a balance for them.

The difficulty here is that, in a sense, we're granting agents of the state absolute authority, and it's based on their subjective opinion. The only requirement in 23(1) and (2) is that "a fire control plan [be] satisfactory to the forest officer." Well, what if it's not satisfactory to others? I mean, obviously, the person may not be satisfied, but what about the case where municipalities are impacted and they're not satisfied or a fire chief in a particular area? What if there's a difference of opinion here? There should be some mechanism for appeal and discussion.

What does "satisfactory" actually mean? Does it mean effective? What if the plan that's viewed as satisfactory is, in fact, not effective? Or does satisfactory even hold the potential meaning of personally acceptable? Does an individual's personal bias or personal preference now have the uncontested force of law? What if a feasible plan is rejected and the demand for an impossible one is the only thing that will satisfy the officer?

Now, I recognize fully that most forest officers will be good people, but we're all human. All people have bad days, sick days. Get a speeding ticket, and you're mad at the world, and frustration just bubbles to the surface. It even happens in this House. When that, though, has the force of expressing itself in the force of law – and I don't blame people for feeling frustrated sometimes. But my point is that it just happens. Sometimes a victim with no rights is inadvertently created, and there's no ability to ask for a sober second opinion. They are silenced. My question is: is that social justice? No, it's not. So please think about the possibilities, the unseen impacts on people. Why do we continue to write laws that reduce people to nonentities, with no voice and no rights?

Thomas Paine, in 1789, recorded the Declaration of the Rights of Man and of the Citizen by the National Assembly of France. Article 15 of that very famous declaration states, "Every community has a right to demand of all its agents an account of their conduct." Let me read that again. "Every community has a right to demand of all its agents an account of their conduct." But in this law we are going back on that basic principle of human rights and democracy and

stating that they do not have a right to demand of their agents an account of their conduct.

I'm simply asking that we enshrine the basic human rights of Albertans in your legislation. It's not okay that we create a state, one piece of legislation after another, that strips our people of basic civil rights to be heard and to be protected. Unfortunately, this trend and this pattern began under the last government. I was hoping, I think, with a great many people, that this would not continue in the current government. The temptation of government is to overstep its role, and I beg you to not go down that path. It's not unreasonable to create the checks and balances to power that distinguish a democracy from a totalitarian state, which, in fact, was the very struggle of the French Revolution. I certainly don't think we want to go back to 1789.

I'm all for an efficient, effective government and administration. I do not mean to create barriers or impediments to forest officers trying to do their job. I do ask that we don't trample the basic democratic rights of people by stripping them of the right to speak up in some legal venue or forum. All citizens should have basic civil rights of due process before a judge or at least some sort of an impartial appeal board. The previous government, as I said, began this oligarchic slide towards accruing power and rights to themselves while stripping away personal rights. You can do better. Albertans are hoping that you will.

I at least must defend the rights of the people to due process, to have someone who will hear their cause. The individual has no power in the face of the massive power of the state unless their right is protected in law. In this law that right is not protected, and I think that is wrong. It creates the potential for the abuse of power, and that makes the state a bully of the most abject kind.

I have tabled my amendment. I trust that you will give it good consideration, and I urge all members to consider it carefully.

Thank you.

The Chair: Any other speakers to amendment A2? The hon. Member for Red Deer-North.

10:00

Mrs. Schreiner: Thank you, Madam Chair. I would like to thank the member for bringing this amendment forward. However, this amendment would reverse the proposed changes to the legislation that would protect our forestry staff from civil action for doing their jobs. The section of the bill that this amendment would repeal protects forestry staff and everyone working under the direction of the Crown, including our wildland firefighters. It protects them from civil action while acting under direction of the Crown. The section in question does not protect those acting recklessly or with gross negligence. The Crown and minister already have these protections under the act. We think that front-line staff carrying out their normal duties in a reasonable manner deserve the same protections.

Madam Chair, this is a standard clause, and similar provisions exist in other acts such as the Environmental Protection and Enhancement Act, the Public Lands Act, the Fisheries (Alberta) Act, the Protecting Alberta's Environment Act, as well as the Water Act.

With that, Madam Chair, I would recommend that we turn this amendment down. Thank you.

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

Mr. Cooper: Thank you, Madam Chair. It's a pleasure to rise today and speak in favour of the amendment. Let me be clear. The desire isn't that we are, you know, efforting to do all we can to find wrongdoing in front-line workers. Nothing could be further from

the truth. Of course, the vast, vast, vast majority of forest protection workers and forestry personnel are acting with the best intentions.

The challenge is that the bill doesn't provide any form of due process, and it also sets a course where even if an individual didn't act appropriately, there wouldn't be any of the appropriate checks and balances. So this amendment would create the ability for checks and balances to be in place. Perhaps a better balance needs to be struck between the two positions, but given the nature of the amendment, I think it's important that we would support this so that that process can still exist and we can move forward in a manner that is respectful of both sides.

I would encourage all members of the Assembly to support the amendment, and I look forward to doing so shortly.

The Chair: Any other hon. members wishing to speak to amendment A2?

Seeing none, I'll call the question.

[Motion on amendment A2 lost]

The Chair: We're back on the main bill. Are there any further comments, questions, or amendments with respect to the bill? The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Chair. I rise today to further discuss the government's proposed Bill 24, the Forest and Prairie Protection Amendment Act, 2016. As most of this House should know, the update of this act was one of 21 recommendations brought forth from the tragic 2011 fire in Slave Lake. The minister of then ESRD created the Flat Top Complex wildfire review committee as a review of Alberta's wildfire management practices after the wildfire that entered the town of Slave Lake and surrounding communities in May of that year. Three wildfires burned 22,000 hectares and destroyed over 500 structures. These fires became known as the Flat Top Complex. The cost of implementing all of these recommendations was estimated in 2013 at \$500 million. As of then, 13 of 21 recommendations had been implemented.

While preliminary estimates for the Fort McMurray fire are pegged into the billions, it's no doubt that any number of recommendations and dollars will not be sufficient to solve these kinds of catastrophic events, but it does give reason to pause and wonder how much less the impact would have been had there been more of these recommendations implemented in the years between 2013 and 2016.

Some of the broader recommendations from the committee included a proposal to expand fire weather advisories to include potential wildfire behaviour so that communities can be better prepped in case of impending threats. As we saw in the frightening evacuation of Fort McMurray, minutes and seconds can mean getting out of harm's way safely. While we are waiting for the reports to come out on the Fort McMurray disaster and the examination of how the fire was fought, another recommendation suggesting developing more specialized initial response firefighting crews would be timely. Advancements in techniques, equipment, and technology will always have this recommendation evolving.

As we continue to evolve in our strategies to combat forest and prairie fire threats, it's equally important to involve more agencies and jurisdictions in carrying out FireSmart risk reduction projects in communities. My colleague from Drumheller-Stettler broached this subject in his speech on how, through anecdotal stories, my colleagues and I have heard how FireSmart techniques were instrumental in reducing the damage of the Horse Lake fire. These community grants for FireSmart, while currently capped, could prove to be a solid investment in reducing overall fire damage to communities.

