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Fourth Session

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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. Tuesday, November 29, 2011

Government Bills and Orders
Committee of the Whole

[Mr. Zwozdesky in the chair]

The Deputy Chair: I'll call the committee to order.

Bill 21
Election Amendment Act, 2011

The Deputy Chair: Do we have some comments on this bill? The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that we adjourn debate on Bill 21 and that when the committee rises, progress be reported.

[Motion to adjourn debate carried]

Bill 24
Health Quality Council of Alberta Act

The Deputy Chair: Are there any speakers at committee to this bill? The hon. Minister of Health and Wellness.

Mr. Horne: Thank you very much, Mr. Chair. I have a number of comments with respect to the bill arising from debate in second reading, and at the conclusion I will propose two amendments to the bill, which I understand have been or are about to be distributed.

Mr. Chair, I'll start the comments this evening just in a quick review of the purpose of the bill. As members are aware, the proposed legislation has two very important components. First, the bill delivers on this government's and the Premier's commitment to enhance the independence of the Health Quality Council of Alberta. Second, it establishes new inquiry powers that are customized to the health system.

Mr. Chair, today the Health Quality Council is established through a cabinet regulation. Bill 24 repositions the Health Quality Council so that, first, it operates under its own statute and, secondly, it reports directly to the Legislative Assembly. This is a very important next step for the Health Quality Council.

What began as a ministerial advisory committee in 1999 has grown in experience and expertise, and over the years the Health Quality Council of Alberta has garnered increasing respect for its knowledge and insight into patient safety and health quality matters. In 2006 the Health Quality Council was transformed from an advisory committee into an arm's-length corporate body operating under the Regional Health Authorities Act. With Bill 24 the council will fully stand on its own under its own statute.

Mr. Chair, Bill 24 is intended to strengthen the position of the council's work on health system improvements. The council will continue to deliver on its core mandate, which is to promote and improve patient safety and health service quality on a province-wide basis. And because of Bill 24 the council will report on this important work directly to this Assembly.

Members have spoken at length about the great work being done by the Health Quality Council. The only concern I have heard, Mr. Chair, is whether the health system inquiry powers will have an impact on the council's work. I assure you it will not. Bill 24 will enhance the independence of the council, and its work will in no way be impeded by the inquiry powers that are also in the bill. This is because a health system inquiry will operate independently from the Health Quality Council.

Allow me to explain further. Bill 24 provides for a public inquiry that best fits the requirements of the health system. The bill is similar to the Public Inquiries Act. It provides for cabinet to call for a public inquiry into health system matters. It gives the individuals conducting the inquiry the powers, privileges, and immunities that commissioners have under the Public Inquiries Act. This means that witnesses can be compelled to attend, answer questions, and produce documents in the same manner as under the Public Inquiries Act.

Let's make certain we are clear on this point, Mr. Chair. Members have wrongly alleged that we are trying to exempt certain people from appearing before an inquiry. This is simply not the case. Evidence will come forward in a health system inquiry as it would under the Public Inquiries Act. The bill is designed to bring information forward so that an inquiry can get to the bottom of a matter.

So why do we need a new inquiry power? Given the strong similarities to the existing Public Inquiries Act, there have been several questions about why we need this new health system inquiry power or why we did not simply amend the Public Inquiries Act. These are good questions, Mr. Chair, and I appreciate the opportunity to address them.

The government is committed to having a public inquiry and to this end has incorporated the key provisions of the Public Inquiries Act into this bill. However, we are concerned that the current inquiry legislation would not be as effective in providing for a full and fair inquiry into health system matters, which is, I think, a goal for all of us in this House. For example, it may not provide for a full inquiry in regard to nondisclosure agreements. We have heard concerns that this information may not be accessible even under the Public Inquiries Act. To remove any doubt, Mr. Chair, the new inquiry provision in Bill 24 provides for information under nondisclosure provisions to come forward in an inquiry.

Fairness is also an important consideration that's been discussed in this House. Health information is not currently protected under the Public Inquiries Act. This is a very significant concern. The protection of private health information is important, and Bill 24 provides for the proper protection of this information. The bill will allow a person to make application for evidence to be heard in camera, or in private.

An application to have a matter heard in camera may or may not be granted. The individuals conducting the inquiry have to consider whether or not the circumstances merit an in camera hearing. For example, it must be first determined whether private patient information is involved or whether the information is about a third person who has no involvement in the inquiry. There is no guarantee in the act that certain matters will be heard in camera. This is different from the Public Inquiries Act, which has a mandatory provision for certain matters to be heard in private. We have not followed the Public Inquiries Act in this regard.

Some members have also questioned the in camera provisions. These questions ignore the fact that a public inquiry is a powerful and blunt instrument. Witnesses may be compelled to answer questions and produce documents on a broader basis than in a court proceeding. It is important that the bill includes basic provisions that balance the extraordinary powers of an inquiry with basic principles of fairness. For example, application may be made to hear evidence that includes a patient's medical records in private. Before the hearing goes in camera, it must be determined whether the matter involves patient information that, if made

public, may injure or harm the condition of a patient or a third person.

I was surprised to hear comments in second reading that matters must be weighed and considered before a decision is made for an inquiry to go in camera. If I understand those comments correctly, Mr. Chair, they dismiss the possibility that making a person's health information public could ever harm a third person. In regard to those comments, I give the example of people who advocate on behalf of family members who are suffering a mental illness. These advocates will tell you about the type of third-party information that may be included on a patient file and why this information needs to be protected from disclosure under the Health Information Act and the Mental Health Act.

I was also surprised to hear hon. members be so dismissive of provisions that speak to upholding justice and the public interest. As lawmakers in this Assembly it is our job to make legislation that operates fairly and that best serves the public.

Another thing that differentiates Bill 24 from the Public Inquiries Act is that the proposed bill will have the Health Quality Council of Alberta appoint one or more individuals to a panel to head the inquiry. Under the Public Inquiries Act cabinet appoints the commissioners to head the inquiry. Going in this direction, Mr. Chair, ensures that we have an opportunity for the council's tremendous knowledge and experience to be used in appointing the panel members independently.

Some members have raised concerns that this means health professionals will be appointed to the panel and then will be expected to become legal experts. This is not the case at all, Mr. Chair. Once a panel is appointed by the council, the panel will be authorized to hire its own staff resources, including lawyers to advise it. I also want to reiterate that once the panel is appointed, the council has no further role in the inquiry.

The Deputy Chair: Hon. minister, I hesitate to interrupt. You're talking here to Committee of the Whole in general. You have not yet tabled your amendment. Is that correct?

Mr. Horne: That's right, Mr. Chair. I intend to do so at the conclusion.

The Deputy Chair: Okay. Carry on. We had some members seeking clarification.

Mr. Horne: Yes. Thank you. If I could ask that the amendment be circulated.

The Deputy Chair: You want the amendment circulated?

Mr. Horne: I'll speak to the amendment at the conclusion of the remarks if that's acceptable.

The Deputy Chair: All right. We'll ask the pages, then, to please abide and circulate the amendment.

Please continue, hon. minister.

Mr. Horne: My apologies, Mr. Chair.

Once a panel is appointed by the council, the panel will be authorized to hire its own staff resources, including lawyers to advise it, and at that point, once the panel is appointed, the council has no further role in the inquiry.

Mr. Chair, in second reading the opposition has suggested that somehow the public inquiry provided for in this bill will not allow a judge to be appointed to the panel. The suggestion has been made that under the Public Inquiries Act the appointment of a judge is automatic. The opposition has it wrong on both counts. Nowhere in the Public Inquiries Act does it say that a judge must be appointed as a commissioner. When a public inquiry is called, a judge may be appointed in accordance with court protocol. The court protocol is in place because the courts are independent. When a request is made for a judge to be appointed to an inquiry, the courts must be assured that the appointment will not impair their operation and that the matter is of sufficient importance to warrant the involvement of a judge.

7:40

Bill 24 is more specific than the Public Inquiries Act in providing for the appointment of a judge, which, as I have noted, is always subject to the approval of the courts. The amendment that I am proposing this evening and is being distributed now will clarify this matter even further.

Other questions raised during second reading were regarding potential conflicts of interest. Under the proposed bill the inquiry authority will protect against conflicts. Section 17(4) prevents the Health Quality Council from appointing anyone to an inquiry panel

> who is or was
>
> (a) a member of the board, or
>
> (b) an agent, employee or contractor of the Council,
>
> who has had any involvement in a matter that is the subject of the inquiry.

In addition, Section 7 requires the council to establish and implement "a code of conduct for the board and the employees of the Council." This will also guard against conflicts of interest. This proposed legislation will provide the same powers to the health inquiry panel as those under the Public Inquiries Act.

Lastly, Mr. Chair, several members opposite suggested that Bill 24 is intended to delay a public inquiry. Let me be clear. The Premier made a commitment to hold a fully independent public inquiry into health care. What Bill 24 does is make sure that the public inquiry will be effective in addressing health system issues.

I will now speak to the two amendments distributed to members this evening. The first amendment, which you should have in front of you now or very shortly, amends section 17(1), (2), and (3). This amendment makes it clear that a health system inquiry can be carried out by a judicial panel, which is one that consists only of one or more judges. It underlines this government's commitment to providing for a judicial inquiry, Mr. Chair, into current health system issues.

The second amendment is a housekeeping amendment. It simply maintains the status quo. The Public Service Employee Relations Act does not apply to the Health Quality Council under the current regulation, and this amendment simply maintains that position.

Mr. Chair, I'd just like to ask, then, how you wish me to proceed. I would respectfully ask the Chair if I could introduce both amendments and ask for them to be voted on at the same time.

The Deputy Chair: Hon. member, perhaps a good starting point would be for you to move the amendment formally. Then we'll have the debate on the amendment.

Mr. Horne: Thank you, Mr. Chair. I would move the document that has been distributed as one amendment.

The Deputy Chair: Thank you.

All members now have a copy of the amendment, which will be called A1.

Ms Blakeman: Excuse me. I would ask, under the precedents of the House and according to *Beauchesne* – I will find the citation for you – that we sever the two parts so we would be voting part A separately from section B here. We don't need to split the amendment. We just need to be able to vote on it separately, please. I don't want to have to vote against one because they're part of a whole. According to the precedents of the House I would ask they be severed for voting purposes.

The Deputy Chair: Actually, there is an option available. It can be voted separately, or it can be voted all in one. What are your wishes, Mr. Mover?

Mr. Horne: Well, Mr. Chair . . .

Ms Blakeman: Excuse me. This is done by a request from any member of the House. The mover does not have precedence.

The Deputy Chair: Are you moving it as one amendment?

Mr. Horne: Well, just to clarify, Mr. Chair, I am moving it as one amendment.

The Deputy Chair: The chair will rule that we'll proceed with it as two separate votes, then. We'll split it into two.

Ms Blakeman: Thank you.

The Deputy Chair: Are there any speakers to amendment A1, which is the first section of the amendment tabled? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Chair, for this opportunity to speak to amendment A1, which is probably the first of numerous amendments I would expect tonight. We may in the early hours of the morning see amendment A20. It may not still be on this particular Bill 24.

Mr. Chair, what I see in this proposed amendment is what I would call weasel language, ways to get out of doing anything, with words like "the Lieutenant Governor in Council where it considers." So the whole power rests with the Lieutenant Governor in Council – in other words, the cabinet; in other words, the government – "where it considers it to be in the public interest."

Well, there is a tremendous difference between public interest and government interest. Think back to this past fall, 2010, when the government was continuously pushed to call a Health Quality Council, and then it took the following spring for that recognition to happen. It wasn't the public interest that drove it; it was the government's self-survival interest. Day after day the combined opposition battered the government on its credibility.

Now, when we read further into this first part of the divided amendment A1, it talks about "may by order." Again, we have considerations with regard to the wording. As opposed to "shall," which is a definitive term, we have "may." This whole business of leaving it up to the Lieutenant Governor in Council, who may or may not "consider" as opposed to "require," is very disconcerting.

Skip down to the new Section 17(3).

> The board may recommend to the Minister that one or more judges of a court in Alberta be appointed as the Panel, and if one or more judges are to be appointed, the appointments must be made by the Lieutenant Governor in Council.

Now, which word is the more important? The board "may recommend" or the appointment "must be made"?

Again, I talked about weasel. I should also be talking about wiggle. This gives the government more opportunity to change the nature of the panel, whether it's judicially led or not. The only compulsion is that the minister may listen to the recommendations of the panel. At some point they must do something, but it's not absolutely clear.

The government frequently uses the term arm's length. That's very convenient when you're trying to pass off your own responsibility for an action. It claims that the Health Quality Council will be an independent body, yet it's the government, the Lieutenant Governor in Council, the cabinet, that appoints the members of the Health Quality Council before they get down to the point of creating their business and calling their witnesses.

Mr. Chair, this is very much like what the government has tried to do with bills 19, 24, and 50 with regard to the land assembly act. The hon. minister of health in opening debate tonight on Bill 24 in general and then referencing specifically this amendment talked about how Bill 24, which would be amended if passed with A1, is similar to the Public Inquiries Act. I can't help but think that another way you could call something similar to is counterfeit. This is a counterfeit of the Public Inquiries Act.

The Public Inquiries Act compels testimony. The Public Inquiries Act is sensitive to third-party potential for harm. The whole explanation on Bill 24, including amendment A1, is – the politest word I can come up with is suspect.

Everything this government has done in terms of trying to bury a public inquiry into wrongdoing by this government which has comprised the health of individuals, which has potentially led to – well, it has not "potentially" led to queue-jumping. The Flames hockey team: there is no doubt about their getting their flu shots earlier.

7:50

Amendment A1 doesn't make the proposed Health Quality Council of Alberta Act one bit better. I'm not sure of the hon. minister of health's intention when he put forward this amendment thinking that somehow this is the equivalent of a spoonful of sugar makes the medicine go down. Well, the medicine is bad. What we're asking for, what the public is demanding, what doctors have required is a public inquiry, not something similar to it, not a counterfeit, but the actual public inquiry under the Public Inquiries Act that currently exists in this province.

Now, again, the minister of health, in introducing and attempting to respond to concerns that the opposition members have raised, talked about this as not being a stalling device, that at some point in the future the truth would be out. But there's nothing in amendment A1 that talks about speeding up the process. There aren't any time limits provided in amendment A1. So even if we accepted amendment A1, we'd be no further ahead than we were with the original Bill 24. There is no specific date for the Health Quality Council, with its limited additional powers, to report, and the chances of this Health Quality Council reporting prior to the election that's to be called sometime within a 90-day period in the spring is very unlikely.

Should we even get more detailed reports on the preliminary concerns that the Health Quality Council raised already that were so adamantly dismissed by a former health minister, the current Minister of Finance, there is nothing in amendment A1 that would suggest that the authority that is being granted to the Health Quality Council under Bill 24, which is similar to the Public Inquiries Act but not the same as, would have any compulsion on the government to change the way it's acted. There is nothing in this amendment that would, for example, roll back the idea of a superboard. There is nothing in amendment A1 that would suggest that it's in the public's interest to have local autonomies on elected

health board members in large constituencies or representatives in rural constituencies.

The Lieutenant Governor in Council might consider having an elected health board, which we had for a nine-month period under the reign of error of former Premier Ralph Klein before he realized that the elected members of the health council were actually speaking for the members who had democratically elected them. Well, that couldn't be. Why would we consider the people who elected the council to have any authority? We can't have that. We better have a superboard instead.

Now, "may by order": again, wiggle room, room to squirm. The squirming that should be done in this House should be by this government to realize that nothing short of a public inquiry is going to get them off the hook. They can claim that amendment A1 or the whole unpalatable Bill 24 is going to be accepted by Albertans, but, Mr. Chair, the truth will be out in the next election. Albertans have been unbelievably tolerant. They've tolerated this government for 40 years. I think a lot of that tolerance stems from the fact that it started well with Premier Peter Lougheed, but what it has descended to is rather unfortunate.

There's an expression, Mr. Chairman, that relates to amendment A1 of Bill 24, and that's that you can't teach an old dog new tricks. What this government is trying to do is with a relatively young dog now in charge, teach her the old tricks.

Mr. Hinman: Is it a young one or a mean one?

Mr. Chase: I wouldn't suggest mean. At times it would appear mean-spirited, but I wouldn't go to mean, but consider may, may.

Mr. Chair, amendment A1 is just more, as the expression goes, lipstick on the pig. The only thing that should be done with this pig is to bury it under the sand, barbecue it, and at the right time resurrect it and we'll feast on it. Tonight that feast isn't going to occur. We see more of what I spoke of last Wednesday night, and that's democracy in darkness.

Mr. Chair, we find ourselves in Alberta's own version of the *Heart of Darkness*, and I'm hoping that other members of the opposition will be able to shed some light on amendment A1. There's not a whole lot to light up here, but when we're finished and we're back in the comfort of our own homes, possibly we could use this as the fuel for the fire that this paper so deservedly should be placed in.

Thank you, Mr. Chair, for this opportunity. I look forward to hearing from other members, both of the opposition but also the government, attempting to explain why amendment A1 salvages a poor piece of legislation.

The Deputy Chair: Hon. members, just for purposes of clarity let's be clear that what you have before you is one amendment with two parts. Members are welcome to speak to either part at this stage. When the question is called, we will vote on one part first, and then we'll vote on the other part, but it will be considered as one amendment for purposes of debate.

The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chairman. Before we proceed, could I ask the consent of the House to revert to introductions real briefly?

The Deputy Chair: Hon. members, we've been requested to revert to Introduction of Guests briefly. Does the House concur in that request?

[Unanimous consent granted]

Introduction of Guests

The Deputy Chair: Proceed.

Mr. Anderson: Okay. It's my honour to introduce to you and through you, Mr. Chair, two friends, and if we could get them to stand up as their names are called. The first is Mr. Paul Nemetchek, who is the Wildrose candidate in the riding of Strathcona, not Edmonton-Strathcona, just Strathcona. The second is Ms Jackie Lovely, who is our candidate in Edmonton-Ellerslie. If we could give them a round of applause, that would be great.

Thank you.

The Deputy Chair: Thank you.

Bill 24
Health Quality Council of Alberta Act
(continued)

The Deputy Chair: Are there any other speakers wishing to comment on amendment A1? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chairman. I'm pleased – I'm not so pleased, I guess, to speak on amendment A1. I find it very interesting. We're talking about Bill 24, the Health Quality Council of Alberta Act, and I believe we're in committee. We're already getting amendments from the government on a piece of legislation. They've clearly said that this particular piece of legislation is going, quite frankly, to save the health care system, taking what we consider a broken health care system, where we've got our health care professionals within the health care system being the glue to the health care system, and keeping it together.

8:00

Interestingly enough, it's 8 o'clock on Tuesday, the 29th of November, and we've had the first government amendment hit the floor as A1. It's talking about section 17(1) to (3), which the health minister wants to amend. In looking at this, I look at Bill 24 under section 3, and it clearly says:

> If in the opinion of the board it is desirable that a judge of a court in Alberta be appointed to the Panel, the Minister of Justice and Attorney General shall consult with the Chief Judge or Chief Justice of that court regarding the appointment, and any appointment by the board of a judge of that court is subject to the agreement of the Chief Judge or Chief Justice of that court.

Well, Mr. Chair, quite frankly, we do not have a problem with that. What we do have a problem with is the amendment that has come before us.

Now, this is interesting, so I'm going to read this into the record: "The board may." I love that "may" and "must" that we get in government. As we all know, "must" is telling the government that they must do something, and "may" is saying: "Hmm, it's Friday. Maybe if you want to, you can do that" or "It's raining today" or, as the government talks about in the Election Amendment Act, that we might have a disaster between – what is it? – March 1 and May 30 or something.

