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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature
 Fourth Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, May 9, 2011

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 16 Energy Statutes Amendment Act, 2011

[Debate adjourned April 28: Ms Blakeman speaking]

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

Ms Blakeman: Thanks very much, Mr. Speaker. I know my colleague for Calgary-Buffalo is very eager to speak on this bill because he is our Official Opposition critic, but I did raise a number of issues and put them on the record the last time I spoke, with the request that the sponsoring member provide me with answers, preferably in writing, before we came back. True to her word or to her acknowledgement in the House, because she didn't actually say anything, she did provide me with a number of statements in regard to her position in an attempt to address some of the issues that I'd raised. I can't always say that these are answers to the questions, but they're certainly statements around the government's position.

Our concern about this bill is that it's 35 pages long. Next to the education bill this is the heaviest bill, weight per page, that we've seen in the Assembly. It is an omnibus bill. It does address a number of different acts, and although there is assurance from the sponsoring member that there are no consequences, there are no nefarious dealings involved in this, we're still having a hard time believing this. After much to-ing and fro-ing we did get a briefing, which was literally 35 words long, in which they said that there is nothing in here that would affect the tax consequences or something to that effect, and that was the end of it. I do know that my caucus members, as we discussed it in caucus this morning, continue to have some suspicions about the longer term consequences of this act.

To be honest with you, I haven't had time to digest the notes that were sent to me by the sponsoring member. I got them printed off my computer this afternoon and haven't had time to chew on them appropriately, masticate appropriately. I don't really want to spend much more time just flah, flah, flah-ing up here. I'll give over some time to the government members to respond to this bill, and I will chew on the responses a bit. As I said, I know my colleague from Calgary-Buffalo had wanted to address this in second reading.

Thanks very much, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Highlands-Norwood on Bill 16.

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise and address Bill 16, the Energy Statutes Amendment Act, 2011. This bill will amend seven different acts, and the majority of the changes are in order to facilitate coal gasification development by updating existing legislation to authorize the regulation of extraction of coal through in situ gasification or liquefaction. It would remove the existing permit system under the ERCB and the Oil and Gas Conservation Act and repeal existing permits for the

use of large amounts of energy for industrial and manufacturing operations. It will enable the ERCB to make regulations directly rather than going through the Lieutenant Governor in Council and will also allow the Market Surveillance Administrator to raise complaints about the ISO.

I think that there have been a number of task forces that have made these recommendations. In December 2010 the Task Force on Regulatory Enhancement published a report aimed at improving the system's efficiency and effectiveness.

Mr. Speaker, I just want to indicate some concerns, I think, with respect to some of these developments. I noted the other day that the Premier's task force on competitiveness outlined a strategy for the province's future that was very much based on high-carbon energy sources. I had to say that I was disappointed with that direction because it's the opposite direction to which the rest of the world is headed. Now, to be clear, we certainly recognize that in the medium term there is going to be a tremendous demand for hydrocarbon fuels in particular, but to base a whole new industry, a whole new industrial strategy for the future of this province on increased use of coal and coal products I think is not the direction that we should be taking the province. We should be doing research and development and, indeed, commercialization of research into renewable energies because that in the long run will provide sustainable prosperity for future generations of Albertans.

Mr. Speaker, the Pembina Institute released a report on the potential benefits and risks associated with in situ coal gasification, or ISCG. It found that ISCG has the potential to access significant reserves, is approaching commercialization, and can produce electricity with less impact than coal generation. There are risks that must be addressed: groundwater contamination, CO₂ emissions, and carbon capture and storage. Emissions associated with ISCG will be about 25 per cent lower than conventional coal generation but 75 per cent higher than natural gas generation, so that's a concern.

There's a risk of ground subsidence. Like other mining activities ISCG will create cavities underground, which will lead to ground subsidence. This subsidence can impact surface water flows, shallow aquifers, and any above ground infrastructure such as roads or pipelines. There will be land-use impacts. It will affect wildlife habitat. We believe there is an important requirement that large or multiple ISCG developments should be considered in regional land-use planning. As well, ISCG development will lead to incremental increases in air emissions wherever it's built.

Mr. Speaker, those are some of my comments because one of the key functions of this bill is to outline a regulatory framework for in situ coal gasification. That's the first thing. It will also amend the Coal Conservation Act, the Oil and Gas Conservation Act, and the Oil Sands Conservation Act, and repeal the requirements for permits for the use of large amounts of energy for industrial and manufacturing operations. Industrial development permits were introduced in the 1970s, and their primary activity was to enable the ERCB to make public interest decisions with respect to the security of supply and allocation of energy resources. According to the minister's office when we contacted them, the original objective, dealing with the allocation of energy resources, is now met with competitive market forces and is no longer considered necessary by the government of Alberta.

7:40

Of course, Mr. Speaker, another difference, I think, between the NDP and the PC government is that they believe the market forces will in all cases, in all ways produce the very best result. Of course, we don't believe that that's borne out in practice. In fact, not even close.

Mr. Speaker, Bill 16 fully removes the existing permitting system in section 43 of the Oil and Gas Conservation Act and cancels existing permits. Consequential changes are made to other acts.

I want to get to another important point, Mr. Speaker, and this has been raised by the people at the Environmental Law Centre. They have a number of questions. First of all, does Alberta Environment's procedure reflect all aspects of directive 025 of the ERCB? Do the differences between Alberta Environment's procedures and ERCB's directive 025 have different points of jurisdictional mandate that are relevant in approving and regulating developments?

Mr. Speaker, I think that one of the problems that we have with this approach, transferring the responsibility for oversight in some of these areas, is that one of the major changes would revoke the role of the ERCB in industrial development permits and put the full responsibility on Alberta Environment. Now, we have a problem, not with Alberta Environment per se, but this is a department that has been the subject of ongoing reductions. It has suffered consistent budget cuts and increasing demands on its work.

For example, in the 2011-12 fiscal year the government has budgeted \$11 million less than last year. Since 2007 the Environment budget has been reduced by 30 per cent. Mr. Speaker, that in and of itself is a very, very serious issue, and it really demonstrates clearly the lack of importance this government places on the environment. A 30 per cent cut in the last five years is very dramatic, and now we are being asked to transfer additional responsibilities onto this department. Quite clearly, it really lacks the actual capacity to oversee this. It really brings into question, in my view, whether or not they intend this function to actually be provided with oversights. We really question how Alberta Environment will be able to cope with this increased responsibility with regard to IDPs.

The last point that I wanted to make with respect to this legislation is the amendments that allow the Market Surveillance Administrator to make complaints and to challenge the Independent System Operator, otherwise known as the Alberta Electric System Operator, or AESO, which is supposedly an independent group of about 250 technicians and engineers set out in the Electric Utilities Act. I just want on a side note to remind members of this Assembly that it is the AESO group that is behind this cockamamie scheme to spend \$13 billion on unnecessary transmission infrastructure.

Mr. Speaker, one thing I learned in my time on city council is that if you let the engineers have a blank cheque to build all the stuff that they think would be neat and fun, you're pretty much going to be bankrupt in no time at all. I think it's important that we recognize that just because you can build something and you can have very interesting technological solutions to problems, it doesn't necessarily mean that you're going to have the most effective use of taxpayers' dollars.

I think that what has happened is that there's a combination of political influence from the big electricity generating companies, but also you've got this group, AESO, who have been given free rein to design their dream system for electricity transmission, and it is the ratepayers of this province that are going to pay the bill. Already we're seeing the large electricity consumers rebelling against this, and I think we're soon going to see smaller electricity consumers – homeowners particularly, small businesses, farmers, and so on – also rebelling.

Mr. Speaker, the ISO is established in the Electric Utilities Act as a corporation to operate a market for the exchange of electrical energy in Alberta. The Electric Utilities Act requires that market participants must comply with ISO rules. If the ISO suspects that a

market participant has contravened one of the rules, it must refer the matter to the Market Surveillance Administrator.

The amendment will allow the Market Surveillance Administrator to object or to complain about a certain rule that would impede the functioning of a proper market and bring it forward to the AUC for consideration. It begs the question of why a publicly funded body such as the MSA would need to get involved in the AESO complaint and rule change process if the Independent System Operator is supposed to be fair, independent, and a free market agent. The MSA is itself supposed to hold market participants accountable to the ISO and enforce the rules they set out.

Mr. Speaker, according to the MSA's latest annual report in 2010 the MSA issued a significant financial penalty to a single market participant composed of 332 notices of specified penalties, totalling \$655,000 for infractions of the ISO's dispatch rules. The MSA issued 46 other notices of specified penalties, totalling \$75,000.

The question I have is whether or not the MSA will be lobbied by the regulated electrical utility companies to bring forth certain complaints. If the MSA is getting involved with the AESO to conduct surveillance and investigate the working market, then this change makes some sense and fits within its mandate. However, the MSA itself is mandated to receive complaints, often from electrical operators themselves, who are direct market participants. Perhaps there ought to be a boundary between the MSA's genuine complaints and those that are brought to the MSA from electrical utilities providers themselves.

Now, again, the Environmental Law Centre has some concerns with respect to this, and they suggested that in amending this piece of legislation, there should have been a specific exception related to the market rules related to feed-in tariffs that would allow a level of support for renewables in electricity generation. These feed-in tariffs basically operate to allow electrical generators to charge a premium for renewable power generation. An express power to allow for feed-in tariffs would take the form of a regulation-making provision that prescribes instances where the market rules may be varied to allow for feed-in tariffs.

The area of tariff setting is a complex area, Mr. Speaker. However, the general view is that the current framework is a barrier to more rapid adoption of renewables. It should also be recognized that feed-in tariffs may cause price increases and, as such, may need to be accompanied by programs to assist those with lower incomes. Also, there are several questions about whether a feed-in tariff would be upheld under the current system as something under the regulated rate under the act. The concern, however, is that any such rate would be openly challenged.

Those are my concerns, Mr. Speaker. Thank you very much.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments and questions.

Seeing none, the chair shall now recognize the hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. It's indeed a privilege to come in here tonight and speak to Bill 16, the Energy Statutes Amendment Act, 2011. As we see in this act, it proposes to create a regulatory framework for a new class of petroleum production called in situ coal schemes, that produce synthetic coal, gas, and liquids through in situ coal gasification and liquefaction. It apparently eliminates the current regulatory regime of the industrial development permits, which exist to prevent resource waste, as the regulations as currently applied have been apparently superseded over time by environmental regulations in play in this province. It expands the breadth and oversight provided by the Market Sur-

veillance Administrator under the Electric Utilities Act, the Alberta Utilities Commission under the Gas Utilities Act, and it changes the definition of oil sands facilities.

7:50

When you look at these overall amendments and how they've taken place within the energy structure, it's difficult to see the pattern and direction that this government is going in and how it is going to fit with our energy future. From what we have structured here in Alberta, we have great skepticism on this side of the House as to the way many of our electricity statutes have come down the pike and how they've been developed. Primarily, this has been since the inception, when we privatized the industrial market some 15 years ago, and it's proceeded on from that front in a way that hasn't always been noticeably of benefit to Alberta citizens. I guess we take that healthy dose of skepticism as we continue down that path, and that's expressed here in some of my views that I will place on the record here tonight.

If we look at this, what we have, especially with the first goal of this, when we're looking at creating synthetic coal gas and liquids through in situ coal gasification, this is essentially what appears to be an older form of technology dressed up in a new sort of bow. If you look at it, this is some of that stuff that was talked about in World War II. When Germany was running out of fossil fuels, they were going to see if they could get to the oil reserves out in Asia. They had no more production in that country, so they were looking at the development of the gasification of coal. It appears that as we are here in this area running out of fossil fuels, we appear to be looking at ways of trying to get our coal reserves into more usable fuel resources, and that may be a reasonable and laudable goal.

As I just heard the member from the third party say, it seems like we seem to be going backwards in time almost to where we're developing coal resources, where we're looking at alleged clean-coal technologies when these, in fact, may not be the correct type of technologies to be investing in in this day and age. We may be better off looking at other ways to in fact be greening our grid instead of old technologies such as coal and situations of that nature. I put that concern on the record, that we may actually be going down a path where it may not actually be in our long-term interest as a province to really be looking at that stuff.

That said, you know, we do have an abundance of coal, and I understand that if we are going to develop this industry, it's got to be developed in somewhat of a reasonable fashion, so at the same time putting down a regulatory framework may not be the worst situation in the world. I just offer a little bit of balance to both those perspectives, that, in fact, sometimes we lose here in this province in a rush to get things done, seemingly, as quickly and expediently as possible, often to get the resources out of the ground without necessarily understanding the long-term consequences of what is actually going to happen.

We also see that this has been somewhat of a concern as this has generally been described to us as a housekeeping bill. At least from our side, it looks like there are some major changes to some things that are going to be happening in our province. Primarily, we see this from the change in what the definition is of an oil sands facility and how these are going to possibly have ramifications on the definition of what gets processed in Alberta, how it's going to be incented, how the incentive is going to be calculated for taxation purposes, and how the like is going to be formulated under that.

We have been assured that despite what appear to us to be relatively clear changes to those definitions, the redefinition of things usually attributed to this type of industry are now being included

in the new definitions. To us it looks like this will definitely affect the tax regime. We have been told by the ministry – and we take them, I guess, at their word – that this is not going to be affecting the tax regime. Now, from our view, we think that we're going to keep an eye on that. We're going to see whether that is, in fact, a true case, whether that will be happening, and we're going to worry quite a bit about that, considering that the oil and gas industry provides a great deal of revenue to us.

As well, we want to know what type of industry the government is into promoting or incenting. Is this the right type of industry to be incenting in Alberta? Those are the types of things we need to know and need to understand. To date we don't have a clear indication other than the word that this apparently doesn't. We haven't really seen a good explanation as to why the changes would be other than if it affected the tax and regulatory bodies that are in play.

We also note that this act changes the definition of coal and defines coal seams, that may turn some marginal coal deposits from mineral resources to pore space, which potentially changes the ownership if the mineral rights are owned by private interests and allows the use of very low-quality coal formations as carbon capture and storage reserves.

You know, we're looking for clarification. We received some clarification on this, and hopefully that will be clarified in the future. Again, as it pertains to this act, we're concerned about carbon capture and storage. It appears to be one possible piece to the puzzle that many pundits and many experts believe will have a great deal of relevancy, yet we have placed a large deal of our reduction strategy into this one technology. We're putting almost \$2 billion, an unprecedented amount of money, into this type of technology, and this is obviously going to continue, as we see it's being formulated to do under this act, from a technology that is relatively unproven in the eyes of many people, in the eyes of many experts on the other side of the issue, who believe this is more of a boondoggle than science that works. We're very concerned that we continue to go on that path when we're still in the early stages of whether this technology will work in the long run not only for lowering our emissions as a province but also for getting value for the money out of what we spend on reducing our carbon footprint.

8:00

We have a responsibility of playing that fact even though we're going to continue to be large players in the production of oil and gas products. I think that gives us even more of a responsibility to be doing our environmental fair share, and that's going to cause us to do some things of a very high quality that produce results. The world isn't just going to look at our jurisdiction and say: well, you guys get a pass because you're producing oil products that the rest of us use. No. Unfortunately, the microscope is going to be on us even closer. We're going to have to produce results, in my view, at a pretty substantial rate in order to get on the right side of this issue.

This act is going some ways to try and do that. If it's going the right way – well, hopefully it is. If it goes down a path of carbon capture and storage, then we have a lot of questions and a lot of concern about, especially, the rate that we're spending money on it, it appears, and the rate that we're changing the bills in the industry and the going forward of our regulatory systems to have this play a larger role in the Alberta landscape.

Let's also just comment briefly on the expanded oversight of Alberta's independent electrical system and the ISO. Again, the member of the third party brought up the concerns that this is the group that brought in, essentially, the changes to our electrical

infrastructure that could see the end users of electricity in this province pay substantially more for their electricity. One has to look at whether they are truly an independent body or if they're an arm of this government.

We look at how they changed their prognostications for the expected use of electricity by Albertans and their plans for transmission outlay in this province in 2007. Virtually overnight it was changed in 2008 to something that didn't appear to be thought out, voted on, or discussed at any level other than by the tall foreheads in this organization and some members of this government. It changed the perspective overnight to all of a sudden have a large transmission line extending from various parts in northern Alberta down to, allegedly, places as far-reaching as California.

This group has been part of that push, has been a backer of this push, has been a supporter of this push and a supporter of this government lock, stock, and barrel with relatively few questions or concerns that you would think an independent operator would have of not only government but of other institutions. You have concerns about their expanding role as to whether they truly are an independent arm or whether they're being . . . [Mr. Hehr's speaking time expired]

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Well, thank you very much. The hon. member certainly raised some very important points. I'm wondering if his constituents, like other Albertans that have been mentioned by other parties like the leader of the New Democrats, who is here tonight – relative to the issue of the potential raise in rates and what this could mean in a very negative way to consumers in terms of what they will face in dealing with the AESO and, of course, the electrical conveyance operator, are you concerned about that?

Mr. Hehr: Well, I think that it would behoove any member of this Assembly to view power as almost an essential good not only for industry but individual users here in Alberta. It's a commodity that modern life runs around, that we produce our goods with, that people heat their homes with, that people cook their meals with. Really, whether you're the wealthiest family in Alberta or one of its poorest citizens, at the end of the day electricity has a direct role to play in your daily life, from the production of your meals to getting to work. Of course, this resource and how it's managed and how it's produced in this province is important to everybody.

If you look at the way that this transmission system was built, the sort of seemingly overnight switching of the independent Alberta Electric System Operator from one form of plans to another that supports the government vision for a large, substantial investment in these transmission lines by the consumer, not by them but by the consumer, would be a cause for concern. No doubt when you have those extraordinary expenses, there's only one person who is going to end up paying for it, the end user. Whether that will have a substantial bite on our end users in Alberta: I think it's naive to suggest that it won't at least have something beyond a de minimis level. It will most likely have something more significant, something that will take a substantial monthly contribution to it by the ratepayers of Alberta, which at least in the short term and probably in the long term will lead to a competitive imbalance for our citizens. If you looked at it, many of the criticisms are out there.

Although I hope that is not the case, many people have put a fair question as to whether this is needed at this time. There's a strong case to be made that you should be doing this when and if

the electricity is needed in a certain community, when and if the operators of the system want to build those things, and when and if the citizens are willing to do it.

No doubt, I guess, the proof will be in the outcomes. Let's hope that some of the forecasts don't come to the front where we're paying substantially more in power for a boondoggle. Let's hope some of the smaller government estimates for price increases are more true than some of the substantial price increases that I've seen come up.

Thank you for the question.

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

Mr. Boutilier: Thank you, Mr. Speaker. A follow-up. Obviously, the hon. member is making reference to the comments made by the Minister of Energy. Am I to assume that this member is not accepting the premise and the comments made by the Minister of Energy in terms of his looking through rose-coloured glasses?

Mr. Hehr: It is often easy, I think, for the minister or, actually, anyone who is in government to tend to get caught up in government rhetoric and maybe, as it is on the opposition's side, trying to see what is needed and what is in the true long-term interests of Albertans.