As I mentioned, amending and updating the Forest and Prairie Protection Act was recommended in the Flat Top Complex report, and I expect that as technologies and practices advance, the need for updating this act will continue. This is why I have some support for this legislation, though I'm hoping that robust discussion and compromise on possible tweaks to it are given due consideration by all members. Again, we are doing our best to work with the government on reasonable changes to what essentially will become a living document throughout the years.

With that in mind, there are some areas of concern that reveal a certain vagueness in what the government is trying to propose. Perhaps we should postpone debate until the minister is willing to answer the questions we have. So far, since the minister introduced the bill – he spoke about 150 words on it at that time – we haven't heard from him, and we've had multiple questions regarding it. As my colleagues noted several times with obvious exasperation, nobody across the aisle seems to be willing or able to respond to our questions or concerns.

One issue, to me, seems to be the wording in 23(1) which discusses fire control plans. While I'm sure everyone can agree that this is a very important aspect of the act, I have to again ask about the vague wording of "an industrial or commercial operation." It was mentioned yesterday. Hopefully, someone will expand on who exactly this refers to. A colleague used the example of a farmer running cattle on a public land. Will he need a fire control plan? Will a taxidermist operating his taxidermy shop on an acreage need one? Is there a threshold for a certain number of employees or other criteria that one uses as a benchmark? We would really appreciate some clarity on this.

Another thing that is a sticky point in this act is the term "thing." While I understand that other jurisdictions may use this term, places like Saskatchewan when talking about pest control make it clear that they mean wood. Specifically, they use the term "forest product." Pest and disease control of things such as Dutch elm and pine beetle: those threats are real and should be taken seriously, and I'm all for those protections. When we're talking about tracking and destroying pests and infested products, it's certainly understandable.

10:10

What isn't understandable is the wording change from "product" to "thing." Expanding a forest officer's power to a "thing" seems to be a way too judicial use of that terminology. It's just not clear how broad the term has to be in order to ensure eradication of diseased trees and pests. Again, these are questions that we've asked but haven't received any answers to.

I'm hopeful that the government doesn't mean to go full on Big Brother and want to include trailers, vehicles, or personal belongings. Do you? We have asked why, and I'm asking once more: why the change? If you're going to change terminology or descriptors, then support the amendment and use the term "forest product." It seems a sensible compromise that would certainly remove any ambiguity and one that I'm sure the government and all the members of this House can agree is a reasonable one.

I'd like to introduce an amendment at this time.

The Chair: This will be known as amendment A3.

Go ahead, hon. member.

Mr. Loewen: Okay. I move that Bill 24, Forest and Prairie Protection Amendment Act, 2016, be amended in section 16 as follows: in clause (a) in the proposed section 31.4(1) by striking out "thing" and substituting "forest product" and by striking out clause (b).

I'm going to wrap this up by once again repeating that what we all want to do here is to make life better for Albertans. That's what the government members believe, and I'm certain the opposition parties feel the same way. We aren't always going to agree on ideological differences in this House, but when we're talking about something that can have a direct consequence on our citizens, I don't think trying to erase any possible misunderstandings or ambiguity is asking too much. I'm hopeful that we can get full support for our amendment.

Thank you.

The Chair: Any other hon. members wishing to speak to amendment A3? Olds-Didsbury-Three Hills.

Mr. Cooper: Well, thank you, Madam Chair. I'm happy to give the government a few minutes to make some very important decisions on whether or not they're going to support this very important amendment.

Mr. Bilous: Tell me a little bit about that.

Mr. Cooper: Why don't I tell the hon. Minister of Economic Development and Trade a little about this very important amendment. I think, as my hon. colleague from the northern part of our province, one who has had a significant amount of experience with forestry products as well as forestry activities and other sundry related items, has so clearly identified for us, there's a significant concern and risk inside this particular piece of legislation, Bill 24, a bill, I might add, Madam Chair, that we are in favour of.

Let me just take a brief moment to say thank you to our front-line forestry employees, our firefighters, and our first responders, that do everything that they can to keep our province safe whenever possible. Let me just highlight the good work that has been done. Generally speaking, this piece of legislation endeavours to make some proactive steps around doing just that; that is, making our forested areas – thankfully, the Member for Banff-Cochrane let us know that those forested areas are often covered with trees – safer for all of our province. Not only is it about making them safe, but it's about managing the resources that are our forests.

You know, I look forward to being able to support this bill, but as you know, Madam Chair, the role of the opposition is to ensure that we get the best possible piece of legislation. That means, even on stuff we agree with like Bill 24, exerting to make sure that the legislation is as good as it possibly can be for all Albertans and the stakeholders that are involved with this piece of legislation, be they forestry employees, industry, Albertans.

One of the things that we've identified here is a change in language in the legislation, as my colleague identified, this move away from the terminology "forest product" to the terminology around "thing." Now, I would love to be able to provide the definition of "thing" – and I should just pull it up for us here briefly – but it describes such a wide swath of objects. One of the risks is that if you have this opportunity with respect to pest control in our forests and we only use the word "thing," there are many things that are inside our forests that aren't forest products, and it would allow a significant amount of leeway and ability for those things to be confiscated or moved. I just want to read section 31.4 for you. I'll just grab my bill here. As my colleague mentioned with respect to "thing," a thing in the forest in this case could be boats, ATVs, trailers, vehicles. It could go as far as backpacks that an individual may or may not be carrying.

When writing legislation, we need to ensure that balance is struck, and certainly, in my opinion and the opinion of my colleague, when we just say "thing," that doesn't strike the right balance. If we use terminology that we're more familiar with as well

as terminology that is used in other jurisdictions like Saskatchewan, that is significantly more clear and provides guidance and direction and a little bit more clarity around what would and would not be appropriate. I'm sure that even you, Madam Chair, would agree that, you know, the confiscation of an individual's backpack or some personal private property would not be the direction or the desire of this government; it's more specifically around keeping to forest products so that our folks out in the field are very focused on the job at hand.

Let me be clear. When we legislate, we need to consider the possibility that there will be one-offs out there. I don't believe that the government is putting the word "thing" here so that they can go out into the forest and, you know, disrupt individuals' lives, but I do believe it's possible that there may be a forestry worker that, under the guise of pest control, doesn't necessarily do the right thing. Ensuring that this is about forest products provides some oversight and some guidance to our workers, and I think that's critically important. So I will certainly be encouraging members of the government and members on the opposition side, that they need to consider just exactly the direction that we ought to go, that we shouldn't be opening legislation to wide, wide swaths of interpretation but should keep the language specific to the problem at hand, which is forest products.

10:20

I look forward to hearing from the government and all of the wonderful reasons why they will be supporting this amendment and moving this forward. It is important that we keep Albertans at the fore of all of our decisions, and I believe that Albertans would see the reasonability of this amendment. We're not asking for things that are totally unreasonable but for things that provide the department the ability to keep our forested areas safe as well as provide clarity for individuals who are enjoying our forests here in the province.