"The board may recommend to the Minister" – now, that "Minister" is creeping in here again – "that one or more judges of a court in Alberta be appointed as the Panel, and if one or more judges are to be appointed, the appointments must be made by the Lieutenant Governor in Council." If somebody doesn't know, Mr. Chair, what the Lieutenant Governor in Council is, they'll think: that must be somebody that's pretty darn important. What they don't realize is that the Lieutenant Governor in Council is cabinet. You know because you've been there, and you agree, but I bet you

that if you and I went door-knocking in Edmonton-Mill Creek, and we said to some of your constituents, "Do you know who the Lieutenant Governor in Council is?" they'd be pretty darn impressed, but I'll bet you dollars to doughnuts they wouldn't know who the Lieutenant Governor in Council is.

There we have cabinet making the decisions in regard to the Health Quality Council, that the minister has been talking about and bragging about, quite frankly, about all of the things they can and cannot do. Well, let's talk about what the Health Quality Council of Alberta can do and what they can't do. What they can do is that they have the ability to review, and a lot of times, you know, they're looking at where we went wrong on the H1N1, what happened in Fort Saskatchewan-Vegreville. We task them, or the previous Premier did, in regard to the independent review of the quality of care and the safety of patients requiring access to emergency departments, cancer and cancer surgery, and the role and process of physician advocacy.

Well, this particular Health Quality Council took on this job. Yes, it's a very, very, very important job. Somewhere along the way they decided that they had to break it up into two parts. First of all, they had to look at the scope of what they were asked to do. In the first part what they wanted to do was look at the wait-list issues related to lung surgery in 2001 and the patients that had died. Then they said, "Well, gee, we've got to break that out to a second part, and we're going to look specifically at the role and process of physician advocacy," which is pretty darn simple to do.

Well, Mr. Chair, guess what? That report was supposed to be to us in the fall, and you know that as the previous health minister because you were intimately involved in this, as was the former Premier. You made promises to Albertans about taking on this role, the seriousness of this role, and that you were going to have all of that information, the first report in the spring and the final report in the fall of 2011. Fall to me is just about over – are we finished fall yet? – and we're into winter. I can't even remember when the first day of winter is, but I know we're well into the fall session.

Now we're going to bring in this report, expected early in 2012. They don't say what early in 2012 means. It could be January; it could be February. It's kind of like the Election Amendment Act. "We're not sure, but we'll make sure we bring it in when it doesn't hurt us politically or when we don't have some weather problems so that people can't go to the polls and vote. We'll bring it sometime in 2012." That takes us back to Bill 24, the Health Quality Council of Alberta Act, this wonderful piece of legislation that hit the Legislature a week ago plus a day.

The government says that they consult, that they've talked to the people that have been involved in this piece of legislation. Mr. Chair, on this Bill 24 I was at the briefing. The minister wasn't there. He was supposed to be there. He originally had us booked for 8:30 in the morning. We had to cancel that because he's busy and, of course, doesn't realize that everybody else might be busy, too. We postponed that meeting till I think it was 5 o'clock that night or 5:30, and on the phone was the special adviser to the minister and a couple of lawyers. But the minister wasn't there, so the minister couldn't be part of the briefing on this very important piece of legislation, the Health Quality Council of Alberta Act, when we were getting briefed. The minister at the time really couldn't even provide a three-column document to help us with the briefing.

But they eloquently went on about all of the consulting that they did on this particular piece of legislation, all of the time and thoughtful process that they went through on Bill 24, and lo and behold our first government amendment hits the table. That's even before the opposition has had the opportunity to bring forward our three, four, five, six, seven amendments that we're going to be proposing to help them fix the bill.

Mr. Chair, in conclusion, I would like to tell the minister, as eloquently as I can, that we will not be supporting his amendment A1. Maybe he would like to explain. I listened intently when he was speaking, and he was giving his what I consider long-winded: "Believe in me. Trust me. This is, again, a really good piece of legislation, but I'm going to bring forward my first amendment of two, and maybe if you're smart enough or dumb enough to accept it, you'll allow us to do both at once. So please trust us. Please accept what we're telling you" on probably one of the most important pieces of legislation that I think is going to affect our health care workers in this province.

I will tell the minister that I have spent literally hundreds of hours talking to health care professionals on what they want to see in this legislation, including yet today two more meetings with two more doctors. In fact, we even met with CARNA, the Canadian association of registered nurses, this morning because I think it's important to reach out to all of the health care professionals to find out what they consider is a good piece of legislation versus a bad piece of legislation.

8:10

I can tell you that the health care professionals in this province do not trust this government on this piece of legislation. In fact, I'm just reading the latest letter that I've received, and it's a PDF version of The President's Letter from Dr. Linda Slocombe from the AMA in regard to what they're talking about and how they see Bill 24. What's very cute and, I guess, to me honest is that they recognize that they're not professionals and that they're not lawyers, and they can only talk about what they see in this piece of legislation.

They even have suggested to the government and made some recommendations to the government and to the health minister, that I know is listening very intently, about "making the scope of the inquiry very clear, articulating who and what shall be included," and there we go with that "shall" again, Minister; "ensuring true independence by supporting the public inquiry with appropriate budget and resources, including support staff" – and, Minister, it is important for you to listen to this – "who have never been involved with the current [Health Quality Council] review; and "being fair to those who came forward to testify with the expectation that quality assurance confidentiality protection would apply." A public inquiry, Minister, must, not may, ensure that that protection continues.

Then, Minister, they talk about the fact that the freedom to advocate is a fundamental issue for the AMA. I don't think anybody will dispute that. It's so fundamentally important that we still are seeing the intimidation, the harassment, and the bullying of our health care professionals today. We clearly articulated that to you over the last week, over and over again, with the case of Dr. Tony Magliocco. We even tabled in the Legislature and provided you the intimidation that he got from Dr. Wright telling him: if you don't agree with what you're doing, you'll regret it, and you'll be sorry.

What kind of crap – and that's the only word I can think of – is that that you would even consider or allow that to happen within our system when you have spoken in this Legislature about the fact that you think that health care professionals should have the ability to advocate on behalf of the people that they're taking care of, which are, quite frankly, Minister, you and I? We are their patients: your mom, my mom, our kids, and your kids. If they see something wrong in the system, the ability to advocate – you know what? You said in this Legislature about the breast cancer

tissues being taken care of in Mount Sinai and that. We've now got documentation proving that that's not happening for six weeks; it just started.

Minister, for you to put in a "may," that "the board may recommend" to you, I don't think the board can recommend to you anything. Quite frankly, Minister, I have trouble accepting your word on this, and I don't know how you can expect that the board can recommend to you that one or more judges of a court in Alberta be appointed to the panel. I mean, for goodness sake, why would anybody want to recommend anything to you? You don't listen, and you don't advocate on behalf of the health care professionals, quite frankly, that you as the minister of health should be representing.

With those words, Mr. Chair, I look forward to hearing others speak about this amendment A1. I can tell you that as the health critic for the Wildrose and as the MLA for Calgary-Fish Creek and, quite frankly, as an Albertan I will not be supporting this particular amendment. I think my role as the MLA for Calgary-Fish Creek, my role as the health critic, and all of the wonderful health care professionals that I have had the honour and privilege to speak with over the last it will be two years in January – I'm not letting them down, and I will not be supporting on their behalf, on my behalf and, quite frankly, on behalf of Albertans this amendment.

The Deputy Chair: Thank you, hon. member.

Any other speakers? I have the hon. Member for Calgary-Mountain View and then the Member for Airdrie-Chestermere, followed by the Member for Edmonton-Strathcona.

Dr. Swann: Thank you very much, Mr. Chairman. I'm pleased to comment on the government's amendment to Bill 24, which, regrettably, raises the question again of independence. The whole purpose of establishing the panel under the Health Quality Council as opposed to under the government or under the cabinet, also called the Lieutenant Governor in Council, the whole purpose of this bill was to try to distance itself from any sign of influencing either the makeup or the outcome of the panel approach.

With the amendment suggesting that

> the board may recommend to the Minister that one or more judges of a court . . . be appointed as the Panel, and if one or more of the judges are to be appointed, the appointments must be made by the Lieutenant Governor in Council,

it basically undermines, I think, the fairly sincere effort that I saw the minister making earlier to create an independent body, a body that was not influenced by the minister himself or his cabinet. Now we see a bit of a flip, or shall I say a flop because I can't see this side of the House supporting an amendment that takes back some of the control – particularly in such a central figure in the panel, the judge – into the hands of the government.

On the face of it, Mr. Chairman, the first amendment isn't supportable. I have no difficulty with the second. Given that, I want to circulate to the House a subamendment, which I will comment on after it's circulated, a subamendment particularly for this section. With your permission, Mr. Chairman, I'll circulate it and then talk a bit about it.

The Deputy Chair: Thank you. A page will retrieve the subamendment and distribute it as quickly as possible. Then we'll get on with the debate on the subamendment.

Hon. members, you have before you a subamendment as moved by the hon. Member for Calgary-Mountain View, and we will call it SA1. I'll call on the Member for Calgary-Mountain View to continue his presentation on the subamendment unless there is somebody who has not yet received a copy. If so, please signal.

It appears everyone has, hon. member, so would you proceed now with the discussion on subamendment SA1?

8:20

Dr. Swann: Thank you, Mr. Speaker. For the record Bill 24, Health Quality Council of Alberta Act, be amended as follows: in section 1 by striking out clause (e); subsection (b) by striking out sections 17 to 22 inclusive; subsection (c) in section 23 by striking out "or a member of a Panel"; subsection (d) in section 25 by striking out clause (l).

The Deputy Chair: Hon. member, I hesitate to interrupt, but what I have before me is A.1, followed by A.2, followed by A.3, followed by A.4. Perhaps you're reading from an earlier version. Would you mind clarifying that, and just reread your motion so that we have it correctly in the record, please?

Dr. Swann: Could we pause a moment just to confirm that we have the correct one?

The Deputy Chair: Yes, certainly.

The hon. House leader.

Mr. Hancock: While we're pausing to reflect on that, I'm wondering how this is a subamendment. It doesn't amend the amendment. It essentially amends three other sections and then strikes out the section being amended as well as five other sections. That's not a subamendment. That's a new amendment.

The Deputy Chair: Hon. House leader, what we were just discussing with the table officers is the fact that this subamendment in A.2 recommends that sections 17 to 22 inclusive be struck out, and the original amendment actually is about section 17. So one of those sections is there. The table officers have advised that, therefore, this qualifies as a subamendment.

Mr. Hancock: Mr. Chairman, a subamendment is an amendment which amends the amendment. This does not amend the amendment. This serves to strike out the section being amended, which is an entirely different amendment. It goes on to strike out five other sections and amend three other sections entirely unrelated to the sections being amended. The two sections in the amendment are section 17(1) to (3) and section 26. There's nothing inherently wrong with either passing or defeating this amendment and then going back and amending the bill to take out the section entirely.

The Deputy Chair: Just a moment. I just require five minutes with our parliamentary advisers here. Give us a moment.

Hon. members, the parliamentary legal advice on this issue is along these lines. If the original government amendment were to pass, then it would be impossible to come back and subamend any part of it. Therefore, this has to be ruled as a subamendment and allowed to proceed. So the chair is going to rule in that regard, and that's how it'll be.

Hon. member, would you like to start over with your clarification?

Dr. Swann: Thank you very much, Mr. Chairman. This amendment is designed to eliminate the powers of the Health Quality Council to establish an independent new public inquiry process. It essentially says, as many Albertans have raised, that we have a Public Inquiries Act. It's been working for decades in this province. It may or may not be led by a judge. It can do all the things that we have said that we wanted done under the Public Inquiries Act. The fact that this government, on the one hand, committed to a public inquiry and, on the other hand, decided to pull it out of

the Public Inquiries Act raises a lot of questions about what the motives are, what the ultimate goal is, why the Public Inquiries Act would not be sufficient when it has served the purposes across this province for decades of investigating, putting in camera those issues that are not in the public interest to be heard, establishing the terms of reference.

It smacks again of a government that is on the run, that is trying to do anything possible to avoid a fundamental inquiry into the health system because of the unfortunate facts that may be revealed. It is a desperate, unnecessary, wasteful attempt to subvert democracy, subvert the truth, and hide from Albertans the terrible mismanagement in our health care system, the recriminations and retaliations against health professionals who have tried to point out the mismanagement and the destruction in our health care system and the demoralization of health workers and who have attempted to make the kind of changes that would improve the cost-effectiveness of a system and, indeed, return it to some semblance of accountability.

May I emphasize the word accountability, Mr. Chairman? A public inquiry can call anyone, from the Premier to ministers to chief administrative officers, right down to cleaning staff, anyone in the health care system who has been affected and adversely affected by mismanagement. The Public Inquiries Act enables this. It has proven itself over many decades, and the attempts by this government to pull it out of that traditional, long-standing, respected capacity within government is testament to a desperate government who is looking, through any means, to give the impression of following through on their commitment, a Premier that has said she would call a public inquiry but got cold feet once she looked at the readiness with which the existing Public Inquiries Act could be brought into force.

This amendment, Mr. Chairman, I hope will serve to both cut through the waste of time and energy and money that's going into this establishment of a whole new judicial inquiry and bring us back to the basic question. If there is a problem in the health system, let us investigate it. Let us investigate it with the tools that we have that are time proven. Let us use the Public Inquiries Act and ensure that we get the information out there and we start to solve the problems of nonconfidence, demoralization, and lack of accountability in the system by making this information public.

There is no need to establish a whole new inquiries act in order for us to get to the bottom of this, any more than there would be a need to establish a children's services quality assurance inquiry act or an infrastructure quality inquiry act. It flies in the face of reasonable and responsible use of the public purse.

I'm hoping that we will see support for this and stop this waste of time and money and energy going into a deviation from the norm.

Thanks, Mr. Chairman.

The Deputy Chair: Thank you.

I have next on the list Airdrie-Chestermere but only if it's on the subamendment.

Mr. Anderson: No, it wasn't on the subamendment.

The Deputy Chair: No? You're on the amendment? Okay.

I have, then, Edmonton-Strathcona next. Are you on the subamendment or on amendment A1? Edmonton-Strathcona, you're on the amendment? Okay.

I'll be happy to recognize Calgary-Varsity, then, on subamendment SA1.

Mr. Chase: Thank you. I won't hold it against you, Mr. Chair, that I was your third choice tonight.

Speaking on subamendment SA1 to government amendment A1, what subamendment SA1 does is that it doesn't beat about the bush. It basically says that sections 17 through 22 inclusive aren't worth the paper that they were printed on; therefore, let's terminate those particular sections. Now, what the hon. mover of A1, the Minister of Health, suggested by putting forward amendment A1, he recognized that section 17(1) through 17(3) should be struck out. He sort of got halfway to where our subamendment SA1 is going. We're saying: forget trying to fix this unfixable circumstance, and just get rid of it.

8:30

Subamendment SA1 takes a very direct approach. It says: forget the Lieutenant Governor in Council making appointment.

> (4) A person appointed under subsection (2) shall not include a person who is or was
>
> (a) a member of the board.

That's not sufficient change to make this more acceptable. So subamendment SA1 says that for the sake of efficiency and for the sake of due process for the Alberta public, that has been poorly dealt with by previous health ministers and in a system that has been constantly in flux from 19 health divisions down to seven down to a single superboard – and now, again, we're trying to come up with some way of attaching all of these broken pieces.

Mr. Chair, when the government so very early into the process of introducing Bill 24 introduces an amendment, then you've got to wonder about the government's commitment to the bill. Amendment A1 didn't provide the fix. It had flexible language just as, I suppose, we have a flexible election period.

Subamendment SA1 cuts to my familial surname, Chase, and says: toss it. You can't fix it; therefore, toss it. I appreciate the direct approach that subamendment SA1 takes because it attempts, Mr. Chair, to clarify a process that is so badly damaged as to not be repairable. Jesus was able to raise Lazarus from the dead, but nothing in the way of amendments from the government or from the opposition is going to raise Bill 24. When I talk about raise, I'm using the term r-a-i-s-e. What needs to be done and what amendment SA1 attempts to do is raze, r-a-z-e, the concept of the Health Quality Council of Alberta Act.

Thank you, Mr. Speaker, for this opportunity to speak to SA1. I look forward to other individuals wanting to get to the heart of the problem by not only eliminating subsections but eliminating the act altogether.

The Deputy Chair: Thank you.

The hon. Member for Edmonton-Strathcona on subamendment SA1.

Ms Notley: Thank you. I'm pleased to be able to rise to speak to subamendment SA1, having had a chance now to look it over and have a clearer understanding of the objectives which are being pursued through this series of amendments.

What is clear to me is going on here, obviously, is that we're simply in a position where the mover, the Member for Calgary-Mountain View, is endeavouring to effectively remove all reference to the so-called public inquiry or the inquiry element of this act. Of course, were that to happen, we would be left simply with the Public Inquiries Act, which, of course, was what was always in place and which is what the Premier originally promised Albertans she would do, which was call a public inquiry under the Public Inquiries Act. So that is the sum total of the many amendments put forward by the Member for Calgary-Mountain View.

Well, why is it that the opposition appears to be so concerned about having the inquiries, particularly inquiries in relation to the functioning of our health care system and, in this specific case,

inquiries in relation to allegations of intimidation within our health care system? Why is it that the opposition is so concerned about having that matter addressed under the Public Inquiries Act rather than having it addressed through this new system that the Premier and her newly minted minister have concocted? Well, that's because the new system that the Premier and her newly minted minister have concocted does not meet the standards that were originally contemplated by everybody, including the Premier herself when she talked about the need for a public inquiry on this important issue.

This concoction is significantly different in some key areas. What are some of those key areas? Well, one of the areas that I'm concerned about is this notion of having the Health Quality Council appoint the panel that would engage in the review. You know, Mr. Chair, I'm a lawyer, and I understand that in certain areas where people become experts and develop an expertise, a fraternity develops. A sense of connections and contacts and linkages develops.

In this particular case what we have is a Health Quality Council which consists, in part, of medical professionals who are clearly connected to the government, in whom the government has a great deal of trust. Let's be clear. That trust doesn't just exist in this province on the basis of who's the most qualified and capable individual. Trust, in this province, for this government, also includes being prepared and committed, no matter what, to cover the butt of this government. That is what this government defines as being qualified to be someone who sits on a board or a commission in any kind of capacity in this province. We see that across the board in countless examples. You know, one interesting example was the report that came through the Ethics Commissioner's office a couple days ago, the most ridiculous twisting of the English language around what constitutes lobbying and what does not in order to ensure that the government is not deemed to have done anything wrong.

Throughout the system this government appoints people that they trust politically. Their qualifications for the job otherwise are secondary, and sometimes, I would say, there are cases where the government actually looks away from qualifications because they wouldn't want the person that they appoint to actually get uppity and maybe start debating with them and saying: "Well, I know we're friends. You know, we're in part of the same party, and we all want to keep each other in power, but really in the interest of best public policy this is probably not the best way to go." The minute people like that start talking, well, the government downgrades the qualifications another level for the people that they appoint to these positions because they want to make sure that these people owe them their job and are not prepared to get uppity. That's the overarching scheme through which this government appoints people.

So now we have a Health Quality Council, and it is this organization of loyal Progressive Conservative health care experts or functionaries who will then appoint the so-called panel. In this particular case we're talking about a panel that's going to investigate allegations of intimidation immediately after the Health Quality Council has itself prepared a report. This is quite silly. This is like a first-level judge being the one who appoints the person that oversees his appeal. I mean, it is one of the strangest arrangements that I think we've ever seen.

The Health Quality Council is going to come up with a lovely little sanitized report about issues of intimidation within our health care system, and then they're going to be the ones responsible for picking more loyal friends and family to engage in a review of their sanitized report. It is truly a recipe for inside deals and continued mutual handwashing. In no way is it a recipe for getting at having a reasoned, independent, qualified, legally trained person who has a fresh set of ideas, who has no obligation otherwise to come into the system and review it. That's not what this is. This is a strange concoction put together to try and sort of meet the promises or appear to meet the promises that the Premier made while maintaining enough control of the process to ensure no one gets too embarrassed in the process.