The Deputy Speaker: Any other hon. members wish to speak on Bill 16?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 16 read a second time]

8:10

Private Bills Second Reading

Bill Pr. 1

Alberta Association of Municipal Districts and Counties Amendment Act, 2011

The Deputy Speaker: The hon. Member for Calgary-Mackay on behalf of the hon. Member for Leduc-Beaumont-Devon.

Ms Woo-Paw: Yes. Thank you, Mr. Speaker. On behalf of the hon. Member for Leduc-Beaumont-Devon I move second reading of Bill Pr. 1, Alberta Association of Municipal Districts and Counties Amendment Act, 2011.

This bill serves to modernize the act and provide clarity to its statutory provisions. For example, the definition of a rural municipality is added to the act to give clarity for the purpose of membership eligibility. This bill also strikes out the portion where it says that the association's purposes include promoting the interests of "all municipal districts and counties" throughout the province and substitutes "rural municipalities." Given that the association's membership includes 69 municipal districts and counties, there would be times when the association would end up promoting the interests of the majority of its membership but not all, as it is now explicitly stated in the act.

This bill also seeks to remove the provision which states the identity of the directors of the association at its incorporation in 1923 as this section is irrelevant given that those people are no longer directors. Instead, it would simply state that "at all times there shall be a minimum of five directors."

I encourage all members to support this bill and in turn help the AAMD and C work under an act that is more relevant and functional for the work that they presently do.

Thank you, Mr. Speaker.

The Deputy Speaker: Any other members wish to speak on Bill Pr. 1?

Seeing none, the chair shall now put the question.

[Motion carried; Bill Pr. 1 read a second time]

Bill Pr. 2

Galt Scholarship Fund Transfer Act

The Deputy Speaker: The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. I move second reading of Bill Pr. 2, the Galt Scholarship Fund Transfer Act.

Mr. Speaker, Pr. 2 is one of those good-news stories that I'm sure we'll have no trouble passing in this House. The origin of this trust fund can be traced back to 1909 as a bequest from the late Sir Alexander Tilloch Galt to the Galt hospital in Lethbridge. Over the years and many legislative acts later in 1954 the funds were to be used for scholarships for nurses at the Galt School of Nursing. In 1986 the Galt School of Nursing was closed, and finally in 1995 the trust was taken over by the Galt School of Nursing Alumnae Association. This group of nursing alumnae nursed those dollars very carefully. If only these nurses were looking after our provincial funds or if, in fact, the heritage fund was looked after with such care. The principal is now valued at \$144,000, and thousands of students have received tuition to help them become the health professionals that we so rely on in today's world.

However, also over these many years the ranks of the alumnae have been thinning, and the ladies are of the opinion that it's time to transfer these funds to the University of Lethbridge for their nursing student scholarships. The understanding is that the \$144,000 will remain intact, and as has been the practice, only the interest will be used for the scholarships. It has been roughly estimated that \$5,600 would be available for scholarships each year now and into the future. A wonderful gesture. The Galt School of Nursing alumnae are to be thanked and congratulated for keeping the trust of the Galt family. I'm sure the Galt family would be very satisfied.

I would ask all my legislative colleagues to pass Bill Pr. 2.

The Deputy Speaker: Any other hon. members wish to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill Pr. 2 read a second time]

Bill Pr. 7

Hull Child and Family Services Amendment Act, 2011

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

Mr. Rodney: Thank you very much, Mr. Speaker. It is indeed a pleasure for me to rise today to move second reading of Bill Pr. 7, the Hull Child and Family Services Amendment Act, 2011.

The purpose of this private bill is simply to shorten the name to Hull Services Act to accurately reflect current mandates and activities of this world-class organization, which I believe is a jewel in the crown of Calgary-Lougheed. Way back in 1962, thanks to the legacy of Alberta pioneer William Roper Hull, Hull Child and Family Services opened its doors to children who were disadvantaged, abandoned, neglected, or abused. Today Hull is respected as a leading-edge agency with expertise in issues that challenge children, families, and entire communities.

Many times children who are brought to Hull are afraid, upset, angry, and hurt. Often they struggle with adverse childhood ex-

periences, including maltreatment, mental illness, behavioural disorders, sexual victimization, addiction, developmental delays, poverty, and depression. No wonder so many feel so helpless, and no wonder so many believe their futures are also hopeless.

Through individualized assessment and treatment combined with compassion and commitment, these children begin to understand that someone truly cares for them and that they're worth while. They take control of their lives. They overcome their pain and their challenges. They build on their strengths. They focus on their future, and they succeed, Mr. Speaker. I've seen this with my own eyes on many occasions. From first-hand experience I know that Hull carefully selects and delivers well-researched, proven practices to ensure the highest quality of care and the most beneficial of outcomes. Best practices create the best results.

Today Hull's service continuum ranges from prevention and early intervention through to residential programs and it includes mental health and addiction services, in-home support, mentors, educational programs, family therapy, foster and kinship care, residential treatment, and supported independent living. Hull contributes significantly to the well-being of children and the enhancement of their families as well as to the health of the entire community. Amazingly, Mr. Speaker, over 3,500 people are touched by Hull's services each and every day.

Hull will be celebrating 50 years of miracles very soon. In fact, 2012 will be marked with significant celebrations, progressive professional development, enhanced fundraising efforts, and a profile building, all focused within Alberta. The proposed new name, Hull Services, will provide a fresh, inclusive, and easy to remember moniker for the entire community, and that's why it's so important that we do this now, in time for their celebrations.

Thank you, Mr. Speaker.

The Deputy Speaker: Any hon. members wish to speak on the bill? Seeing none, the chair shall now put the question.

[Motion carried; Bill Pr. 7 read a second time]

8:20

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The Committee of the Whole is now in order.

Bill 15

Victims of Crime Amendment Act, 2011

The Chair: I believe amendment A1 is on the table. Any hon. members wish to speak? The Minister of Public Security and Solicitor General.

Mr. Oberle: Thank you so much, Mr. Chairman, for the opportunity to speak again. When last we discussed this bill, I adjourned debate because of issues raised on behalf of the ND opposition and the Wildrose Alliance opposition relating to the absolute length of time when an application could be brought forward from a victim of a crime.

The bill worked rather hard to put some fences around that, put some certainty into it because of our experiences with age-old applications where it's very difficult to obtain medical records, if any. You know, the criminal records were difficult to access. We had tried to put some certainty around it. I remain convinced that we need to have some certainty around that. Because of that, the current amendment before the House is, in my view, problematic.

It also deals with victims and their injuries. The timing has to be around the commission of the crime.

I'm not prepared to support this amendment, and I would ask the members of the House to join me in defeating this amendment. However, in saying so, I have to tell you that I was swayed strongly by the arguments of both the ND and the Wildrose Alliance opposition, and I am prepared, based on discussions with the three opposition parties, to bring forward an amendment that, in my understanding, meets their needs nonetheless.

So I think the first order of business would be to defeat this current amendment, and I'm going to ask support of the House to do that.

The Chair: Any other member wish to speak on amendment A1? The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Yes. Mr. Chair, I just beg the House's indulgence. I don't have that amendment before me.

Mrs. Forsyth: It's A1. Rachel's amendment.

Mr. Mason: Yes, I know, but I don't have it.

While they get it, I'll just speak on it, Mr. Chairman. I know that there is a great deal of concern that has been expressed about someone who has had reasons why they couldn't bring forward these concerns within a short period of time. For example, according to the amendment:

2 years from the date of the injury or within 2 years from the date when the victim becomes aware of or knows or ought to know the nature of the injuries and recognizes the effects of the injuries.

This is an insufficient period of time, particularly with respect to children and also with respect in many cases to women.

I think that the problem is that we have not seen the amendment that the minister proposes to replace this, and I think that that is a difficulty. It might be easier for us to deal with if we knew what the intention was with regard to this, but I think there are real reasons why the period of time needs to be extended, so I would urge members to approve this amendment.

Thank you.

The Chair: The hon. Member for Fort McMurray-Wood Buffalo on the amendment.

Mr. Boutilier: Thank you, Mr. Chair. I'm pleased to rise today on the amendment pertaining to Bill 15, the Victims of Crime Amendment Act, 2011. It is interesting that in indicating that in terms of what has taken place, I heard the member from the New Democrats put forward what I thought was a very insightful amendment, and I'm pleased to say that I observed that the Solicitor General was listening intently to the motion that was put forward. Obviously, he would have gone back to speak with his administrative staff and the caucus relative to that, so I'm somewhat surprised by the fact that he now does not want to support the amendment pertaining to the victims of crime because, you know, of all the cutting of red tape that goes on, any obstacles that impede compensation for victims really have to be eliminated.

Victims of crime are often the odd person out, so to speak. There is a lot of attention paid to police officers and prosecutors and so on, but I would be the first to offer my praise for the hard work pertaining to administering the justice system. In doing so, criminals would not be brought to justice otherwise. This is a provincial responsibility. The work is demanding, often dangerous, even for lawyers and judges and, of course, our police, which the Wildrose caucus clearly support. We believe it's a conservative

value and something that Albertans support and that the Wildrose caucus has put forward in the past and will continue to in the future and will continue to do as a government.

We must cope with the different threats and intimidation that go on. There's a lot of attention that has been focused not on the victims of crime but on the perpetrators of crime. Millions of dollars are spent on programs for those who have broken the law, but no one here takes issue with a program that will help someone treat their addiction to drugs. We want to see those who break the law move forward and contribute to society rather than drain it for their own selfish benefit.

Now, what frustrates Albertans most is seeing innocent victims, some paralyzed or suffering from other long-term disabilities, suffering indignity. They struggle, I want to say, with the emotional and physical toll taken by violent crime. Some may never work again, and those who support a family also have children to worry about. So one violent crime can be a life-altering event to a family. It's not just a concern to me but, I believe, to members of this House and all Albertans who are victims of crime, and they must be respected and treated with respect. Therefore, I do believe that the amendment that has been put forward is something that is very important.

The amendment, which I thought was very, very well thought out, was put forward by the Member for Edmonton-Strathcona, who also, of course, is a lawyer by training, and that is a complement with her background and the experience she brings.

I am surprised that the Solicitor General and the government do not accept the amendment that has been put forward. In my view, it is kind of like, shall I say, we need to deal with a situation. We want to improve it. I know the Solicitor General wants to improve this. Some of my colleagues, to the Solicitor General, I think actually will support this, so I'm going to be interested in the detail of what is coming forward from the government side on this as the Solicitor General intimates that there could be some positive moves made. I'm assuming those moves were made based on the work that the Member for Edmonton-Strathcona has put forward and that perhaps we will take a look at them, you know, and we'll look at an idea that like health care it's very important that we achieve a high quality.

8:30

Of course, the fund that was spoken about in this House earlier is there for a reason and is there for the benefits to be able to help families who have suffered from brain injuries. Those with lesser injuries receive a lump sum based on the severity of their injury. The funds also go to victims' groups on a grant basis, and I think the victims' fund is a great start and a great program.

Sadly, though, the issue here is access. The crime fund now has assets that I believe are totalling over \$15 million, and it has long-term liabilities of something like \$30.6 million. But it's hard to swallow that money dedicated to victims of crime sits in a bank account as opposed to going to good use, so I will be watching very closely. It's my hope that we can right this ship and that in any amendments coming forward such as what I'm speaking of, we can get back on track and put crime victims first.

I want to say that the amendments that are being put forward by the Solicitor General, of course, we will look at and not rule anything out. I'm just very pleased that the Solicitor General has listened to the Member for Edmonton-Strathcona, from the New Democrats, because I believe that this is a conservative value, a conservative value that Albertans connect with the Wildrose caucus. Clearly, I think I'm glad to see that this one minister, the Solicitor General, is listening to what opposition are saying. It's

amazing; the skill to listen, to be willing to stand up and say that we can do better based on that.

Consequently, I will be listening intently to other speakers this evening prior to coming to a decision on what I think will be best. I'm looking forward to being convinced by comments from the government side and other opposition members relative to the benefits and the weaknesses, potentially, of the amendments that are being put forward.

Thank you, Mr. Chair.

Mr. Mason: I wonder if before we vote on this, Mr. Chairman, the hon. Solicitor General would share with the Assembly the general intent of the amendment that he would like to propose as an alternative.

Mr. Oberle: I believe I'm prevented by parliamentary process to do exactly that. We're discussing an amendment, and the normal process here would be to table a subamendment, which was not possible, though I can inform the member that I've discussed my intentions this evening with the Member for Edmonton-Strathcona, the Member for Airdrie-Chestermere, and the Member for Edmonton-Gold Bar. Again, my intent – my amendment is not an amendment until it's tabled in this House, and it can't be done until this amendment is disposed of. So I'm deeply sorry that I can't help the member in that regard, Mr. Chairman.

Mr. Mason: Okay. Mr. Chairman, I'm going to put forward the arguments in favour of this amendment, then, being in ignorance of what the hon. Solicitor General has in mind. The amendment put forward by my colleague the hon. Member for Edmonton-Strathcona would accomplish three things. It would keep the language currently in the act around the two-year time limit within which victims are eligible to apply for financial support; two, it would strike out the bill's proposed 10-year limit from the date of the offence within which the victims are eligible to apply for financial support; and three, where the victim was a minor, the amendment would strike out the 10-year time limit from the date the victim reaches the age of majority regarding eligibility for applying for financial support.

Mr. Chairman, in the current act the two-year time limit applies from the date of the injury or the date of the victim's realization of the nature and effects of the injury. Bill 15 would apply a two-year time limit from the date of the victim's realization of the offence. This amendment would maintain the language currently in the act about the victim's realization of the injury in place of the bill's language concerning the realization of the offence. It is important that the act maintain its current language on this issue because women who are victims of domestic violence do not often recognize that they are victims of a criminal offence.

As the Alberta Council of Women's Shelters position paper published in February of this year, following the Solicitor General's consultation on the bill, states:

Women in situations of domestic violence commonly do not identify themselves as victims of crime. Even in situations where repeated and extreme abuse and injury occurs, women often do not perceive their experience this way.

It is, therefore, extremely important that the act maintain its current language, stating that individuals become eligible for financial support upon realizing the effects of the injury rather than realizing that they are victims of a criminal offence. This amendment is needed for women who are victims of violent crime to have equal access to the victims of crime fund and not to be disadvantaged by the effects of patterns of abuse by intimate partners.

Mr. Chairman, this amendment would also strike out the bill's 10-year limit from the date of the offence for eligibility to apply for financial support. The minister has said that the limit is needed to reduce the number of applications being made to the fund, but it is an arbitrary and unfair limit which will prevent some victims from receiving the help and support that the fund was set up to provide. Similarly, for victims that are minors, the bill imposes a 10-year limit from the date the individual reaches the age of majority. Again, the limit is arbitrary and unfair and will prevent some victims from receiving the help which they need.

So I would urge all members of the House to continue to support this amendment A1. Thank you, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Yes. Thank you very much, Mr. Chairman. I'm rising to support the amendment brought forward by the hon. Member for Edmonton-Strathcona. In listening to the exchange that's gone on over the last 15 minutes or so, I have to say that I am irritated that we have to keep fighting the same battle over and over and over again and that the government persists in demolishing the good work that has been done. We have so much work that shows that particularly women, almost exclusively women, who are victims of abuse, whether that is long-term emotional or psychological abuse or physical abuse, can take years to come to the point where they acknowledge that that was what was going on, that their lives have been affected by it, and to be able to apply for assistance. And they are perfectly entitled to do that.

I understand that the Limitations Act in Alberta says: two years from the date of the crime and that that applies to everything else. Fair enough. But that's not what we're dealing with here. We are dealing with a very specific and specialized group of people who suffer abuse in a way that is not customarily suffered by any other identifiable group. Interestingly enough, once again it's women who are this identifiable group and which the government is repeatedly in a position where it wants to take away what we fought so hard to gain, and that is the understanding of how long . . . Sorry. Let me stop.

What we're trying to do is make sure that those women have access to the funds that they are perfectly entitled to get access to. The problem that exists for this very specific group is that they may not come to terms with what's happened to them. They may not psychologically be able to identify that and acknowledge it and be able to go forward and claim the funding that is there in a government program for them. It often takes time to get to that point for this group of people. So why the government persists in coming back to us and doing this – this is the second or third time I've been involved in this debate in the 14 years I've been in this Assembly plus the time before that, when I was involved with the Advisory Council on Women's Issues, that I keep hearing this debate and the government keeps trying to do this.

8:40

It's, well, irritating is not a strong enough word, quite frankly. It's a persistence by this government of failing to acknowledge all of the documentation that is available to say: "This is what happens to this particular group of people." We have to recognize that. We have to go on the evidence and on the scientific knowledge that's available that tells us how long it can take women to recover and to be able to get to the point where they can apply for funds. [interjections] Gentlemen, if you are not able to contain your discussion, please, I invite you to step outside.

Thank you.

An Hon. Member: Are you challenging them?

Ms Blakeman: Well, I'm inviting them to step outside. If the conversation is that interesting, they should continue it out the door. Thank you.

Perhaps the chairman could be a bit quicker on his feet next time so that I don't have to do it. [interjections] Well, if this amendment hadn't had to keep coming forward, I wouldn't be quite so prickly about it, you guys.

I don't understand why you keep trying to do this. Maybe it's because of the legal basis for this that you want to line everything up with the Limitations Act and its two-year gates, time limits. It's annoying for me and irritating for me, and that's nothing compared to what the women and children that find themselves in this situation must feel when they look at the government persistently trying to deny them access to benefits that they're perfectly entitled to get and that, in fact, the fund was put in place for.

I went to the initial announcement of whatever the first version of this particular fund was called, and it's gone through about three incarnations now and been called a couple of different things. Here we go: the Victims of Crime Act, that came into force on August 1, 1997. That'd be exactly right. The Victims of Crime Act replaced the Victims' Programs Assistance Act and the Criminal Injuries Compensation Act. Then in 2005 it incorporated the Canadian statement of basic principles of justice for victims of crime. So now we have the victims of crime fund.

We have to acknowledge this, and that's what this amendment is trying to do. Once again the government has taken that acknowledgement out. We're trying to see it put back in. I have a statement of intent from the Solicitor General that he's going to deal with the issue again, but because of the process that we're in in this Assembly, we don't know what that is. We have to take the word of the Solicitor General at this point that his amendment will do, in fact, what we are seeking. He urges us to vote against the very amendment that actually does include what we'd like to see.

So I am going to go forward and vote in favour of the amendment that is on the floor before us because it does what I want to see done and tries to acknowledge and deal with that compensation. I'm sure the rest of you will vote according to whatever you believe is right, but I'll tell you that it's darn . . .

An Hon. Member: Frustrating.

Ms Blakeman: Well, frustrating doesn't begin to explain why we're back here for at least the third time arguing the same point in front of this government. We have an institutional memory in this place. Why isn't it operating?

I urge the rest of my colleagues to follow my lead and the lead of others that have spoken and to support this amendment. Thank you very much.

The Chair: The hon. Member for Airdrie-Chestermere on the amendment.