The Chair: Any other members wishing to speak to the amendment? The hon. Member for Battle River-Wainwright.

Mr. Taylor: Thank you, Madam Chair. This being a very timely bill, considering Fort Mac, I'm glad this has come up here, and I'm glad to be able to speak on this notice of amendment. I was a firefighter; I still am actually a volunteer firefighter. After every major incident we would go look and see, well, what worked right, what went wrong, and I'm sure that's what happened with Fort Mac, Smoky Lake, all these different places that have had fires, that have had problems. So this bill is a timely bill. It's a good bill. We're able to reflect on some of the things that went right and some of the things that went wrong and make it better.

My concern with this part of the bill: it says in clause (a) that we should be striking out "thing." We should be striking out "thing" because, really, that's too vague. We need to have some clarity to what we're talking about.

When I was in real estate I used to write up contracts. If I went and started writing up a contract and I said what the chattels were that were going to be included with this house and I said, "Well, there's going to be a thing included with this house," when a person occupies the house, they would look and say, "Well, that cabinet is not there." "Well, we didn't write down 'cabinet'; we wrote down 'thing.' Therefore, that's what we were talking about, this cabinet." I'd be in court. I'd be in front of a judge, trying explain that, because there was not clarity in this.

It's problematic. We need to be able to define what "thing" is. That's standard with practices across all industries. They have to have a definition. They can't just say: there's a thing. Madam Chair,

it's way too loose, and I just cannot – it's important to have that same thing in there. So on this amendment I encourage all the members of this House to consider this amendment and vote in favour of it.

Thank you.

The Chair: Any other hon. members wishing to speak to amendment A3? The hon. Member for Red Deer-North.

Mrs. Schreiner: Thank you, Madam Chair. First of all, I'd like to thank the member for bringing this amendment forward as well as his concerns. If we change the term from "thing" to "forest products," we're not capturing a lot; for example, piles of logs, raw logs, trees, et cetera. We want to make sure that this bill captures all, so at this time I would encourage everyone to turn down this amendment.

Thank you.

The Chair: The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Madam Chair. I want to just touch on an important fact here. Under section 31.4(1) "A forest officer may, without a warrant, seize any thing that the forest officer has reasonable grounds to believe harbours a forest pest." Now, what's important here to establish is: without a warrant. Whenever we have one of our officers doing any seizures, we always have to be cautious whenever it's done without a warrant.

In this case here, we're saying that clarity is important, and I'll move a little further on that. On Bill 1, the act that removed union and corporate donations, I brought forward an amendment that said that services should not be allowed to be brought forward to political parties by unions and corporations. Now, the government came back, and they said: there's no definition of services, so we're not going to be supporting this because there isn't enough of a description of exactly what it is you're trying to move forward with this amendment. Now, while I would say that we could have established a definition, that was rejected on the basis that there was a government that said: well, it wasn't prescriptive enough.

Now we've got a government bill coming forward, and under section 31.4 we're seeing that the government is saying that an officer is able, really, without a warrant, to seize any thing that they are looking to bring forward. This is why we need to have some sort of narrow focus on what exactly it is that the government can actually seize. Right now I've heard from my local constituents that when it comes to fish and wildlife, if they have a reasonable concern, they can go into a vehicle and start seizing. That, I believe, is an important part of the job. Now, when it comes to a question of this magnitude, does "thing" encompass a vehicle? Let's say, for instance, that you were cutting timber in B.C. and there are some timber shavings in the back of your truck. Does that mean that that truck now is a thing and, therefore, something we should be seizing?

I have to say that in the end, I support Bill 24 and the intent of the bill. What we need to start questioning is: how do we make this bill better? I would argue, debate, if you will, that it is important that we are very specific when we give the ability to officers to be able to seize anything without a warrant. This is why we brought forward the amendment saying that it's not appropriate to use the word "thing" and we need to be more prescriptive, that it's, I think, reasonable to say "forest product."

Now, the member who just talked was saying that forest products may not be timber stands or log piles. Well, I would say that those probably fit under "forest product." This is an important part that we're looking at here. When we start to just open these things up, with no definition, we will have a problem. Now, I know that my

local forestry officers are good men and women, and I am certain that they are not going to be abusing this, but there always is the exception to that rule, and leaving this vague, the way it is now, gives opportunity for abuse.

10:30

Now, something along this line, an example that came to me when I was thinking about this specific amendment, was that as an accountant I actually had harvesters as clients up in Slave Lake. This is important because, let's say, for instance, that one of their harvesting units went up to B.C. to do some harvesting. Now, these are million-dollar units. Million-dollar units. Let's say, for instance, that that is deemed a part of a thing. Now, if a forestry officer obviously has a concern that we are having some pest coming along from another province, then absolutely that needs to be identified, but is it appropriate that we are shutting down an entire harvesting operation for possibly weeks and weeks and weeks when the season for forestry is such a short one? When we're doing this, we need to be very conscientious of knowing that this could impact a business, and it is important that we are establishing exactly what a thing is and how it will impact the people that are trying to maybe possibly enjoy the outdoors, maybe the businesses that depend on forestry.

Again, to bring this back, we do need to make sure that our forestry officers have the tools they need to be able to do their job to protect our forests. So it comes to balance. Balance is the key here, and that is what my colleague – my colleague is bringing forward this amendment, saying that right now, by not being prescriptive enough, there is no balance in this, and we need to be looking at bringing forward balance. That's why I'm saying that that balance seems to be forest product. Now, again, if there is a term that might work better for the government, I'm sure we can bring forward another amendment, but right now this one best fits what the government is trying to achieve.

I encourage all of the government and my opposition colleagues to review this amendment seriously and really consider the fact that it isn't just about us trying to be prescriptive and reduce what a forestry officer can do but to actually be saying to the forestry officer: what exactly is it that you're trying to seize without a warrant, and does it fit into a forest product? I encourage, again, everyone to vote for this amendment. If they have a deeper concern on this one term, maybe the government could come forward with their own amendment, but I don't believe that "thing" is an appropriate term whenever we use the words "seize without a warrant."

Thank you.

The Chair: The hon. Member for Banff-Cochrane.

Mr. Westhead: Thank you very much, Madam Chair. You know, I think that this is a very well-thought-out amendment, and if I was in the opposition benches, I would probably be asking the same question myself: you know, is it really necessary to change the language in this, and is "thing" too broad? I think the members for putting some thought into this and suggesting a very thoughtful amendment. Having thought more about it myself, I worry that it would be a little bit too prescriptive. I understand the member was saying that, you know, he would like to see it more well defined, but I take it as that that would take some of the discretion out of the hands of our public servants who are put in the position of making these decisions.

I think it's important for us just to walk backwards a little bit and recall what the present wording says and requires of a forest officer. The current wording: make sure that the forest officer has to have "reasonable grounds to believe [that] . . . an injurious forest tree pest infestation or non-indigenous invasive species infestation or

[something] that is otherwise diseased." There is a requirement there, regardless of what the definition is, that reasonableness applies to this situation. So, you know, putting myself in the shoes of a forest officer, if they are using their best reasonable judgment, their professional judgment, if they suspect that there's something that contains a forest pest that threatens our forest industry and Alberta's forests, I want them to have the ability to exercise their professional discretion in order to seize that object. My expectation is that they're not going to be seizing things like ATVs or chainsaws or this kind of thing. If in their reasonable judgment that's what they determine, then they have that ability. But most reasonable people exercising their judgment probably wouldn't reach that conclusion.