So I'm not happy with the idea of the Health Quality Council being the body that appoints the panel. By eliminating the whole section in the bill that suggests that the Health Quality Council would be the source of the public inquiry panel members or that the public inquiry would happen through this bill, we get rid of that problem. That's what the Member for Calgary-Mountain View is attempting to do with this series of subamendments.

8:40

Now, there are other problems with respect to this bill and the degree to which anyone could ever suggest that this bill actually amounts to the Premier keeping her promise on the issue of a public inquiry. The Public Inquiries Act, another key element of it, talks about the issue of public disclosure of what occurs inside the hearing process. Of course, as has been discussed already, this piece of legislation is a completely different kettle of fish. This piece of legislation will ensure that it all stays behind closed doors.

You know, it's interesting because in defending that difference between this legislation and the Public Inquiries Act, the minister immediately suggested: well, it's really important to keep people's medical records secret and quiet, and we need to respect privacy. Well, I have to tell you, Mr. Chairman, I've been in this Legislature and, frankly, acting as an advocate for a number of people outside this Legislature for long enough to know that this government has long since learned the skill of using our privacy legislation not as a shield but as a sword. In this particular case the sword is being used to negate any kind of transparency or disclosure.

Interestingly, this legislation does not limit the grounds upon which the panel can scurry behind closed doors, draw the curtains, and make sure everything happens in private to simply those cases that deal with individuals' private medical records. First of all, it's not a case where we have a very limited exception, where one person comes in and says, "I'd like this discussion of my particular medical record to remain private," and on the application of that one person it remains behind closed doors. Oh no, no. The panel itself, the panel appointed by those friends of the Tories that I talked about earlier, gets to decide: well, maybe someone out there may find that this information is a bit too private, so we're going to go in camera.

It doesn't matter if that person's saying: "No, no. You know what? It's fine. Go crazy. The system has already really not worked for me. At this point I've lost all dignity, and I just want justice, so if my information has to get out there, that's fine." It doesn't matter. The panel still has the authority to say: "No. We're worried about you, so we're going to close the curtains. We're going to make sure that this stays quiet." In addition, what the panel has the ability to do is say: "There is a possibility that this could undermine the public interest, so we're going to go dark. We're going to go behind the curtains. We're going to close the curtains. We're going to close the doors behind that. We're going to throw on the padlock. We're going to tell the press to stay 20 metres away from the front door and not come close because we don't want any of this to be publicly discussed."

Now, interestingly, under the Public Inquiries Act when that kind of decision is made, the minister has to specifically certify

the particular issue which they believe needs to be kept private, and they do that. Then the public inquiry panel, when they do their report, will report on that piece that the minister specifically engaged in, demanding that it be quiet. So the minister is held responsible for specific exceptions from public disclosure of issues that would be discussed through the public inquiries process.

That's to be distinguished from this little concoction that we have here in this bill that the government is putting forward because in this bill, just to review, we have the minister who appoints their pals to the Health Quality Council, and the Health Quality Council appoints their pals to review their decisions, and then that panel of second-rate pals decides on the basis of a whole number of things whether or not they should go dark in terms of their inquiry. So we've got two layers of: we don't have to take political responsibility for this. But, just to be clear, you will.

Those folks have a long list of reasons why they can go private. Frankly, the list of reasons why they can go private is so long, I mean, it might have been a shorter list if they just outlined the circumstances under which they might still remain in the public eye. I think you would have saved paper that way if you'd just listed the very rare circumstances under which the public might still get access to this process. But you didn't. You listed a whole bunch of things in section 19, and all of them are very vague.

Then the icing on the cake, of course, is that when this panel of appointed friends and insiders appointed by other friends and insiders comes up with their reason for why to take their whole inquiry behind closed doors to ensure that the public gets no access, none of it is appealable to a judge or to a court. We've written a prohibitive clause to ensure that the courts will never get a review over this ridiculous decision that the friends of the friends of the friends of the insiders made on the basis of these very broadly written exceptions to transparency.

Again, it really, truly is an act that was constructed in order to ensure that the Premier is not compelled to actually keep her promise to Albertans, which is to ensure that there is a full, public inquiry within the meaning of the words that Albertans have come to understand based on their experience with the Public Inquiries Act as it currently exists. Instead, we have a potpourri of these other things which have a whole new set of rules which ensures that we don't get to the story the way Albertans thought they would when the Premier made her promise, which she is now not keeping.

The Public Inquiries Act also sets out that under their process, people who are affected by the issue have a positive right to testify. That's not as clear in this piece of legislation. So for people who really want to go before it, it's not clear that they get to go before it. That, too, is another concern about a significant difference between what we've created through this piece of legislation and what would be the governing sets of rules had the Premier decided to keep her promise around this issue.

This series of subamendments essentially serves to take this whole piece out of the act. What we are left with, then, is a clear set of roles and responsibilities for the Health Quality Council, which may well have some value in and of themselves. We're not saying that the Health Quality Council doesn't have something to do to keep themselves busy. There's lots of room for systemic considerations and all that kind of stuff. But clearly the Health Quality Council is not the forum through which this particular inquiry, an inquiry that generated this piece of legislation in the first place, should occur.

Previous members talked about the recent letter from the president of the AMA, and it's clear that the AMA themselves do not believe that the inquiry into physician intimidation ought to occur through the Health Quality Council process, which is laid out in this piece of legislation. When you consider that the very set of circumstances that drove the creation of this forum, this mechanism for a so-called transparent review is itself being questioned by the very people who are at the heart of the concerns that were raised, one then also questions whether there's really sound thought and sound analysis that went into the creation of this particular forum and structure. Again, it's really not clear to me why it is that the public inquiries process would not work. It's not clear to the advocates with the AMA why the public inquiries process would not work.

I totally get it. I mean, we're talking about issues of physician intimidation. So you're talking about taking this well-connected, Tory-friendly group of people on the Health Quality Council who are all hanging out with all the other folks who over time have been, perhaps, connected to the allegations of folks that are high up in this ministry and in this department of health, and we're taking those people and having them investigate themselves and their friends.

8:50

It makes perfect sense that what people within the health care profession would really want is a completely fresh set of eyes, fresh eyes with fresh experience who can come in and apply what would be considered the reasonable person's view of the matter to the way things have been conducted within our health care system. Having a bunch of people who are up to their elbows in all these dysfunctional practices be the ones who are participating in the review isn't going to provide any sense of comfort amongst and within those who have requested the review and who've gone out on a limb in order to get us as close to this review as we have gotten so far. That's another good reason to have a different process. Instead of having a bunch of old boys review the actions of another bunch of old boys, what we really ought to be doing is providing a clean, fresh set of eyes.

That's what the foundation is behind the notion of having public inquiries. When you look at what drove the notion of creating public inquiries, it was that very idea of pulling away from all the people who were involved in the process originally and getting a fresh set of reasoned, intelligent eyes to look at it on behalf of the reasonable citizen instead of having those who are deeply enmeshed in it review the actions of others who are deeply enmeshed in it. There's nothing wrong with, say, getting a certain bit of advice periodically on what industry practice is and what's reasonable and what's not, but those people should not be driving the process. The way this is constructed right now, that's exactly who's driving the process.

It is an idea and a structure which, from a public policy point of view, is separate and apart from all the different escape hatches which exist within this legislation to keep the government safe from public scrutiny for their actions over the last many, many years, separate and apart from all that, even from within. In this particular case I think there are good public policy arguments for not having the inquiry structured this way. That's what the subamendments would achieve, were they to be passed, that we would not move forward with this particular structure.

With that, I think I've made my point for a while. I will now sit down and let other speakers have the floor.

Thank you.

The Deputy Chair: Thank you.

Any other speakers? The hon. Member from Edmonton-Centre on subamendment SA1, and then Airdrie-Chestermere after that.

Ms Blakeman: Okay. Thanks very much, Mr. Chair. I'm pleased to be able to speak in favour of subamendment SA1, which is amending the government amendment 1, which is amendment A1. Just let me put this in context again. We had the Premier, when running for the leadership, promise that there would be a public inquiry around the oft-raised issue of intimidation of doctors when they tried to advocate for their patients. So that's the setting. That issue goes back almost a decade and seems to have really reached a fever pitch sometime sort of between 2005 and 2010. In some cases we had exceptional doctors leave the province, purportedly because of this.

There was an issue there. People wanted it investigated. They wanted it done in a way that was transparent. The public inquiries process, which is available under the Public Inquiries Act, was referred to often, and the Premier, then a leadership candidate, had confirmed that that's what she was interested in and would put in place when she became Premier, which she did. Then that didn't happen, and this is where members of the opposition, members of the media, and members of the public go: well, why not? Because if that's what everybody thought was such a great idea in the first place, why isn't it a great idea anymore? And that explanation has never been forthcoming.

Second to that, I would argue that in Alberta there have been a number of – how do I put this?

Mr. Chase: Incestuous relationships?

Ms Blakeman: Well, no. I was going to say fast deals, sleights of hand that have gone on with the government, where they say one thing and give you another.

People are deeply suspicious. They don't take what the government says at face value anymore. They always look for what's behind it. Some people look for a variety of conspiracy theories behind it. This is not behaviour that was generated by the people or the media or the members of the opposition. In fact, the behaviour was generated by the choices that have been made by the government.

It was supposed to be a public inquiry; it wasn't a public inquiry. Now we have the government saying that it's going to be the Health Quality Council who will appoint another inquiry body in order to carry on this independent inquiry. Well, you can see why you've got people talking about incestuous relationships, with the government choosing a certain group of people who then choose another group of people. It does all start to either ravel together or unravel, however you wish to regard this. There's just a lack of trust here, I think, that is what ultimately is happening here.

I think that the Member for Edmonton-Strathcona did a very good job talking about the appointees to the panel and who might be appointing them. I think for the most part she's right although I will stand up and say: not always. I don't want anyone to leave this feeling that all government appointments are somehow suspect or tainted or not qualified.

I had the pleasure of working with the Advisory Council on Women's Issues. It was definitely appointed by this government or a previous incarnation of the government. Yes, every single member on there was a card-carrying Conservative Party member except for one, which was a complete accident and so funny. You wouldn't believe it. She was actually a card-carrying New Democrat, but because her family were all card-carrying Conservatives, they just assumed that the daughter would be as well. She wasn't; she was ND. We all laughed about that the whole time she was appointed to the council. See, I'm getting laughter from behind me. So it doesn't always work.

I have to say that some of these women fit the description that the Member for Edmonton-Strathcona gave, but a number of them didn't. They worked very hard. They were very diligent. Where the politics came into play – everyone agreed on the agenda that needed to be achieved. Where the disagreement came was how to achieve it, how to get there, how they were going to change something, not the fact of what needed to be changed. So I just want to say that not everyone that's appointed by government is somehow not a great person. I think sometimes they are.

Certainly, the government does want to stack the deck. If you follow the appointees, you see people get sort of recycled over and over and over and over and over again. They're serving on all these different committees, and then they get passed on to another one and then another one. You do start to realize that there is a sort of pool of – I don't know? – maybe a hundred people that get appointed to every single committee one way or another that's in this province.

My concern and why I'm in favour of this subamendment is because in striking out sections 17 to 22, which I know the Government House Leader is not in favour of – 17 is the authority to establish a hearing, 18 is the hearing section, 19 is considerations re an in camera hearing, 20 is disclosure of evidence from an in camera hearing, 21 is witnesses, and 22 is the report to the Legislative Assembly – in wiping all of that out, you are wiping out the establishment of this committee that's done by the Health Quality Council. In other words, you'd be going back to a public inquiry set-up.

Where I am particularly keen on the amendment are the sections around in camera hearings. I will say that this government is so fast to go into in camera hearings. I can't believe it. It's always done with the excuse that, well, this is somebody's job or this is somebody's pay scale or this is private in some way, shape, or form.

9:00

What I started to do in the policy field standing committees was to insist that everything would be posted online. If someone approached us and said, "Well, I'll give you this information, but you can't make it public," then we simply didn't accept it, and it would not be part of our considerations. I wanted anybody to come along after the fact or during the fact and look at what we were looking at and know how we made our decision and know that they were looking at the same information that we were. They could listen to the audio of how people presented and what they said in the public presentations. They could read any written presentations online, so they had access to exactly the same information that we did, and it should be clear why we made our decisions.

Where you get into trouble with stuff like this is having: oh, well, we were in camera. Well, now we don't know what was discussed. Further, I can tell you, from having sat on a number of these committees, that the committee itself starts to fight because there's no record made of what you do in camera. Then somebody says, "But you agreed to this." "No, I didn't. Where is that written down?" It's true, but it's not written down anywhere.

I've seen it. The committee members actually start to fight with one another because nobody can remember who was responsible for what or who had the idea first or who disagreed with it the most or whatever is the argument of the day. So what I have found with the standing policy committees is that, in fact, if you say to people, "Everything we're doing here will be public," people understand that. They will come to you with their medical stories and say, "I understand that," and go and put it up there.

What I find most often with stories that have become known in here by code names or whatever is that those individuals or their families want their medical story told. They want to make sure it never happens to anyone else again. The Lundys, where Rose Lundy had a miscarriage in an emergency ward in Calgary; the family with the boy who died of meningitis: all of those are families would happily be involved in a public inquiry because they want the information public.

So clauses 19 and 20 and 22, which we're proposing to take out through this subamendment, all deal with sections that I think people would prefer were not there. They want that information public. They want everybody to understand what happened. They want them to be able to look at it and see how decisions were made.

Thank you for the opportunity to talk in favour of subamendment SA1. I urge everyone to vote in favour of this subamendment.

The Deputy Chair: Thank you, hon. member.

The Member for Airdrie-Chestermere on subamendment SA1.

Mr. Anderson: Thank you, Mr. Chair. I'm sure our guests in the gallery must be just riveted, nailed to their seats just at the entertainment and the incredible depth of the debate and the subamendments and the amendments and everything else. This is great practice for them for their soon-to-be jobs.

Mr. Chase: Do you want to reconsider now?

Mr. Anderson: That's right. This might be a way to dissuade them from running, just being here tonight.

I'm grateful for the opportunity to stand up to debate amendment A1. As has been stated previous to this by other members of this Assembly, the gist of this amendment is essentially to get rid of anything under this legislation related to a public inquiry. I'm assuming that – and from the remarks it's clear – the meaning is that the public inquiry should be called using the Public Inquiries Act, that is already on the books, is already a piece of legislation that's just sitting there waiting to be used by any transparent and thoughtful government, which we do not have. So here we are in this conundrum.

I do get amazed at the doublespeak, though.

The Deputy Chair: We're on subamendment SA1.

Mr. Anderson: Yes. Okay. Subamendment SA1. You're right. We're discussing whether there's really relevancy at all to having a public inquiry allowed for under this bill or this special power. It's kind of a quasi-power to call an independent inquiry. I would say that it's clear to me that this subamendment is probably right on the money.

There is no doubt – the record is clear – that the new Premier repeatedly promised during her leadership race for the PC Party that she was going to call an independent, open public inquiry led by a judge, a judge-led inquiry, and that that inquiry would be conducted prior to the next election. She made this promise over and over again starting on June 8. It's right in the top of the *Calgary Herald*: "Redford calls for judicial . . . inquiry." You'll remember that that was – I won't bring the chair into this – a big deal at the time because she was essentially breaking ranks with her party and with the health minister at the time and with the Premier at the time.

She said: we need a public inquiry. She was very clear about it. When she called for it, she said that it's about what has happened in the system, to ensure that we get to the bottom of this and that if there has been any of this – meaning intimidation, queue-jumping, and all of this different stuff – that we all are completely open about it, very open about it. She said: "I know that it's not something that Albertans are going to accept and nor should they. That's why we need to have this inquiry." June 8, 2011. That's five months ago. That's what she said then.

The *Edmonton Journal* the next day says that – and I can't mention the names – the former Premier and the current Premier, before she was the current Premier, "clash over probe. No need for medical waiting list public inquiry yet," says Premier. And what did she say? Basically the same thing, that it's getting to the point now that the only way people are going to have confidence in the health care system is to have some independent inquiry take a look at this, that she has no idea whether those suggestions are true, but it's important that we find out. So here she is talking about the need for a full judicial public inquiry. This is June 8, 2011, as well. She's promised the public inquiry.

There's more. On October 5 it talks about the current Finance minister resisting the call for a judicial public inquiry. October 26: that's a magic date because that's after October 2, which is when she was elected PC Premier, so all of a sudden these promises turn. Instead, the Premier alters the health inquiry: "opposition charges probe has been watered down."

Then the next day, October 27, she's urged to honour the health care inquiry, but doctors group is feeling "a little bit betrayed," says the doctors group.

October 29 – and this is after the nomination – the Premier says that the judge is going to lead the public inquiry. Stephen Carter, her chief of staff, says: "Any inquiry that is led by a judge and has the ability to compel evidence is a judicial inquiry. That's what we're going to have." So an inquiry that is led by a judge and has the ability to compel evidence is a judicial inquiry. That's what we're going to have, says the Premier's number one right-hand man. Left-hand man is probably more fitting.

October 30: health inquiry. "Premier repeats promise of judicial probe into medical system." It goes on.

9:10

Then we start to see the changes. She promises all these things, and then she brings this little beauty, Bill 24, and all of a sudden everything is changed, all those promises that she made during the leadership and after the leadership for a full judicial public inquiry before the next election because we've got to restore confidence in the system. I'm open and transparent, and you can vote for me: all those great promises. Promises are fun to make. [interjection] That's right. Promises are fun to make.

And she won. She won by 1,600 votes out of 70,000 cast, a very, very thin margin. This promise was a huge part of that leadership victory. There's no doubt about it. It was a huge part of that, maybe the most important promise that she made. There were a couple that were important, but that one was right up there. It kind of differentiated her from the pack, so to speak. How many health care workers, 30,000? I wonder how many of those folks voted for this Premier because of that promise. Well, I guess we'll find out.

So that was the promise that was made, and then we get this piece of legislation. What does it say? It talks about a public inquiry, but there are all sorts of caveats on it. The caveat on it is that it is optional whether this will be a judge-led inquiry. In fact, the government's amendment, for which this subamendment has been brought, specifically muddies the water further. If they haven't muddied it enough, they muddy it yet again.

It used to say,

> If in the opinion of the board,

meaning the Health Quality Council,

> it is desirable that a judge of a court in Alberta be appointed to the Panel,

so if the quality council wants a judge,

> the Minister of Justice . . . shall consult with the Chief Judge or Chief Justice of that court regarding the appointment, and any appointment by the board of a judge of that court is subject to the agreement of the Chief Judge . . .

What that is saying, basically, is that if the council wants a judge, the council is going to get a judge as long as it's agreed to by the Chief Judge or Chief Justice of that court. Okay? I'm assuming that's because of scheduling and all kinds of different reasons. The point is that the ball is in the justice's court, and they're not going to say no if the Health Quality Council comes and says: we want to under this act appoint a health system inquiry. That's what it says here now.

Then this amendment. That's bad enough because it's kind of: if in the opinion of the board. It's very murky. Maybe the board thinks they need a public inquiry; maybe they don't. Maybe it should be judge led; maybe it shouldn't. Okay.

Then they bring it, and they make it even murkier. The board may now "recommend" not: if the board decides. No. The board may now recommend – and it's just a recommendation – to the minister that one or more judges of a court in Alberta be appointed as the panel, and if one or more judges are to be appointed, the appointments must be made by the Lieutenant Governor in Council. So they're not even made by the Chief Justice; they're made by the Lieutenant Governor in Council. Okay.

All of a sudden this has become more optional. So we have a health inquiry. It is now completely optional at all to be called depending on what the Health Quality Council says. They can say, "Ah, we don't want it" or "We want it" or whatever. So that's optional. It's completely optional whether it's judge led. It's completely optional whether – and we'll get to that in some other future amendments here because we've got a couple of them. It's optional whether it is completely open to the media, whether it's completely public, and what parts can be put back behind closed doors. There are some obvious protections in here, I think, for ministers and people that they don't want publicly testifying about things of this nature. We'll get to those in other sections.