Mr. Anderson: On the amendment, Mr. Chair. I am absolutely still supportive of the amendment from the hon. Member for Edmonton-Strathcona as I said in my remarks previously, and I am very much in agreement with the previous speakers about this on the opposition side. This is the exact wrong message to send to those victims, in particular those victims that were victimized when they were children. A lot of the time those memories are suppressed. A lot of those times they live in fear. Whatever the case their mind literally does not allow them to unlock it, unlock those memories, until later in life. A 10-year cut-off date with regard to a limitation sends the message to them that their victimization is somehow less legitimate or less important than those who were victimized a little later on in life and haven't suppressed it

and have remembered it. This is an absolute fact. It does happen, and it happens more than I think any of us know. I would hope that most of us, if not all, haven't had this sort of victimization. But so many have, and literally they cannot remember what happened until after years of therapy. There's something wrong, there are usually signs, and then they go into the therapy, and the mind literally unlocks the stuff.

I really feel that it's a big mistake on the part of the government not to see this, not to recognize that that 10-year kind of statute of limitation just does not properly account for those victims. It just sends the wrong message. It just sends the wrong message to our kids, to those kids and to those adults who were kids when they were abused as well as to those who out of fear or whatever feel that they can't bring it forward for a 10-year period.

I know that the government wants certainty, and I understand that. Certainty is good. But there are some things so heinous and so wrong and so debilitating and awful that conventional thinking around certainty in the Criminal Code just doesn't apply, and it doesn't apply here for this victim of crimes fund. You need to really think this through.

In fact, I misspoke. I think criminally, if I'm not mistaken, there is no limitation. That's right. There is no limitation on the 10 years or any years on that for a victim that remembers it later on in life. So why wouldn't you follow that same principle when you're talking about the victims of crime fund?

Now, I am looking forward to see what the Solicitor General is bringing forward. That's not to say that me speaking for this amendment right now would preclude me agreeing to a different amendment if it improves the bill. But unless it specifically improves it, specifically does what this amendment is asking here, then I don't think it will be as good an amendment as what the hon. Member for Edmonton-Strathcona is talking about.

Again, I have no idea what the bureaucracy has said to the Solicitor General, to whoever to introduce this limitation. I don't know. I have no idea. But I know that it's not correct. I sure hope that if this doesn't go through now, hopefully in subsequent years or perhaps after the next election maybe we will look again at this and try to get it right. If anything, just think of the message that it sends. Everything else aside, think of the message it sends to those who were abused when they were kids, suppressed the memories, and then remember them later on in life. It says to them that their victimization is not as legitimate as the victimization of someone who suffered it later in life. It's the wrong message, so please reconsider.

I will be still supporting this amendment. I do hope it passes, and if not, we'll look to see what the Solicitor General is proposing.

8:50

The Chair: The hon. Member for Calgary-*Buffalo*.

Mr. Hehr: Well, thank you very much, Mr. Chair. At this point this might be the definition of piling on, but at the same time I, too, must speak in favour of this amendment, proposed by the Member for Edmonton-Strathcona. It's a very good amendment, essentially, for many of the reasons we've heard expressed by the Member for Edmonton-Centre, the Member for Airdrie-Chestermere, and in fact all members who have spoken on this issue who at least from the view from this side of the House feel there are both scientific reasons as well as reasons of equity that say that imposing a 10-year statutory limit on recognizing the pain and suffering by victims of crime in these situations is wrong and antithetical to what the act is actually trying to instill.

If we actually just left it at the amendment the hon. member is proposing here, the original act that is proposed in the Limitations Act, which states, “within 2 years from the date of injury or within 2 years from the date when the victim becomes aware of or knows or ought to know the nature of the injuries and recognizes the effects of the injuries,” this is essentially the reasonable man test. People would objectively look at the circumstances, apply the situation that the victim was in, and see whether it was reasonable that he or she was applying for the compensation so late or so early or whenever the fact the victim got around to applying for the compensation.

By no means is this a blank cheque or something to that effect that allows a victim some loophole. What it does is it just applies the reasonable man test to their circumstances, and in my view it recognizes a much more fair balance that identifies some scientific circumstances that exist to victims of crime when they’ve been in situations where they’ve been exposed to often horrific and repeated and extended abuse in all sorts of situations that this honourable House may not be aware of.

Again, I don’t pretend to be Kreskin, so I can’t tell you what the hon. Solicitor General’s amendment is going to be, but I look forward to it and hope he does come up with it.

An Hon. Member: Is he like Houdini?

Mr. Hehr: No, Kreskin wasn’t like Houdini. Houdini could escape from things. Kreskin could say whether you had 21 or not in your cards, so that’s what it is, hon. member. No, I am not Kreskin, but I will tell you that I hope the Solicitor General’s amendment is similar, if not identical, to the one being proposed by the hon. member of the third party, and we can go from there.

This is a good discussion tonight on a very important issue. I’m glad we were here for this debate, and I’m glad we had an opportunity to discuss this. I guess now the institutional memory of the Member for Edmonton-Centre says that this is the third time this situation comes up. At least maybe if we have this discussion a few more times, we’ll no longer see it being written into legislation here in Alberta if the reasons were valid that we brought up here tonight.

Thank you for the opportunity to speak, Mr. Chair. I invite other people to speak, or I hope the Solicitor General sets us all at ease and can calm our jittery nerves here on this side of the House and go forward in that vein. Thank you very much.

The Chair: The hon. Member for Calgary-Fish Creek on A1.

Mrs. Forsyth: Thank you, Mr. Chair. I’m pleased to rise yet again on Bill 15, the Victims of Crime Amendment Act, 2011. I recall specifically speaking in regard to the amendment brought forward by the Member for Edmonton-Strathcona about two weeks ago and brought forward what I thought were some important things. At that particular time, I talked about incidents like Theo Fleury, who was sexually abused, I think, probably at the age of 14 as a young hockey player and decided to come forward probably 20 years after the fact and has now, obviously, become someone who has become a Canadian idol, as far as I’m concerned, in regard to championing the issue of sexual abuse.

I know the Solicitor General has brought some amendments forward and has shared those particular amendments late in the afternoon with the House leader for the Wildrose and the NDP and also the Liberal opposition. You kind of feel like you’re caught between a rock and a hard place, where you kind of like the amendment, but you know that if you don’t support the amendment, you’re screwed.

He put his initials on this amendment. Then we have the Government House Leader coming over and reminding our House leader that, you know, you did sign this particular note supporting the Solicitor General on the amendments in regard to what he’s bringing forward, which he has already said that he can’t table because we’re debating the A1 amendment, but we will be able to discuss that after.

In my life in politics, which has been interesting to say the least, as a former Solicitor General and minister of children’s services I always used to look at doing the right thing and what’s best for Albertans. As people have said previously in this House, I have made my political history talking and advocating on behalf of children. So when I’m looking at a bill in particular, I look at what the bill contains, what it’s going to do for Albertans, what is right for Albertans, and what is wrong for Albertans.

Then when an amendment hits the Legislature, I always look at: where we were, which is the bill that was originally tabled in the Legislature; where we are now, which is an amendment that the Member for Edmonton-Strathcona put before the House; and where we’re going. You know, when we go to where we were, we have Bill 15 that was brought before the Legislature and tabled in the Legislature a few weeks ago, and it was the Victims of Crime Amendment Act, 2011. It was interesting that as this particular piece of legislation made its way through the House, an amendment hit the floor on the 21st of April, which was an amendment from the Member for Edmonton-Strathcona, so that’s where we are right now.

As someone who’s new to being a member of the opposition, I thought it was important that we talk to the Member for Edmonton-Strathcona to find out, as the critic for this particular piece of legislation, where she was going with this amendment when she talks about 12.2(2), striking out everything after “made” and substituting “within 2 years from the date.” I found the conversation actually quite fascinating because it really starts putting your brain in gear. You start thinking about all of the things that the government talks about in their throne speech and what the Premier has spoken about. They’re all for families. They talk about children. They talk about the protection of children. We’ve seen some of the legislation and private members’ bills hit the Legislature, and I know we’re going to be talking later on in the evening about, I think, Bill 8, the Alberta Missing Persons Act.

In the conversations with the Member for Edmonton-Strathcona and in talking to some of the people that I always feel are my best resources – and that’s people and stakeholders and the police and people that work with victims of crime, et cetera – it started to make a lot of sense to me. Then you dig a little deeper, and you start talking to or reading about or listening to a wonderful organization called Little Warriors, that has been advocating over the last, I would say, year in regard to the sexual abuse of children and how you should start talking to people, and that it’s not an embarrassment. They’ve put together a very, very good campaign, in my mind, encouraging people, adults or children, for that matter, who have been sexually abused to start to speak out and to talk to someone that they trust, even though a majority of the time the people that they trust are the same people that are sexually abusing them. It’s not your fault that you’ve been sexually abused.

I have to say, Mr. Chair, that I like the amendment that the Member for Edmonton-Strathcona has brought forward. I’m a realist, and I realize the chances of this particular amendment passing in this Legislature when you have a government that is intent on defeating this particular piece of legislation. I really, really challenge the government to think about this legislation and this particular amendment in regard to what they’re defeating and why they’re defeating it and then go home and explain to their

constituents. The nice thing about *Hansard* is that it's all on record, quite frankly. We've been very fortunate in being able to provide a lot of that through our web pages in regard to what particular individuals in this Assembly are saying about a particular piece of legislation.

9:00

What I find quite interesting is the silence of the government on this amendment and not speaking, whether they support it or they're against it. Silence is an incredible tool, especially when you don't have anybody speaking at all, so that obviously means that they don't support this amendment. We'll continue in committee as Wildrose caucus to speak in support of this amendment as I'm sure the Liberals and the NDP will. We know what is going to happen to amendment A1, but we're going to continue to advocate on behalf of Albertans, quite frankly, and on behalf of the children who at this particular time, at 5 after 9 somewhere in this province probably and if not in this province somewhere in this country, unfortunately are being sexually abused and may not understand what's happening until they get a little older and a little wiser. So I again am going to be on the record that I support A1, and I'm going to encourage all other members in this Legislature to support it.

The Chair: Any other hon. members wishing to speak on amendment A1?

Seeing none, the chair shall put the question.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 9:03 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mr. Cao in the chair]

For the motion:

Anderson	Forsyth	MacDonald
Blakeman	Hehr	Mason
Boutilier	Hinman	

Against the motion:

Ady	Goudreau	Redford
Allred	Horner	Renner
Benito	Johnson	Rodney
Blackett	Knight	Sarich
Campbell	Lund	Tarchuk
Danyluk	Oberle	VanderBurg
Denis	Olson	Weadick
Doerksen	Ouellette	Woo-Paw
Fawcett		

Totals:	For – 8	Against – 25
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[Motion on amendment A1 lost]

The Chair: The hon. Minister of Public Security and Solicitor General.

Mr. Oberle: Thank you, Mr. Chairman. I would love to rise to speak if I could, but I can't. At this time I would like to table an amendment. I believe it would be amendment A2. As that's being circulated, I would just maybe make some introductory comments.

I think every opposition member over there would know the process that bills take, going through various committees and discussions, and they're a long time in the making, including some public consultation that was involved. We believed that we had

arrived at a bill, and we firmly believed there was some need to put certainty around the issue of applications. We're concerned about fraud in applications and other issues, and I tried to articulate that.

However, discussions in the debate in the House, most notably from the Member for Edmonton-Strathcona and the Member for Airdrie-Chestermere, raised what I thought were some legitimate and heartfelt concerns about the harsh termination of anybody's rights. They reminded me, quite rightly, that we are talking about victims of crime here for the most part, and how would my proposed bill address the issue of somebody that was sexually abused as a child and came to that realization or came to understand those issues and those injuries much later in life or of somebody that was, for example, the victim of a long-term spousal abuse situation and really only came to understand those issues at some later date? Both of those are not only plausible; they happen regularly. Those are people that are known to be victims of crime that have interacted with our system, people that would find themselves in that circumstance.

So we adjourned debate on that division, as it were. I went back to my staff to craft something that would meet the needs. There is still a thought amongst the community that there needs to be some certainty, and what we have crafted here I think represents a reasonable compromise. It provides some certainty, but it puts no fences around the end date in cases where these realizations come in later life. The amendment actually goes back to what was the previous wording. We had a director's discretion clause in there that the proposed Bill 15 would have eliminated, so we've reinserted it. It would now say, "Notwithstanding sections 12.2(2)(b) and 12.3, the Director may extend the period of time for making an application where the Director determines that there are compelling reasons to do so."

If I was to guess right now, I would say that probably provides more flexibility than the original intent was, but it certainly captures the issues such as sexual abuse of a minor or spousal abuse. It captures people whose realization of their injuries and their circumstance comes later in life and where their grappling with the effects of those injuries comes later in life. The science is – and I agree with the members for Airdrie-Chestermere and Edmonton-Strathcona – abundantly clear that these circumstances arise, that they exist, and they certainly would represent a compelling reason for a director to determine that the dates should not be adhered to.

I believe this represents a reasonable compromise. Not wanting to infringe upon the privilege of any member over there, I'll say nothing more than that I did discuss it with a few members in each of the parties, and I think I've got some level of agreement on that, but I look forward to the debate, Mr. Chairman. I'll retire my comments there.

9:20

The Chair: The hon. Member for Edmonton-Gold Bar on amendment A2.

Mr. MacDonald: Yes. Thank you very much. You're absolutely right, Mr. Chairman. We're speaking directly to amendment A2.

I listened with interest to the debate on amendment A1, as proposed by the hon. Member for Edmonton-Strathcona. Certainly, this amendment is a compromise. I received a handwritten note from the hon. minister regarding this amendment A2, and I certainly appreciate that. A2, as I understand it, will allow for an extension of time. This is going to be inserted or added following section 12.3 of Bill 15. Section 12.3 certainly provides instruction or whatever we want to call it on an application where a victim

was a minor, but this application is new and allows an exception to the general limitation periods. If the victim was a minor at the time of the offence, an application for benefits may be made within 10 years of the date the victim reaches the age of majority.

Now, I thought – and I could be wrong – this provision is consistent with the Alberta Limitations Act, which extends limitation periods for minors in a similar way, but if this amendment is further clarification to that, we are now going to allow that the director may, not shall, “extend the period of time for making an application where the Director determines that there are compelling reasons to do so.” Well, I think that is a step further. I could be wrong, but certainly that would be my interpretation of that.

It’s important that we understand and be mindful of section 12.2(2)(b), but certainly it would be my view that this changes the application deadline. It certainly changes it beyond the two years, which is noted in section 12.2, from the date of an injury or death or two years from the date when a victim knew or ought to have known the circumstances.

I think this certainly is a step in the right direction. Is it everything that the hon. Member for Airdrie-Chestermere or the hon. Member for Edmonton-Strathcona had discussed? I’m not certain about that, but I view this as an improvement. I think that at this time I would be quite willing to support this.

Thank you.

The Chair: The hon. Member for Calgary-Fish Creek on amendment A2.

Mrs. Forsyth: Thank you, Mr. Chair. I’m pleased to stand up in regard to amendment A2, that the hon. Solicitor General has brought forward. I do so with some hesitation, I guess. I understand that our House leader has indicated that we will be supporting this amendment, and I will also be supporting it but, if I may say so, with some reluctance.

I guess I’m going to start off with some of the comments that the Solicitor General made when he was bringing forward the amendment. He talked about the public consultation that they held in bringing forward Bill 15. I find with some difficulty that through public consultation no one – no one – thought about what was contained under 12.1, 12.2, and 12.3. When they did public consultation – and he talked about that – of all the people in this province, it struck no one’s mind that we have had people who have been sexually abused as a minor and that 20 or 25 years later they come forward in regard to the sexual abuse. I keep referring back to Theo Fleury, who has come out very publicly over the last two years. Within this public consultation you would think that at that particular time, whether it was stakeholders, the police department, or even someone within the ministry’s office, they would think: well, maybe we should kind of look at that particular section.

The minister also referred in his introduction of his amendments to the uncertainty in the community. I guess my question to him is: what is the uncertainty in the community? He never really elaborated on what he meant by uncertainty in the community.

The other thing he mentioned when he was speaking – and I look forward to reading the *Hansard* or maybe to some clarification from the minister – was that this regularly happens. I’m assuming that when he refers to “regularly happens,” he’s talking about sexual abuse. I look at his amendment, where he talks about 12.4 and the extension of time. It says, “Notwithstanding sections 12.2(2)(b) and 12.3, the Director may” – I always love the word “may” in legal terms; there’s always a big difference between “may” and “must” to anyone who is a lawyer here, and I’m not a lawyer – “extend the period of time for making an application

where the Director determines that there are compelling reasons to do so.” I guess my question to the minister is: what is considered compelling?

He talked in his briefing notes about the sexual abuse of a minor. He talked about the realization of the victim’s injuries that comes later in life. I started putting my thinking cap on, and I’m thinking: well, there’s no reason why anybody would even question the sexual abuse of a minor, nor would they question the realization of their injuries that comes later in life.

But what about somebody that’s sexually abused as an adult? Now, that may not strike anybody here, but from my time as the Solicitor General and the minister of children’s services I go back to when I brought a motion in front of this Legislature many, many years ago about a wonderful drug that was hitting the scene at that particular time called Rohypnol, the date rape drug. When I brought that motion forward several years ago, I think I caught everybody off guard in the Assembly in regard to Rohypnol because it was just hitting the scenes. As the Solicitor General we were just starting to get police reports about this drug that was hitting the bars and scenes like that and in regard to women, the majority of them women, that had some very fuzzy, fuzzy kinds of stories that they weren’t sure whether they were raped, that they weren’t sure whether they had had sex. At that particular time, if I recall – and I was the Solicitor General from 2001 to 2004, so I’m going to say 2001 and even prior to that – it was brand new on the scene. It was just hitting the market.

Then, of course, we go into gang rapes. Gang rapes are a very interesting scenario where you have a young adult, and what we consider a young adult in Alberta is 18. They get involved in drugs, and they get involved in the gangs, and some of the initiation in the gangs is gang rape. It’s all maybe very exciting and thrilling at that particular time, when we’re talking about an initiation into a gang, but somewhere down the line, when that particular individual is 25, 26, 28, that 10-year period that is involved in this particular legislation – I would suggest that that’s 28 – they all of a sudden think: what the heck have I gotten myself into? They’re dealing with a lot of emotions.

9:30

What’s particularly interesting to me is that in the amendment to Bill 15 that the Solicitor General has brought forward, under application for benefits, 12.2(1) stays the same. Under that 12.2(2) stays the same as does (a) and (b), which talks about within 10 years after the offence occurred. Section 12.3 stays the same. And then he’s adding in there 12.4, which says, “Notwithstanding sections 12.2(2)(b) and 12(3), the Director may” – again I want to repeat, may – and talks about “compelling reasons.”

We as the third opposition realize that when you’re given seconds, you take it. It’s kind of like you want first place, and that particular first place to me was the amendment that the Member for Edmonton-Strathcona brought forward. Now we’ve got second place, and that’s the amendment that the Solicitor General brings forward. It kind of reminds me, like, you’re second choice or you’re second fiddle or whatever. For us this particular amendment is that second choice. I guess in life you can pick first, second, and third, and if you have to, you take one of the top three.