I think that there is so much at stake for our forests here that we need to give to the professionals who are charged with carrying out these duties on a daily basis the ability to make that change. I completely agree with what the Member for Red Deer-North said previously, that there are things that most people would consider as something that could harbour a forest pest that aren't currently captured by this definition. You know, she mentioned things like log piles, slash piles, raw logs. There are things that currently aren't captured in the definition. If we were to accept this amendment and revert to the previous wording, there are things that I think all the members would agree could very well harbour forest pests like these raw logs and log piles. Basically, once a tree is cut down, it's no longer considered, quote, unquote, a forest product. Therefore, the ability of that forest officer to seize that item, I'm sure the member would agree, a log sitting on the ground that is suspected to contain pine beetle – the forest officer should have that ability to seize that log, but right now they don't.

I see the member nodding his head. Perhaps I'm convincing him. You know, our forest officers are professional people. They take their jobs very seriously, and they have a big job to do. Making sure that they have the ability to carry out that task is the reason for the change in the wording, in the language to "thing." The member was talking a bit about being – he wants to see this legislation being very prescriptive, but I worry if we were to accept the amendment, it would be too prescriptive. [interjection] Yeah. It could endanger our forestry sector. I know that's not the intent of the member. Don't get me wrong. I just worry that when we start putting very tight definitions on things when there are so many variables out there, we need to make sure that the professionals have the ability to use their judgment and carry out their job.

Just to wrap it up here, Madam Chair, I think the members have put a very thoughtful amendment forward, and I understand their concern, but given what's at stake here in protecting Alberta's forests, I think we need to make sure that the professionals have the ability to carry out their job, keeping in mind at all times that the criteria of reasonableness is in the legislation. Anybody carrying out their duties has to exercise reasonable judgment that they would be prepared to defend in court if they're going to seize something. If someone questions their reasonableness, then that would have to be something that they would defend in court. I expect that our professionals are well trained. They're going to exercise their best judgment and act in a reasonable fashion. For that reason I can't support the amendment, and I would encourage the Assembly to not accept this amendment.

Thank you very much.

The Chair: Any other speakers to the amendment? The hon. Member for Grande Prairie-Smoky.

10:40

Mr. Loewen: Thank you, Madam Chair. I just want to read through this bill again, just to give a better understanding of what we're

talking about here. It says: “A forest officer may, without a warrant, seize any thing that the forest officer has reasonable grounds to believe harbours a forest pest.” It goes on to say, “the Minister may order the destruction of a [thing] seized under subsection (1).” It goes on to say:

No right of compensation exists against the Crown or any person in respect of anything destroyed under subsection (2), but the Minister may provide such compensation in the amount or at the value that the Minister considers fair for the destroyed [thing].

There are a lot of ramifications to this term “thing” beyond just being confiscated. It’s contemplating destruction, and it also contemplates the value of it and whether the person will be compensated for it, so this isn’t just an issue of something being taken away, maybe cleaned up, maybe given back at a later date or whatever; this is talking about destruction and whether there’s compensation for that thing. That’s why I think it’s a very important word.

Now, again, I’ve mentioned before – and I’ll mention it again – that the minister responsible for this has brought in this bill with roughly 150 words expressed in this House regarding this very important bill, that he’s responsible for. About 150 words. That’s it. Now, we had one short response on some of the concerns expressed in this that was probably an additional 50 words. So when we’re asking questions about this and asking for clarification, we’re not getting responses, in particular from the minister responsible, so we’re sitting here trying to come up with ways to make this bill better. That’s what we’re doing here. We’re trying to make this bill better, and we have actual good questions.

Now, the member opposite from Banff-Cochrane suggested that this was a thoughtful amendment. Obviously, they admit that this amendment has merit. The only thing that would be better is if we had any ability to receive more direction on why the government chose to make these changes. Now, I don’t know, but I would like to ask: was there any situation that brought about this change? Did something happen or multiple things happen that all of a sudden the government decided that we need to change this word? We haven’t heard that. We haven’t heard if there are any situations that could have caused this.

The member opposite talked about that this needed to include trees and logs and everything, so that’s why it has to be “thing” instead of “forestry product.” I’m pretty sure that a tree or a log or cuttings or anything like that would fall under forestry product. They come from the forest. Previous to this the word was “product,” and obviously when the word was “product,” they were able to take away trees, logs, anything like that. That’s why we’re asking the question: why the change to “thing”?

In my community I know some of the forest officers. I trust them. I know they’re intelligent. I know they’re hard working. I know they’re reasonable. This has nothing to do with the credibility of our forest officers, who are doing their best to do their job. But we’re talking about legislation here, and this is legislation that will most likely last, so we’re not picking on government employees. We’re not picking on forest officers. That’s absolutely absurd to suggest that. We’re talking about this bill here before us right now and about the amendment that the Member for Banff-Cochrane suggests is a thoughtful amendment.

Again, we’re here to improve this bill. We want to make it better. We want it to represent what Albertans want to see in legislation, and in doing that, we have brought forward an amendment to be considered today. I would encourage everyone in this House to support this amendment.

Thank you.

The Chair: The hon. Member for West Yellowhead.

Mr. Rosendahl: Thank you. It’s a pleasure to rise in the House today to talk about this very important issue. When we think about what is going on today in West Yellowhead, we look at how the beetle has spread into our area. That it has spread quite badly is what we found out from the forest service and that kind of thing when we look at how badly it has infected the forests around Hinton in particular.

So when we’re looking at these things in relation to how it has spread and we compare that to what happened in B.C., this is what we learned. When we talked to the people in B.C. and dealt with the forestry people in B.C., a huge problem was found. When they were logging, the logging practices, the idea of transporting the logs down major highways and routes, and the storage of the logs on the log sites were a huge problem in spreading the beetle. That’s exactly what it did. They found that the practices in the bush, not cleaning the equipment, transporting the logs along various routes, and also the storage of the logs on various log sites were spreading the beetles.

That’s why we’re looking at trying to control this by putting in the definition of “thing.” It gives you the ability to say: you can’t transport that log down that highway because this is what you’re going to do, and these are the things that you need to take into account.

An Hon. Member: That’s a forest product.

Mr. Rosendahl: No. It’s the raw logs that have the beetles, not the product itself. The product is the end use of the log. What the log is made into is not at question here. The fact of the transportation of the logs themselves is the problem.

The forest officer should have the right to say, “Where did that come from, and does it have evidence of beetle damage?” and be able to control where that log is going and how it’s stored on the sites. We’ve learned that from the forestry people in B.C.