It's now optionally open, optional to the media, optional to be judge led, optional to be called at all, and there is absolutely no guarantee whatsoever – in fact, it is almost impossible because of the delay tactics of this government – that this will even be called before the next election, let alone conducted or, as the Premier said in her promise to Albertans, that it would be well under way, unquote, before the next election. That is what she said, and it was very, very misleading. That's the parliamentary way of saying it. I know there's a bunch of different words to describe what it was. Misleading.

Ms Notley: Not cool.

Mr. Anderson: Not true.

Ms Notley: Just not cool.

Mr. Anderson: Not cool. Shameful.

Mrs. Forsyth: Disgusting.

Mr. Anderson: Disgusting. There are all kinds of different ways we can call it other than the obvious word. But that's what it was.

Now we sit here, and we're going to debate this bill. Eventually, it will be rammed through by this government, and they will optionally be in a position where they can clearly wait till after the next election. They will call some sort of silly – who knows what it will look like? Who knows who will and who won't be allowed to testify and whether it'll be open and public or whether it won't? But they'll call something just to say that they did it, and it'll probably be next to useless. At the end of the day there will be no justice for those health workers that have been scared out of the province by AHS officials and by officials of this government. And that is sad, very sad.

So here we are debating whether we should have a public health inquiry at all in this bill. I would tend to agree with regard to this amendment. I would say that the hon. Member for Calgary-Mountain View – and I think most people in this House should have a lot of respect for this gentleman and what he's brought to this Legislature and his expertise as a doctor – knows first-hand what it is like to be intimidated by government officials. He knows very much first-hand. So does the member that sits next to him, the opposition leader. It's tempting to go into that one, but I know that's raw with certain people, so in the interest of speeding it up I will not go there so that I don't get a thousand points of order called on me. That's usually what happens. Needless to say, this Official Opposition leader has been clearly intimidated, I would say, by certain individuals.

I know that in our own caucus our Justice critic, the Member for Calgary-Fish Creek, and myself and all of the members of this caucus have been approached by dozens, literally dozens, of doctors, not to mention nurses and other health care workers, who have reported incredible accounts of physician intimidation, mostly by those in AHS but often by those in the government. Yes, often by those in the government: let us just say that. They are scared to come forward.

The reason they're scared to come forward is because the government has a monopoly on the health care system, obviously, and they can't go anywhere else in Alberta, especially now that we have a centralized superboard and we don't have a variety of different health regions, where you could go to a different health region. Although, you know, the fingers, the tentacles were long even in the previous system, at least you could go to a different health region if you had a falling out in one. Well, you can't do that anymore. You're underneath the same massive, centralized bureaucracy of Alberta health, reporting to the minister of health.

There is nowhere to go but out of the province, so what do we do? We lose fantastic doctors like Dr. Magliocco. We lose them to places in the United States, as they take the expertise that they used in Canada and developed in Canada and developed in Alberta and made a great system for testing cancer patients. Now that expertise is being lost. Patients are going to suffer and possibly pass on prematurely because of that stupidity. That's the problem.

Dr. Magliocco is just one. I mean, there are literally dozens. Obviously, Dr. Maybaum, who had the unfortunate – Dr. Maybaum was interesting because of the letter he got. There are people in the government, said his superior, that if you continue to speak out about this children's hospital for children with disabilities, if you keep on speaking out about that delay, there are people in the government that want, quote, your head on a platter. Now, how are you supposed to function as a physician and advocate for your patients when you know that there is someone high up in the government who wants your, quote, head on a platter? Think about that. What kind of place do we live in that that is permitted to occur?

To the Premier's credit she said at the time that that's unacceptable. She called for the public health inquiry at the time.

9:20

Ms Notley: She never expected to win. Come on.

Mr. Anderson: That's right. Maybe she didn't expect to win. She didn't think she'd actually have to fulfill the promise, but here we go. She delayed it, and she has clearly broken her promise to Albertans and to any health care workers that voted for her and just to Albertans in general, even if they didn't vote for her. It's just a disgusting broken promise is what it is, and it really is shameful.

There's that old saying: fool me once, shame on you; fool me twice, shame on me. I just have to believe that Albertans are nobody's fools and that they are going to see this for what it is and that they are going to at some point say: "You know what? We are sick and tired of being deceived. We are sick of it. We're sick and tired of the broken promises, being told one thing on the public health inquiry, on the fixed election dates, on Bill 50 and the transmission lines through Strathcona county and other places." They're just going to say: "You know what? We're just sick of being lied to." At that point I think that the people of Alberta are going to say: "You know what? Whether we're left leaning or right leaning or centrist leaning or whatever leaning we are, we're going to find a different group of individuals to lead us."

Who knows what that will look like? But I cannot believe that Albertans, when all the facts are laid before them, are going to look at it and say: "Yeah. You know what? These folks deserve another chance." Albertans are not fools, and they will make changes when they feel that they're being deceived. That's our hope here in this province, I think, right now, and we'll have to see how it goes. The tentacles are all over the place, the PC tentacles, but those tentacles don't extent into the ballot booth.

An Hon. Member: Oh, sure they do.

Mr. Anderson: Maybe they do. I don't think they do yet. I will differ with you there. I think that in the privacy of the ballot booth, where no one can see them or intimidate them and it's just them and a pencil and a little piece of paper, they'll put an X by the individual or parties or what have you that have not intimidated them, have not disrespected them by deceiving them and so forth. I sure hope that they do.

I will be supporting this subamendment, Mr. Chair.

The Deputy Chair: Thank you.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that we now adjourn debate.

[Motion to adjourn debate carried]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chair. I'd move that the committee now rise and report Bill 23 and report progress on Bill 21 and Bill 24 and beg leave to sit again.

The Deputy Chair: Thank you, hon. member.

[Motion carried]

[Mr. Zwozdesky in the chair]

Mr. Johnston: Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 23. The committee reports progress on the following: bills 21 and 24. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Thank you.

Does the Assembly concur in the report? Those who do, please say aye.

Hon. Members: Aye.

The Acting Speaker: Those who do not, please say no. The report has been concurred with. Thank you.

Government Bills and Orders
Second Reading

Bill 27
Appropriation (Supplementary Supply) Act, 2011 (No. 2)

[Adjourned debate November 29: Mr. Liepert]

The Acting Speaker: The hon. Deputy Premier.

Mr. Horner: I'm good.

The Acting Speaker: Are there any other speakers to this? The hon. Member for Calgary-Varsity.

Mr. Chase: I don't know if there's a pattern developing here, Mr. Speaker. Again I'm your third choice. Whether I'm first or third I will gladly speak to supplementary supply.

Mr. Speaker, one of the concerns I have is about how supplementary supply is arrived at. I fully appreciate that supplementary supply is there to supplement what hasn't been sufficient supply before. I have no problem at all in providing support for the residents of Slave Lake or individuals affected by the flooding of the previous spring, individuals down in Medicine Hat or Irvine. I fully understand the need to, in one case, when they were flooded, bail them out and in the case of the fires in Slave Lake to re-establish the infrastructure that was unfortunately destroyed through a fire that appears now to have been deliberately set.

Where I do have trouble, Mr. Speaker, with regard to supplementary supply, is how the various budgetary amounts are arrived at. There's been a tremendous amount of debate in this House as to what our debt, or deficit, was going to look like. The previous President of the Treasury Board – in springtime possibly he was smelling too many blossoms – suggested that our debt would be down to $1.3 billion. Then we have a leadership campaign, a new Premier is selected as opposed to elected, and it seems that his $1.3 billion estimate no longer held up to scrutiny, and we're back to a $3.1 billion or $3.4 billion deficit. If that same discrepancy and reasoning of 2 point some billion dollars is applied to the main budget and the budget estimates, what faith can we have in the supplementary supply budget?

As I say, when it comes to damage done such as the fire in Slave Lake or fires throughout the province, we know what the bill is, and obviously taxpayers, in terms of fairness, would want to see the individuals compensated for their losses. But where we get into problems, Mr. Speaker, is the guesstimating that goes forward, how much money we will need to tide us over until the spring, when at such time we may have a budget tabled in this House or we might strictly go to an election. It's very hard to tell because originally we weren't going to have a fall session, and now we're having a fall session, a two-day followed by a two-week session. When the government predicts what budget

requirements may be, it's very hard to have faith in that predictive process.

9:30

Mr. Speaker, I appreciate the fact that within supplementary supply there will be a guarantee that our constituency offices, for example, will continue to function, that the supportive members of the Legislative Assembly offices will continue to receive their paycheques, and that the civil servants, who work so diligently and who have been so decimated to such a large extent in the paying down of the debt, will continue not only to receive their salaries but, as was approved in Members' Services, the increases which they haven't seen since 2008. Supplementary supply will make sure that those paycheques continue to be sent out and that those deserving individuals are compensated for their hard work, which is much appreciated.

Mr. Speaker, I understand that so much of our budget, approximately a third of it, is determined externally because of our dependency on nonrenewable resource revenue, where prices are set outside of our domain. With the about-to-occur environmental conference in Durban our credibility both as a province and as a country is very much in question. I am concerned that our reliance on foreign investment can potentially be undermined by our failure to follow through with environmental commitments.

Ms Blakeman: I think it was the Liberals.

Mr. Chase: Yes, it was a Liberal government that committed to the Kyoto protocol, but it appears that our Minister Kent is going to backpedal as fast as he possibly can from that earlier commitment, so Alberta and our hon. Minister of Environment and Water will unfortunately be the recipient and the target of another set of fossil of the day awards.

Mr. Speaker, part of our credibility or lack thereof is our ability to set budgets and stick to them with the exception, as I say, of emergent circumstances. This supplementary supply is just another example of our government not being able to come up with a figure that is within reason and, therefore, having to go back to our taxpayer bank and ask for another bailout.

Mr. Speaker, it concerns me that the government continues to put us further into debt, whether it's borrowing money conveniently internally from the Alberta Treasury Branches or whichever institution is still willing to lend us money. We've heard concerns about the management of our wealth. A number of members in this House have brought forward their concerns that we're not saving. Peter Lougheed's notion of a heritage trust fund and putting small amounts aside as an insurance policy: that's been a dismal failure. That's part of the ongoing fiscal calculation that this government applies to supplemental supply and in this case under Bill 27's auspices.

Mr. Speaker, while the outcome of the supplementary supply vote is preordained based on the majority government, the process is flawed. I am hoping that at some point in, hopefully, the near future we'll come up with a more accurate process. When we take into account whether it's the main budget or a supplementary supply, hopefully we'll come up with more stable forms of revenue generation.

My personal preference, as opposed to a sales tax, Mr. Speaker, would be the notion that all other provinces have accepted, and that's reverting back to a progressive tax, where the expectation is not placed solely on the middle class to bail out the government but that the people who make the greatest amount of money are then required to pay their fair share.

[The Deputy Speaker in the chair]

Thank you, Mr. Speaker, for this opportunity to speak on supplementary supply, Bill 27. I look forward to our new speaker, who has been handed the torch from not failing hands he threw. I'm sure he is glad to at least have a break. The hon. Member for Calgary-Fort at 20 minutes to 10 has taken over the whistle, put on the black-and-white shirt, and I look forward to his rulings as the evening progresses and the morning dawns.

Thank you, Mr. Speaker.

The Deputy Speaker: Any other hon. member wishing to speak? The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Speaker. It's a pleasure to be able to rise to speak to Bill 27, the Appropriation (Supplementary Supply) Act (No. 2), wherein the government is coming to this Assembly seeking additional funds to pay for items that were not addressed or predicted in the spring, when we had our budget discussions at that time. There are a number of items that are being considered within this piece of legislation.

I want to start by laying out the position of the NDP caucus, which is that while I have no doubt there are a number of areas of government expenditure that warrant some critical review given the propensity of this government to hand out money to people, organizations, businesses that might otherwise be quite successful on their own volition, generally speaking, in this province I think we do have a problem with revenue, and we are going to continue to have unpredictable budgeting processes as long as we continue to attempt to rely solely or to too large an extent on oil and gas revenues and at the same time refuse to engage in a more long-term and sustainable revenue generation plan.

That's in two respects. I mean, I think that we actually have to look at issues around fair taxation. It might be time to look at whether having a flat tax in Alberta, that arguably costs us anywhere from $4 billion to $11 billion a year, is something that actually helps Albertans. Certainly, it helps very, very, very wealthy Albertans, but the majority of Albertans, I would suggest, it does not help, and since so many of them are paying out of pocket for other expenditures that the government is not making, I would suggest that globally it's not in the best interests of most Albertans.

As well, although we need to find a way to develop a more regulated way of managing the oil and gas revenues that come into this province, we also need to develop a way to collect a greater share of the revenues that are owed to us as owners of the resources. We simply have capitulated to a very effective lobby from the oil and gas industry over the last few years, and we've made decisions which have not been in the best interests of public policy and Albertans in this province.

9:40

Having said that, we're here today because the government has come to us looking for more money, and I raise those issues because it's not entirely disconnected. One of the areas where the government is seeking more funding is in the area of education. This year is the second year in a row, Mr. Speaker, where the government started out by trying to yank funds from our education system. They get all nervous because they're not able to make the budget balance, so they start looking at places to cut. Because they're very sensitive on issues of health care and because the previous Premier made a three-year funding commitment, they look to their next item, which is education.

Twice in a row they've gone to the education pot to try and find money there, and twice in a row they've changed their mind into the budget year. Now, when they do that, Mr. Speaker, they create

an absolutely unnecessary and unforgiveable level of chaos within our school system, chaos that is felt day in, day out by teachers, by kids, by parents. It's a real thing. You would think that after this many years in government, with something as important as education, where everybody says, "Oh, yeah, we all think education is so important," they would take more responsibility and deliver, with a greater sense of the public trust, on their obligation to create a first-class education system. Instead, what we have is that it's the first place they go. They've tried two years in a row to cut from that system of education, and I'm not convinced that we're not going to see that happen again.

This year the cut lasted longer. Instead of the cut being fixed in the middle of July so that we were only dealing – you know, actually, two years ago the cut was in the middle of July. They finally came around and decided to undo the cut in the middle of July, so we had an adequate amount of teachers. I won't say adequate but a similar number of teachers in our schools that we'd had in June, when school was finished. Now we had different teachers. They created huge chaos. Principals and administrators were back in the schools in the middle of the summer – they were probably already there, but they were working extra hours in the middle of the summer – trying to deal with the fact that they could rehire the people that they'd let go because of this government's incompetent, incompetent management of the education file.

That was 2010. Now we fast-forward to 2011, and they are correcting their incompetence and their desire to go after extra dollars in education. That decision wasn't made until October, so in fact we haven't undone the damage. In some schools we've undone the damage; in some schools we haven't. Every school suffered from the lack of that funding for the first two months of the school year. Then it changed in some schools, but in other schools it hasn't because they haven't been able to adjust quickly enough to make those changes. They haven't been able to find the staff in smaller communities. Those teachers moved out of the communities, so it takes longer to rehire the teachers that were fired as a result of this government's decisions.

That level of incompetence drove deeper this time, and it stuck more. We see it in a more real way in our schools. Certainly, I have two children in the education system, and I can tell you that I saw it in a way that, without question, compromised the quality of education of children that I saw day in and day out. There's no question that the government's decision to do that with that money resulted in that. I find it really frustrating that we have the supplementary supply, where the government once again a little bit farther down the road decides to undo the damage that they've done in education. They, frankly, should be quite ashamed of themselves for this level of incompetence.

Now, the fact of the matter, though, just to be clear, is that the government or the new Premier is trying to take a lot of credit for putting that money back in this time. I think it's really important for people to remember that the system as it is, even with that money returned, is not what it should be. Eight or nine years ago the Learning Commission made significant recommendations around class sizes. The government has not met those recommendations around class sizes. Class sizes are too big. They've never met the independent recommendations of the Learning Commission. For three and a half years now they have frozen funding for special-needs children, which means in the face of inflation that they're actually cutting funding for special-needs children. That affects the most vulnerable kids in our schools, and it affects all the kids in our schools. So these are things that they very intentionally do and continue to do, which are not actually fixed by the supplementary supply, and again they need to take responsibility for that.

They are looking for $317,000 for the reinstatement of operating support to accredited private schools. Well, the Member for Calgary-Buffalo raised some very good points in question period not only today but over the course of the last few days around this government's dogged determination to subsidize the wealthy in this province, which absolutely is unacceptable to me. The minister keeps saying: we've got to pay 70 per cent of our taxpayers' dollars to facilitate what he refers to as choice. What I say is that if someone chooses to use their relative economic superiority or whatever, their relative economic wealth to buy better education for their kids than what other kids have, well, that's fine, but I don't want to subsidize it. You know why, Mr. Speaker? Because one of the fundamental components of a public education system is equality and equity. The minute we start funding mechanisms to allow people to buy their kids out of equality is the minute that the whole system starts to go down the tubes. That's why it's wrong.

Now, I've had people sometimes come to me and say: I have to put my kids into private schools because they are special-needs kids and they're not getting the support that they need in the public system. I have sympathy for those people, and I have sympathy for parents who just want the best for their kids at that moment, at that time, and they see that the public system is not able, because it's not adequately funded, to give the support that their child with a learning disability or some kind of special needs requires. So those parents choose to go to private schools. That is the kind of thing that will just happen more and more the more that we fund private schools. That 70 per cent that we are putting into those private schools ought to be reallocated to ensure that we can provide the services needed by those children and those families in our public system. To be clear, in our public system one of the tenets of public education is this notion of equal opportunity and equal quality of education.

The passionate defence of this government of certain parents to buy their way out of equality is just not something that I think our taxpayers' dollars should be supporting, certainly, within the context of us knowing that our current education system is failing so significantly so many children who are not able to buy their way out of the public system, whether that be children who struggle with not having English as their first language, an area that is a growing challenge but that we are not addressing properly within our urban centres, whether we're talking about children with special needs, or whether we're talking about other specific interests that kids have. We need to be able to address those concerns within our public system. Allowing people to buy their way out of it is like partially funding somebody who is queue-jumping looking for tests for certain diseases. That's not something that is part of the principles that underlie our system of public education.

Now, another thing that we're looking for in terms of supplementary money is $94.3 million for faster than previously anticipated P3 construction. Now, I'm sure it's no surprise to this Assembly that the NDP caucus is opposed to P3s as a mechanism of capital investment. It is a short-term answer, and in the long term it costs more. It's yet another example of this government deferring a difficult financial obligation down the road to generations that, I guess, they won't be accountable to, you know, 25, 30 years from now. It's like buy now, pay later; that's basically what the P3 is. Not only is it economically unwise if viewed over the term of the contract of the P3, but it's also not particularly effective most immediately.

9:50

I have been advised, as I'm sure many others have, about an example of one particular P3 school in Edmonton where, as

predicted, problems surfaced with the maintenance provided by the private partner in that lovely little P3 relationship. So what happens is that the private partner is the one that's responsible for acting on the maintenance obligations. For every replacement or maintenance procedure that they do, they end up having to report back through the private operator's office in Calgary. Replacement parts have to be ordered through the private operator's office in Calgary, and the whole process is slowed down.

We've heard a report about one school where the heat was out for three weeks because of the time that it took the private partner to fix the heating system. Where there are similar issues in schools that are fully owned by public school boards, the employees of that school board are directly accountable for the prompt repair of that asset which is in the public domain. Instead, we've got this situation where, you know, we say to our kids: "Yeah, we know. It's a bit awkward to go to class with earmuffs on, but we're doing what we can to negotiate with our partners, and we've got all the lawyers at the table, and we sure hope that we get the matter resolved within a few weeks. Sorry. I wish we could serve you more directly, but really in the short term this is going to cost us a lot less." I'm not convinced that it is.