Unfortunately, we’re now put in a situation where the government has defeated our first choice, which was the original amendment from Edmonton-Strathcona, which I think encompasses everything that people are seeking under the Victims of Crime Amendment Act to try and get some counselling. It fits and encompasses, you know, sexual abuse of women or men, for that

matter, who have been abused in a relationship. It encompasses the whole thing.

Now we're into what I call second choice. We have that little word "may." Another word that strikes me is "compelling," and I would love to look at the dictionary to really actually get into what compelling means. I know that the Solicitor General's intentions are probably – I don't want to use the words well thought out – I think thought out, and he feels that this is going to encompass what he feels is important to get this legislation through. We will obviously support this amendment with some reluctance, with some second sobering thoughts, if I can use that, and I'll listen to the rest of the debate.

It will be interesting to – again, the government through this whole debate on the Victims of Crime Amendment Act, whether we talk about our first choice, has virtually been silent. I'm looking forward to the hon. Member for Calgary-Montrose maybe standing up and speaking in regard to why he felt compelled, if I may use that word – and he was going to law school – to turn down amendment A1, which I think encompassed everything, and now he feels compelled to support amendment A2. I guess to me that's exactly what compel can mean. You know, it's different things to different folks.

With that, I'll sit down and let other members speak.

The Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Chair. It's a privilege to rise and speak to this amendment, which is amendment A2, to Bill 15, the Victims of Crime Amendment Act, 2011. As previously noted, this has been brought up to replace some of the concerns that were underneath the act, primarily some of the limitations that were brought in by this government on what would be known as the drop-dead rule, that an application must be made to the victims of crime board within 10 years of some occurrence of an event happening or that victim would forego their opportunity to forever get compensation back under the bill.

We see, then, that the Member for Edmonton-Strathcona brought forward an amendment that changed this, that eliminated this 10-year drop-dead rule and brought in the reasonable man test, where people would judge a situation on what a victim had been through, what a victim was dealing with, whether it was reasonable that he or she had taken so long to get their application in to the court, and make a decision based on science, based on understanding, based on a recognition of the human frailty and faults that lie within the human makeup at times. I thought her amendment was essentially an affirmation of where both the law is as well as the sentiment of what I believe this Legislature viewed as being a reasonable approach, to being a compassionate government as well as representing a compassionate citizenry that recognizes that people who are victims of crime don't always fit into neatly fitting definitions and 10-year rules and regulations and time frames.

The situation we noted as being especially difficult was the area of sexual assault or sexual abuse or spousal abuse, where victims take a lot of time to really internalize those, to recognize that they have been victims of crime, and often take years, if not a generation, to process those internalizations, what they mean and how they've affected their lives and their children's lives. In my view the amendment brought forward by the Member for Edmonton-Strathcona captured that.

The Solicitor General in his wisdom has not adopted that but has come with a provision that, in my view, goes some of the way to giving these victims of crime some opportunity to be heard, and that's through his amendment, which states as follows: "The Di-

rector may extend the period of time for making an application where the Director determines that there are compelling reasons to do so." One would assume that an applicant would not fall outside of the 10-year drop-dead rule, that was prescribed in the legislation, and would be forced, then, to get any compensation under the act at the sole behest of the director.

At this time in this Legislature we have no idea who this said director is, who has appointed him or her, what their viewpoint is, what evidence will be presented to them, what the forum is for presenting to them this information, all of that stuff. We are here left with a picture of some all-knowing, all-seeing being who's going to sit out there and decide compensation to deserving victims and those who are not deserving. In my view that's a very difficult position to put us in here, to really wholeheartedly get behind this amendment and say that this eradicates the unforeseen consequences that were in the other bill. Yeah, it does offer one more opportunity for the victim to be heard, but by no means is that an assurance that the right steps would be followed or the right tests under the law or what the minister said that the act is supposed to cure are followed. It puts an awful lot of power in the hands of one individual.

9:40

Upon looking at this as an objective toward the act, yes, one can say that this is incrementally better. Could it be a lot better? Yes, it could. In my view, it would be a lot better if we would have been adopting the amendment put forward under Bill 15 in the first amendment to this act. Nevertheless, because I'm a believer in incrementalism, I will be supporting this, although with the reservations I have. I hope that people faced with this situation are getting a fair and adequate hearing to present the evidence as it may be to the powers that may be at the time and if they should be receiving compensation under the act, that the act is getting them the benefits they so deserve. We've noticed some situations here where opportunities may have been missed in the past and may actually be missed in the future because of the way this legislation is written. I hope that is not the case.

Nevertheless, those are my comments. I would thank the Solicitor General for at least going away and working on the amendment and listening to what was brought up. Oftentimes I think there are situations where we put things through, and we get them done: let's not worry about it till the next time we open up the act six, 10 years from now. So I will say that. It's not everything we wanted, but like the Rolling Stones once said, Mr. Chair, "You can't always get what you want . . . you get what you need."

Anyways, thank you very much for allowing me to speak on this issue, Mr. Chair.

The Chair: The hon. Member for Fort McMurray-Wood Buffalo on amendment A2.

Mr. Boutillier: Yeah. Thank you very much, Mr. Chair. Pertaining to the amendment to Bill 15, the Victims of Crime Amendment Act, 2011, I appreciate the previous speaker and his comments about, you know, "You can't always get what you want," but you can certainly try for it. I do believe that the original amendment that was lost earlier tonight, put forward by the Member for Edmonton-Strathcona, was a far stronger amendment and a better amendment. I do believe that, clearly, under the act as it still reads, there is way too much wiggle room because it says "may." It does not say "must." In the amendment 12.4 says an extension of time notwithstanding 12.2(2)(b) and 12.3, the director may – he may not as well – consider to extend the period of time for making

an application where the director determines there are compelling reasons to do so. Once again, the inmates running the asylum.

There's way too much wiggle room in this, and I will not be supporting this amendment.

The Chair: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you. I have a question for the hon. minister, Mr. Chairman, and I hope he would answer it to help me make up my mind. What is the right of appeal from a decision of the director under this section?

Mr. Oberle: Mr. Chairman, an applicant can appeal a decision of a director to the Criminal Injuries Review Board, as has always been the case. That's their right of appeal.

Mr. Mason: From there to the courts?

Mr. Oberle: I would have to look that up. I'm sorry. I don't have that answer at my fingertips. I believe that would be only if an error in law was made in the decision of the board.

Mr. Mason: Mr. Chairman, this amendment has the advantage of providing an exception to the rules that are set out in the legislation, but in my view the provisions of the legislation set the overall direction that should be followed. It doesn't set out under what circumstances an extension would be provided or any criteria really that would be used to make that decision. So my concern with this is that it introduces an element of arbitrariness into the administration of this. That concerns me. I think, therefore, it is quite a bit less satisfactory than the amendment that was just voted upon made by my colleague for Edmonton-Strathcona. I don't really believe that this does the trick, and I would be very concerned that the fact that this provides for an extension at the discretion of the director doesn't ensure that it is properly provided to people who legitimately need it. So I think, Mr. Chairman, that the minister's amendment falls short of what's needed.

Thank you.

The Chair: The hon. Member for Airdrie-Chestermere on amendment A2.

Mr. Anderson: Thank you, Mr. Chair. I'd like to first commend and thank the Solicitor General for bringing this amendment forward. You know, I'm going to respectfully disagree with my colleague from Fort McMurray-Wood Buffalo. We agree on 99 per cent of things, but I think that on this one, although it is not a perfect amendment, it's certainly better than what's there right now. I want to be very clear, though. I think that the original amendment brought forward by the Member for Edmonton-Strathcona was better, that it hit the point better, it protected what we're trying to get at better. We're trying to protect individuals who address this issue of abuse that they've had earlier in their lives later in life after discovering it or remembering it or having the therapy, et cetera, that they need to remember it and deal with it or they feel protected to now deal with it or whatever have you. That's what we're trying to get at.

I hope that this amendment allows for that. I hope it does. It allows for it if the director determines there are compelling reasons to do so. That's very vague; it's too vague. It leaves a lot of discretion with someone who is not really accountable to anyone on a day-to-day basis. I don't think that's probably the best way to

go, but it is certainly better, miles better, than not having it there at all.

In the Solicitor General's comments I think what he's clearly said in *Hansard* – and I think that it's key for the director, whoever that is, to remember and look at what the Solicitor General's intent and this House's intent were when this amendment was brought forward – is that this is specifically for those instances where individuals are abused and then later in life are in a position or able to remember, et cetera, that abuse and deal with it at that time. One of the things that you need to look at when interpreting legislation, of course, is the debate in *Hansard*, and I hope that between what the Solicitor General has said and what other members of this House have said, clearly the director, when these situations present themselves, will use his discretion given in this amendment to do exactly what we're talking about here.

I would hope that other members of the government, particularly the former Justice minister and the Justice minister, would hopefully get on record as perhaps saying that that is exactly what the intent of this amendment is so that the director can feel emboldened to use that discretion in every situation where there has been a victim of abuse in their youth or a victim of abuse in an abusive relationship, and they can't deal with it for more than 10 years after because either they didn't remember it or they didn't feel safe or whatever the reason is.

9:50

With that I will support this amendment. I do thank the Solicitor General for bringing it forward. It is rare in this House that somebody on the government side actually listens to something that comes up in debate and actually deals with it. Clearly, it's not exactly how I or others on this side of the House would deal with it, but he did deal with it, and he did make an attempt. I think that's noteworthy and commendable.

I would also note that in this House and in this Wildrose Party we have free votes, so we are completely able – I don't think the sky will fall if there's some disagreement on our side of the House as to whether this amendment goes far enough or not. With that, I will sit down. Once again, I thank the Solicitor General for the amendment.

The Chair: The hon. Minister of Tourism, Parks and Recreation.

Mrs. Ady: Thank you, Mr. Chairman. I felt compelled to just stand and make one point today regarding the amendment to the victims of crime legislation. When I first entered the House, the Member for Calgary-Fish Creek will remember that she asked me to conduct a review of the victims of crime legislation. I spent six months out there travelling the province and consulting, and I think one of the things that surprised me the very most in that consultation was to find that there was abuse of the fund and that people were actually making claims that were abusive to the fund and that was actually diminishing the fund for those who needed it.

So I want to commend the minister for creating some certainty around this but also creating a methodology for people that do repress memory and do need longer. I would say that both happen, and I think the thing that surprised me the most in the review was the nature of some of the people that were abusing the fund and how they were abusing it. It was quite surprising to me. I think that this is a good compromise. It gives certainty but also allows a way and a methodology because I do think there are repressed memories or some of this stuff really does take time to be able to come to a point where somebody is willing to access help. I would like to support this amendment. I think it's a good piece. I think it

adds to the legislation, and the other maybe opened it too wide and would have actually diminished the very fund that we're trying to protect for victims of crime.

Thanks.

Mrs. Forsyth: Well, Mr. Chairman, I had to get up right away on this because I do remember the Member for Calgary-Shaw when I was the minister and asking her to review it. You know, I guess for me if you're talking apples to apples, I would be all right with that. I remember as the former minister talking to the member and the members of the committee, actually, on the victims of crime and talking about the abuse.

What is before us on this particular amendment isn't about abuse of the victims of crime. What we're talking about is one section, and it talks about how those who have been abused in the past have the right to come forward. The minister has acknowledged that. In fact, he has listened very intently to the hon. Member for Edmonton-Strathcona, who brought this forward, and then my colleague from Airdrie-Chestermere, credit to him, has realized that there is a hole within this piece of legislation and talks about compelling reasons. He didn't argue at all about the abuse in the system whatsoever.

We're talking about a statute of limitation on section 12.2, and it goes on to (a) about two years and (b). The minister then brings forward an amendment, and at no time during his speaking notes does he talk anything about abuse of the system. What he does talk about – I took some notes – is the public consultation process. He didn't mention anything about abuse in the system. He talked about uncertainty in the community, which I asked him. He talked about the fact that this regularly happens, and then he went into some considerable discussion about what is considered compelling. He went on from there to talk about what he considered compelling was the sexual abuse of a minor. The realization of their injuries comes later in life. At no time did he talk anywhere – and I've listened intently because, as everyone knows in this Legislature, this is a bill that when I was the minister was, quite frankly, dear to my heart. We have spent several hours speaking about this particular piece of legislation, and I don't think anyone at any time will criticize.

There has probably been some abuse in the system. If the Member for Calgary-Shaw remembers, the piece of legislation that we brought forward – and I can't even remember – was brought to address that. What we're talking about at this particular time is with the entire bill. If you want to go . . . [interjections]

The Chair: Continue, hon. member.

Mrs. Forsyth: Well, we've got some chatter in the back, and the member that was originally giving us heck for chattering is just back into the conversation with some of her colleagues, so she can maybe address her own colleague instead of us.

Ms Blakeman: Take it outside.

Mrs. Forsyth: Take it outside.

When we talk about Bill 15, which was tabled in this Legislature, the Victims of Crime Amendment Act, 2011, clearly spells out the ability for the process to be speeded up so that victims who are victims of crime can access their crimes quicker.

I guess I felt – and our new word of the night is “compelled” – compelled to jump up and make my comments after listening to the Member for Calgary-Shaw because, quite frankly, we're not talking apples to apples.

The Chair: The hon. Member for Calgary-Montrose on amendment A2.

Mr. Bhullar: Thank you, Mr. Chair. I just want to affirm some comments that have been made by other members specifically with respect to direction to the director. Compelling reasons, in my eyes, are people awakening or realizing after the said time frame the harm that was caused them.

I think it's incredibly important that we very much stress the fact that while we know very well, Mr. Chair, that victims of child sexual abuse, in particular, often do not realize or awaken to the fact of such abuse until many years later. We've heard testimony from folks that have referenced victims who are in the public light who have come forward with such realizations many years after adulthood.

I just felt the need to rise and confirm once again that based on the dialogue here today and the dialogue that we have heard from the minister, any such directors in this position shall hopefully reference our discussions here today in this Assembly.

Mr. Hehr: May. Not shall.

Mr. Bhullar: Not may.

They may consider the very serious intent of the folks in this Assembly today. The victims of child sexual abuse need justice. They need healing, Mr. Chair. They need an opportunity to receive whatever benefits are so afforded to them.

Also, Mr. Chair, I think it's imperative that we do take a second. Although this discussion, the amendment and so on, deals with discussions of a financial nature, this is really, truly about healing and about justice. Quite frankly, I think we live in a society that is often terrified to discuss such issues. However, they are incredibly prevalent issues in our society, and they are the underlying cause of much harm in our society, the underlying cause for many people, quite frankly, not living up to everything they are, many people suffering in many different emotional, spiritual, and mental capacities in addition to physical capacities.

10:00

Mr. Chairman, by us passing this amendment, we are not just saying that victims are so afforded financial rights; we are also saying that we as a society, we as a people recognize that it is incredibly difficult for victims to step forth. We are saying that we side with them, we stand with them, and we as a society, as a population, as a whole will work with them to ensure that we, number one, help them heal.

Number two, I profess that all members of this Assembly join in a wish, quite frankly, join in a movement by which each of us does what we can to spread awareness of such issues to prevent this from happening. The harm associated with such acts is often irreversible. It is up to us as members of this Assembly, as people with a voice in this province to step forth and to offer our voice, our commitment, our resolve to help people have those difficult conversations and to prevent this from happening in the first instance.

Thank you very much, Mr. Chair.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chair. I just want to make sure that it's clear because I've heard a number of members speak now, and their reference point is always about childhood sexual abuse. I want to make very clear that the scientific information that supports this does include childhood sexual abuse – absolutely correct – but the other place that we see it, unfortunately

commonly, is around abuse from faith leaders. Let me put it that way. It also includes women and spousal or domestic abuse, particularly long-term abusive situations, which can be psychological abuse, financial abuse, and severe physical abuse.

I want to make clear that the intention of this was to include all of those categories and that we're not omitting anyone. We're not promoting one category above another. It may well be that some of the speakers previous to me are more comfortable talking about or referencing children. Fair enough. If they will come to the discussion based on that, I'll take it, but let's be clear that it's not narrowed to that group and that it does include – and I want to make sure we're clear – those women that are victims of abuse. I will also add that I'm well aware that there are men and gay and lesbian partners who are also a part of that unfortunate grouping of spousal partners who have been abused, so it's not limited to women, and I'll be clear about that.

Part of the other thing I want to address here is the impassioned speeches from people that have spoken before me talking about recognizing the underlying causes of harm and giving direction to the director here. None of that is actually in the amendment. Unless the regulations give that or unless there is an annotated version of the act, none of that will go forward, and 10 years from now nobody is going to look up the *Hansard*. My experience has been that it just doesn't happen. So unless there's another way like an annotated version of the act that is regularly used by people that administer the act, this kind of information doesn't fall forward to them. If you really want something to be happening here where we're recognizing underlying causes of harm, loss potential, and underemployment and recognizing how difficult it is for victims to step forward, part of that is government support for those agencies that actually provide services to the victims that have been described.

That is about adequate funding, adequate, predictable, long-term funding for the NGOs that supply those services in this society, and that includes sexual assault centres and domestic abuse shelters. So I want to underline that to the members. This stuff doesn't happen magically; it doesn't happen by good fairies. These services are developed and administered by the NGOs in our society, and they need to be funded appropriately by government because they are providing services that the majority of citizens expect are provided by government, and that funding needs to be adequate, sustained, and long-term, which I would argue is not currently the case.

Thank you for allowing me to put those couple of points on the record. Now we can get on to voting on this amendment.

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

Seeing none, the chair shall now call the question on amendment A2.

[Motion on amendment A2 carried unanimously]

Mr. MacDonald: Mr. Chairman, could I please speak to the bill at committee?

The Chair: You would like to speak? Of course.

Mr. MacDonald: Thank you. Now, I haven't had an opportunity to speak on this bill at committee yet other than on amendment A2.

The Chair: On the bill as amended.

Mr. MacDonald: Yes. Certainly, there's a lot in this bill.

Now, I have some specific questions for the minister. Of course, other members have discussed this, but the victims of crime fund, according to the estimates in this year's budget, will have net assets of over \$47 million, and that's to March 31 of this year. The minister, in accordance with the act and the regulations, uses the fund for grants for programs that benefit victims of crime, costs incurred by the Victims of Crime Programs Committee and the Criminal Injuries Review Board in carrying out their duties, remuneration and expenses payable to members of the committee and the review board, financial benefits payable under the act, and, of course, the cost of administering the act.

I have questions around the financial benefits payable under the act. Now, earlier today we had a discussion in question period, and it relates to this, Mr. Chairman. There are two core programs operating under the act, the financial benefits program for eligible victims who have suffered injury as a result of a violent criminal offence and grants. It's the violent criminal offence and the financial benefits program for eligible victims that I would like to discuss.

Certainly, all hon. members, I believe, would be of the view that the gentleman that we discussed in question period today, Mr. Tom Bregg, was an Edmonton transit bus driver who was doing his job and was viciously, violently assaulted by a passenger. The gentleman is still getting over those injuries. He has a WCB claim. There are issues with the WCB. I'm not going to get into that, but my question to the minister at this time in debate would be: what happens to an individual such as this who is getting workers' compensation benefits? Are they also eligible to make an application to the victims of crime fund for their injuries?