When the member was talking about the forest companies losing the ability to log for extended periods of time because maybe the machine had seized – a lot of these machines are cleaned at the sites where they’re doing the logging. They’re high-pressure cleaned to make sure that they’re not spreading the beetles. It’s very important that we have this ability for our forest officers to turn around and try and stop the spread of the beetles that way. That’s why we’re saying that this amendment needs to be voted down.

Thank you very much.

10:50

The Chair: The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Chair. I want to thank the Member for West Yellowhead for his comments. I just wanted to ask him a couple of questions. In the previous legislation the word that was used was “product.” Now, just to clarify: were Alberta forest officers allowed to stop logs, people with firewood, that sort of thing that they believed had pine beetles and that sort of thing? Also, I just wondered how the pine beetle protection has been in Alberta compared to B.C. as far as how it was controlled and whether a good job was done or a bad job was done on pine beetle protection. And then maybe comment – obviously, where you are you’re adjacent to national parks and that sort of thing – on how the pine beetle problem has been there and that sort of thing.

The Chair: Any other members wishing to speak to the amendment? Grande Prairie-Smoky.

Mr. Loewen: Yeah. I just want to point out that I wanted some more clarification from the government. Of course, I asked the

Member for West Yellowhead, who has experience in forestry and that sort of thing, three fairly simple questions but got no response.

Thank you.

The Chair: The hon. Member for Banff-Cochrane.

Mr. Westhead: Yes. Thank you, Madam Chair. Just to clarify a couple of the points the member was asking about, I just want to point out that the ministry briefed the Alberta Forest Products Association on the changes in the bill, including the language of “thing.” They have expressed no concerns, and in fact they stood on stage with the minister when the minister made the announcement. With that in mind, I feel confident that the association that encompasses all of our forest industries here in Alberta is supporting the language that’s in the bill, and that’s why I feel confident in voting against the amendment and sticking with the original language in the bill.

The Chair: Grande Prairie-Smoky.

Mr. Loewen: Yes. I’m glad to hear that the association, you know, stood with the minister on this. That’s great. I respect their opinion, but I also respect the opinion of Albertans, and when we debate these issues in the Legislature here, we need to have consultation with everybody in Alberta. When we bring concerns forward, we’re bringing concerns forward for Albertans, all Albertans.

Thank you very much.

The Chair: Any other hon. members wishing to speak to amendment A3?

Seeing none, I’ll call the question.

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

[Several members rose calling for a division. The division bell was rung at 10:53 a.m.]

[Fifteen minutes having elapsed, the committee divided]

[Ms Jabbour in the chair]

For the motion:

Aheer	Ellis	McIver
Barnes	Hanson	Taylor
Cooper	Loewen	van Dijken
Cyr		

11:10

Against the motion:

Anderson, S.	Hinkley	Payne
Babcock	Hoffman	Phillips
Bilous	Horne	Piquette
Carson	Kazim	Renaud
Ceci	Loyola	Rosendahl
Connolly	Luff	Sabir
Coolahan	Malkinson	Schmidt
Cortes-Vargas	McCuaig-Boyd	Schreiner
Dang	McKittrick	Sigurdson
Drever	McLean	Sucha
Eggen	Miller	Sweet
Fitzpatrick	Miranda	Turner
Ganley	Nielsen	Westhead
Gray		

Totals: For – 10 Against – 40

[Motion on amendment A3 lost]

The Chair: We are back on the main bill. The hon. Member for Red Deer-North.

Mrs. Schreiner: Thank you, Madam Chair. At this time I would like to move an amendment to Bill 24, the Forest and Prairie Protection Amendment Act.

The Chair: This will be known as amendment A4.

Go ahead, hon. member.

Mrs. Schreiner: Thank you, Madam Chair. I would like to have the bill amended as follows: section 21 is amended in the proposed section 37.5(1) by adding “or the regulations” after “provision of this Act.”

Madam Chair, I wish to bring this amendment forward to provide clarification to the section on administrative penalties. I want to ensure that it is clear in this section that administrative penalties can also apply to the regulations. This will ensure that we can apply administrative penalties to industrial-based violations which are contained in the regulations. Currently the wording shows only that administrative penalties apply to the act, but that was not the intent of this section. It should include regulations as well.

Thank you, Madam Chair, for the opportunity to bring this amendment forward, and I encourage all in the House today to support this amendment. Thank you.

The Chair: Any other members wishing to speak to amendment A4? The hon. Member for Olds-Didsbury-Three Hills.

Mr. Cooper: Thank you, Madam Chair. I’m just reviewing the amendment here. I think that it appears that we have an amendment that I will be able support.

I’d just like to highlight some of the challenges around regulations generally. I recognize that all pieces of legislation have them, but the amendment is providing some clarification about what will happen in the regulations and after the provision of the act. I just regularly like to have the opportunity to rise and speak about regulations and some of the risk that regulations present in the amount of power that is only held within the minister’s office and not externally with the Legislature. As we progress through legislation, you know, we’ve seen things like Bill 6, that has massive amounts of leeway in the regulation. We’ve seen other areas. We’re going to see pieces of legislation, I believe, in this session that are going to provide wide swaths of liberties to the minister or to other levels of government and put those inside the regulations solely. So I appreciate that the government is trying to provide some clarification on this particular amendment.

I guess one question that I do have is that, typically speaking, we would see on an amendment a stamp from Parliamentary Counsel, that Parliamentary Counsel has in fact seen this amendment and it has been approved through the regular ways and means, but on this particular amendment, at least the copy that I have received, there is no stamp from Parliamentary Counsel. So if the member opposite could provide some feedback as to whether or not it’s been approved by Parliamentary Counsel.

The Chair: Hon. member, I’ll provide you some clarity. It’s a government amendment, and government amendments are dealt with a little bit differently. They get an initial, and you can see the initial on the left corner. That’s the approval by Parliamentary Counsel.

Are there any other speakers to the amendment?

Seeing none, I will call the vote.

[Motion on amendment A4 carried]

The Chair: Back on the main bill. Are there any further amendments, comments with respect to this bill? The hon. Member for Bonnyville-Cold Lake.

Mr. Cyr: Thank you, Madam Chair. Today I'd like to reinforce that I believe that I will support this bill. This is great that we are working together to make it stronger.

I know that forest fires have been a big concern for myself all my life. A good example would be that I was born and raised in Slave Lake, and even though I wasn't living in Slave Lake at the time of the fire, I did have an accounting office in Slave Lake at the time. I will say that when it comes to my clients, my family, and my friends, they were impacted by that fire in ways that today they're still reeling from. If there is any way that we can look at providing any relief from fires in any part of our province, we need to be investigating that.

Now, I'm not sure that this bill will actually change any people's activities, but – you know what? – I do believe that we need to update especially the penalties to ensure that they are something that people will take seriously.

Now, I talked a little about Slave Lake, but my riding also, the one I'm in now, did get impacted by the Fort McMurray fire. We saw a lot of smoke, and we also had a lot of evacuees coming to my riding, and one of my municipalities, the town of Bonnyville, was actually deemed an evacuation centre. To hear some of the sad stories that came from that area – and the worry that was on people just recently is a concern. Then, lastly, we had the Saskatchewan fire that was evacuated to Cold Lake, and it was an evacuation as well. We've seen a lot of fires go through my riding as well as a place where I'd lived, and I'll tell you, to hear the misery that is brought forward by a forest fire is something that we need to be very cognizant of and doing whatever we can to make sure that Albertans are taking our forests very seriously.