This is money that is being asked to further enhance this buy-now-pay-later strategy of school construction, that is so popular with this Conservative government, for which they will be apologizing at some point in the future.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. I heard the cry for help. There is so much more to say. I'm sure there is a lot more to say about P3s, private, for-profiteering, and the government being in the business of being in business again. I will defer to the hon. Member for Edmonton-Strathcona to bring up some of the other serious mathematical calculations that I previously alluded to if she so desires.

Ms Notley: Thank you to the Member for Calgary-Varsity. There are a number of other areas that, of course, are covered by the supplementary supply bill, but the one other that I did want to simply raise is that under the immigration line item, there was a request for $700,000 for English as an additional language. I think it was line item 17.6. I'm hoping that the minister will consider dedicating this money towards reviving the publication called English Express. That was a publication that was cut by advanced education in 2010, and it was a very cost-effective tool for English-language learners.

At the time our caucus suggested that employment and immigration take on the responsibility for maintaining that publication because it was a very low-cost yet very efficient and effective tool for assisting the many new immigrants who, as I've already alluded to, are not getting the support that they need from this government in terms of settling in in the way that is most effective not only for themselves and their families but for all community members in Alberta. The question of whether that $700,000 might be dedicated to English Express would certainly be an interesting one, and I would hope that, if not immediately, certainly in the very near future the minister who is responsible for employment and immigration now would consider reviving that particular publication.

As I said, there are a number of other issues that are touched on through supplementary supply, but I think most of the key ones I've had an opportunity to discuss, so I appreciate the question from the member.

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

Mr. Chase: Thank you. I, too, appreciate the hon. Member for Edmonton-Strathcona bringing up the English Express concern. I'm just wondering if the member, of course through the chair, was aware that many of the government's own ministries provided articles for English Express to help English as a second language students better understand governance in this province.

The Deputy Speaker: Hon. Member for Edmonton-Strathcona if you wish.

Ms Notley: I wasn't aware of the degree to which government departments were contributing to the English Express, but I do know that all the research is telling us that the opportunity for developing real competency in language levels is a key element to labour market success for new immigrants and that, in fact, it takes much longer than we'd originally thought.

The English Express was a significant way to bring people into the overall Alberta community and a way to encourage their ability to develop their language and reading skills while assisting them in becoming connected with key institutions within the Alberta community in a way that would allow them to integrate and be part of our community more successfully and faster than would otherwise have been the case.

The Deputy Speaker: Any other hon. members? We still have time for Standing Order 29(2)(a).

Seeing none, any other hon. member wish to speak on the bill at second reading? The hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Speaker. It's a privilege to rise and speak to Bill 27, supplementary supply, and, I guess, make just a few brief comments to perhaps add a little balance to what the hon. Member for Edmonton-Strathcona had to say. The first and most important thing about what this is is balancing the budget. We can look at Europe right now, and we can look at the States, and we can look around at most of what we call the western democracies. The problem that they're facing is one of spending more than they have revenue. To listen to many in this House purport that we're an exception to the rule here, that our problem in Alberta is that we don't have enough revenue, that we're not taxing higher and looking at more new taxes – Mr. Speaker, it's just blatantly wrong. It's about balancing the budget.

There are some good things here in supplementary supply. We had Slave Lake, just terrible incidents there, but gratefully we were able to step in and help and get temporary homes and those types of things which are essential when those types of crises hit, and that's good. We have the pine beetle, which is another dilemma that we're struggling with. It's hard to budget for those areas. I guess the most important thing, Mr. Speaker, is that, you know, we were blessed and had a good little cycle there where we were able to put $18 billion, $19 billion into the sustainability fund, which every Albertan is grateful for, but abuse of that fund is very alarming right now.

To think that this year we have a $6 billion cash deficit when we have record revenue is a real concern. We have to take a couple of steps back, and we can't take the simplistic attitude that the previous member just spoke about: "Oh, there's $4 billion on the table if we just switch to a progressive tax. Oh, there's $1.4 billion on the table if we just increase the oil and gas levies." They talk as if there's no economic consequences to raising taxes. To me it's the same as having a pack horse and saying: well, we've got a thousand pounds on that beast of burden; what difference will it make if we put on 1,500 or 2,000 or 3,000? It has a huge impact, and eventually you hit the tipping point, which many western democracies have long past hit, and they're on a down-

slide right now with record deficits. They're spending money that they'll never be able to raise.

It's interesting that the hon. Member for Edmonton-Highlands-Norwood spoke earlier today about Iceland and the fact that there was no – what would I want to say? – outside interests that wanted to bail them out, and they had to hit their economic wall and default and not pay things. That's what we need to do in a lot of these things. But for government to just continue to print money, to spend foolishly, and say, "Oh, we need to do all these things" – we need to have a reality check, Mr. Speaker.

10:00

Supplementary supply: understand the need for it. Like I said, there are some things in here that are unforeseen circumstances. Basically, they are doing this, but supplementary supply should be coming out of the sustainability fund. That's what it's there for, for these unforeseen emergencies, where we can reach in there and not have to run a deficit. I guess I want to say a cash deficit, that we are actually running fiscally responsible because we could pull it out. This government is pulling, you know, billions of dollars – billions of dollars – out of the sustainability fund and acts like that's just the normal way of doing business. They're moving their target further and further down the road when they say that they're going to balance the budget.

That just isn't acceptable to Albertans. They are required to balance their budgets, and they expect government to balance their budget. It's always interesting to see municipal governments struggle. Under law they're forced to balance their budget, and the way that they do it every year is by increasing taxes. For some reason they seem to be able to do that, whereas provincial and federal governments don't take that view. They figure that they're Big Brother, and it's okay for them to borrow or spend money that they don't have.

Mr. Speaker, it's disappointing, with the record revenue that we have and the poor planning that we see going forward here in supplementary supply – and the one that everybody, you know, likes to point their finger at, I guess, is the $15 million for salt and gravel for our roads. Why did we fail to plan for that? There are just areas where government needs to do a better job of realizing the actual costs, realizing that there's going to be a World Cup in 2012 or that we're going to have the Olympics or whatever it is and plan for those things in advance, rather than needing to come back here in the House, go through supplementary supply, debate these things, and say: oh, they're critical.

You know, it's the old saying: failure to plan on your part or my part or our part doesn't make it necessarily an emergency. Yet with government it seems like that's what they can always fall back on: "Well, this is an emergency. These are unforeseen circumstances. Nobody could have realized that this was going to happen." Well, there are a lot of nobodies out there that do business year in and year out, who know how to balance their books, how to put money away for their retirement, for their future, and here in Alberta it should be no different.

We're very blessed. We should have the discipline of putting money into the heritage trust fund every year to develop that fund for when our resource revenues are no longer able to sustain us. That's what we want the heritage trust fund for. It's shameful to see the number of governments that are passing on a deficit and saying: "We're doing it for our children. We're spending all this money for our children." I don't think that those are the Alberta values and the Alberta way.

I'm very disappointed that we have such a large amount, you know, just shy of a billion dollars, needed in supplementary supply. We shouldn't need to have that much. But we'll carry on and try and do better in the future.

Thanks, Mr. Speaker.

The Deputy Speaker: The hon. Member for Calgary-Varsity on 29(2)(a).

Mr. Chase: Thank you very much. I would just appreciate the hon. Member for Calgary-Glenmore providing insight on when cutting is appropriate and when supportive funding is required. An example would be what is happening in the city of Toronto. The mayor and some of the councillors that support the mayor are celebrating the fact that they're laying off 10 per cent of the civil servants working for the city, and they're also cutting back severely on services. I'm just wondering, in terms of achieving balance, the role of the sustainability fund, the role of the heritage trust fund, and where you see areas in this potential budget that could be cut and possibly should be cut.

Mr. Hinman: I'd like to thank the hon. Member for Calgary-Varsity for that excellent question. I'm going to use the health analogy: the health of our economy, the health of our body. We live in a land of abundance. I mean, we just have so much that's out there for us. It's easy to be guilty of, I guess I want to say, overindulgence. You know, you go out to eat, and it's easy to start putting on the extra pounds, and it's difficult to take them off.

What we have said over and over again in the Wildrose is: limit government spending to inflation plus population growth. Had we done that since 2000 I think we'd have – how many billions of dollars? – $3 billion or $4 billion of surplus today. What's critical on good government is not to get bloated and spend money foolishly. I mean, even through attrition in many areas we could, I guess I want to say, start that diet to get back to a feasible size. There's lots of waste in different programs. We've really hit, you know, the big ones where, for example, the government says: "Oh, it's a great economic time. Let's spend $350 million on new MLA offices." It was a very poor decision back then. You know, they now talk about: oh, you're not just going to implode it. Well, of course not. But those are the types of things.

It's always that 20/20 hindsight. Why did we get into it? Why are we spending $2 billion, and now the new Premier all of a sudden is taking $500 million of that out saying, you know, that we're going to diversify it a little more on CO_2 sequestration? I mean, if there is anything that we want to store in this province, I would say the first priority would be H_2O not CO_2. We have a shortage in southern Alberta most of the year, but we have an abundance at a time where we can collect that and store it. It's no different with our money.

The bottom line is if we want to be fiscally . . .

The Deputy Speaker: Hon. member, speak through the chair.

Mr. Hinman: I thought I was, but okay. Thank you.

If we want to be fiscally responsible, we need to be looking long term, and not because we have some extra money and say: "Oh, you know, we can grow this department. We can spend more money here." It just seems like if there's money in our pockets, it's just so hot and burning that we need to spend it immediately and expand programs. I'd be the first to say that there are many programs that we do need to expand, but there are too many that have expanded that we didn't need to.

The principle to go back to is inflation plus population growth, and limit that growth and meet the demand on a year-by-year basis, rather than, "Oh, we can expand 15 per cent; oh, we can expand 20 per cent; oh, we need to catch up, you know, on our infrastructure,"

and we spend billions of dollars. That's probably my biggest concern right now, that we went through this, you know, up to 2003 where the government had drastic cuts in infrastructure, and it basically undermined that whole industry, and then all of a sudden when they had their surpluses after 2005, they wanted to spend all this money, and there was no capacity there. What's going to happen in three years after spending $7 billion a year when all of a sudden, if we haven't come out of this economic dilemma, we've got to cut it back to reality to $4 billion? Had we left it at that steady rate and kept a good strong industry growing and being competitive, we'd be able to continue on.

We're going to hit that wall that Iceland did because we're spending so much. We can't spend $7 billion every year and think that it's sustainable. It isn't. Yet, for some they seem to think that someone's going to step in and take over those billions of dollars and say, "Oh, private industry is going to be healthy then," when it's actually being undermined because it's being overtaxed in a time when it needs its breaks.

Thanks for that question.

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

Hon. Deputy Premier and President of Treasury Board, would you like to close the debate?

Mr. Horner: No. I'd just ask that you call the question.

[The voice vote indicated that the motion for second reading carried]

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

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

10:20

For the motion:		
Allred	Horne	Ouellette
Amery	Horner	Prins
Calahasen	Jablonski	Quest
Danyluk	Johnson	Renner
Denis	Johnston	Snelgrove
Drysdale	Klimchuk	Tarchuk
Elniski	Liepert	Vandermeer
Goudreau	Lindsay	Weadick
Hancock	Mitzel	Woo-Paw
Hayden	Morton	Xiao
Against the motion:		
Anderson	Chase	Notley
Blakeman	Hinman	Swann
Boutilier		
Totals:	For – 30	Against – 7

[Motion carried; Bill 27 read a second time]

Government Bills and Orders
Committee of the Whole
(continued)

[Mr. Cao in the chair]

The Chair: The chair shall now call the Committee of the Whole to order.

Bill 22
Justice and Court Statutes Amendment Act, 2011

The Chair: Are there any comments or questions? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Chairman. I'm sure you are thrilled to be in the fabulous constituency of Edmonton-Centre tonight. Not everyone is feeling that way, but I do welcome everyone to my fabulous constituency.

In looking again at the various proposals that are made for changes under Bill 22, the Justice and Court Statutes Amendment Act, 2011, which is amending, I think, 14 acts: Administration of Estates Act; Civil Enforcement Act; Court of Queen's Bench Act; Family Law Act; Family Law Statutes Amendment Act, 2010; Fatality Inquiries Act; Justice of the Peace Act; Legal Profession Act; Proceedings Against the Crown Act; Provincial Court Act; Victims Restitution and Compensation Payment Act; Wills and Succession Act; Witness Security Act; and Builders' Lien Act – yeah, there are a number of them.

I had raised a number of points last time because of the process that we were involved with, that being that although the department had given a technical briefing to members of our staff and, I think, to the member of our caucus who was identified as the critic, they had not had time to write the briefing nor to communicate it to anyone else. So when I came in that night, there was no time to communicate with me, and I started going through the bill piece by piece as I am wont to do. There was some consternation and some scrambling, and the Minister of Justice offered me a separate briefing.

I do apologize to the members of his staff that had to spend time with me to give me an additional briefing. I do appreciate that from them, and they were very kind and patient and did in fact manage to allay most of my suspicions, some of them pretty simple. For example, in the Administration of Estates Act I was reading the word "grant" as a money grant, and it's intended to be a grant as in a legal authority. [interjection]

Yes, as in grant of probate. Anyway. When you put different interpretations of words into legal documents, you can certainly end up in a different direction than you thought you'd be in.

I had a question about the Civil Enforcement Act, which was: the storage costs for whom? The answer to that question is: for everyone, for anyone that was involved in any stage of that. They probably all had a piece of the storage costs, and therefore it was saving everyone money.

The Court of Queen's Bench Act, which was giving the judicial office of master the option of retiring and sitting on a half-time basis, is vehemently opposed by my colleague from Edmonton-Gold Bar. He really feels very strongly that this is not appropriate that they would be collecting a pension and be able to charge for their time. He disagrees with every aspect and piece of this.

I argued back with him and said: "Well, you know, this is no different than, say, my mother, who put in her 35 years as a teacher. She retired. She got her pension." Often people don't have a choice about whether they get their pension or not. They get it. Even if they wanted to postpone it or not take it at the time, the rules say they get it, so they get it. My mother got her pension, and she'd earned it, every penny of it, and I don't think anybody should take any of it away from her. She earned her pension, but she was in her mid-50s and still wanted to do some things and went off and did some other things and took some other contract jobs and was paid for those, as she should have been. She did the work; she should have been paid.

I made that argument back to my colleague, saying: "You know, if these masters have earned their pension, great. They should draw their pension." If they're indeed continuing to do work on a part-time basis, I didn't see the difference between that and what someone else collecting a pension and doing additional work was doing.

But my colleague – and this is difficult; I don't want to put words in his mouth – felt that this was an opportunity for some close friends of the government to be appointed to positions and to put in 10 years and then they get a full pension, and they get to go off and work at the same job and be paid for it. So he does see it as inappropriate and double-dipping, so I needed to put that on the record.

The Family Law Act was almost like a typo. It had to update the references that will be repealed with the coming into force of the Wills and Succession Act. The Family Law Statutes Amendment Act, 2010, was the act that I was referring to that people thought wasn't in this amending bill, but it is. That is the interjurisdictional support orders. It does allow reciprocating jurisdictions to obtain and verify support orders in Alberta, and there were some typographical errors in it. So I was right about maintenance enforcement being in here, and that's where it was.

The Fatality Inquiries Act looked alarming because it kept talking about taking out voting and voting members. It looked like they were disenfranchising someone. The fact of the matter is that they haven't been voting members for some time. They used to have voting and nonvoting. Everybody has been a voting member for a very long period of time. They just haven't corrected the act. The act still distinguished, and it wasn't necessary for the act to distinguish anymore because they didn't exist. Everybody is a voting member, so that's fine in changing that.

10:30

Both our critic of the bill, the hon. Member for Edmonton-Gold Bar, and myself still have troubles with the Justice of the Peace Act. My comments last time earned me a sharply worded e-mail from someone in central Alberta that I didn't know where certain pieces of my anatomy are in relation to other pieces of my anatomy. But, no, I meant what I said there. I don't mean to be casting aspersions upon any member, but frankly justices of the peace are not trained in the same way as full law enforcement officers like city of Edmonton police officers or the RCMP. They may well be trained more particularly in one aspect, but that's the one aspect they're trained in.

I am very cautious about putting in more and making more and more use of justices of the peace – sorry; I've switched wheels there; I started talking about sheriffs, and now I'm talking about justices of the peace – and the reason is because we have more and more sheriffs being delegated jobs under new legislation, and they are taking their desire for a warrant to be issued to a justice of the peace. These things both become much more important than they used to be.

The Legal Profession Act was something requested by the Law Society of Alberta, and it is allowing for a faster process and mobility of lawyers between Alberta and Quebec, which is better.

The Proceedings Against the Crown Act: again, I missed this one. The sponsoring member did actually say small claims court, which is how most of us would refer to this, and that is no reflection on how wonderful the judges are that are in charge of the Provincial Court, civil, which is the proper name for this particular court. What this really means is that somebody could take a claim worth less than $25,000 – if there was a claim against the government, they could take this to the Provincial Court, civil, known to the rest of us as small claims court, instead of taking it into a higher court. It would save everybody money, time, and grief, which I think is an excellent thing, and that is why the Provincial Court, civil, also known as small claims court, is so valuable.

Removing the birthday commencement date provision from the Provincial Court Act is excellent. That kind of information should not be out there in the public realm anymore. It's dangerous for identify theft and a number of other reasons. It also ensured that an appeal from the civil division of the Provincial Court, of which I was just speaking, if it is appealed up, then that court must make a decision. They can affirm the decision that was made, they can look at the facts and make their own decision on it, or they can in effect hear everything over again, which is a new trial. They cannot send it back. They have to make a decision.

The Victims Restitution and Compensation Payment Act: this one I'm less keen on. This is around the current minister's, the former Justice minister's, move to seize property believed to be derived from illegal acts. This is often property seized prior to someone actually going through court. Or maybe they never go through court, but their property has now been seized. This allows the department that's in charge, the civil forfeiture office, to appoint others to do some of the work.

For example, if they did seize somebody's car believing it had been used in trafficking in drugs, they had to be responsible for seizing the car, which is towing it, for storing the car, and maybe for selling it, and they had to do it all themselves out of one office. This change allows them to contract with or appoint other bodies to do that; for example, contracting with Cliff's Towing to tow the car and, you know, with a different group to store the vehicle and with someone else to auction it. It allows them to use resources other than civil enforcement agencies to carry out functions related to this property. I still think there's a real serious problem and a sort of step that was skipped, and I see it continuing on in some of the other acts that this government is doing, and that will show up later. Yeah, I'm not over the moon about that one.

The Wills and Succession Act looked pretty clear, and it seemed to be something that was being asked for by private practitioners asking for minor adjustments. Now, there was something in the paper today that said, "Ooh, bad, bad, bad idea" because it sets up a situation where the spouse would be entitled to basically what she or he would get during a divorce proceeding, which is half of everything, rather than perhaps what was actually put into the will. I don't think that that is actually flowing out of this amendment under the justice statutes act, but I could be wrong because the wording looks pretty innocuous from what I'm looking at.

It talks about a contested application. Basically, it does say that a lawyer who is acting on behalf of somebody should be discussing alternative methods of resolving the problem and to inform people of collaborative processes. That doesn't seem to be the problem that's been mentioned in the paper today. That would put it into being a contested application. All they're doing is saying that "every lawyer who acts on behalf of a party in [a contested application] to the Court under this Act has a duty," blah, blah, blah, to talk about alternative methods.

Then it goes on about repealing section 5(1), which is the one about if two or more individuals die at the same time or in circumstances where it's hard to determine, as an example a plane crash or a car crash, who died first. Then it's their estate that's being willed to the second one, and if you've got a good lawyer, they will make you draw your will in such a way as to deal with that problem. This is setting out that all rights and interests of each of the individuals with respect to property must be determined as if that individual had predeceased the other or others unless the court, in looking at the will, believes that that's not what the will

was looking for, that sections 599 and 690 of the Insurance Act come into play – I'm sorry; I don't have a reference for that, and I didn't have a chance to get a reference for that – or that a provision of an act provides for a different result. So I don't think that's the section that's being talked about either.