In the case of this man it is hard for us to understand exactly what he is going through as a result of the injuries that he received from this violent assault. He still needs more surgery to repair the damage from the assault. But what happens in this case, where he is or was receiving WCB benefits? It remains to be seen whether he's going to be on full or partial benefits. Can an individual like this apply to the victims of crime fund?

Thank you.

10:10

The Chair: Any other hon. member wishing to speak on the bill? The hon. Minister of Public Security.

Mr. Oberle: Thank you, Mr. Chairman, for the opportunity to clarify those remarks. I will speak with great care here in that it would be improper for me to indicate whether or not the individual in question had in any way applied to the fund, and I certainly would be in no position to know what the status of his WCB compensation situation is. I have certainly not spoken to the individual. If I knew anything about his case, I would feel extremely constrained in speaking about it on the floor of the House. So in general I could say that, yes, the individual could apply to the victims of crime fund.

Interesting that this particular case is used as an example not just because it's timely – it is – but because it really illustrates a difference between a compensation program. The victims of crime fund is not a compensation program. So an individual in his situation would be hoping for compensation for lost work or the lost ability to work and other things. That would typically be dealt with through the Workers' Compensation Board. But an individual in this situation could apply to the victims of crime fund.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Minister, for that. I appreciate that.

The Chair: Any other hon. member wishing to speak on Bill 15?

Hon. Members: Question.

[The clauses of Bill 15 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 8 Missing Persons Act

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

Mr. VanderBurg: Thank you, Mr. Chairman. I'm pleased to rise today to move Committee of the Whole debate on Bill 8, the Missing Persons Act. The Missing Persons Act will allow a police agency to access the personal information they need to help find missing persons in cases where the police have no reason to suspect a crime has been committed. Currently in these situations a lot of the information is left unavailable to them. To try to locate that person is very difficult. Many times this information would be vital to bringing these cases to a timely and positive outcome.

Mr. Chairman, over the last month I've had a lot of telephone calls, and a lot of articles that have been written in the papers have supported this bill. In one copy, the March 1 *Edmonton Journal*, Brent Wittmeier and Jana Pruden had some interesting comments, and I'd like to read them to the Assembly. The deputy chief of the Calgary Police Service chairs the law amendments committee for the Alberta Association of Chiefs of Police that recommended these changes last spring. Murray Stooke is that deputy chief. He said that "the bill will go a long way in helping police track down . . . Albertans currently missing. Since proving a crime is difficult, police were unable to access telephone, bank, or even health records" to help locate people. Also in that article a mother whose son disappeared said that "she understands some people may have concerns about the release of personal information, but she thinks the legislation's potential benefits far outweigh any risks."

When I had the opportunity to brief the opposition members, I felt pretty good about where this legislation was going, and I felt pretty good support. Mr. Chairman, Alberta is leading the charge when it comes to the missing persons legislation. No other province has initiated detailed legislation specific to this issue. I'm proud to stand in this House and push for this legislation, push for the missing persons, push for their families, and push for their friends and for the police agencies who hold the responsibility to bring these people home. I'd like to thank the members of the opposition for hearing me out and, like I say, for the most part being very supportive.

The Member for Edmonton-Gold Bar talked about some of the ways that he thought may strengthen the bill. In fact, I know that he'll be introducing an amendment that I do believe will strengthen the bill and that I will support.

At this time, Mr. Chairman, I'll sit down. Let's deal with those amendments.

The Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. First, I would again like to thank the hon. Member for Whitecourt-

Ste. Anne for his work on this bill. I have received correspondence and phone calls from people in this province in support of the bill and from others that have had questions about this legislation in this Assembly, and I did my best to answer their questions.

I know the Missing Persons Act is a legislative first. I think it is a good step, but we have to have limitations and, certainly, controls on this bill. This act, as we all know, will allow a police agency to compel the production of personal information about a missing person in cases where the police have no reason to suspect that a crime has been committed, and we are the first jurisdiction in the country to contemplate legislation of this nature.

Now, at committee there are a lot of details that we should discuss in the sections analysis of Bill 8, but certainly we recognize that a government agency cannot refuse to disclose personal information to a police service that compels production of that information. In some cases legislation governing sensitive personal information may include a confidentiality provision that would be in conflict with this provision. That's outlined in section 2.

Section 3 is dealing with orders regarding records and the right of entry. We talked earlier about the role of the JP, or justice of the peace, in this. Section 3(3) empowers the JP, the justice of the peace, to make an order if satisfied that the order is necessary for an investigation. I asked in our discussions on this bill: why is that necessary? I didn't realize that in a lot of cases it is very difficult to track down a Queen's Bench justice to get this work done, so I can live with that. I have some concerns about that, but as it was explained to me, I can certainly live with that because sometimes you don't have a lot of time.

10:20

Now, I realize that this provision, section 3(1)(b), could be controversial because it allows a justice of the peace to authorize police in some cases to go right in. The only safeguard here, as I understand it, is the test of reasonable belief. But I'm not so sure, Mr. Chairman. I hope this applies only to the one location.

I'm sure there's going to be a lot of discussion on this over the evening. This is new legislation. It's in some ways innovative legislation. We've got to be careful whenever we are providing additional powers to our police forces that there are checks and balances here. Certainly, when we go through this and we look at some things that would improve this bill, I would suggest that we need to have provisions to ensure that the Information and Privacy Commissioner has the power to investigate complaints and that a whistleblower has the right to report a breach of this act.

My amendment, that I'm going to propose here in a minute, would deal with section 7. I know that all hon. members of this Assembly have been waiting a significant amount of time to deal with Bill 8, and I do hope to bring some of the concerns and questions that have been addressed to me from various interested parties on Bill 8 to the floor of the Assembly. Section 7 of the Missing Persons Act limits the disclosure of personal information collected about a missing person. The section begins with the clause, "Despite section 40 of the Freedom of Information and Protection of Privacy Act," which makes this act paramount over the FOIP Act with respect to the disclosure of personal information. Despite, I should say, Mr. Chairman, is like notwithstanding in legal parlance. Now, the legal question is: does the language remove the ability of the commissioner to investigate a complaint or a report of improper use or disclosure by a whistleblower? I'm told it does.

Now, there is legal precedent in order F2005-007 issued in 2006. The commissioner considered a case in which the Maintenance Enforcement Act limited the disclosure of personal information collected under the act. The following is from the case

summary published with the order on the commissioner's website. I'm not going to go through that in detail, Mr. Chairman, but certainly I think there's a lot we can do with this bill. There are a lot of questions about it, and I think those questions are valid.

Again, whenever I think of missing persons – and I don't know what the hon. member had in mind, but if B.C. had a bill like this, would that horrible crime that occurred in Pitt Meadows have been solved sooner? Certainly, there were reports of missing persons down in the lower east side of Vancouver. This morning on the way to work at the Assembly I heard on the radio that the Edmonton police had taped off an area around the mooring dock of the *Edmonton Queen*. It was Project Kare of the Edmonton Police Service looking for women who had gone missing over the last number of months and years in this province. All hon. members of this Assembly are aware of some of the cases in the county of Strathcona. So there certainly is an expectation that this bill, hopefully, would resolve some of those or speed up the investigations of those individuals who have been reported missing.

The amendment that I have this evening for this bill I think is necessary because it corrects or clears up deficiencies in both section 6 and section 7 of the proposed act. I think that we see as we proceed that we need to ensure that the Information and Privacy Commissioner retains jurisdiction over personal information that is used and disclosed under the Missing Persons Act.

At this time I have the signed copy for the hon. Clerk, and I have additional copies for each and every hon. member. I'll just wait until these are distributed. Fair enough?

The Chair: Sure.

Hon. member, please continue on amendment A1.

Mr. MacDonald: Thank you very much. I was speaking earlier about how this would work with section 6 and section 7 and certainly the commissioner's order going back to 2005. That order specifically would be F2005-007. The commissioner found – and I was talking about the Maintenance Enforcement Act – that section 12(3) and section 15(1) were inconsistent or in conflict with disclosure provisions in section 40 of the FOIP Act because section 40 contemplates numerous other disclosures that the limited disclosures allowed under the Maintenance Enforcement Act. It is also interesting to note that the commissioner held that section 12(3) and section 15(1) of the Maintenance Enforcement Act governed the disclosure of the information. The FOIP Act did not apply, and it did not have jurisdiction over the disclosure. This order had been used to explain how the FOIP Act is interpreted by the commissioner in a government of Alberta publication, FOIP Bulletin 11

This bill, Bill 8, introduced by the hon. Member for Whitecourt-Ste. Anne: the hon. member indicates, and I certainly have every confidence that his view is correct, that he believes this act preserves the right of an individual to make a complaint to the commissioner in the right of a whistleblower to report improper use and disclosure. I believe that the commissioner also finds that this is acceptable. I haven't heard the commissioner publicly speak on this act. Sometimes there's a press release that comes out. I have on other statutes, but I haven't seen it if it has this time.

10:30

Certainly, whenever we look at this amendment, that is generally what is proposed. I think this amendment will give greater certainty that the commissioner has jurisdiction to investigate a complaint about the use or disclosure of personal information under the FOIP Act and also that whistle-blower provisions apply.

It is common to add provisions to acts for greater certainty, and I think A1 does that when there is likely to be a misunderstanding, and hopefully there will never be any misunderstandings about this. It is critically important that an act allow the police or the police forces to collect, use, and disclose personal information in a way that is unprecedented in Canada, but it must be subject to oversight by the Privacy Commissioner.

That's why we propose this amendment, and hopefully it will be agreeable to hon. members of this Assembly because I think it clarifies some of the issues that we have discussed in our remarks. Thank you.

The Chair: The hon. Member for Whitecourt-Ste. Anne on amendment A1.

Mr. VanderBurg: Well, I want to assure individuals who believe, you know, that their personal information is collected, used, or disclosed inappropriately under any act: the information officer will take that seriously. I think that by stating this in the act the way that the member has proposed strengthens the act, and I can assure everyone out there that nothing in this act does limit the powers or the duties of the Information and Privacy Commissioner under the Freedom of Information and Protection of Privacy Act. I do support the amendments.

The Chair: The hon. Member for Calgary-Fish Creek on amendment A1.

Mrs. Forsyth: Mr. Chair, actually I, the Member for Calgary-Fish Creek, will support this amendment. My preference, actually, would be to speak on the bill in its entirety, so I'd be prepared to vote on this particular amendment if you could put me on the speaking list.

The Chair: The hon. Member for Edmonton-Centre on amendment A1.

Ms Blakeman: That's correct. I have a number of comments to make on this bill, and the table is already holding some six amendments, I think, that I'm proposing to bring forward tonight.

Speaking specifically to amendment A1, that has been brought forward by my colleague from Edmonton-Gold Bar, in fact our caucus's official critic on this bill, I want to support what he has done here. It's a wise move. This act is important because it's the first, and everyone else will use it as a guidepost and develop their legislation based on what's proposed in front of us. The act quite deliberately set itself up outside of the Freedom of Information and Protection of Privacy Act because, in fact, it sets out to collect personal information.

It was very important to our caucus that we have a ground of appeal, that we have an avenue of oversight, of monitoring and evaluation, and that, obviously, in the province of Alberta is the office of the commissioner of freedom of information and protection of privacy. They have the expertise and knowledge there, and we in our caucus, as put forward by my colleague from Edmonton-Gold Bar, have an expectation that those services and that expertise would be available to the citizens of Alberta if they felt that their information had been inappropriately collected, used, or disclosed. It's very important to me that we have that avenue of appeal if you want to view it that way. I hope that this section also casts itself across the wider understanding of this act.

I'll speak later about my extreme reservations on what this act is proposing to do, but this amendment does go some small way toward addressing some of my concerns about what's needed to be able to hold these powers of collection of personal information

in check and to be able to rely upon the expertise of the commissioner's office to be able to investigate and, particularly, to protect whistle-blowers who bring forward information.

I urge all of my colleagues in the Assembly to support amendment A1. I'm sure the chairman already has me on the speaking list because he knew about the amendments.

Thank you very much.

The Chair: On amendment A1, any other hon. member wish to speak?

Seeing none, the chair shall now put the question on amendment A1.

[Motion on amendment A1 carried]

The Chair: Now we go back to the bill. The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Well, thank you, Mr. Chair. I thought it was important as a member of the Wildrose and the MLA for Calgary-Fish Creek to get on the record how I feel and how, actually, the constituents of Calgary-Fish Creek feel about the Missing Persons Act.

I'm actually pleased and quite honoured to rise and speak to Bill 8, the Missing Persons Act, and I want to thank the hon. Member for Whitecourt-Ste. Anne for his hard work on this bill. Again, I think this is the second time he's brought something through the Legislature. The time is late, so my mind isn't working as quickly as it should, but I believe it was the establishment of a task force on sexual exploitation through a motion that he brought forward. He continues to be on a bit of a roll.

I guess I'm encouraged to see that this legislation was requested by the Alberta Association of Chiefs of Police and that the government has responded to their request. Why I say that: as a former Solicitor General I had the honour of working with the Alberta Association of Chiefs of Police, and I always listened and respected what they had to say when they were making suggestions because, after all, their officers are on the ground and know the pulse of what's happening on the streets, or what I like to call the dark side. I think that this is a response from the Alberta Association of Chiefs of Police, and I respect the government for that.

As has been noted, if the Missing Persons Act is passed, Alberta is going to be the first province to pass missing persons legislation, and I think that's something Alberta should be proud of. I know the hard work that I had to do when I brought the Amber Alert to Canada. As we all know, Alberta was the first province to adopt the Amber Alert, and then I went across the country, actually, making all of the other provinces aware of the Amber Alert. Now it's Canada-wide, and it's something that I think not only Alberta should be proud of but Canada.

What I'm going to suggest to the hon. Member for Whitecourt-Ste. Anne is a challenge to him and to the Minister of Justice. When the minister is at his federal-provincial-territorial meetings, his FTPs, he has the ability to certainly take the Member for Whitecourt-Ste. Anne and this legislation, and they can push this across the country.

I think that what's important about this, as with the Amber Alert, is that when someone is missing, time is of the essence. I support this bill particularly because it gives police the tools to speed up the process of finding missing people. With the ability to find more information more quickly, police will be able to assess whether a missing person is, in fact, a missing person or someone who simply does not want to be found. It grants police access to information, including credit and debit purchases or text messages, when someone is missing, but it cannot prove whether or not a

crime has been committed. At that moment police need a production order to get information which they can only obtain when a crime has been committed. This has been an obstacle when trying to find a missing person, and I think that the bill will certainly address some of that.

10:40

I'm glad that this bill was crafted from the standpoint that a person has the right to disappear if they choose, and this is, essentially, important if a person is fleeing an abusive situation. I think that if people remember, I brought forward a horrific situation where I was dealing with someone that had actually left a very, very abusive situation, went through all the procedures to have a name change, and then no sooner had they gotten their name changed than Service Alberta decided to post that, and the whole process started again. For Jane and Janet Doe it's still very, very difficult to communicate with them. They won't leave a number or anything, and to me that's very sad.

As people in this Legislature know, I do a lot of research when I'm going to stand up and support a piece of legislation or if I'm not going to support a piece of legislation. The Wildrose caucus doesn't have a lot of money for their research budget, so we end up writing a lot of our own speeches or doing a lot of our own research, which makes our days, if I may say, very, very long. In that research I had some statistics, and interestingly enough, when I pulled this data off – when did I do it? – in April 20 of 2011, I went to the Missing Children Society. I know this particular bill deals with adults, but there were 51,000 missing children at this particular time in Canada. They go on to break it down by provinces. This was from 2009, so I imagine the numbers have gone up quite a bit. In Alberta alone we've got 5,172 missing children.

In my research I decided to go and dig a little deeper, and lo and behold if I don't come up with Alberta Missing Persons. We have 198 missing persons in Alberta alone. I found that fascinating, to the point where, you know, our latest missing person has been covered all over the Edmonton news, the young soldier that has just disappeared. He's got family combing the riverbank and wondering where he's gone. Has he fallen into the river? What tragic thing has happened? I mean, no one can second-guess what happened to him. Of course, before that was the elderly couple, Lyle and Marie McCann, an elderly couple who disappeared and whose family is still looking for them.

Mr. Chair, when you start going through the website Alberta Missing Persons, it's very, very sad because some of these people have actually been missing for years, some of them not so long ago. You know, you have a fellow by the name of John Armstrong, who disappeared March 21, 2009. Some of them go back for years, and to me it's important to have some closure. I can quite frankly say that if I had one of my children, who are not children anymore, who are adults, go missing – or maybe I can use my husband, for example – just all of a sudden disappear off the face of the Earth, I would like to know. I know probably tonight sometime we're going to hear about a spouse that has decided that they just can't be in a marriage anymore or that they just have to get away from the things that they're suffering in the day. Well, that doesn't preclude for the family that is left behind the ability for some sort of tracking.

I know the Minister of Justice has guaranteed that all information gathered will be separate from the rest of the police intelligence and will only be used for missing persons cases. I know that there is a fine balance between finding victims and intruding on the private lives of innocent people, and I believe that this legislation strikes it by ensuring a narrow focus on what in-

formation will be accessed and how it will be used to find missing people.

The likelihood that this legislation could be the difference between life and death is to me quite striking. It allows individuals, if they choose, to disappear in relative peace, but it also makes this legislation a worthwhile endeavour should an adult go missing under very, very strange circumstances.

This legislation also states that police will not reveal any information or location of the person to someone who filed a missing persons report but will only confirm that that particular person has been located alive. I think that's probably safe because, quite frankly, if it was my husband, that's probably the only way he would stay alive if I found him. It's a good thing that he has that protection. I personally find it quite cowardly, if someone can't stay in a relationship, to do something that, I think, is important so that the family has closure.

I think what's also important to consider for me is those who suffer from dementia and the difference it will make to the people who love these people. I see that quite often as the critic for seniors. I've brought up in this House on numerous occasions my mum in a seniors' home. They have several levels of care in that particular home. I don't know how many times, quite frankly, I've walked a senior back to their room or taken one of the seniors to the dining room table. For that matter, if a little senior has decided to go for a little walk, even if it's to the drug store, and I'm driving over to see my mum and I see them wandering around, I realize that they're confused. It's quite easy for them, in a city as big as Calgary, as far as I'm concerned, especially – you know, I live along Calgary-Fish Creek, so we have the Bow River that's very, very close. For them to take a walk and get lost in Fish Creek park isn't out of the question.

Mr. Chair, for the 198 missing people that are on this website that I happened to locate – and, quite frankly, there are probably, I can think, three or four that need to be added to this particular website. I really don't know the last time this website was updated, but I would bet that we could probably add to this particular website at least a dozen people. For the family of Lyle and Marie McCann and, for that matter, the family of the soldier that went missing a week ago, maybe this will help them; maybe it won't.

I can tell you as the Member for Calgary-Fish Creek and the critic responsible that we will be supporting this. Thank you.

The Chair: The hon. Member for Fort McMurray-Wood Buffalo on the bill.