Now, the one thing I have to say is that for myself, our first responders, in all three cases that I've had experience with, have been remarkable, and I can't put that lightly because it is the truth. They go and run towards a fire when many are running away. I have to say that when they're putting their lives at risk, they need to be acknowledged. I'll tell you that in both cases, the Lac la Ronge fire in Saskatchewan as well as the Fort McMurray fire, I made sure that when those did go through my riding, the volunteers in my riding understood that the importance of what they were doing would contribute towards the well-being of Alberta and our neighbouring province of Saskatchewan.

11:20

Now, I'll tell you how seriously MLAs across the province take this, and it doesn't just go for our province; it also goes for the province of Saskatchewan. I have had dealings with the NDP from Saskatchewan, and it was revolving around the Lac la Ronge fire. I have to say that the Member for Cumberland and the leader of the NDP from Saskatchewan came up to visit the evacuation centre in Cold Lake. In the end, establishing communication with our neighbouring province was of the utmost importance. What we need to make sure of is that we continue to communicate with all those that are involved with these, all the stakeholders. In this time we saw the MLAs from Saskatchewan moving very forward, saying: "How can we help? Is there anything that the Red Cross is doing that we can reinforce? How can we bring support to our people within your province right now?"

That's something that is important. This is a job that all MLAs need to take seriously, and, you know, with this last Fort McMurray fire, I will say that I take pride in the Leader of the Opposition moving forward with his riding as well as the Member for Fort

McMurray-Wood Buffalo moving forward and making sure that they were with the actual evacuees at the time, making sure they understood how important it was that their needs were being looked after. I will say that it is an achievement that our Premier can put forward and which we celebrated: all of the evacuees were able to get out from the fire safely.

I will say that, going back to the Lac la Ronge fire, there were some communication problems to begin with. Now, that comes down to the fact that the past Municipal Affairs minister – I brought it to his attention that I had no way of being able to hear or understand what was going on, and he personally called my constituency office to make sure that I was involved in the communications, and that's something that I can take pride in, that these fires are not just partisan. This is nonpartisan, and we need to be looking at what we can do to protect our forests, to protect Albertans, to protect people from Fort McMurray, to protect people from Slave Lake. How do we continue to move these concerns that our forests need to be managed appropriately to ensure that we also have a source of enjoyment for our residents as well as opportunities to be able to work on this renewable resource that we've got and be able to continue to grow the business community within Alberta?

Now, having dealt with a lot of forest businesses in my past because of the fact that Slave Lake is surrounded by forest – and I do have forest within my riding, not as large as that was, the one that I came from – I will tell you that when it comes to making sure we protect our forests, this is something that we all need to take pride in. We need to be able to know from the stakeholders that in the end, Alberta is doing everything they can and everything we should.

Now, we have brought forward concerns about this bill, but these concerns, in the end, are trying to strengthen the bill. They're not trying to erode the intent of this bill. I think it's important to say that opposition and government working together to protect our forests is important. I know that even though it may seem like we're just here to bring forward only concerns, we also need to make sure the government understands that when they put forward a good piece of legislation, we'll support them in that. We support the government in the fact that as they continue to make strong legislation, the opposition is here to ensure that it's the best possible legislation going forward, and we are trying to do our part to contribute to the growth and the maturity of this legislation so that it meets all the needs and all the stakeholder needs.

In the end, it could be that the government may not have met every stakeholder out there when it comes to this legislation, and it could be that we do end up with resources that they don't have and feelings that need to be brought forward and concerns that need to be addressed.

The value of making sure that we are moving these concerns forward is what Albertans, I would argue, demand – I was going to say "want" – from their government and from the MLAs that are involved with this process. So I am only making sure that in the end, when we look at Bill 24, everybody in the House can take pride that they contributed to what's best for Alberta.

From my past experience with the different fires I think that we can only get better at managing our forests and ensuring that in the end, when we start to diversify into different areas, our natural resources are something that we can tap into and we can take pride in. I'll tell you that all of the businesses within the Slave Lake area and the Cold Lake area that deal in forestry can also know and take pride in the fact that those resources will be something that they can always tap into to be able to bring forward benefit to Alberta through the taxes that they pay and the people that they employ.

This is not a trivial matter. When we start looking at the fact that agriculture and forestry is the second-largest industry within Alberta, we need to start saying: let's look at protecting these industries so that in the end, this is something that we can depend on into the future. I do hear that we're not ever going to be able to say that this is going to be something that, if we don't manage properly, will always be there.

Getting back to Bill 24, we need to make sure that this bill, in the end, brings some sort of protections, and even though it is just penalties and regulations, we're moving forward at this point. It is a good start. I do believe we can do more, and I know that the opposition and the NDP government will be able to continue to move forward on protecting our natural resources.

When you start looking at how unemployment in my riding of Bonnyville-Cold Lake is at a high – looking at other sources of business, we can only hope they come from, at this point, agriculture and forestry within Alberta. I am encouraged to see that in the end, the farmers and the ranchers and the foresters in my riding are out there to ensure that we've got jobs. I also am encouraged that we have our military base, which brings stability to Cold Lake.

In the end, we need to be looking at: how exactly is it that we can get Alberta moving forward? How is it that we can do that? Well, a bill like this, protecting our forests, is a good start. I encourage everyone to vote for this bill, and I would say that in the end, I look forward to more legislation, that is being put forward for Albertans, looking similar to this.

I am encouraged to see that sometimes the government will actually move forward with amendments that the opposition has put forward. Now, I'm under the understanding that we actually haven't had one of our amendments put through by the government yet, but I am looking forward to possibly moving something forward in the future.

Thank you very much.

11:30

The Chair: Any other hon. members wishing to speak to the bill?
Are you ready for the question on Bill 24?

Hon. Members: Question.

[The remaining clauses of Bill 24 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? That's carried.

The hon. Deputy Government House Leader.

Mr. Bilous: Thank you, Madam Chair. At this point I move that we rise and report.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Edmonton-Manning.

Ms Sweet: Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports the following bill with some amendments: Bill 24. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official record of the Assembly.

The Deputy Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

Government Bills and Orders

Second Reading

(continued)

Bill 25

Oil Sands Emissions Limit Act

[Adjourned debate November 8: Ms Ganley]

The Deputy Speaker: The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Thank you, Madam Speaker. I wish to rise today on Bill 25, Oil Sands Emissions Limit Act, and I would like to propose an amendment if I could.

The Deputy Speaker: The amendment will be known as REA1.
Go ahead, hon. member.

Mr. Loewen: Thank you, Madam Speaker. I move that the motion for second reading of Bill 25, Oil Sands Emissions Limit Act, be amended by deleting all of the words after "that" and substituting the following:

Bill 25, Oil Sands Emissions Limit Act, be not now read a second time because the Assembly is of the view that it is necessary to have the recommendations from the oil sands advisory group tabled in the Assembly before the bill can proceed.