Lastly, it's talking about section 8, striking out "unless otherwise expressly provided" and substituting "except as expressly provided otherwise in section 23 or 25." That's about when this is going to come into force, so this part applies to wills made on or after the day this section comes into force, et cetera, et cetera. I don't think that's the one it's talking about either. Then it's talking about witnesses and things.

I'm not sure where someone believes that someone is going to lose – oh, wait a minute. Here it is, I bet you, section 109:

> If a deceased, during life, has transferred property to a prospective beneficiary, a person who alleges that the transfer was intended by the deceased to be an advance against, or otherwise repayable from, the prospective beneficiary's share of the estate may make an application to the Court.

They're striking out "a person" there and making it "an applicant," which is, again, legal terminology.

10:40

Mr. Hinman: It's under section (6), section 25(2), page 36.

Ms Blakeman: You think that's what it is?

Mr. Hinman: The following is substituted: "a former adult interdependent partner."

Ms Blakeman: Well, yes, but it "does not apply in respect of an individual . . . who is a former adult interdependent partner of the testator." That's this government's incredibly obtuse language for, usually, a same-sex partner but very occasionally groupings like two elderly siblings or a mother and an adult child. So it's that, usually, same-sex partner who's also "the spouse of the testator at the time of the testator's death, or . . . related to the testator by blood or adoption." That's really just expanding the original section 25(2), which says that "subsection (1) does not apply in respect of a former adult interdependent partner who is related to the testator by blood or adoption." I think they're just clarifying something there, and I don't think that it does all the dangerous things that it seems to be thinking that it does, but maybe someone else is more up to speed on that than I am.

I really appreciate the extra time and effort that the minister's staff put into clarifying all of this for me. In final words, in the Witness Security Act it was an actual error in the name of the act, and that was fine. The Builders' Lien Act, as I talked about at the time, was fine because it was allowing the process to be done cleaner and not being constantly sent out to another group who had to do something and bring it back to the court clerk. They could just do it all themselves. So with the exceptions of the sections that I've noted here, I'm perfectly in favour of proceeding with this amending act.

I will note again that it takes a heck of a long time to work your way through this stuff, and I would really appreciate it if the government would give us enough time to do this appropriately. Even when you give us a technical briefing on this, that's not the same thing as trying to read every word that's in there. I mean, this is a dense act. It's 38 pages long, and trying to make that work and to make sure that you're not making a mistake and that you're doing your best on behalf of Albertans is no small task when you're faced with a bill like that, amending 14 other bills. Although I'm okay with most of what's going on in here, that was not a nice thing to do to anybody in the opposition or any of our staff, and please don't do it again.

Thank you very much.

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

Mr. Chase: Thank you very much. As always, it's a very hard act to follow when the Member for Edmonton-Centre has preceded you in the speaking order, but I want to also extend a thank you to the Minister of Human Services, who was very helpful on second reading of this bill in quietly providing clarification to us on various sections of the bill that were of difficulty to comprehend. Also, as the hon. Member for Edmonton-Centre pointed out, our appreciation to government staff within the Justice department for further clarification. That type of collaborative, co-operative effort is very much appreciated.

Mr. Chair, I especially, as well as being in the debt of the hon. Minister of Human Services and the staff of the Justice department, want to acknowledge the terrifically helpful briefing efforts of our researcher, Karin Kellogg. Karin provided me with a terrific amount of improved understanding.

The hon. members who have legal training might have noted my floundering in second reading, trying to comprehend the intricacies of the legal language. Obviously, I was having difficulty. Now, the hon. members might have misinterpreted my misunderstanding as being simply stalling, but of course that was not the case. Now that I understand so much better, as the hon. Member for Edmonton-Centre indicated, the two areas our caucus has difficulty with have to do with the Justice of the Peace Act and the Court of Queen's Bench Act amendments.

Now, with regard to the Court of Queen's Bench Act amendments I understand and appreciate the mentorship role that the masters in chambers provide because, in fact, in order to be a master in chambers you have to be a retired judge. Based on the amount of time the person has spent on the bench, obviously their mentorship is important.

I had a similar opportunity to provide mentorship and also a degree of continued employment in an area that I thoroughly enjoyed, as a substitute teacher. In 2003, when I retired from full-time teaching, I found myself very rapidly missing the contact with the students, so I applied to be a substitute teacher. At that time that opportunity to be a substitute teacher, which I equate with a master in chambers in terms of their part-time provision of support, was possible. But the other side of that mentorship was that if I was occupying a place on the substitute roll, then up-and-coming young teachers might not have had an opportunity to hone their teaching skills because I was taking their place.

I wonder, Mr. Chair, if the same argument could be made that for qualified lawyers who would be in line for a bench appointment, that appointment might be delayed by the half-time continuation of employment of retired judges in the form of masters in chambers. We have to look at both sides of it. We have to value the mentorship provided by individuals who are long serving and can provide mentorship, but we also have to allow for spaces for individuals to come forward.

With regard to the Justice of the Peace Act and those changes in some cases it's worth while to facilitate the application for a warrant. Rather than getting a judge out of bed, if you can go to a justice of the peace – and there are obviously more justices of the peace available than there are judges – then potentially the facilitation of justice can be improved.

One of the concerns that is not dealt with in this bill but is dealt with in another piece of legislation – and that has to do with the Traffic Safety Amendment Act – is the positioning of peace

officers and placing them in the role of not only arresting officer but judge and jury in terms of the suspension of a licence. I'm not sure that providing all of that level of authority, that on-the-spot judgment, is necessarily a wise circumstance.

10:50

One other area that I would have liked to have seen included in this Bill 22, Justice and Court Statutes Amendment Act, 2011, is what I called for a number of years ago as a motion, and that was a unified family court. Unfortunately, Alberta still hasn't proceeded. What happens, particularly for children in the justice system, is that the Court of Queen's Bench deals with divorce, but there are a variety of other courts, including the Provincial Court and the juvenile court, that the young person may be bounced through. Until we have that court unification, that other provinces have preceded us in achieving, children are going to find themselves basically being bounced back and forth, as are parents trying to work out custody arrangements, because of the lack of a unified family court system.

As the hon. Member for Edmonton-Centre noted, with the clarifications provided, we are much more supportive of the intent of this omnibus bill and believe that sufficient changes have been made, notwithstanding the two areas we mentioned, the Justice of the Peace Act and the Court of Queen's Bench Act, to see this piece of legislation passed.

Thank you, Mr. Chair, for this opportunity to participate from a more knowledgeable standpoint in the Committee of the Whole on Bill 22.

The Chair: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Yes. Mr. Chair, I will be very, very quick and just say that I support this bill; the Wildrose caucus supports this bill. I want to commend the mover of the bill as well as the minister. These are good amendments. The one in particular that I thought was very, very good was the ability for masters to now practise part-time after they've stopped practising full-time. That's good because these masters, some of them, especially the senior ones, are incredibly qualified. They know the law inside and out, and it's good that we can keep them working even if it's just in a part-time capacity, especially given the backlogs that our court system has and various things.

I thought that that was a very good amendment, a very good change, that has been made as well as many of the others in the bill. On behalf of the Wildrose we support it moving forward.

Thanks.

The Chair: Others? The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. It's a pleasure to be able to rise to speak to this bill. Like previous speakers I am a little bit concerned about how much is being jammed into it. It's sort of a theme of this little session-let, that I would refer to our currently being involved in, in that we have this little, itsy-bitsy session, and in it we decide to ram to through a whole bunch of legislation. As part of that theme we create an omnibus bill which amends one, two, three, four, five, six, seven, eight, nine, 10, 11, 12, 13, 14 acts. That's a lot.

You know, the problem with looking at these acts, of course, is that we get assurances from the government that it's all housekeeping, but then to really know that, we have to dig through each one of the acts and look holistically at what the implications are of the change. It really is a bit of a stretch. I will say that already I've seen some summaries that were provided in the briefing notes which I think maybe don't do as good a job of explaining the implications of what are otherwise characterized as minor amendments as well as they might.

There is a change here to the Wills and Succession Act. There are some concerns raised by this, and again it was characterized to members of the opposition as being sort of a nonevent. There are several amendments to clarify the act before its proclamation, which is expected in 2012, which substitute "a contested application" in place of "an application" and change survivorship rules where two or more individuals die at the same time.

The amendment also changes the entitlement of surviving spouses in a way which may allow a surviving spouse to receive a larger share of the estate than the deceased intended. At least, there are some lawyers who make this argument. It's interesting because this was provided to us as simple housekeeping which had no significant implications, yet it sounds as though there may be implications which go beyond the simple status quo, which certainly were not communicated to opposition members in our briefings.

Concerns have been raised that suggest that the amendment may allow a spouse to make a claim for division of property under the family law legislation. That is in particular a claim for what he or she would have been entitled to had they divorced. The spouse would be able to claim this property as well as any gift left to the spouse by the deceased. Again, I'm not entirely sure that that qualifies as minor housekeeping. It sounds to me like there's a bit of a policy decision there that ought to have been identified in the briefings that we received so that we could make a determination on that.

Again, as a member of a caucus that currently has two researchers on staff, asking us to review 14 acts in order to determine the implications of one is a little bit concerning.

Another one that jumped out at me, that I was a bit concerned about – again, I'm kind of flying blind here, so maybe it's a real concern; maybe it's not – is this whole notion of making some fairly significant changes around seizure of property under the Civil Enforcement Act. Currently the act allows seized properties to be kept in storage for at least 90 days before a civil enforcement agency, or a sheriff or bailiff or whatever they're called, gives a 30-day notice to the creditors that the property will be released. The bill reduces that period from 90 days to 45 days, and then the notice period is reduced from 30 to 15. What that appears to do – again, I'm kind of flying blind here – is that it reduces the opportunities for debtors to fix their debt and to retrieve their possessions, having paid off their debt. It makes for easier collections on the part of creditors, but it does so at the expense of the rights of those who owe money.

I mean, it's never a black-and-white situation. What we would want to know is: what's the profile of the people that are being affected by this? Are we talking about consumer collection, where you've got people who are low-income, who have gone too far into debt, who are relying on their credit cards to pay a number of bills – and this is one of those examples – so now we've given creditors greater opportunities to get at their assets faster? Or are the majority of people that are affected by this act, you know, businesses that have expensive lawyers at their disposal to delay a collection process from creditors who have long since proven their claim? We don't know what the profile is of the people that are being affected by these changes, and we certainly didn't get briefed on that, so that is a concern. The stated purpose of this change is to reduce or avoid unnecessary storage costs, but it does also appear to reduce the amount of time in which debtors can pay back money or essentially make whole the creditor.

Also, the requirement that a creditor go to the court to seize property in order to get a court order for property that's already

under seizure is being eliminated. What that appears to do is again streamline opportunities for the creditor at the expense of the debtor. The government calls this administrative streamlining, but of course it has implications for people. Given the economic upheaval that we've just been through and, you know, what we see happening in many other jurisdictions, in the U.S. and throughout Europe, I don't really know that this is the time that we want to decide that we're going to make things fast and easy for creditors. Certainly, that would not be, I think, what policy-makers would have chosen to do in the U.S. given the state of their economy. So I'm not entirely sure that making these plans now is in the best interests of average Albertans. Again, we could have used a bit more of a detailed briefing, and this ought to have been separated out from this bill with more clear explanations as to the objectives that were being pursued.

11:00

Conversely, the amount of time through which garnishee summons can be used to collect off somebody's wages has doubled. Now, in that case we clearly know who is being impacted there. The employee now has a garnishee summons on their wages for two years rather than one, and whoever it is that's collecting the money from that employee's wages has to go to court less frequently. Again, the question becomes: is this a reasonable decision to make? The government argues that the court costs are perhaps more generous to the debtor, but it also provides for less work on the part of the creditor. So there are different ways to argue this one.

When you get into processes for collecting from employees when people have run into financial difficulty, these are not administrative, housekeeping issues. These are policy choices, and this is something that ought to have been clearly separated out so that we had an opportunity to fully identify what's going on. Generally speaking, these are two examples of cases where I think that what we're really looking at are changes that are a great deal more significant than simple housekeeping.

The Legal Profession Act. I mean, I'm a lawyer, but I also know that there are a lot of people out there who feel incredibly hard done by sometimes by the conduct of their lawyers. One of the key mechanisms for keeping lawyers accountable and holding them to the standard of public trust and high regard in which, notwithstanding all the other jokes, they are generally held – you know, they have that because they're part of a professional body, and that professional body plays a very critical role in regulating the conduct of their members. What we have here are changes to the Legal Profession Act which simply say that the bench has reviewed the process and decided that there were changes needed for timeliness and efficiency. Well, really, again, that looks to me like a bit of a public policy issue.

As things stand now, the Law Society of Alberta is the primary consumer protection agency, shall we say, for people who run afoul of a shabby practice by lawyers. Certainly, that's a small minority of situations, but when it does happen, it has huge implications for people. So the Law Society is the means through which those issues are addressed. We have here a number of changes to, quote, review the process for disciplining lawyers as the bench has recommended with no particular discussion of exactly what those changes are or how they will impact either the lawyer who is the subject of the complaint or the person who has raised the complaint, the complainant. We don't know. Again, another perfect example of what I think is actually a substantive policy issue which needs further discussion which is being wrapped up in a 14-bill omnibus piece of legislation and shoved through this Legislature at 11:06 p.m. It's part of the overall theme that this government is working on, which is to pretty much thumb their nose certainly at opposition members but, also, through them at the people of Alberta, who rely on this Assembly to have a certain amount of thoughtful debate periodically.

Those are my points, Mr. Chairman, and the concerns that I have around this piece of legislation. Although much of it may be benign, I will not be supporting it because I do not appreciate the manner in which it's been presented, and I think there are issues that require greater explanation and greater time for debate.

Thank you.

The Chair: Any other hon. member wish to join the debate? The hon. Member for Calgary-Mackay.

Ms Woo-Paw: Thank you, Mr. Chair. It's my pleasure to rise today during Committee of the Whole to speak on Bill 22. I would like to take some time to address some of the questions raised by the hon. members during second reading and also tonight during Committee of the Whole. I agree that there's a fairly involved piece of legislation within a fairly condensed process. I will try my best to respond to some of the points raised this evening.

One of the points raised is about the language changes in the Administration of Estates Act. This is one of 14 justice statutes that have proposed amendments. The Administration of Estates Act amendments reflect that certain responsibilities have been transferred from the Public Trustee's office to the court clerks. This is mainly aimed at avoiding duplication of grants, as recognized by the member this evening.

Another point that has been raised is the Civil Enforcement Act. The amendments to this act improve civil enforcement procedures and clarify provisions. For example, civil enforcement agencies holding seized property in storage will not have to wait as long to notify creditors that the property will be released. This will encourage creditors to deal with property. This amendment was recommended by civil enforcement agencies and will help avoid unnecessary storage costs initially paid by the agencies, passed on to the creditor and then, ultimately, on to the debtor.

The length of time a garnishee summons remains in effect will increase from one year to two years, reducing renewal costs and making it consistent with other means of court enforcement. The requirement that the creditor obtain a court order to seize property that's already under seizure is being eliminated, streamlining procedures and helping to ensure that creditors do not lose rights of priority with respect to seized property.

I think another point that has been raised this evening is in regard to the Court of Queen's Bench Act. The Court of Queen's Bench Act will be amended to give those appointed to the judicial office of master the option of retiring or sitting on a half-time basis. Now, this option was requested by the masters and is the same option that has been made available to Provincial Court judges since 2005. The option will be available to masters who are 60 years of age or older and who have served on the bench for at least 10 years. This option benefits masters who, after serving full-time for a considerable period of time, wish to continue serving but on a less than a full-time basis.

Now, I think these provisions essentially will help to reduce costs, provide greater flexibility to the court system, and help us to retain experience, and I think it would be a benefit to enhancing the effectiveness and efficiency of the court system.

I would like to also respond to the member's point on the Legal Profession Act. The new provision under this act is allowing for an expedited process for an immediate plea by a lawyer. With minor infractions often the lawyer is prepared to admit to their misconduct and accept a sanction. The current process does not allow for an

expedited process. The lawyer must often wait up to a year to have the matter heard by a three-member bench or committee.

11:10

The current process can result in delay and aggravation for the complainant and the lawyer, which may be out of proportion to the seriousness of the complaint. With an expedited settlement process resolution is more timely and better serves both the lawyer and the complainant.

Another provision is to permit the benchers, when appropriate, to appoint nonbenchers to sit on hearing committees. This will allow for more scheduling options and quicker resolution. All other Canadian law societies have the ability to use nonbenchers to hear discipline matters. Other regulated professions in Alberta allow for this. Examples are the professions regulated by the Health Professions Act and the Regulated Accounting Profession Act.

One other point I'd like to raise is the provision for the intermediary step of appeal to the benches for minor decisions. It is anticipated that this will reduce the number of appeals to the Court of Appeal on minor matters. Appeals will be dealt with in a more timely way and at less cost.

I mentioned only a few of the amendments within Bill 22, all of which will improve the functioning of Alberta's courts and increase the effectiveness of our justice and courts legislation. As I have said previously, the amendments are mostly housekeeping in nature. I'm pleased to have had the opportunity to address some of the members' concerns and points this evening.

Thank you.

The Chair: Is any other hon. member wishing to speak on the bill?

Seeing none, the chair shall now call the question.

[The clauses of Bill 22 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 21
Election Amendment Act, 2011
(continued)

The Chair: Any comments or questions?

We have amendment A1 since the last adjournment. On amendment A1, the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. As you see, I am frantically trying amongst all the bits and pieces of paper and amendments to find amendment A1. As I recall – and you can certainly clarify for me, Mr. Chair, if I'm incorrect in my assumption – amendment A1 is as follows. Proposed by the hon. Member for Edmonton-Gold Bar that the Election Amendment Act, 2011, be amended in section 2 in the proposed section 38.1 by striking out subsection (2) and substituting the following:

> (2) Subject to subsection (1), a general election shall be held on May 8, 2012, and afterwards, on the second Tuesday in May in the 4th calendar year following polling day in the most recent general election.

Now, this amendment does what the Premier promised in her precampaigning, that we would have no longer fixed elections but we would have a fixed election date. Taking the now-selected Premier at her word, we're making that commitment in the form of amendment A1 that was lacking in the discussion of an election season, a 90-day period. It is our belief that for the sake of more participation in the democratic process providing of the specific type of date that other provinces have achieved and, as a result have seen greater voter turnout, is the way to proceed. The date of May 8 was selected basically because it falls within that period. In subsequent amendments to Bill 21 we will be talking about the potential of flexibility within the week surrounding the specific day but certainly not within a 90-day period.

Now, it'll be interesting, Mr. Chair – and I don't want to take up a tremendous amount of time speaking to this amendment, but I would like to listen to the government defend the indefensible in terms of explaining how a 90-day period provides for greater democratic participation and commitment in the process than a well-defined day. If this amendment were to be accepted, four years out from the May 8, 2012, date we would expect another election to be called.

The need for individuals to be able to plan, Mr. Chair, is absolutely essential. You can't run a business, you can't provide an education system without specific dates. What an election date is is basically the starting gun, the indication that the citizens of Alberta have awarded a particular party the right to be their representative and to provide the type of governance that the individuals expect to be followed through.

Mr. Chair, the abandonment of promises is of great concern. We earlier this evening debated the Health Quality Council of Alberta Act, and prior to that discussion this particular Bill 21 was adjourned before we had a chance to speak to it. Now, as I look at the clock, it is 11:18.

I thank the hon. Member for Edmonton-Gold Bar, who first introduced this amendment at some point this afternoon with the belief that by defining very specifically a day as opposed to a flexible season, the sense behind this amendment as proposed would be so overwhelming as to be grasped by every member of this astute Assembly. By proposing this amendment, he also provided an out for members of this Assembly who had trouble with the idea of a flexible election period as opposed to a defined day.