10:50

Mr. Boutilier: Thank you very much, Mr. Chairman. Each year in Alberta our law enforcement services receive over 10,000 missing persons reports. I do believe that based on the members who spoke previously and the Member for Calgary-Fish Creek as a former Solicitor General, this legislation will be another positive step towards optimizing the efficiency of police and perhaps finding those that are missing.

There certainly is a fine balance between finding victims and intruding on private lives of innocent people. I think all of us in this Assembly of all political stripes believe that it's important to ensure that there is a narrow focus on what information will be assessed and how it will be assessed pertaining to helping find missing people. But the likelihood that this legislation could be the difference between life and death and also allow individuals to disappear in relative peace, shall I say, will make this legislation an entirely worthwhile endeavour.

Also, it's important to recognize that it's important to consider those who suffer from a variety of illnesses that perhaps could

create the ability of getting lost. In reference to what we've been seeing on the national news as of late, certainly I want to say that legislation of any sort that can help, I think, a family and a loved one to be found, it is my hope that this would be an intended spiritual help towards that even though this will become law.

As I look and see the story of the Chretien family, where Mrs. Chretien was found after 48 days of being lost, of course, our prayers and thoughts are with her family. The officials are looking for her husband now. Mrs. Chretien was travelling from Penticton, from British Columbia down into Nevada. You can imagine the human spirit of being in your van for 48 days and surviving and doing it in very good shape. Certainly, that must have been quite a Mother's Day present to the son, who we saw on television tonight. He was reacquainted with his mom on Mother's Day. Can you imagine being missing for 48 days? Our prayers and thoughts are with the Chretien family, especially while they're in search of his father and her husband. Of course, our prayers and thoughts are with them.

I'll just conclude by saying that I believe that this legislation states that police will not reveal any information or locations of the person to someone who filed the missing persons report but will only confirm that the person has been located alive. I think that is truly music to all of your ears, to get a phone call indicating that your loved one has been found and that they are alive. I believe this is another essential component of the bill, and I support it.

Mr. Chairman, I want to say that I'm encouraged by this. It was requested by the Alberta Association of Chiefs of Police. The government responded to this request, and I'm pleased to see that. Therefore, I want to thank all those who were involved and have had a role to play in this. As the Member for Fort McMurray-Wood Buffalo I'm pleased that this legislation has been brought forward, and I look forward to supporting Bill 8, Missing Persons Act.

Thank you very much, Mr. Chairman.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. I don't think there's a person in the world who doesn't have that moment, when you hear on the radio or you see the tickertape news go by on the television or you pick up a newspaper or you walk by the newspaper boxes and see it on the front of the newspaper box, who doesn't have that little gasp, that little clutch at your heart when you see a news story about someone that's gone missing. Everybody reacts with that: "Oh, no. Oh, dear. That's a terrible thing to happen. How frightening for the individual. How terrible for their family." It's a genuine emotional response. This bill also generates that kind of emotional response. I think it was developed with the best of intentions by the sponsoring member.

In this society that we live in, we have increasing capture of information in electronic form. Our cellphone captures information. I just found out, to my horror, that my prized iPhone is tracking my every movement. They're quick, quick to get out news releases saying that, oh, they're not going to do anything with the information, but they're collecting it. Uh-huh. Oh, yeah. I'll trust them as far as I can throw them. But we're also tracked with our credit card usage, bank transactions. We have GPS in cars that track where we've been and how long we've stopped and where our favourite gas station is and how often we make a detour to the Dairy Queen. We're tracked on things like land titles and utilities and where we shop and entertain and where we work and at home. We're tracked everywhere.

We were all badgered into getting loyalty cards for the grocery store because that was the only way we were going to get discounts now, and of course we all duly sign up. Everywhere that we shop, we've all got a loyalty card. It tracks what we buy, what kind of toilet paper, and how often we buy shampoo. You can figure out an awful lot of information from people based on that data that is collected through electronic means.

There is no reason for us to trust any commercial collector of that information, that they're going to use it in a way we hope they're going to use it. That's why we need government to put strong regulation into place about the collection, use, and disclosure of personal information. Government is the only agency that we can trust on this one.

When I heard about this legislation coming forward and I read in the news that the FOIP commissioner was all in favour of it, I thought: well, really? Because that didn't seem like the kind of information that the Privacy Commissioner would be gung ho on, that we would be opening up personal information on people who had done nothing wrong, who had broken no law, who had no reason to be under scrutiny or surveillance by the police, that their personal information would be opened up for them to be looking at. It seemed a bit odd to me that the Privacy Commissioner would be keen on that, so I phoned him. In fact, he was carefully reserving his opinion, but indeed his office had been made aware of the legislation, and they had made some comments on it. I think if I look back, I can see that the commissioner has spoken a couple of times, saying: hey, just let's calm down and not be quite so quick to collect information on people all the time.

One of the ones I can think of was around a proposed bill on junkyards so that we could get at people who were stealing copper wire and things like that. They wanted everybody to register when they brought in stuff so that they could backtrack them. You know, if something was wrong, they could find out who was stealing copper wire, that kind of thing. Ditto for pawn shop registries, the same thing.

I think we have to be very careful when we create legislation, particularly first-of-kind legislation, that we get it right. I often find myself in a struggle. Do I accept legislation that I don't entirely agree with because it's probably the best thing that we're going to get and we won't be able to reopen it? There won't be enough demand to reopen it for – who knows? – 10 or 20 years. Can I live with it for 10 or 20 years? Is it good enough to get it started? Or do I say: "No. It's not good enough. We can't accept this. We should either start over, or there should be modifications to it?"

11:00

When we look at the PIPA Act, which is the act that regulates the private sector and its collection of personal information, PIPA allows police to request information from organizations to investigate, but it has a number of provisions in there that curtail police activity. My issue with the legislation that's being proposed here is that it's a great idea. I think there needs to be some legislation to help us find missing people. Let's be very clear here. This is a situation where there's no criminal activity expected or anticipated around the disappearance. There's nothing that would allow police to use the other means, and they've got extensive powers of investigation. There's nothing in the disappearance of someone that allows the police to use all of the other powers that they have available to them under the criminal acts part of their investigative tools. They can't use those tools, so the police are asking for other tools to be able to investigate when somebody does go missing and there's no criminal action around it.

My reading of this bill is: right idea, wrong bill because what has happened with this legislation is that it's casting the net too wide. What it's done is essentially make it illegal for any person to go off the radar screen for any period of time. It makes law-abiding Albertans into not criminals but certainly brings them under scrutiny of the police for things as simple as stopping to visit their mom or taking a detour to visit their mom on their way back from a trip, deciding to treat themselves and going to a spa instead of going directly home. A friend of mine was driving to Calgary during a snowstorm and just thought: "You know what? I'm not enjoying this ride. I'm going to check myself into a hotel, and I'll start out again tomorrow in daylight."

Any of those situations, according to what we have before us in this act, would open that person up to now coming under the scrutiny of the police and having their lives opened to the police to start looking for them because the way it's set out in this legislation, if you don't report back to literally those people who would normally expect to be hearing from you, you could be deemed to be a missing person, and all of this kicks into place.

So if you don't take the time when you decide to stop at the Jasper Park Lodge and treat yourself to a night there or you pull off the highway in Red Deer and go into the Super 8 there or you pull over and you go on a detour and stop and see your mom, you know, who lives out of town, before you come back into town, and you don't call the people, not one person but all of those people who would usually know where you were, then you fall into the definition of where this act could start to run in your life.

That's what it says. In this section it says:

- (b) "missing person" means
 - (i) an individual who has not been in contact with those persons . . .

Not a person, not a spouse, not a family member, but those persons. . . . who would likely be in contact with the individual.

So your best friend, your boss, your spouse, your neighbour, any of those people that you would regularly speak to. If you haven't informed all of them that you're going to stop and stay overnight with your mom, you could be deemed a missing person, and the police could then insist and could get access.

Here's what they could get access to: records containing contact or identification information, your telephone and electronic communication records, including without limitation records from wireless devices, the GPS in your phone that I was just talking about with the iPhone. They could get your cellphone records. They could get inbound and outbound text messages and what you browsed, you know, on your website archive. They can get access to all of that because you didn't phone all six people and tell them you were stopping over to see your mom.

They can also get your global positioning system tracking records. So if you've got a TomTom in your car or a BobBob or whatever the heck they're called, a GarthGarth, they can get that information. They can get video records, including any closed-captioned television footage that you may have gone through. So you stopped and got gas. They can go and get that footage from the gas station and see that you bought Cheezies as well as gas. Now you're in trouble. They could get your employment information: where you work, how much you were paid, what hours you work, what your classification is.

Now, remember, folks, that all you did was stop and stay overnight with your mom, and you didn't call all the people that would expect you to regularly be in contact. That's all you did. You pulled off the highway in Red Deer because the weather wasn't great, but you didn't phone all those people. That's all you did, and now they're looking at your employment records: how much you make and how long you've worked there and what it says

about whether you're a good employee or not or whether you've got any letters of reprimand in your employment records. That's what they can get access to.

Let me go on. Any records about health information. Okay. So now they've got your GPS, your positioning, your telephone records, your health records, your employment records, any closed-captioning footage that you may appear on. Oh, wait. We're going to go into your school and postsecondary attendance information. The police can get records about travel and accommodation information, your financial information – how many bank accounts you have, who your co-signers are, how much money you deposit into your bank account – and any other records that the justice of the peace considers appropriate. These are very, very wide powers and tools that we are giving to the police with this act.

We want to do the right thing. Anybody in here could tell you the people that have gone missing that have been big stories in the last six to eight months in Alberta. The couple that went off in their motorhome from St. Albert. Now, to be fair, they should not qualify under this act because, in fact, their motorhome was found by the RCMP burned out, but an investigation did not ensue from that. They didn't follow up on it, but they should have. They would have been considered a criminal investigation, and they could have done more work to find out what the heck happened to them. We still don't know what happened to those people.

We don't know what happened to the military officer who was running on the same running track along the river valley that I use who disappeared.

There's another couple that left another place in Alberta to go somewhere in B.C. We don't know where they are.

It's one of those horrifying nightmares. It's like the nightmare of having your child taken. That missing person nightmare really affects us. It's a very emotionally based fear that we all have, that we or a loved one will go missing, and we will do anything to find them.

But we didn't do it right with this legislation because in this legislation what we've done is say that for anybody that isn't where we and the key people in their lives would expect them to be, where they don't report in, the police can now go and pull all of this information on them. Once they've got it, kids, it's in an electronic database. "Well, that's okay because it's in the police's electronic database, and they wouldn't release this information. No, no, no. Nothing is going to change there."

11:10

Well, it does change. We just had a bunch of different police forces, each with their own databases, which now got combined into a general database called TALON, and now it can be accessed by people that we didn't expect to have access to that information when it was first collected. Now it has access to a variety of levels of security officers and possibly first responders and a number of others that we didn't anticipate when that was collected by that police force in Calgary or Edmonton or Calmar or Fort McMurray. Who knew that it was going to turn into a gigantic TALON database and have access by a bunch of other people? We never anticipated that. But once information is in an electronic database, it's in there, and it is so easy to combine with other databases and move on far beyond our control.

I have a number of amendments that I would like to bring forward because I understand how much people want this bill. They want to be able to look after missing persons. But to me this bill is almost unacceptable in the powers that it gives police to investigate our lives when we haven't done anything wrong. We're still decent, law-abiding people: my friend who stopped in Red Deer

on a bad driving night, you know, my cousin who decided to treat herself to a day and a night at the Jasper Park Lodge and just went there and had a wonderful day in the spa and swam in the pool and walked around. She had an absolutely fabulous time. It was a great break for her. But she didn't phone every single person in her life that might hear from her on a regular basis and tell them: I've decided to do this.

You have to allow people to make decisions to go missing, to play hooky, to bugger off, to sneak away, or to do stuff perfectly legitimately: to pull over and visit your mom on the way home. We have not allowed that to happen with this bill.

A couple of things I'm going to try to do to make the bill stronger so that I can deal with it. It's already been signalled to me that the sponsor of the bill is not keen on this, but the first amendment I'd like to put forward is one that amends – the main report of this is to have the police reporting back on the information that they have collected.

I can see that the table is handing this over to the pages to be distributed. I'll just pause briefly while she gets some help and gets that distributed to people.

The Chair: Okay.

Hon. member, please continue. Now you have a minute and a half.

Ms Blakeman: Thank you. This amendment is really to add the following after section 11 requiring that the police service have to provide a report to the minister who is the minister designated under the Government Organization Act. They would have to report on a number of categories of information. It was a way for us to be able monitor that the information the police were collecting was appropriate, that they weren't collecting too much of it, that they weren't using it in a way that wouldn't be considered allowable under what was here, you know: the number of times that the records in each of the categories were demanded to be made available, how many times the records in the categories were made available, how many times the police made an application or a demand under the act to get information, the outcome of the missing persons investigations in which the police service had made an application or a demand to get information under this act. So it's a long series of that.

I'm sure in *Hansard* the actual amendment will turn up. I don't have to read it into the record.

That's what I was trying to do was to give us a basis from which we could evaluate how successful and how helpful and targeted the information the police were collecting was.

So this would be amendment A2, and I would ask that the members support it. Thank you very much.

The Chair: We have amendment A2. Any hon. members wish to speak on amendment A2?

Seeing none, the chair shall now call the question.

[Motion on amendment A2 lost]

The Chair: We'll go back to the bill.

The hon. Member for Airdrie-Chestermere on the bill.

Mr. Anderson: Thank you, Mr. Chair. I'm pleased to rise to speak to Bill 8, the Missing Persons Act. I would like to thank the hon. Member for Whitecourt-St. Anne for his hard work on this bill.

I'm encouraged to see that this legislation was requested by the Alberta Association of Chiefs of Police and that the government responded to this request. Obviously, I've spoken many times in

this House about the shortcomings of the government in responding to Albertans' needs. In this case, I'm pleased that this legislation has been brought forward, and I will be supporting it.

If passed, Alberta will be the first province with missing persons legislation. Alberta was also the first province in Canada to have the Amber Alert program, which the hon. Member for Calgary-Fish Creek was instrumental in. This is important because when someone is missing, time is of the essence. As a father of four and I'm sure for anybody who is a parent in this Assembly – and there are many. The ultimate nightmare for any parent is to have a missing child. I know that's not all that this act deals with. There are obviously missing seniors and people with mental health issues, et cetera, but for me, personally, certainly where I come from on the bill is with regard to children.

I do support this bill because it gives police the tools to speed up the process for finding missing people. With the ability to find out more information more quickly, police will be able to assess whether a missing person is in fact a missing person or someone who simply does not want to be found. It grants police access to information, including credit and debit purchases or text messages, when someone is missing but it cannot be proven whether or not a crime has been committed.

At the moment police need a production order to get information, which they can only obtain when a crime has been committed. This is an obstacle when trying to find a missing person. I am glad that this bill was crafted from the standpoint that a person has the right to disappear if they choose. This is especially important if a person is fleeing an abusive situation or leaving certain acquaintances behind in a bid to improve their quality of life.

From a civil liberties perspective I support this bill because it states that collected information must be kept separate from other police agency records in compliance with the protection of privacy act. The Minister of Justice, it appears, has guaranteed that all information gathered will be kept separate from the rest of police intelligence and will only be used for missing persons cases.

There is a fine line of balance between finding victims and intruding in the private lives of innocent people. I believe that this legislation strikes it by ensuring a narrow focus on what information will be accessed and how it will be used to find missing people. Both the likelihood that this legislation could be the difference between life and death and that it could also allow individuals to disappear in relative peace make this legislation, in my view, an entirely worthwhile endeavour.

This legislation also states that police will not reveal any information or locations of the person to someone who filed the missing persons report but will only confirm that the person has been located alive. I believe this to be another essential component of this bill. It is also important to consider those who suffer from dementia and the different avenues that police would have to find them if they should wander away. This bill will make it easier, in my view, to find missing persons who suffer illnesses such as dementia and allow their family members to rest a little easier.

Each year in Alberta our law enforcement services receive over 10,000 missing persons reports. This legislation will go a long way toward optimizing the efficiency of police and finding those who are missing. Again, Mr. Chair, it's every child's worst nightmare for their aging parents or grandparents, and it's every parent's worst nightmare if their child was ever to go missing. So I am very glad that the hon. Member for Whitecourt-Ste. Anne has taken the time along with the Justice minister and, presumably, the Solicitor General to work together on a piece of legislation that I feel will benefit Albertans.

11:20

You know what? I think that civil liberties have been adequately protected in this legislation. There is always a balance. There may be a need to come back and look at it again someday if there are some abuses going on, if there are some unforeseen circumstances that arise that are not addressed or contemplated by this act, but for the time being I think that this act has the potential of saving lives and doing so with minimum intrusion into people's personal lives.

I will be supporting this bill. Thank you, Mr. Chair.

The Chair: The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Yes, Mr. Chairman. Thank you. I'd like to indicate as well from the point of view of the NDP caucus that we will be supporting this bill.

There is a very serious situation in our society with respect to missing persons. This legislation comes out a year after the Alberta Association of Chiefs of Police passed a resolution asking the government of Alberta to develop missing persons legislation. Both the Edmonton and Calgary police services along with the RCMP were involved in developing the legislation and support this bill.

The bill is considered groundbreaking in that Alberta has no missing persons legislation, and no specific legislation has been adopted elsewhere in Canada. However, in 2009 the government of Saskatchewan passed The Missing Persons and Presumption of Death Act that allows a court to appoint a property guardian, who controls the missing person's estate as well as helps police gain access to information.

This bill was introduced by the MLA for Whitecourt-Ste. Anne, where an elderly St. Albert couple, Lyle and Marie McCann, disappeared in July 2010 under suspicious circumstances. In the early days of their investigation no criminal activity could have been suspected, meaning police did not have access to potential leads in the investigation. Obviously, in a missing persons case time is crucial and can often make a difference.

There are 10,000 missing person cases a year in Canada. Some of those are duplicates, but that's an enormous number. Furthermore, the vast majority of missing person cases are never linked to criminal activity or presumed to be criminally related. Examples of noncriminal missing persons often include heart failures or those with Alzheimer's and schizophrenia who go missing and who make up a significant portion of missing persons cases.

We were in touch with people representing aboriginal organizations, and I think that this is important specifically for aboriginal people. I think that we would like to encourage and allow police to act more quickly on missing persons cases. There is a perception that these cases are sometimes ignored by police when the missing person is aboriginal. In particular, missing aboriginal women have been a major concern that has often been overlooked by police and government. It's perhaps best outlined by the Native Women's Association of Canada through their sisters in spirit report on aboriginal women and girls who have gone missing or been murdered in Canada in the past generation. They found a total of 582 cases across Canada. Of those, 392 died as a result of murder or negligence, and 115 remain missing to this day. Mr. Chairman, the majority of disappearances and deaths of aboriginal women and girls occurred in the western provinces of Canada.

In 2008 police services across Alberta received about 8,000 calls from people and families looking for missing persons. Of these cases only about 200 used substantial police resources in an investigation. That means that only about 2 and a half per cent of

missing persons calls, not including duplicates, are actually closely investigated.