Madam Speaker, the oil sands advisory group, or OSAG, is a group that's been tasked with considering how to implement the 100-megatonne per year carbon emissions limit for the oil sands industry. Now, it's expected that they're not going to complete their work until February 2017. That's some four months from now. We are being asked to consider legislation here right now without the feedback from the panel that's been tasked with determining this bill's viability.

Now, I don't think that would make sense to too many people, actually. I'm hoping that the members of the Legislature would agree that if you have a group that's been tasked with a duty and you have a bill that is the essence of that duty, you would at least want to hear what they have to say, I guess, unless you already know what they're going to say. But we would have to presume that this committee would be operating, you know, on its own.

We've expressed it before and we'll continue to express that we do have concerns about this group. We know it's co-chaired by radical environmentalists whose past work includes that of former co-director of Greenpeace and the co-founder of ForestEthics, groups that have not been favourable to Alberta's oil and gas industry, period, never mind the oil sands, never mind pipelines. Others on the group: I see the Pembina Institute; the Canadian Parks and Wilderness Society; Stand, formerly known as ForestEthics; another Canadian Parks and Wilderness Society. When we look through at the background of some of these members, I think it raises some concern in the minds of Albertans. We look at some of these people that have been actively trying to stop oil production in Alberta and oil transport, and they're on a committee to provide feedback on a cap, which is of course designed to restrict production of the oil sands. But that doesn't take away the common-sense approach that we would at least wait until we've heard what they have to say.

Now, when we look at this cap, there are many problems with this cap. The government has sold leases that when fully developed

would exceed the cap. So that's obviously very concerning because we have companies that have in good faith purchased leases to do business, to produce oil, and if this cap prevents them from producing what they have purchased to do in agreement with the government, then obviously there is probably going to have to be some compensation paid out to them for that loss of opportunity, for what they've purchased in good faith.

It seems like this government is trying to get their fingers into all parts of the energy industry and, obviously, appears to be interested in picking winners and losers. Of course, we know government tends to be better at picking losers than winners, so that's not very helpful to the Alberta economy. This cap is completely arbitrary. I mentioned this before in this House, how 100 megatonnes – a hundred is just a nice round number. I would think that if there was any science or any economic analysis or any kind of study at all done on this, they probably wouldn't have come up with the number 100. It's just a nice round number, 100. I would guess that they might have come up with 97.5 or 103.2, or maybe they would have come up with 150 or 200. But as of yet we haven't seen one analysis on this, Madam Speaker, not one analysis from the government on how much this is going to cost, what it's going to do, how they came up with the number 100. Nothing.

11:40

Now, we might be able to hear from this oil sands advisory group on something along those lines. Maybe. I don't know. But it doesn't appear that we're going to hear from them before this bill passes in this Legislature unless this government would agree to this amendment to not read it now a second time and wait until we actually have the document that this group will produce.

There's been some analysis from outside groups on what this cap could potentially cost Albertans, \$150 billion to \$250 billion. That's an enormous amount of money, Madam Speaker. That same analysis comes up with the 3.3 billion barrels of oil. Again, that's an enormous figure.

This cap also has an opportunity to squeeze out smaller companies that want to operate, that may want to invest, knowing that there's a cap involved already and that they won't have the opportunity to fully grow to their potential.

I think it's time that we considered fully the ramifications of our actions here in this House: how it's going to affect jobs, how it's going to affect families, how it's going to affect our economy. I mentioned before how critical the oil sands is to the Canadian economy, how with the two-week shutdown with the Fort Mac fire it noticeably affected the Canadian GDP. Just two weeks. And now we're contemplating putting a cap on it.

This government has done no study, none that they have shown us anyway. Maybe they have some studies. I mean, there were studies on some of their other bills, and the only way we got to look at them was through FOIP. Again, maybe there is some study that's been done. If there is, I'd encourage the government to show it to us, to show it to all Albertans. If there isn't, then shame. Shame on this government that would bring in a bill as huge as this, with ramifications as huge as this bill could have on the Alberta economy and the Canadian economy, and that would not have done any sort of study.

For some reason this government doesn't like to conduct or, at least, release economic impact studies on their radical ideological agenda, and I don't think that's right. I think we as legislators in this House were sent here to make informed decisions. Albertans deserve to be able to make informed decisions on what we do here in this House, but it's impossible to make an informed decision without information, and we have none.

Of course, there are all sorts of red flags that go up when we look at the people involved in some of this decision-making. Lots of red flags. This government has and continues to hire and appoint anti-oil activists, antipipeline activists. Registered lobbyists: antipipeline, anti-oil. We've got the Deputy Premier who says that they're going to appoint and hire people with an NDP world view. I think that is alarming when we look at who they appoint and who they hire.

Now, Madam Speaker, I think as a legislator and as an Albertan I'm finding it hard to understand what this government is trying to do. Every day I talk to struggling Albertans desperate to find help and work. They come into my constituency office. They call me. They text me, send me e-mails. They're desperate for help. Over a hundred thousand Albertans have lost their jobs, and again that doesn't include the contractors that have lost their jobs and are not eligible to collect unemployment. They don't show up in those numbers, the contractors that are only working a day a week or a day or two a month even, barely able to make ends meet, struggling. And we sit here looking at legislation almost daily that does nothing but hamper the growth of Alberta, hamper investment that could create jobs right here to help these people.

Of course, the government likes to blame the low price of oil for all of our problems here in Alberta. But, Madam Speaker, that's not the full truth. It isn't helpful, the low price of oil. We know that. We admit that. We say that every day. But this government's policies have been damaging.

The Deputy Speaker: Any other hon. members wishing to speak to this amendment? I'll recognize the hon. Member for Spruce Grove-St. Albert first.

Mr. Horne: Thank you, Madam Speaker. I'm a bit concerned about this amendment. As I've said before in this House on the previous amendment to this act, we all know that the Prime Minister and the federal cabinet are expected to be making a decision on a few pipelines coming up next month, and we need to be able to show them a plan. Shortly after they formed government, they brought in new regulations on pipelines and, significantly, that included a climate change test.

Now, of course, all of us in this House know that we're fairly responsible about our oil here in Alberta, but unfortunately not everybody in our neighbouring provinces is aware of that. So we need to show that we're taking action, and delaying this act for committees and for advisory groups to report back to us, that's simply not helpful.

There's a fairly broad consensus in this House – I would say almost unanimous consensus – that we need to get a pipeline. We all know that we need to be able to get our product to market. Unfortunately, our biggest customer isn't buying our oil as much as they used to, and in fact when they are, they're not giving us the same rate that they're buying at from everybody else. That's a problem and something we need to address, which is why we need a pipeline to tidewater.

I, unfortunately, heard a member chirping away earlier that perhaps we could get Keystone moving again. Quite frankly, I don't think that would be helpful. [interjection] I notice the leader of the third party is pounding on his desk at that, but I don't understand the reasoning behind saying – if our previous best customer is no longer buying our product, I don't understand why increasing capacity to sell to them is helpful.