I'll look forward, as I say, Mr. Chair, to the discussion that follows on the idea that is held sacred by other provinces and that was originally held sacred during the campaign for leadership by not just the current serving Premier, but the idea of a fixed election date that was supported by a variety of the candidates who felt that as part of the improvement and transparency and accountability sticking to a defined date was important.

Thank you, Mr. Chair, for this opportunity to speak to amendment A1, that calls for the election to be held on May 8, 2012.

The Chair: On the bill, the hon. Member for Airdrie-Chestermere.

Mr. Anderson: On the bill or on the amendment?

The Chair: On the amendment, A1.

11:20

Mr. Anderson: Mr. Chair, we're talking, obviously, about fixed election dates here. I applaud the amendment. I think that it's a good one. I have another one that I think is slightly more appropriate, something that I think is a little bit superior. I'll tell you that what I do like about the amendment, which is that it fixes a date. That's, I think, pretty critical to this whole process.

You have a Premier here who has once again flipped on a very key promise from her election campaign. I don't know if this promise was as key to her getting elected as, say, the promise to call a public health inquiry, but this was clearly a promise that was

part of a package of reforms that the new Premier was campaigning on to increase transparency and accountability in government.

That is why it was so disappointing to see, along with her flip-flop on calling a public health inquiry, along with her flip-flop on how she was going to essentially put a stop to all the Bill 50 transmission lines permanently and kind of go through the whole process from scratch in order to make sure that there clearly was a need identified by an independent body and so forth. Right now really all she's done is just delayed it until after the next election.

All of these different things that have happened, these flip-flops, have really spoken to one of the major character attributes of this new government, of this new Premier, and that is that what she says before an election is not necessarily what she will do after an election. In fact, whatever promises she makes during the election, you kind of have to roll the dice to see if she'll keep them.

She kept the promise to restore $107 million in funding cuts which she voted to cut in the first place along with her government, but after that she said: yep, we will restore those cuts. She did, but she said that she would restore those cuts with in-year savings, meaning she'd find areas of fat in the government – and good grief, there are areas of fat in this government that could be cut; that is for sure – to find that $107 million for the education system. She made that promise. She broke that promise.

We could go on and on and on about all these different promises that she has broken, and we will for as long as it takes to be heard on it. But this one: although I don't think that this is a promise that necessarily got her elected, I think it probably helped. It was a big part of her transparency reforms, as I said, that she was promising. But it is one of the most egregious. The reason why it's so egregious is because, probably even more than any of her other promises, this one was very, very specific. There was no grey area here.

You know, with the public inquiry – there was no grey area there either, come to think of it. I think her gamble is that she thinks that she can put this out there and say: "Look, I've created a venue for this public inquiry to happen; it just won't happen until after the election. It probably won't be completely open and led by a judge but probably by a panel. But I've at least made the vehicle where it's theoretically possible that it can occur."

This one, on the other hand, is just so blatant, such a blatant broken promise, such a blatant deception that it is really quite shocking. I don't understand it. It just doesn't make sense to me, the other part being that it is so simple. It's one of the simplest promises to keep. We know the election is coming up. It's not like she's going to be surprising people that there's going to be an election in the spring – we all know that's happening – so why not just set the date? I mean, we all know it's coming. It's just a matter of setting the date.

Just to make sure everyone understands what she has said in the past, on October 5 – this is a couple of days after the election; there are a whole bunch before it, too, but I'll start with this one – on an online chat at the *Calgary Herald* the new Premier said: "On Sunday I said that it would be after a spring sitting," meaning an election, "a budget and a throne speech and thought that based on the practical timing that could be June – sometimes the legislature takes on a life of its own, so it is a little unpredictable!" This is not more than two days after she was elected. She has already completely flip-flopped on the promise. Think about that.

She said: "On Sunday I said that it would be after a spring sitting, a budget and a throne speech and thought that based on the practical timing that could be June – sometimes the legislature takes on a life of its own, so it is a little unpredictable!" She's already saying June. That's not what's in the bill. She already changed from that first initial thought. Will it be after the spring sitting? Who knows? She might call it after the throne speech. She might call it after the budget. She might call it on February 1. That's the earliest that she could. It gives new meaning to openness and transparency; that is for sure.

What's so incredible about it is that that was October 5. On October 23, so that's 12 days roughly, or less than two weeks, after her saying that on October 5, she said this to the Canadian Press. She "would commit to calling an election in March 2012 and every four years from that date. She said Albertans are supportive of the idea and that several other provinces already use the same model." So she referred to other provinces that use the same model. She said that it would be in March of 2012. She said that she would commit to it every four years after March 2012 as well.

You cannot get any clearer than those points: "March 2012 and every four years after that;" I'm going to do it like they've done in the other provinces. Every other province has a specific, the second Tuesday or third Thursday or whatever it is of X month . . .

Mr. Boutilier: But none of them have a season.

Mr. Anderson: But none of them have a season.

So she says that, and then 12 days later she says: well, I said on Sunday that "it would be after a spring sitting, a budget and a throne speech and thought that based on the practical timing that could be June – sometimes the legislature takes on a life of its own, so it is a little unpredictable!" There you have it. That is one of the quickest flip-flops. So this promise was made seven days before the election, and then four days after the election she flips on it. That is solid. That is a solid, trustworthy Premier we have there.

She said that fixed election dates are important – this is in the September 23 interview with the Canadian Press – because "they understand the issues that are coming." She's talking about Albertans. Albertans "understand the issues that are coming. They don't believe any political party should have even if it is a theoretical upper hand in managing the political agenda and then picking the date accordingly." That is just awesome. Albertans "don't believe that any political party should have even a theoretical upper hand." Not even a real one, just a theoretical one. Just the appearance of unfairness is not good enough for Albertans, according to the Premier seven days before she was elected, and then four days later she completely reverses her position on that. I honestly don't know how she expects Albertans to believe anything that she says. It's just so blatant. I mean, it's just guilty beyond a reasonable doubt.

She is quoted in that same article as saying that the status quo of no election dates needs to change so as to deny the government "the behind-the-scenes deal-making and manipulation that characterize the timing of an election."

Then on the *Rutherford* show on October 25 she stated as follows – so now we're 25 days out, and remember that on September 23 she recommits to a fixed election date, March 2012, and four years after that, just like the other provinces in its clarity. That's what she says. On October 5 she waffles and says: no; it could be after, probably sometime in June maybe; you never know; the Legislature has a life of its own. Then, of course, she gets on *Rutherford*, and you know how Dave is sometimes. He asks those direct, tough questions, trying to get an answer. This is what she says: when I make a commitment, I keep my commitment; I'm not going to start making willy-nilly pronouncements when they want me to; I hope the legislation will be satisfied with the approach we have taken on fixed elections; when I make a commitment, I keep that commitment. That's incredible.

11:30

She goes on in that same interview to say:

> Fixed election dates give Albertans the opportunity to focus on issues that matter and mobilize for an election, without the behind-the-scenes deal-making and manipulation that sometimes characterizes the timing of an election . . . Personally, I was very disappointed by the voter turn out in 2008, when I was elected. We failed to engage the public in our most important democratic right – voting. In some ways, low turnout may indicate lack of faith in the system, and that is a very dangerous road to travel. I would like to reverse that trend.

Well, she certainly has done a great job of making sure Albertans can trust politicians to do what they say they will do.

Again, on November 22 – that's just a few days ago – this is what the Premier said in *Hansard* when questioned about her flip-flop, her clear deception and flip-flop on this issue.

> Mr. Speaker, Albertans want to know there's going to be an election every four years. We think this legislation, that's before the House and can be fully debated in a fully transparent manner, . . .

At midnight.

> . . . represents what Albertans want to see. They want certainty. They want security. I'd suggest that if the opposition is concerned about ensuring that they have a head start, they can read the legislation to get ready for a provincial election. That's democracy . . .
>
> Mr. Speaker, this legislation does exactly what Albertans want it to do. What Albertans said is that they wanted certainty. What other political parties said is that they wanted to be prepared for the next election. I'd suggest that the political parties better get prepared for the next election.

Wow. This is the best line of that last quote.

> Mr. Speaker, this legislation does exactly what Albertans want it to do. What Albertans said is that they wanted certainty.

Remember what she said on September 23, that they wanted certainty? Okay. September 23 she said that fixed election dates are important because Albertans understand the issues are coming. "They don't believe any political party should have even if it is a theoretical upper hand in managing the political agenda and then picking the date accordingly." She said that the status quo of no election dates needs to change so as to deny the government "behind-the-scenes deal-making and manipulation that . . . characterize the timing of an election."

It is an absolute failed, I mean, just a complete breakdown of trust with regard to this Premier and the people of Alberta. Now, this one was very flagrant. There are literally at least seven or eight others that have occurred in the last several weeks since she's been elected. One has to ask again: you know, fool me once, shame on you; fool me twice, shame on me. At some point I think Albertans are going to realize, when these choices are put before them in the next election – and one thing we've learned over the last little while is that elections certainly matter. If you look at what happened with the mayor of Calgary, if you look at what happened with the new Premier, if you look at what happened in the federal election, particularly in Quebec and Toronto, in the GTA, with the Conservatives, during the election those numbers changed dramatically once the facts were put before the people.

At some point I think Albertans are going to want to ask: am I going to continue to allow myself to be taken advantage of? Am I going to continue to be deceived and not punish the sitting government for that? Am I going to continue to allow this to occur? Just on principle, regardless of whether you agree with it, are you just comfortable being told one thing and then having the exact opposite occur?

My guess is that Albertans in droves will very clearly say: no, that's not acceptable. We expect to have the truth told to us, and when someone makes a promise, we expect them to keep that promise. We will see. We will see what happens. There is always, of course: rather the devil you know than the devil you don't. I'm sure, you know, that is one of the uplifting arguments the government side will make. Who knows? Maybe some people will buy into it, but I know there are thousands and thousands of Albertans across this great province that are certainly not going to take it anymore. They are not going to be deceived any longer, and they'll make their voices heard at the next election because of this kind of silliness.

Mr. Chair, I will certainly give my support to this amendment. We have, obviously, an alternative amendment, that we like a little bit better, but we will support this one. If we were to get this set election date, we would be very happy with it because it's better than nothing. It certainly would help the Premier regain some credibility with the people of Alberta, and I think that's important for her. I think it's important for us as politicians because there's a real credibility gap that's occurring every time a politician says that they're going to do something and then does the exact opposite.

Mr. Chase: It makes us all look bad.

Mr. Anderson: It really does make us all look bad.

People don't mind, you know, politicians honestly changing their mind on things as circumstances change and as new information comes to light. They understand that – they do – as long as you're honest and upright and it's not a pattern, as long as it's the exception to the rule and there are thoughtful, nonpolitical reasons behind it. But when the reasons are clearly political, when they happen in a two-week span, when they happen in order to get votes one week before an election, obviously knowing full well that it's completely optional whether you're going to keep that promise or not, that's what drives voters crazy. They can't stand it no matter what area of the world you live in, specifically Canada and specifically Alberta.

With that, Mr. Chair, I will be supporting this amendment.

The Chair: On the amendment, any other hon. members? The hon. Member for Edmonton-Strathcona on amendment A1.

Ms Notley: Yes. This is simply a brief comment on amendment A1. I think there will be more discussions around this particular section and different amendments for it. There have been some really good comments thus far about the many statements made by the Premier in her election campaign and around the merits of fixed election dates and how critical they are to the issue of ensuring fairness and why it is that she would certainly do everything she could to give us a fixed election date, only for us to then be subjected to really, truly, Mr. Chairman, what I have to say are the lamest, just truly the lamest, most tortured rationales for why we now have a fixed election season.

I've heard some tortured rationales out of folks from the other side. I mean, they really will get remarkably creative in trying to justify things that are really so clearly designed for political purposes.

Ms Blakeman: It's like kids, right? "I didn't break that."

Ms Notley: Yeah. Exactly. It's like kids. You know, they're sitting beside a broken jar of jam and are covered with jam, yet they will argue that, no, in fact aliens came in, landed their spaceship, broke the jam, covered their face with it, and then left.

They'll do it with a straight face, and that's kind of what it's like listening to these folks talk about why in Alberta, apparently, the weather here is so unique that it is absolutely essential we give ourselves the option to call the election when we're not in the middle of a weather emergency because we have no experience with that in Alberta. We need to respect Albertans enough to ensure that it is a sunny day, and of course we all know that we can predict the weather 30 days out. I mean, it truly is a tortured dance that they're doing.

11:40

Saskatchewan and Manitoba have been known to have weather events. Some of them might suggest that, indeed, they've had to put up with more weather events than us. But in any event, I can tell you that nobody can predict the weather 30 days out. Even if you did want to somehow deal with the untenable, intolerable weather conditions that are unique to our province, this is not the answer because you've still got to give voters 30 days' notice or 28; I'm not sure which. You've got to give voters notice, and we all know that you just can't predict the future 28 days in advance.

This has nothing to do with that. Here is the natural disaster and emergency that this legislation allows the government to address, a really bad poll. That's the natural disaster that they're worried about. They're really concerned that Environics or Angus Reid or somebody is going to come along. I mean, right now they're flying high, but, you know, we've seen polls go up and polls go down. In fact, they do go up and down in a 90-day period. We've seen that. Clearly, that is a natural disaster that they want to do everything they can to avoid, and that's why they're giving themselves the opportunity to try and schedule the election around that natural disaster.

Now, if they were prepared to do that in consultation with the opposition, maybe there'd be something to it, but, you know, I am pretty sure that that's not the plan. Anyway, a tortured, illogical, silly group of explanations coming from folks over there: as I said before, I suspect there are a good number of them that will not actually get up and speak to it because they are as embarrassed by this silliness, as they should be.

You know, it would be better for the Premier just to say: "Well, you know, I said that we'd have fixed election dates, but it's not going to happen. We'll talk about it after the next election. It's too much too soon." You know, just be honest about it. This tortured interpretation of what she said and what she didn't say just irritates people because it is so . . .

Mr. Anderson: Brazenly political.

Ms Notley: So brazenly political. Indeed.

One thing I just did want to talk about in this particular instance, on this particular amendment. I mean, I'll support the amendment in general because any date is better than the season, but I have said in the past that, personally, as a member of the opposition and one who has a number of students residing in my riding, I have suggested that we ought not to have a fixed election date that is scheduled for when students are out of school. My hope is that at some point in the future we will get a government that's actually interested in increasing voter turnout. I know this government is not the government. I'm hoping that at some point we will get a Chief Electoral Officer who believes it's his job to increase voter turnout. I certainly understand that our current Chief Electoral Officer, as selected by the majority of Conservative members on the Legislative Offices search committee, is not the Chief Electoral Officer who will make that decision.

Indeed, the Chief Electoral Officer who was quite interested about increasing voter turnout and addressing opportunities to have students vote is the one that the majority of Conservative members on the Legislative Offices Committee chose to fire three years ago. Nonetheless, someday it could happen. We could get a government that cares about democracy, we could get a government that sees that it's in their best interests to actually get people to go to the ballot box, and we could actually get a government that respects the process enough to appoint a Chief Electoral Officer on the basis of their commitment to the democratic process and improving that process in the best interest of all Albertans rather than according to the agenda of the Conservative government.

Should that happen and should we be in a position to have that situation occurring and we actually change the legislation so that we're not intentionally confusing and discouraging students from casting their ballot in this province, it would be very helpful if we did not have an election on a day where they have finished school and in some cases, maybe temporarily, are moving to other locations or being in different locations. We would want to do everything we could to increase their opportunities to vote. So I would like to see a fixed election date earlier in the spring to accommodate that.

On that basis the date that's proposed by the hon. Member for Edmonton-Gold Bar is not my first choice, but again the concept of a date, one that the Premier so eloquently argued for during her leadership campaign, is a good one, and for that reason I will support the amendment.

Thank you.

The Chair: Any other hon. member on amendment A1? The hon. Leader of the Official Opposition.

Dr. Sherman: Thank you, Mr. Chairman. I'd just like to speak to the amendment. Albertans were promised fixed election dates; instead, we have fixed election seasons. It's important to fix the date, number one, to help the Premier maintain her promise. If the goal is to have true democracy and true representation and have a good, fair competition, it's incumbent that everybody starts the race at the same time. Many of the issues that I hear from new people who want to run for public service is that people need to take time off work. They have families. We want young people to run. We want parents to run. We want professionals to run for every party. They need to be able to get time off work, a leave of absence from work.

I can understand. On the government side you have 68 incumbents, and their work is here. They know when the elections are going to happen. They've won elections before. Some have lost elections and won again. They're fully financed, fully ready to go, and they know when the race is going to start. But for true democracy to prevail, the other political parties have many members who haven't been elected, who are new, and they deserve to have a fair and equal chance, an equal shot at getting to all their constituents.

For example, you have to rent an office. When the starting gun goes, one team knows when to rent all the office space and the billboard space. The other team has never run a race before, and they have to start hunting for office space, get their phone lines hooked up, take their leave of absence from work, arrange for daycare for their children. By the time everything is organized, the election is half over.

As you know, generally governments call elections because they know they're going to win them. The polling shows that. The government already has the advantage of having a $38 billion

budget to play with just before an election. The government has the advantage of not only the polling, not only the budget, but the 4 and a half million dollars they've got in the bank. They've got the advantage of never having lost an election.

At the same time Albertans need to know when an election is going to happen so that they can plan their vacations around it. If they're going to be out of town, they can arrange to cast their ballots. It's incumbent on the Premier to keep her promise if she wants to be considered fair, if she wants to be considered as somebody who keeps her word. What are they afraid of? Why do they have to be afraid of keeping an election commitment? Mind you, this wasn't an election commitment; it was a commitment made during a leadership race.

Officially I thought it important to get on the record. I was quite enthused when the Premier got elected based on the commitments that she had made about fixed election dates. I have to say that I became quite disappointed when that date became a season. It could be this time or that time. They're asking people to rent offices for three months, and God knows if the election is even going to be called in that time period if they're not high enough in the polls.

11:50

So I feel it important to support the amendment from the Member for Edmonton-Gold Bar. Let's set a date. We know, especially being Liberals in Alberta, that it's tough enough to fight an election. Let's be honest. It's tough. It ain't easy. We're not the wealthiest of the bunch. We haven't won since 1917. We don't have $4.3 million in the bank. We don't have 68 incumbents. We don't have a $38 billion budget to play with. Come on, guys. Come on. At least set the date so that we can get our candidates prepared, ready to commit to take 30 days off to fight a race that, hey, in many parts of Alberta we don't have a chance. No, we can't finance it. But what are you scared of? The Premier said she'd set a date. Set the date, run on it, and give everybody a fair chance.

It's like the world's fastest sprinter saying: "Listen. I want to start on the 75-yard line while the other kids, who've never run a race, start at the starting line." This is Alberta. Albertans believe in fairness, but their government doesn't. So I just ask everyone on the government side to be brave, set the date, and be prepared to fight an election where you already, even if you set the date, have a 50-yard head start, on my team at least. You already have a 50-yard head start on this other team over here and maybe a 90-yard head start on the other team. What are you scared of?

Mr. Chairman, I support the amendment from the Member for Edmonton-Gold Bar, and I thank you for this opportunity. I challenge the PC caucus and the Premier and her team to remain true to their word and set an election date, not an election season.

Thank you.

The Chair: On amendment A1, the hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Thank you very much, Mr. Chairman. The Leader of the Official Opposition raises some very important points, the point being: quite simply, just set a date. How simple is it? I'll say it very slowly; he said it slowly: just simply set a date.

Now, I understand that the PC caucus, in light of the fact that a very small minority actually supported the Premier, who came in with this idea . . . [interjection] Well, I'm being gracious when I say that. Obviously, the majority of caucus does not support what she had purported. But now here it is, and they probably don't support the idea of the fixed election season. That being the case, the hon. member who brings in a date of May – personally I foresee this. Soon we'll be in the Christmas season, the holidays will take place, then January. The bottom line: I understand the PCs are having their candidate school on February 10 or 11, somewhere in there, for those candidates who are running again. Of course, the Liberals and the New Democrats and the Wildrose already have their campaign school set up.