With this legislation more hours and investigative efforts will be required to adequately respond. It really raises the question, then, of police resources, and I think that's something the government should consider when they're looking at their budgets.

Mr. Chairman, I just want to echo some of the comments from Airdrie-Chestermere about the balance that is struck with respect to this legislation. We think that it's a progressive piece of legislation, a step forward for our province, and I am very hopeful this legislation that we are dealing with in this Assembly tonight will save lives and reunite families. I think it is something well worth supporting, and I urge all my colleagues to do so.

Thank you, Mr. Chairman.

The Chair: The hon. Member for St. Albert.

Mr. Allred: Thank you, Mr. Chairman. I'd just like to make a few comments on this bill. I certainly support this bill. I think it's a very good bill, well thought out.

Mr. Chair, there's been considerable reference to Lyle and Marie McCann from St. Albert. They were two of my constituents. They were last seen in St. Albert at a service station. Interestingly, one of the previous speakers spoke about some of the privacy intrusions we have. One of the only clues they've got of their disappearance was from a video camera at a gas station where they filled up in St. Albert before they left. It was several days later that they found their burned-out vehicle, and the investigation, as was indicated, didn't really commence immediately, so it's questionable whether this legislation would really have helped in this situation.

Nevertheless, Mr. Chair, whether it would have helped in that particular situation or not, there are many instances where it would have helped or certainly may have helped. I think it's important that we pass this bill for those situations where it may provide some clues and may provide that clue that will prevent a tragic event or at the very least solve a case.

Yes, there are privacy issues, but, Mr. Chair, we've got to put some trust in our protection services. This legislation is put out here, and it is, as has been indicated, the first in Canada, perhaps the first in North America. I don't know. It is a piece of legislation that is needed, and we've got to put some trust in the police officers that they will use this legislation – they won't use it very often – with the trust of the general public in mind. I don't personally believe that it will be abused at all as has been suggested.

I think, Mr. Chair, we've got to move on and pass this legislation and put it into effect. Let's make use of it. If there are some problems with it that arise, there could be amendments at a later date, but let's get on with it.

Thank you.

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chair. I just briefly want to address some of the things that have been raised where members have said that this proposed legislation that we're seeing under Bill 8, the Missing Persons Act, would somehow distinguish between those people that just wanted to absent themselves or go missing or skip out or take off or whatever of their own free will, that somehow this legislation distinguishes that. It doesn't. It very clearly defines a missing person. If you follow the legislation, the definition appears under section 1(b). A missing person means

- (i) an individual who has not been in contact with those persons who would likely be in contact with the individual, or . . .

Not and, or,

- (ii) an individual
 - (A) whose whereabouts are unknown despite reasonable efforts to [find] the individual, and
 - (B) whose safety and welfare are feared for given the individual's physical or mental capabilities or the circumstances surrounding the individual's absence.

I think all of us could accept the last definition, the individuals whose whereabouts are unknown despite attempts to try and find them or whose safety and welfare are feared for. We can accept that as a definition for missing persons, but it's not and; it's or. So any individual who doesn't report in – and I'm putting air quotes around that – to those persons who would likely be in contact with the individual can be deemed to be missing. There is no distinction made in this act that would allow my colleagues to be saying: "That's okay. Anybody that just wants to make themselves gone or missing can do that." No, they can't. That's not what's in this bill. That's not the way it's written. It does in fact cover all Albertans, and it now makes it mandatory that any Albertan that wants to go missing must contact those who would regularly expect to hear from them. That's what is in the section. That's what it says. It doesn't say "and." It says this is what you're supposed to do or the police can apply.

11:30

Now, the police can apply in two ways. I already talked about orders regarding records and right of entry, but also under emergency circumstances, they can go under section 4(1). If there are reasonable grounds to believe that immediate access to records is necessary to prevent imminent bodily harm or the death of a missing person, the police may serve a written demand on any person requiring that person within a reasonable time period to make available to the police service a series of records. So they could go to a phone company. They could go to a roommate. They could go to a parent. They could go to a spouse. They could go to the gas station for the closed-circuit stuff. In emergency circumstances they can require this.

Now, you can get into an argument about whether the word "require" is the same in the law as "compel." I think most people, if you went to them and said, "We're requiring you to give us this information," and it was a police officer standing at your door, you're going to give the information. You're going to believe that you have to rather than get into a protracted legal discussion with an armed person standing at your door saying: we require you to give this to us. I mean, to be fair, if the person refuses, the police can still under section 5 go to a justice of the peace and get an order that does insist that the person, whoever that is – the gas station, the roommate, or whoever – hand the information over.

I think that there continues to be a number of misunderstandings and mistakes about this act. We need to be able to go back and look at this legislation and review to see if it did what we expected it to do. I would love to be proved wrong. I would love for it to be proved that none of this happened, that the examples we have of the police force and members of the police force going in and collecting personal information out of information that they held, for purely personal reasons that had nothing to do with why they had the information, I would love to believe that that's not going to happen. But I certainly have the examples in front of me that tell me that they do happen.

I have an amendment in front of me that is amending section 11 and adding in: a special committee of the Legislative Assembly must begin a comprehensive review of the act within five years of it coming into force and submit to the Legislative Assembly within one year after beginning the review a report that includes any

amendments recommended by the committee. In other words, it's a five-year review clause, which is very common for us.

It's actually often less than five years. We've certainly – I've sat on the reviews – done the legislative reviews for the Health Information Act, the Personal Information Protection Act, and the Freedom of Information and Protection of Privacy Act. All of those had legislative reviews in them, and I would like to see the same kind of legislative review in this Missing Persons Act which does allow us to look at it once it has been in play, in use for a period of time, and allow us to see whether it's working the way the sponsor of the bill intended that it work.

Clearly, there's a lot of support in the Assembly for the act and a lot of people that want to see it go forward. So there should be no fear in putting in a clause that allows us to review whether it worked the way we expected it to work.

That is what my amendment, which I assume would now be amendment A3, should cover. So I urge all to support amendment A3. Thank you.

The Chair: We'll pause for a moment for distribution.

On amendment A3, any hon. member wishing to speak? The hon. Member for Calgary-Buffalo on amendment A3.

Mr. Hehr: Well, thank you, Mr. Chair. Having reviewed the merits and heard the reasoning for this amendment, I think it is reasonable and prudent to do so given the concerns raised by the hon. member. Of course, many members of this House do want to see this bill get into place, and it has some valid reasons to do so. I don't know if that's in debate.

The hon. Member for Edmonton-Centre has brought up concerns. They've been brought up to her by many organizations. As we're well aware, government legislation can contain in it consequences that we are unsure of at the time that are actually there. She brings up enough for me to understand that this could be some of that legislation that has that slippery slope to it: where will this end, and what will happen, and have we really run this up the flagpole as far as we should go? So I would support this amendment. It allows us to look at the act. Five years from now it comes back, and we can hopefully have a report to the Legislature on how it's working, on whether it has had some of these consequences that the Member for Edmonton-Centre has brought up.

I think we might be prudent to put this in almost every new legislation, especially one of this innovative kind. It's the first of its kind in Canada and, I believe, North America. It would only be prudent of us to do so at this time given the nature of the path we're going down and, frankly, to look if other jurisdictions are instituting other similar legislation over the course of the next five years, for us to learn some best practices from those Legislatures who maybe have done things a little bit differently.

So I speak in favour of this amendment. I think it's a good amendment and we'd be prudent to follow the Member for Edmonton-Centre's advice on this. I urge all my colleagues that this would not stop the bill. It would merely allow for us to contemplate it five years from now and to look at it again with a fresh set of eyes, with a fresh set of ears, to whatever problems may be existing. Or maybe everything will be running tickety-boo. Who knows.

Anyways, I thank you for allowing me to speak on this, and I'd urge everyone to vote in favour of this amendment.

The Chair: Any other hon. member wishing to speak on amendment A3? The hon. Minister of Justice.

Mr. Olson: Thank you, Mr. Chair. I only want to say, very briefly, that I can support this amendment. I think it's reasonable under

the circumstances given that we're breaking ground here with some legislation that isn't seen in a lot of other jurisdictions. We're very confident with this legislation, and we're very confident that a review five years down the road is going to support what we've been saying all along about the value of this legislation and the value for Albertans.

Thank you.

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

Seeing none, the chair shall now put the question.

[Motion on amendment A3 carried]

The Chair: Now we'll go back to the bill. The hon. Member for Edmonton-Centre on Bill 8.

Ms Blakeman: Thanks very much, Mr. Chairman. I have another amendment that I would like to bring forward, and that amendment is amending the section that I referred to very briefly last time, which is section 4, the emergency circumstances section. Essentially, it's striking out "demand" wherever it occurs in that section. I've sort of gone through it, and wherever it said that the police may serve a written demand on any person requiring the person – it's striking out "demand" wherever it occurs and substituting "request."

I think the pages are already handing this out, so I'll just keep going.

11:40

The Chair: Yes. Continue, please.

Ms Blakeman: It's also striking out the word "requiring" and substituting "requesting", and striking out "to be provided" and substituting "may be provided", and striking out "shall" and substituting "may".

Under the emergency circumstances section it is making it much more of an option and less obligatory in the way police are presenting the demand – it would now be a request – and allowing people much more of a wider option to say: no; I'm sorry. This could be persons or businesses, as I said, like phone companies providing phone records, financial institutions providing financial records. Just so people understand, I mean, they may sometimes be doing this because it's a cost and a work burden on them to have to go through their files and find this. They believe it to be an imposition on them, and they don't want to have to do it, or they want to get some kind of compensation for it. It's differing levels of requesting and demanding and whether somebody is required to answer this and give them back the information they've requested under the emergency circumstances.

The information that can be requested here, as compared to the section that I reviewed earlier, is records of contact and identification; communication records, including signals on wireless devices, cellular telephone records, text messaging, browsing records; GPS; employment records to the extent that they indicate when the person might have been last seen and when and where and how the person is paid. So this one's a little more detailed in this section, the emergency section, than it was in the demanding records section that was earlier.

Health information also appears here to the extent that records might indicate if the person has recently been admitted to hospital and including the information of which hospital and the date and time, that kind of thing, reasons for admission. It is health information that they're requesting here. So even if you just decided not to show up somewhere, they could under this provision be

asking for that kind of information, which might include that you had your appendix out recently. That's information that could be asked for.

School or postsecondary attendance information. Financial information, including credit cards, their usage, if the records indicate where and for what purpose the credit card was used for. So don't go using it for anything that might be misinterpreted by anybody because they're going to see it. So the Love Me Tender video store, if it shows up on your bank statement and it's really just an Elvis Presley video collection, could be misinterpreted as something else. Any bank accounts that were accessed and records about where and for what purpose they were accessed. And any other prescribed records that the police may decide they want to get.

So this is all of the information under that section, and this is where I'm trying to amend that compelling of information because, yes, they might be addressing a gas company that has closed-captioning, and they would probably be approaching them during business hours, but they could be approaching a roommate or a spouse or an employer after hours, and I think that's kind of scary. If a police officer showed up at my door wanting access to records about somebody I had records on, I would tend to cooperate just because I would believe that I had to. I think we need to be clear that that's not required. It does go further into the failure to comply section, and it strikes out "demand" and replaces it with "request" there and "demanded" and replaces it with "requested." It does still allow a justice of the peace to give an order directing the person to comply, so it's still possible to get the records. You just have to go to a justice of the peace and make the argument with the justice of the peace that this is why they want to get the information from that roommate or parent or adult child or gas company or telephone record company.

I just think it makes the legislation less scary. Probably in more instances people would refuse to give them the information, and the police would have to go to the justice of the peace and plead the case there. I don't see that that's a problem. In emergency circumstances they're not requiring this to be a judge. It is allowed to be a justice of the peace, which is much more accessible 24 hours a day, seven days a week. I don't think it's going to impede or place that much of a barrier on getting the information fairly quickly under this emergency circumstances clause.

I would ask for support for what would now be amendment A4. I thank everyone for their co-operation.

The Chair: On amendment A4, any hon. members wish to speak further?

Seeing none, the chair shall now put the question.

[Motion on amendment A4 lost]

The Chair: Back on the bill, the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much. My next amendment, which could be distributed, is actually striking out sections 4 and 5. This would be amendment A5. It's actually getting rid of the emergency circumstances and the failure to comply section. Then under section 12, which is the regulation-making section, which empowers the Lieutenant Governor in Council, in other words the cabinet, to make regulations – so this is sort of consequential – it strikes out "and 5" under that section. It's saying: "respecting applications under sections 3 and 5." It would strike out "and 5" – so it's essentially consequential – and strikes out clauses (b) and (c), "respecting the service of a written demand under section

4(1)" and "prescribing records for the purposes of section 4(2)(h)."

If these sections are removed, it still allows the police to apply to a justice of the peace for an order that does require a person to make available to the police copies of records. Then it goes through the list that I read out in the first place, which was, again, the whereabouts, the identification information, the telephone records, the GPS, the browsing history, the video records, the employment. Everything that's found under the order regarding records and right of entry under section 3(1) and (2) would all still be there. They're all still available. They can all still be accessed. It's just that they would have to go and get the order through the justice of the peace first. They can't just show up at somebody's door and say, "Give me this information about this person" and demand it because it's emergency circumstances. They would have to go through that extra step.

The justice of the peace can make the order under the subsection if they're satisfied that the applicant requires the order in aid of investigating the whereabouts. It particularly, then, goes on to talk about minors or represented adults under adult guardianship and about people for whom an effort has been made and where they can't find any records, to prove that they looked and that they can't find any records.

11:50

To my reading of this, it still allows all of those records to be asked for, but you have to go before a justice of the peace and explain why you think you would need it. It takes out any of the demand sections that are in here under the emergency circumstances section, so the police could no longer demand or require someone to turn over these records. They'd have to go through the JP.

That's amendment A5. Thank you.

The Chair: Any hon. member wish to speak on amendment A5?

Seeing none, the chair shall now put the question on amendment A5.

[Motion on amendment A5 lost]

The Chair: The hon. Member for Edmonton-Centre on the bill.

Ms Blakeman: Thanks very much, Mr. Chairman. This is amendment A6, that I would ask be distributed now, which is amending section 5 by striking out subsection (3) and substituting the following, which is that an order under that subsection could be subject to any terms or conditions respecting the production of the records demanded, including terms and conditions as to the costs of producing the records, that the justice of the peace considers appropriate in the circumstances.

I'll allow that to get distributed.

The Chair: Hon. member, please continue.

Ms Blakeman: Thank you. The way that section 5(3) currently reads is for an order under subsection (1), which is the written demand, and if the person doesn't comply, the police service can apply to the justice of the peace for an order directing them to comply. Under subsection (3) an order under that subsection, which I just read, "may be subject to any terms or conditions, including terms and conditions as to costs, that the justice of the peace considers appropriate."

I'm proposing that that be redone so that it reads that the order may be subject to any terms or conditions respecting the production of the records demanded, including terms and

conditions as to the costs of producing the records, that the justice of the peace considers appropriate in the circumstances.

The real difference there is in the beginning of that, respecting the production of the records demanded. It allows specific boundaries around what's going to be provided as well as recognizing that there may be costs that are considered. Again, this is around getting the records out of, you know, the oil and gas company, around closed-captioned videos, or around any company that's holding records that could say: well, we don't want to give them to you because it's going to cost us money. This would be respecting the production of the actual giving over of those records, so a fairly small, simple amendment here.

Thank you, Mr. Chairman.

The Chair: Any other speakers on amendment A6?

Seeing none, the chair shall now put the question.

[Motion on amendment A6 lost]

The Chair: The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. My final amendment tonight, which would be A7, is amending section 4(3), which, again – I'll just remind everybody – is the emergency circumstances section. Subsection (3) currently reads: "A person on whom a written demand under subsection (1) is served shall make the records available, or provide copies of the records, to the police service within the time specified in the demand." It's the must-comply section under those emergency circumstances.

Again, I've read into the record the kinds of details that are expected here: the health records, the financial records, the employment records, the credit card stuff, the GPS, all of those kinds of information that can be asked for. It's adding into it that the person shall make these records available or provide the copies within the specified time "unless the person has reasonable grounds to believe that the records will not aid in the investigation of the whereabouts of the missing person."

What it does is it allows the individual, who, again, could be related to the person, or it could be a company – let's say that the police go to them and say: we want the health records and the employment records and the credit card records that you have. It allows the individual to say: "Well, I don't see why you need their health records. They haven't, you know, been admitted into the hospital recently. I know that. I don't think you need to see the health records. But, you know, I'm going to give you their Visa bills recently, and I could give you their bank account numbers." It allows the individual that's been requested to give over the information to argue about whether or not they're going to give them everything and to reasonably state that they believe they shouldn't need to give over all because they have reasonable grounds to think this isn't going to make any difference. I think the key there is that the individual has reasonable grounds to believe that providing that information isn't going to help, and they don't want to provide that information. Fair enough.

I think we're playing with a lot of information here and a lot of different aspects of somebody's life. I know that we want to solve this stuff as quickly as possible. We want to get to the bottom of it as quickly as possible. We're talking, potentially, about missing children, you know, parents with dementia or people with mental health problems or a history of mental health problems, but it can also just be people that played hooky, that took off, that are having a romantic tryst. I mean, that's not illegal. It's not nice – we don't approve of it – but it's not illegal. But under what's happening in this act, that could be grounds for somebody to start going through and demanding these kinds of records. This section allows some-

body to say: "You know what? I really just don't see why you're asking for that, and I don't want to provide it."

I ask for support on this amendment. I wouldn't do these amendments if I didn't genuinely believe that there was reason to do them. Having sat through years of my life now in various committees looking at protection of private information, I think we have not been careful enough with this bill to ensure that law-abiding Albertans won't have their personal information gone through unless it can be proven to a justice of the peace that there's a reason to do that.

I understand the emotion that goes behind this as much as anybody else. My heart squeezes when I hear those reports on the radio or on the television or in the newspaper as much as anybody else, especially when you can imagine yourself in that situation. As I said, I run the same track that that young military officer disappeared along. Any time you feel a personal connection to this, your heart just squeezes, and you want to think that the best has happened, not that the worst has happened, and you want to be able to help the family members and friends and the co-workers, the people that are around them, because those are the people that turn out to do the searches and put the posters up on the telephone poles and really worry about what's happened to this person. We want to do the best by them, but I think we have to be very, very careful, and the only organization that can make sure that we're careful about how much information of an individual is exposed or collected by an organization and whether there's good cause to be collecting that information is this Assembly, to be able to put that context in place and to put those checks and balances in place.

12:00

I know I've been the only voice that's been asking for support for these amendments. Fair enough. I wouldn't waste your time if I didn't think this was important, and I do. I ask for support for amendment A7, which is allowing that an individual can challenge and question why they would have to provide all of the various records that they've been asked to supply on the reasonable grounds that they don't think it's going to aid in the search for the individual.

Thank you very much.

The Chair: We have amendment A7. Any other hon. member wish to speak on it?

Seeing none, the chair shall now put the question on amendment A7.

[Motion on amendment A7 lost]

The Chair: Does any hon. member wish to speak on the bill?

Seeing none, the chair shall now call the question.