11:50

We need a pipeline to new markets. That is something that we need to do, and that means we have to work with our neighbours.

We have to work with B.C. We have to work with – well, Saskatchewan is pretty easy to work with on pipelines, but we have to work with Manitoba. We have to work with Ontario, Quebec.

We have to get to a consensus on this, and I sincerely don't understand the reasoning that a lot of the members in this House are making that we need to delay all of this. Federal cabinet is considering all of this next month. We don't know how long a committee would take. We don't know how long an advisory group will take.

Mrs. Aheer: February, actually, is when it reports.

Mr. Horne: February. Okay. February is not helpful when they're considering it next month. That's several months later. Quite frankly, if we say, "Well, we're waiting on a report," I don't think that will be helpful to the federal government making that decision.

So, quite frankly, I can't support this amendment, and I would urge all members of this House to not support this amendment either.

Thank you.

The Deputy Speaker: My apologies to the House. I neglected to offer 29(2)(a) for the previous speaker, so it does come into effect now.

Are there any questions for this hon. member under 29(2)(a)? The hon. Member for Chestermere-Rocky View.

Mrs. Aheer: Thank you very much, Madam Speaker.

I would just like to preface, just to reiterate a few of the things that I heard, and then potentially you would be able to answer me. I would really appreciate that. Thank you so much. I'm sorry for chirping, but I will continue to chirp from this side as well, and I'm sure as will the rest of the opposition parties over here.

I would like, first of all, to explain to the member that the entire reason for bringing forward this panel was to advise the government on how to move forward on a constriction of production in this province. Just in case the member wasn't absolutely a hundred per cent sure, I'm fairly certain that that was the reason that this panel came to be. I'm extremely concerned with the words that are being flung across over here, that delaying this discussion to make sure that we have the information that's coming from a panel, that was designated by the government, is not helpful and that there is a rush to pass this legislation and couple it somehow with the approval of pipelines, God willing, that will come down from the federal government.

Now, just to be absolutely clear, pipelines are a federal jurisdiction. Absolutely, a federal jurisdiction. So I would like the member to explain to me how it is that by delaying for a panel that is supposedly supposed to give us licence to be able to produce in our province, which we already do at high regulatory, high environmental, the best in the world – if he could please explain to the Legislature how it is that by rushing through this process, that we haven't been advised on, it is going to help us get pipelines.

Also, before he answers that question, as far as Keystone goes, just so that you understand, that actually helps us get to tidewater. It actually helps us get there. So just to be clear for you, just so you understand.

If you could please answer the question on ramming this legislation through without the panel discussions and without Albertans having some transparency on how this panel is going to advise the government. If the member could please answer that question.

Thank you.

The Deputy Speaker: Hon. Member for Spruce Grove-St. Albert, do you wish to respond?

Further under 29(2)(a)? The hon. Member for Grande Prairie-Smoky.

Mr. Loewen: Yeah. Just also responding to the member that just spoke regarding some of his comments. He suggested that we have fairly responsible oil production here in Alberta. I would suggest that it's more than fairly responsible. I would suggest that it's very responsible, and to suggest otherwise is disrespectful to our energy industry.

I would also suggest that we need pipelines. We agree. We need pipelines to every coast we can possibly get to. Members on this side of the House support all pipelines. These pipelines are built by industry. They're not paid for by taxpayer money. If the industry wants to build a pipeline, we should let them build a pipeline. It gets our product to market.

Now, there was a suggestion that he was against the Keystone pipeline, which probably isn't surprising. The Member for Calgary-East, of course, was protesting it, so I would suggest that that's possibly the case. His suggestion was that we need pipelines to new markets, and I agree. We need pipelines to new markets. But why would we turn down an opportunity to have industry build a pipeline to a market and get it to a coast for us? Why would we turn that down? I would like to find out from this government: are they for or against the Keystone pipeline? Come out and say something on that.

Also, there was a suggestion that the federal government is making decisions on pipelines next month. Now, I understood that the NEB makes decisions on pipelines, and the only thing government does, particularly this government and the members in this government, is put up roadblocks to pipelines. So I would love to hear the member's response to that.

Keystone: yes or no?

He also suggested that this was just a delay. This is a delay for information . . .

The Deputy Speaker: Any other hon. members wishing to speak to the amendment? The hon. Member for Chestermere-Rocky View.

Mrs. Aheer: Thank you, Madam Speaker. I would just again like to preface, I think, how important this is. The entire reason for this amendment is because, as we've stated, this OSAG panel, the oil sands advisory panel, isn't going to report to us until February. As we've said before, there may be contentious people that are on this panel that may not have been the first choice of us. You know, I'm not the government, so I'm not the one who gets to choose this panel. Having said that, though, I believe that I would be extremely interested in finding out what that panel has to say.

I find it extremely unacceptable and irresponsible to ask actually any member of this Legislature on either side to support legislation without feedback from that panel. I'm assuming, hopefully rightly, that the reason to take this panel to February was to actually give them a legitimate amount of time to deal with something that is tremendous and huge, that impacts all Albertans, impacts all of Canada. I mean, we are the economic engine. I could go on and on about the oil sands and those aspects. I'll give you some more numbers later.

My point is that I would have hoped that the time that was given to this panel was given for diligence and for thoughtful discussion and to be able to actually report back to us with very succinct information that may actually be convincing to Albertans, that

would ask if this is the right or wrong thing to do. Who knows? We have absolutely no clue.

We are asked every day about what's going on, and I can honestly tell you that I don't know. I don't know if any of you know. There's a humungous responsibility on our shoulders here as legislators to make sure that when folks are coming into your constituency offices and our constituency offices, at least we have some understanding. At least we could have said to them: "Well, this is the panel. I may or may not agree with it, but this is the time that they're reporting. Hence, after that we will have legislation and, potentially, ideas of where the regulations will go with this." But, no, that's not the way.

As we've been told by the member opposite, we have to ram this through right now, and it doesn't matter if the panel comes back and responds, and it doesn't matter if we haven't got any regulations. My goodness. I think the average Albertan looking at this right now will be absolutely devastated.

The hon. Member for Innisfail-Sylvan Lake asked recently, when we were out and about to just a general public meeting of people,

for a show of hands as to who knew what a PPA was, just to give you an example. Not really a household term. I would say that more than half that room put their hands up. Why? Because they're paying attention, because Albertans care about these kinds of things.

How are you going to go back to your constituents, how are we going to go back to our constituents and say: "Ah, it doesn't matter. We spent taxpayer dollars on this panel, but we're going to ram through legislation anyway, even though we don't know what the panel is going to say." Maybe you do. Maybe you're privy to information, and we just don't have it yet. I'm not sure.

All I know is that comments and things are flung across over to this side that we are supposed to . . .

The Deputy Speaker: I hesitate to interrupt the hon. member, but pursuant to Standing Order 4(2.1) the House stands adjourned until this afternoon at 1:30.

[The Assembly adjourned at 12 p.m.]

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