So what's going to happen in February is no different than before. It's going to be simply a Speech from the Throne, the Minister of Finance is probably going to try to add 1 and 1 together to equal 3, and then he will go forward and ultimately there will be a budget, and then the mandate will be called.

Now, it'll be done, though, to try to surprise the opposition by trying to do it in February so that it still meets the date of somewhere between March and – when is their election? Their date I think is March 1 to May 31, which is, again, as I mentioned earlier, like *Groundhog Day* 2 or *Groundhog Day* 28. Really, there's nothing fixed about it.

So I think that what is very important is to just do the right thing and, quite simply, come forward with a date. How simple can that be? It's like when you're born. You're born on a day; you're not born in a season that can fluctuate. You can't be born on 92 days of the year. The amendment at least begins to improve what was started on that side, but I think it's very important that this government not flip-flop anymore and actually come up with a date so that all Albertans know.

The Leader of the Opposition asked the question: why don't they want to do that? I'll tell you why. They don't want to do it because they want to keep the upper hand. They're interested in two things: power and keeping it. It's not, in my view, what is in the best interests of Albertans in terms of being open and transparent.

I will say that I believe in calling a date; it's as simple as that. In fact, I'll even state it to the new leader of the PC Party, the old and tired 40-year-old dynasty over there. You know, they've simply run out of ideas. They couldn't even come up with a date. It just simply had to be a season. Come up with a date, and I'll say: "Hey, good for you. You finally came up with a new idea for once." That being the case, though, new ideas have to be protected like newborn children. They have to be protected, fed, nurtured, and they need to be given an opportunity to grow.

The other provinces that actually came up with fixed election dates, not one of them has a season. It's all a date, one particular date. The reality of it is that this new leader of the PCs, the Premier, came up with this idea. The rest of the caucus didn't support it, and now they are obligated to support it. Really, they have some major explaining to do when they go back home. I don't think she won her PC leadership based on this.

The amendment put forward regarding May at least is much more open and transparent than what is being proposed by the government. Congratulations to the Member for Edmonton-Gold Bar. I congratulate him on at least being more open and transparent than what we've witnessed on the government side.

Having said that, Mr. Chair – I have spoken already once – I will say that it is my hope that the Government House Leader, who's talking to the Deputy Government House Leader – they're smiling. I think they might have come up with an idea of actually coming up with one day.

The bottom line is that there can be 68 of them, but one person can overrule them. That's just simply how their democracy works. I think what's really important is that it might be a good idea to never forget who your bosses are, and that's the people of Alberta, not the people who have a title called Premier.

Thank you, Mr. Chairman.

The Chair: On amendment A1, the hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Chairman. It's a pleasure to get up and to speak on Bill 21, the Election Amendment Act, 2011, and to support the hon. Member for Edmonton-Gold Bar in his amendment to actually help the Premier come forward with her idea that she so eloquently talked about during her leadership race.

The problem here, Mr. Chairman, is that the new Premier spoke many times of the importance of having a set, fixed election date. It's interesting because when she first got elected, the first thing that she did was call off the fall sitting. Again, I've never, not that I'd ever want to, had the benefit of sitting inside that PC caucus to understand the dynamics. It's one of those bewildering things for me, always being on the outside, to see how decisions are made and who's calling the shots. You kind of wonder, you know: how does it work?

I must say that from my outside observation it seems apparent that the Premier doesn't always get their way. I think it was quite evident when the first thing the newly elected Premier declared was that there would be no fall sitting. Then they had a caucus gathering, and all of a sudden we have a contracted, short fall sitting, obviously the will of the caucus because the Premier had said she didn't want one. It was good that she was listening to a few at that time who were politically astute enough to say: it's not good if we don't have a fall sitting; we can't wait until next February to present a budget. So here we are, and they brought a few bills forward.

It's interesting. I just want to read a few quotes, and there have been many from her. She was quoted as saying that the status quo of no fixed election dates needs to change so as to deny the government "the behind-the-scenes deal-making and manipulation that . . . characterize the timing of an election." She said that she doesn't like to be willy-nilly, that she likes to speak her mind. She was very much speaking her mind there. She understands it. She's only been in here four years, and she was one of those that had to make some adjustments to know when they're going to run.

12:00

So behind-the-scenes deal-making and manipulation characterize the timing of an election. She said that fixed election dates are important because – again, she's talking about the people – they understand the issues that are coming. They don't believe any political party should have even if it is a theoretical upper hand in managing the political agenda and then picking the date accordingly. These are quotes from our new Premier on why she said that we need to have a fixed election date.

Yet we don't have one, Mr. Chairman, and the question is: why? Once again, I think that caucus overruled her and said: "No, no, no. We haven't had to pin down an election date. It's been to our favour. We just got through by the skin of our teeth several times because we could call it at a very inopportune time for the opposition and capitalize on the current volatile political environment that we live in here in Alberta." They throw out some real boondoggles, yet time and money – it's amazing how that goes forward.

Mr. Chairman, we have a great opportunity here to bring this bill to a wrap by accepting this amendment of May 8, 2012, to set a date. As you have been aware, the government members have been silent on this amendment and silent in this House. When it's an amendment coming from the opposition, it means that they oppose it and that they won't vote for it. It's very disappointing that they don't have, I want to say, the integrity to follow their leader and do what is right and set an election date. She's tried. Obviously, caucus has overruled her and said: not on our watch; it's not going to happen. So here we are with an election season.

I have to say that probably the number one question that I get asked by people that are thinking about running . . .

Ms Blakeman: It's: are you crazy?

Mr. Hinman: No. That's the first statement. I've never run for the Liberal Party, so they wouldn't ask me that question.

An Hon. Member: Oh, hey. In the spirit of bipartisanship.

Mr. Hinman: Well, no. That's the number one question that the hon. Member for Edmonton-Centre gets.

The number one question that I get from people that I talk to is: "When are they going to have an election? I need to plan my life around it. I can't all of a sudden just wrap things up on two days' notice." They need that certainty. They need to be able to plan in advance.

People want to know. I mean, here we are picking a date. I like this May 8. I think that the third week in June would be a better one, though. I like lots of sunshine, and late in the day you can go door-knocking. People are upbeat; they want to talk. June is a great time to go in there, but May 8 is a good time because the sun is warming the earth and warming the hearts of the people, and they're a little bit interested in talking and opening up the doors and discussing those things. I do love door-knocking. I have to confess that I'm guilty of that, that door-knocking is probably the most fun of this job, going out one on one, meeting the constituents and taking it in the ear or getting those great ideas that they have.

If they have a set election date, there are seniors that know they can plan and be back in the province. If, in fact they don't know – and many have left now to go south. They don't know whether it's going to be March 3, April 3, May 3. They don't know, so they can't plan, and they're disappointed in that. People can't plan and set their time aside and allot it so that they can participate and help and get enthused and work with an election, all of these things. If we have a set date, people can plan. When people can plan, they participate. When you just call a snap election or a snap gathering, you don't give Albertans that chance to participate and plan.

I mean, the Premier talked about it on October 5 in the *Calgary Herald*: "On Sunday I said that it would be after a spring sitting, a budget and a throne speech and thought that based on the practical timing that could be June – sometimes the legislature takes on a life of its own, so it's a little unpredictable." Well, that's what we want, to remove the unpredictability, Mr. Chairman. We need to set a date.

Amendment A1 is a great opportunity for this government to say: "You know what? We made a mistake. We didn't follow our leader. We didn't allow her to set a date, but let's fess up and say that this is the democratic thing to do. It's the right thing to do. Let's go for that." Looking at the people across the floor, it just doesn't seem like it's sinking in yet that they need to pick an election date, so we're going to have to keep hammering them on that.

Another quote:

> Fixed election dates give Albertans the opportunity to focus on issues that matter and mobilize for an election, without the behind-the-scenes deal-making and manipulation . . .

Again that same wording.

> . . . that sometimes characterize the timing of an election,

said Redford, the candidate.

> Personally, I was very disappointed by the voter turn out in 2008, when I was elected. We failed to engage the public in our

> most important democratic right – voting. In some ways, low turnout may indicate lack of faith in the system, and that is a very dangerous road to travel. I would like to reverse that trend.

Well, if the Premier would like to, obviously her caucus does not want to.

It's interesting when she brings up the election of 2008. I remember that. Premier Stelmach earlier that year and late in 2007 had said that the election was going to be on a four-year basis, and it would be in November. The one in 2004 was on November 22, so at that point many Albertans were taking the then Premier at his word, that it'll be in November. But there was a funny event that happened on the 19th of January 2008. The Alberta Alliance and the Wildrose joined, and two weeks later the Premier called an election. It was a great opportunity at that point to seize the moment and run with the ball and call an election.

It's also interesting that if you look at that month before, the Canadian Taxpayers Federation, I think, tallied up that the government spent close to $1.2 billion in January of '08, and then they called an election on February 2. So they spent $1.2 billion for 30 days, had all these wonderful ideas, and then they called an election. Behind-the-scenes manipulation is what the Premier calls it. It's quite evident.

There are a few other interesting things that went on at that time. They told Suncor and Syncrude that they had to sign a deal by January 31 or else, by January 31, 2008. One of the two companies did sign a deal, and that's one of the things that they took to the polls to say: "Oh. Look at us. We took this big corporation on, and we won. We threatened them, and we won." They took that. They also had the teachers' union sign a deal by January 31, a five-year deal. These guys really think out loud. Five years. That goes through a whole two election cycles, and that's really good. What did they promise?

Again, I remember that in 2005, Mr. Chairman, speaking in here when they had their first budget surplus, I said: your law says that you have to pay all of your debt. At that time they had an unfunded liability in the teachers' pension plan of $2.1 billion. I said: "You have no surplus. You owe that money. You've promised it. They've been patient from 1993. Pay your dues into that fund, and show some good faith." Would they do it? No, Mr. Chairman, they wouldn't do it.

The 8th of May could be a great day to replace this government.

Mr. Boutilier: Well, stay on the amendment.

Mr. Hinman: We are staying on it. We're talking about fixed election dates.

Fixed election dates are important. It reduces, as the Premier said, behind-the-scenes deal-making and manipulation that sometimes characterizes the timing of an election. Well, she understood that very well because there was a lot of behind-the-scenes and upfront, blatant purchasing, buying of votes, with billions of dollars at play back in 2008, when this Premier first got elected. She spoke out eloquently about it, and she said that she wants to defend democracy. Yet this government fails to set an election date after all that she's said. They sit back there like it's no big deal. It's obvious that these government members think that saying one thing and doing another is perfectly fine, that there's nothing wrong with that.

12:10

As I think the hon. Member for Calgary-Varsity said earlier – and maybe it was someone else; we've got lots of people talking on this – it paints all elected representatives with a bad brush when one doesn't honour their word, when they say one thing and do another thing. Again, when you look at that chart that comes out every three or four years on who you trust the most, I think the pharmacists are one of the top-rated ones. The bottom two on the ladder: what are they? Lawyers and politicians. Then, hon. Member for Edmonton-Centre, you might ask: why are we doing this? Why do we get together?

My colleague from Calgary-Fish Creek always says: don't get off the horse to fight with the pigs. Well, sometimes the pigs have to be rounded up and put back in their pen. I believe the hon. Member for Cardston-Taber-Warner gave a good analogy about capturing pigs, about throwing out the grain for the wild pigs, and they would come. Then they'd put up one fence. Then they'd put up a second fence and then a third fence because they'd all come to the trough to eat. Then, finally, when the pigs are all in there that one day, they come and shut the gate because they've gotten used to being fenced in there. Then they're caught because they're coming to the trough and getting the free feed.

Mr. Chase: I think George Orwell wrote that story, *Animal Farm*.

Mr. Hinman: Yes, but the hon. Member for Cardston-Taber-Warner eloquently talked about that one day here in the House.

It's a problem, Mr. Chairman. That's why it's simple. Let's do the right thing here tonight. We could close this off by accepting this amendment and getting this through instead of trying to ram this through with an election season. It's going to take a season for these individuals to understand that that isn't acceptable to the opposition or to Albertans. So I just can't urge them enough to come to their senses, to show some integrity, to support their Premier and say: "Yes. We were wrong. We should have picked the dates." And then pick one.

Again, we've got enough time. If there is a special date they want, bring it forward. We in the opposition would be happy just to help you in passing a law that's good for Albertans, that's good for democracy and good for participation. That's what it's all about. We want increased participation. We want people to have faith in their elected representatives. We want them to be able to understand, you know, that they're going to be held accountable on this date. Then they can start working and pushing their politicians to accountability because they have a date. They can set that, and they can see it.

Right now what they're saying is: "Well, you know, if we have a little mishap here or something else, we might need to postpone it for a couple of months. We can spend some money. We can do some behind-the-scenes manipulation and recover from this fall." But if they set a date now, again, they can't – oh, and I guess I've got to comment on those three or four phony excuses. The first one was the weather. "Well, how could we possibly pick a date when we don't know what the weather is yet?" You know, we can't figure that out a year in advance, but we can figure it out 90 days in advance. We can pick a date, maybe March 5, and they'd say: oh, we've got 30 days of good weather; it's a good time to call an election. That was pitiful. Albertans said that.

What was the next one? "Oh, well, there are religious holidays, and they kind of float around, so I don't think we could pick a date because it might be a religious holiday." Well, there are ways to address that quite easily, to say that if, in fact, something falls there, it will go over to the next week. Very easy. Again, another pitiful excuse. As the Member for Edmonton-Strathcona says, it was lame, incredibly lame.

Then the feeble excuse: well, we've got to consider the farmers. How? The weather is so unpredictable. I mean, they could pick a date, and it could be the one good day that doesn't work. I mean, it's just pitiful the excuses that they try to come up with. As parents we've all had our children come home and give pitiful

excuses why they couldn't make it: "Oh, I lost the keys," or "I didn't see what time it was." [interjection] Yeah. I've even had some come home and say:"Oh, the weather was terrible."

Anyways, Mr. Chairman, this is a great amendment. It's a good amendment for the people of Alberta. May 8, 2012, would be a great day for the people of Alberta to know that the next election is coming. I hope that all the members here will vote in favour of this amendment. Then we can move on and fix a few more bills and make some progress.

Thank you, Mr. Chairman.

The Chair: Any other hon. member wish to speak on amendment A1?

Hon. Members: Question.

[Motion on amendment A1 lost]

The Chair: We are going back to the bill. The hon. Member for Edmonton-Strathcona on the bill.

Ms Notley: Thank you. Well, you know, we've had some good conversations tonight about why this piece of legislation is so silly. Of course, I have to compliment the Member for Airdrie-Chestermere for rolling out such an impressive bit of research, outlining all of the different statements made by the Premier in her successful attempt – I think much to her own surprise as well as that of probably 95 per cent of the people sitting across from us – to get herself elected as Premier of the province by a small group of quasi-Tories. It's interesting because from those quotes we see a lot of her alleged concern about ensuring fairness and ensuring that no party gets a leg up over another party, even if it's a theoretical leg up, that we need to convince Albertans that the process is fair. She's all about fairness and transparency, so let's do that.

In a genuine effort to assist the Premier in undoing the unfortunate discrepancy between her statements and her actions and in an invitation to the Premier to actually consider an approach that would ensure the kind of fairness that she ran upon when she was pursuing the role of leader of the Conservative Party, I have an amendment that I would like to propose and distribute to the members of the Assembly this evening.

I shall just do that and then wait for it to be distributed before I speak further.

The Chair: The committee shall pause a moment for the distribution of the amendment. This amendment is now known as amendment A2.

Hon. Member for Edmonton-Strathcona, please continue on amendment A2.

12:20

Ms Notley: Okay. Well, thank you, Mr. Chairman. I'm moving this motion on behalf of the Member for Edmonton-Highlands-Norwood. In doing that, let me begin by simply describing the motion.

The plan would be to amend section 2 in the proposed section 38.1 as follows: in subsection (2) by striking out "Subject to subsection (1)" and substituting "Subject to subsections (1) and (3)"; and then by adding the following after subsection (2). This is the key element of this amendment.

> (3) Prior to March 1, 2012, the Premier shall determine the date of the next general election in consultation with the leaders of the opposition parties represented in the Legislative Assembly, and for subsequent general elections, the consultation and determination of the date shall occur no later than 6 months following polling day in the most recent general election.

The point of this amendment is to give the Premier some assistance in keeping her promises. Through this she can keep two of her promises. Now, there was a point at which she talked about being the harbinger of transparency and consultation and respect for the Legislature, yada, yada, yada. That was the first promise. Then the second promise, of course, as has been discussed at some length already in the Legislature, in this Assembly tonight, is the promise of a fixed election date. This amendment would meet both those promises.

Just to be clear, for the current situation what it would ensure is that at some point between now and March 1, 2012 – we still would maintain the season, but what it suggests is that the season, the date within the season, has to be determined in consultation with all opposition leaders in the Legislature. Then what it does is that after that election there's a six-month window. In that six-month window, the government has to consult again with all the members of the Legislature to select a date. Then that date is set, and it is for three and a half years later. It still exists within that season, but for the course of that term everybody has roughly three years and three months to three years and six months' notice of the exact date of the election.

Now, I understand that you cannot predict the weather three years and three months in advance, nor can you predict the weather three years and six months in advance, but to review, you cannot predict the weather 28 days in advance. So in terms of addressing your weather concerns, your weather anxieties, I would suggest that this is no less effective at meeting that objective than the current plan.

Conversely, what it does do is that it provides a fixed election date for parties to be able to establish some sort of equal footing when we come to the campaign so that voters can actually make a choice based on a reasonable understanding of what each of the parties stands for as opposed to the degree to which they have been exposed to the ridiculously imbalanced ability of parties to use Public Affairs Bureau PR and/or corporate-funded 10 to 1 election financing ads. Rather, the parties would each have an opportunity to prepare in a way to provide actual policy choices to Alberta's voters. Then they could make their decisions based on that, which I know is a novel idea, but what the heck.

By doing this, this acknowledges the role of the opposition leaders within this Assembly, and as I said before, it allows the Premier to genuinely meet not just one promise but two and be the hero of the day.

I thank the Member for Edmonton-Highlands-Norwood for this unique idea. Based on all of the many conversations that have already taken place with respect to the need for a fixed election date and based on the Premier's own passionate advocacy for the need to ensure more transparency and openness and to give Albertans a strong faith in the fairness of our election process and to ensure that they have true faith in the process, this would be an opportune step forward.

I would certainly encourage members of this Assembly to consider this amendment. It's a little creative, but far be it from us to let that stop us. For the moment I will take my seat and invite other members to engage in conversation on this amendment.

Thank you.

The Chair: The hon. Government House Leader on amendment A2.

Mr. Hancock: Yes. Thank you, Mr. Chair. I think it would be a scintillating thought to engage in discussion on this amendment. We've heard so much about election seasons, and now we have an election committee, I guess. A delightful thought, to actually have

a six-month period to consult with the leaders of the opposition parties represented in the Legislature. Presumably, if we couldn't come to agreement, we could just continue to govern forever.

An Hon. Member: You'd love that.

Mr. Hancock: No. I wouldn't love that because I love elections, and I love to go back to the people. I actually enjoy being on the doorsteps and talking with people in the community about what kind of a province they'd like to have and what kind of a future they see for their children and grandchildren. I see a future for my children and grandchildren.

I'd like to see them again, and I know that if I go much later tonight, I may fall asleep on the way home. So I would move that we adjourn debate.

[Motion to adjourn debate carried]

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would move that the committee now rise and report Bill 22 and report further progress on Bill 21.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 22. The committee reports progress on the following bill: Bill 21. 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: Having heard the report, does the Assembly concur in this report?

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 12:29 a.m. on Wednesday to 1:30 p.m.]

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