[The clauses of Bill 8 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Chairman. I'd move that the committee now rise and report Bill 15 and Bill 8.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Calgary-North Hill.

Mr. Fawcett: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills with some amendments: Bill 15 and Bill 8. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 6

Rules of Court Statutes Amendment Act, 2011

The Deputy Speaker: The hon. Minister of Justice and Attorney General.

Mr. Olson: Thank you, Mr. Speaker. I'm pleased to rise to move third reading of Bill 6, the Rules of Court Statutes Amendment Act, 2011.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. At third reading, certainly, I would like to get on the record on behalf of the Official Opposition. This bill updates 29 statutes to make the language in those statutes consistent with the *Alberta Rules of Court*, which came into force last fall. These amendments are mostly technical. We had quite a discussion earlier in debate on this matter and on this bill, and I would just like to say that I think we should proceed with this at this time.

Thanks.

The Deputy Speaker: Any other hon. member wish to speak on the bill?

Seeing none, the hon. minister to close the debate.

Mr. Olson: Question.

[Motion carried; Bill 6 read a third time]

Bill 7

Corrections Amendment Act, 2011

The Deputy Speaker: The hon. Minister of Justice and Attorney General on behalf of the Solicitor General.

Mr. Olson: Yes. Thank you, Mr. Speaker. On behalf of the Solicitor General and Minister of Public Security I move third reading of Bill 7, the Corrections Amendment Act, 2011.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. With Bill 7, as I understand it, we are permitting the disclosure of the health information of inmates in correctional institutions to the institution for specific purposes. The amendments, as I understand it, are needed to address problems that arose when the scope of Alberta's Health Information Act was expanded.

We had a discussion at our caucus table, and it was rather robust, to say the least.

Mr. Hehr: Very robust.

Mr. MacDonald: Yes. The hon. Member for Calgary-Buffalo is correct. It was very robust.

The decision to expand the scope of the Health Information Act was a questionable policy decision. However, some of the most serious concerns have been addressed in exclusions from the now general rule that health information is subject to the Health Information Act.

Now, it was pointed out that it was problematic that the policy reason for the expansion of the Health Information Act, protecting the electronic health record, is likely to be compromised by the proposals that can be expected to amend legislation to get around the impracticalities of the expanded Health Information Act. At this stage the most practical approach to the issue is to review the amendment proposals on a case-by-case basis. At third reading in this particular case the reasons for allowing the disclosure of health information to correctional institutions seem reasonable.

Before recent amendments to the Health Information Act the act applied primarily to health service providers operating in health care settings such as hospitals, nursing homes, clinics, and physicians' offices as well as pharmacies. As I understand this amendment, if I am understanding it correctly, then, of course, this is going to change, and in the Corrections Amendment Act, 2011, we will have the first case where it is proposed to amend an act governing a specific program to address concerns raised by changes to the Health Information Act.

We have spent time in committee and in second reading on this. There have been a lot of remarks put on the official record. With that, Mr. Speaker, I would conclude my remarks on Bill 7. I know we can support this. It was discussed. There were a lot of good points made in our caucus regarding this bill, and I think it's with reluctance that we can support this.

Thank you.

The Deputy Speaker: Any other hon. member wish to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill 7 read a third time]

12:10

Bill 11

Livestock Industry Diversification Amendment Act, 2011

The Deputy Speaker: The hon. Minister of Environment on behalf of the hon. Member for Lacombe-Ponoka.

Mr. Renner: Thank you, Mr. Speaker. On behalf of the Member for Lacombe-Ponoka I'm pleased to move third reading of Bill 11, Livestock Industry Diversification Amendment Act, 2011.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much. I don't know if they're going to be providing elk on the menu of some of the corrections institutions in our province or not, but we certainly had questions regarding this legislation. The amendment, I am confident, has satisfied the hon. Member for Lethbridge-East. The amendment that was provided and voted through the Assembly at second reading certainly clarified the issues, not only what the hon. Member for Lethbridge-East had questioned but also other hon. members of this House. Certainly, at third reading Bill 11 will move the responsibility for elk and deer farming from SRD to Agriculture.

We're looking at the Wildlife Act, an amendment to that, the wildlife regulations; the Livestock Industry Diversification Act; and consequential amendments to eight other pieces of legislation. Certainly, there were reservations on this side of the House. I believe the amendment as proposed by the hon. Member for Lacombe-Ponoka has satisfied those reservations. Hopefully, the proposed amendments that are designed to transfer legislative responsibility for deer and elk farming as identified in the Wildlife Act will work as has been presented to this Assembly.

Thank you.

The Deputy Speaker: Any hon. member wish to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill 11 read a third time]

Bill 12
Alberta Investment Management Corporation
Amendment Act, 2011

The Deputy Speaker: The hon. Member for Athabasca-Redwater on behalf of the hon. Member for Red Deer-South.

Mr. Johnson: Yes. Mr. Speaker, on behalf of the hon. Member for Red Deer-South I'm pleased to rise and move third reading of Bill 12, Alberta Investment Management Corporation Amendment Act, 2011.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I think we're going to be here for a while. Bill 12, Alberta Investment Management Corporation Amendment Act, certainly adds the requirement that the directors and officers act honestly and in good faith. When you look at that, it seems like a very harmless bill but at the same time a very worthwhile bill. We talked about this earlier. This bill will clarify the government's ownership structure of the corporation supposedly to remove any ambiguity.

Language around the directors' conflict of interest will also be updated to match industry standards, we're told, adding an amendment to make it clear that AIMCo must act in the best interests of its clients when delivering their investment management services.

We do know that AIMCo is essentially just getting started. We do know that we have been going through some turbulent times financially. Any questions that are directed AIMCo's way, well, the answer is, of course: "Give us time. Things are going to work out. You're going to get a real return on your investment with us." It is unfortunate that the transition from Alberta Finance to AIMCo was made while we had some of the most difficult times since the '30s in the financial markets.

I'm not satisfied with some of the explanations I get from AIMCo on their investment style. We were talking about this in committee, Mr. Speaker, but when we compare AIMCo's internal and external costs, there's always someone else to blame: well, these are things that happened before we took over. When we look at a comparison of internal and external costs, regardless of how we look at it, there's \$542 million externally that was lost. "How can we say it's lost?" someone questioned. Well, this is value-added net of expenses. For the year ended March 31, 2010, that's exactly what happened. We lost \$542 million.

That didn't stop the performance fees. Performance fees were over \$25 million. Other investment costs. Well, they were \$126 million in this external category. They were much less in the in-

ternal category. Of course, the minister of finance is quite willing to compare the internal costs to the external costs, but whenever you look at these external deals, you have to question: who signed them, why did they sign them, and how come there is such a difference between what's managed internally and what's managed externally?

Now, we look at that and look at some of the fine print in AIMCo's annual reports and how they have set this up so that the bar, Mr. Speaker, to achieve a performance bonus is set really, really low so that regardless of how much wealth is created or generated with this \$70 billion plus fund, there are going to be bonuses paid out, or performance incentives, whatever you would like to call them. You have to really look through the fine print of the annual report to find these numbers. You can see for yourselves if you would like, hon. members, on page 47 of the annual report, where you can compare the long-term incentive compensation and how this would work. The long-term incentive plan or grants, as they're called, as described are quite a deal. Of course, the argument with AIMCo is: oh, well, we need this to attract high-quality, competent staff.

12:20

Then there's another program in here as well. Who gets these bonuses or these performance fees? Well, there are not that many people eligible. In fact, I think it indicates that there are – I'd have to find it – probably 60 or 65 employees that are collecting this annual incentive plan. It comes in various forms, two that I'm aware of from the annual report. Why would AIMCo set this up in this way? I don't know, but in my view the bar is really low. Regardless of what kind of performance there is going to be money set aside for bonuses.

Now, there should be some additional caution before this bill is fully supported. One would only have to read the Auditor General's report, not the last report; let's forget about that report. You know, if the Auditor General's reports were classified on a best-seller list, that one would have been on the list for perhaps 10 minutes because, unfortunately, I didn't find there to be that much in it. It was just sort of an update on what had happened before. But, certainly, previous reports from the office of the Auditor General had highlighted serious concerns with AIMCo. While it is desirable to have AIMCo at an arm's length from the government, until the concerns raised by the Auditor General have been sufficiently addressed, the government should not entirely set AIMCo free, if I could say that. We know the minister of finance is ultimately responsible for the pension and endowment funds under management; thus, it is the minister's responsibility to ensure that AIMCo is properly functioning.

We know the motivation behind turning AIMCo into a Crown corporation was supposedly to remove politics from investment decisions. I'm doing a little bit of digging around, and I'm not going to say too much more, Mr. Speaker, because I'm sure in the department of finance the minister is going to read *Hansard*, and he's going to say: what kind of digging around is he doing? Well, I'm doing some interesting work on this. The whole idea was to remove politics from investment decisions, and I'm not sure that the reverse hasn't happened, that it is more political than it was in the past.

I really don't think it was that political in the past, but my suspicions were increased when I had difficulty finding some information that I used to find routinely on the Internet. It disappeared. I know the Minister of Transportation is quite concerned about this. It disappeared, and it took a lot of effort to find it. If investing in an oil company, for example, makes sense from an investment management perspective, it should not be impacted

whatsoever by politics. AIMCo's mandate, as we've said before, is to maximize returns for pension plans and endowment funds and, supposedly, not to worry about the political leanings of the day.

Whenever I look at this bill, I question: why has it taken so long to include these amendments? What instigated this legislative change? Have there been any conflict-of-interest issues by the directors previously that have motivated this change? Why was the section not put in the act in the first place? Again, it's not that long since we – in fact, it was Dr. Oberg, I think, who brought this before the Assembly in his time in this Legislature. Why would AIMCo not have already been working in the interests of clients? Given that the Auditor General has raised concerns with AIMCo's lack of an internal audit group and the need to improve financial reporting, how will this bill impact the ability of the finance department to ensure that the problems raised by the Auditor General are not only addressed but are addressed immediately?

Now, I was looking at some of the internal audit functions of Alberta Health Services here just in the last hour and a half, and I thought it was quite an unusual arrangement that was going on there. I certainly hope that the same is not going on with AIMCo.

With those remarks I'm going to keep my eye, certainly, on the \$70 billion plus. I'm disappointed with AIMCo. I'm disappointed in the fact that this bill doesn't put, for instance, some of the individuals who in the past have worked perhaps in this Legislative Assembly and who have pensions under the local authorities pension plan – I don't understand why the government wouldn't ensure that there are a few representatives from the pensions on this board. That doesn't happen, or it hasn't happened to date. I'm disappointed that there's not a broader representation on the board to include individuals who have a pension. They have a direct interest in the performance of the AIMCo investment strategy. I'm not suggesting, for instance, that we should have the hon. Member for Calgary-Buffalo on there, not at this time. But, certainly, there are individuals who I think would make very good representatives on that board.

Those would be my comments, Mr. Speaker, on this legislation at third reading. I cede the floor to any other hon. colleague who would like to speak on this matter.

Thank you.

The Deputy Speaker: The hon. Member for Calgary-Buffalo on the bill.

Mr. Hehr: Well, thank you very much, Mr. Speaker. It is a privilege to speak to this bill and bring up some comments, much of them based on listening to my hon. colleague and hearing what concerns him. The openness and transparency of AIMCo and its ability to carry forth its mandate on behalf of the Alberta people is extremely important to our future, the future of not only our pension funds but also the future of our Alberta heritage trust fund, which, as you know, has languished from a contribution standpoint under this government. Since approximately 1987 there have been no new contributions to it. Really, it's worth less now than it was back then in real dollars. That's concerning when we have investment vehicles set up and they're not doing what they were originally intended to do.

If we look back at the heritage trust fund, what it was supposed to do was actually to set us up for the future, to readily take 30 per cent of our income that came from oil and gas revenues and put that away for the long-term future. The reason why it was established to do that was because the creators of that fund recognized this as a one-time gift. Yeah, you know, you can blow it to your

peril, and you can have a good time while you're doing it. But at the end of the day they realized that the Alberta advantage was oil and gas and this windfall revenue that would come into the coffers of the Alberta government. It was recognized that this had the opportunity to set us apart from other jurisdictions of the world who were not as blessed as we are here to sit on still 25 per cent of the world's petroleum oil resources.

If there's one thing that this government has shown the ability to do over the course of the last 40 years, it's to snow through oil and gas revenues. It's been estimated that \$180 billion has come into the coffers of this Legislature, and with how much saved? Fourteen billion dollars over in the heritage trust fund, that is run by AIMCo. If you look at it, it's grim, and really it has been a squandering of resources and wealth that I think will go into the annals of history as squandered opportunity lost by a government.

12:30

Nevertheless, we're here discussing the merits of this going forward and how it's going to affect things like AIMCo. AIMCo is going to be there. I believe in the one thing, that it should be separate and apart from this government. So we applauded the initial move when it appeared to be moving in that direction, when it was handled by an outside group of consultants. Nevertheless, concerns brought up by my friend from Edmonton-Gold Bar are very true. We have an Auditor General's report from a couple of years ago that lists some serious deficiencies in the openness and transparency of how that board runs and the auditing functions.

Generally speaking, fees for financial services, depending on how the contract is written, can borderline from the sublime to the ridiculous. Money managers have been known to even recently make out like bandits when they're able to set the rules and regulations of their own compensation. They know how to craft those rules and regulations and how to inflate their pay in good times based on short-term economic results that may not be in the fund's long-term interest but more for a financial manager's short-term gain.

I think we've seen examples of that very clearly since 2008, since the downturn. People call it a downturn. I call it the meltdown of the financial system that we've basically been on, having no rules, no regulations. Sooner or later, well, there was nothing left to hold it together because the people started stealing from what was in the long-term best interests of the society. We've got on be on guard for that at our own place, at AIMCo. If the Auditor General flags it as an issue, I think it would behoove this government to take it seriously, to act on it, to try and have the minister direct AIMCo to act on some of these issues that are outstanding.

It also is a fair issue brought up on compensation. We all know that with \$70 billion in assets under management we can command a fairly reasonable price for people to manage those assets that may not be available to the rank and file owner of mutual funds and stocks and bonds at your local investment agency. I suggest we use that power to limit the fees.

From the things I read about the market, almost the best you can do is what the market returns. Yeah, some people do a little bit better, produce a couple of points ahead. Some don't do as well, are a couple of points behind. But by and large you're doing pretty well if you stick with what the markets do on a year-to-year basis, and almost anything outside of that is to be worrisome because you're making some unwise bets in that regard.

If we take that as knowledge, sometimes we should follow that general principle and look at that and provide the rules and the regulations that guard our investments going forward on that front, where people get paid reasonably for a reasonable day's work, but

the lion's share of the money is being returned to the people of Alberta, the people who have saved their money, who will want to build a province for a better day in the future.

I leave those comments for the record, and we'll go from there. Hopefully, the minister will act on some of these suggestions given by me and the hon. Member for Edmonton-Gold Bar to better AIMCo and have it go forward on a more solid ground in the future.

Thank you very much, Mr. Speaker.

The Deputy Speaker: Are there any other hon. members wanting to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill 12 read a third time]

Bill 14

Wills and Succession Amendment Act, 2011

The Deputy Speaker: The hon. Member for Athabasca-Redwater on behalf of the hon. Member for Grande Prairie-Wapiti.

Mr. Johnson: Thank you, Mr. Speaker. On behalf of the hon. Member for Grande Prairie-Wapiti it's my pleasure to rise today and move third reading of Bill 14, the Wills and Succession Amendment Act, 2011.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Mr. Speaker, I've been waiting all night for this bill.

An Hon. Member: God help us.

Mr. MacDonald: I hope He does. You're going to need all the help you can get.

The amendment will remove a misunderstanding which has led parties to hold up legal processes relating to the wills of persons already deceased in order to take advantage of the new powers of the court to interpret wills. Although technical, this amendment affects legal rights.

I think it was earlier today that we saw the Miscellaneous Statutes Amendment Act introduced, and it was suggested at one time that perhaps this is where this amendment belonged, but I don't think so. This amendment is to correct a transitional provision, as we said earlier, and I just wasn't comfortable with allowing this to be moved through the Assembly through the miscellaneous statutes process for the following reasons.

The Wills and Succession Act, which consolidated a number of acts and codified law made in the courts, was passed in the fall of 2010. The act is expected to come into force next January, but the changes relating to the wills in the Wills and Succession Act focus on meeting the testamentary intent of the deceased. This reform is a modernization of the existing approach.

The key changes. This is why I don't think it was acceptable to just move this through the Miscellaneous Statutes Amendment Act. The courts will be able to validate a will where the testator's intentions can be ascertained even if the will does not perfectly meet legal formalities. When interpreting wills, the courts will now be able to rely on outside evidence for the intentions of the testator. Rules on the interpretation of commonly used words and phrases are updated. For example, the definition of child now includes all the children of a testator regardless of parentage. When a marriage or partnership ends, a gift in the will to the spouse or partner is deemed to have been revoked. The previous interpretation that a will is immediately revoked upon marriage or the establishment of an adult interdependent partnership is repealed, and rules addressing situations that affect a will but are unlikely to be covered by the will are modernized. An example of that is, unfortunately, where a beneficiary would murder the testator.

That would be why I think this may be considered a small but important fix. I'm pleased that this bill has gone through the Assembly in the manner that it has. It should not have been included in the Miscellaneous Statutes Amendment Act as was originally suggested.

With that, Mr. Speaker, I will cede the floor to anyone else who is interested in speaking. Thank you.

12:40

The Deputy Speaker: Is there any other hon. member wanting to speak on the bill?

Seeing none, the chair shall now put the question.

[Motion carried; Bill 14 read a third time]

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

Mr. Renner: Thank you, Mr. Speaker. Well, we've made some significant progress in moving business through the House tonight, and given that significant progress I would like to move that we now adjourn until a little bit later today at 1:30 p.m., when the House will resume session.

[Motion carried; the Assembly adjourned at 12:41 a.m. on Tuesday to 1:30 p.m.]

Table of Contents

Government Bills and Orders

Second Reading

Bill 16	Energy Statutes Amendment Act, 2011	1009
---------	---	------

Committee of the Whole

Bill 15	Victims of Crime Amendment Act, 2011	1013
---------	--	------

Division	1018
----------	-------	------

Bill 8	Missing Persons Act	1024
--------	---------------------------	------

Third Reading

Bill 6	Rules of Court Statutes Amendment Act, 2011	1035
--------	---	------

Bill 7	Corrections Amendment Act, 2011	1035
--------	---------------------------------------	------

Bill 11	Livestock Industry Diversification Amendment Act, 2011	1035
---------	--	------

Bill 12	Alberta Investment Management Corporation Amendment Act, 2011	1036
---------	---	------

Bill 14	Wills and Succession Amendment Act, 2011	1038
---------	--	------

Private Bills

Second Reading

Bill Pr. 1	Alberta Association of Municipal Districts and Counties Amendment Act, 2011	1012
------------	---	------

Bill Pr. 2	Galt Scholarship Fund Transfer Act	1013
------------	--	------

Bill Pr. 7	Hull Child and Family Services Amendment Act, 2011	1013
------------	--	------

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