



Province of Alberta

The 29th Legislature
Third Session

Alberta Hansard

Tuesday afternoon, May 9, 2017

Day 30

The Honourable Robert E. Wanner, Speaker

Legislative Assembly of Alberta The 29th Legislature

Third Session

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Westhead, Cameron, Banff-Cochrane (ND),
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Woollard, Denise, Edmonton-Mill Creek (ND)
Yao, Tany, Fort McMurray-Wood Buffalo (W)

Party standings:

New Democrat: 55 Wildrose: 22 Progressive Conservative: 8 Alberta Liberal: 1 Alberta Party: 1

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Legislative Assembly of Alberta

1:30 p.m.

Tuesday, May 9, 2017

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let each of us reflect or pray, each in our own way. Let us embrace diversity, encourage opinions, and welcome our differences. When we open our minds, solutions often follow. Let us think critically, have patience, and find renewed understanding, not for our individual selves but for the people we serve.

Please be seated.

Introduction of Guests

The Speaker: The hon. Member for Strathcona-Sherwood Park.

Cortes-Vargas: Thank you, Mr. Speaker. It's a privilege to rise today and introduce to you and through you to all members of the Assembly Elan Lynes, the cofounder of Fund It Forward among the many things that she does – she was also recently my real estate agent – and Le-Ann Ewaskiw, co-ordinator of the youth volunteer program for Strathcona information and volunteer centre; and Cody Hanson and Kalea Colman from Youth Rock. I will speak to the great work that they're doing later in my member's statement. I invite them to rise and receive the traditional warm welcome of the Assembly.

The Speaker: Welcome.

The hon. Member for Edmonton-Decore.

Mr. Nielsen: Well, thank you, Mr. Speaker. It's a real pleasure to rise today and introduce to you and through you to all members of this Assembly a fantastic constituent from the riding of Edmonton-Decore, Jim Ragsdale. Jim is a dedicated constituent in the riding of Edmonton-Decore. He's part of the Evansdale Community League, area 17, which Evansdale is a part of, and a huge supporter of the VantagePoint church. He also volunteers in my constituency office. I would now ask Jim to please rise and receive the traditional warm welcome of this Assembly.

The Speaker: Welcome.

Members' Statements

The Speaker: The hon. Member for Strathcona-Sherwood Park.

Volunteerism in Strathcona-Sherwood Park

Cortes-Vargas: Thank you, Mr. Speaker. Today I rise to recognize the spirit of co-operation and collaboration that exists amongst volunteers within my constituency of Strathcona-Sherwood Park. My guests here today include representatives from the information and volunteer centre. The IVC promotes volunteerism and supports nonprofits and community organizations. They connect people to the most accurate and relevant community information.

One of the organizations they support is Fund It Forward, which is a local crowdfunding movement. Fund It Forward is made up of local businesspeople and residents that come together quarterly with a commitment to support local nonprofit organizations. The projects they fund impact directly the health and well-being of the county and residents.

Most recently the members voted to provide funding to Youth Rock to put on a number of events this month to engage youth. At Youth Rock events youth lead, plan, and execute events that they are interested in while adults from the community act as mentors and advise youth as needed. Last week they held Locked In the Library and Big Brother, Sherwood Park edition, for senior high students. The junior high students get their chance on Friday. This fun continues later on this month with Pressure Cooker, Dive In Movie, and Smashcona, and the month wraps up with May Music Fest.

I'm proud that our government is able to provide grant funding for initiatives like this, Mr. Speaker.

Thank you.

Emergency Medical Dispatch Services

Mr. Stier: Mr. Speaker, separation of fire and EMS dispatch in southern Alberta is back in the news today. People are dying, lives are at risk, and quality of patient care has degraded because of the current broken system. There are major life-threatening delays, gaps in coverage, and local familiarity and co-ordinated responses are missing when EMS dispatch is moved to another centre. Pages of examples have been delivered to the minister's office. Just to name a few: number 1, a person died after suffering a heart attack and receiving no advanced medical help on scene for 50 minutes due to a poorly co-ordinated EMS call with an air ambulance response.

Number 2, a baby with breathing problems could have died due to a 64-minute delay in EMS sending the call to dispatch fire when an ambulance was unavailable and fire was only 6 and a half kilometres from the scene.

Number 3, a person having an asthma attack did not receive a timely emergency response because it took AHS EMS 34 minutes to forward the call to get fire first on scene because someone left the room and dropped the call.

Number 4, persons involved in a motor vehicle accident did not receive a timely response due to an inaccurate dispatch. Emergency responses were sent to the wrong location in Banff townsites rather than Field, B.C., due to a major EMS dispatch problem.

Number 5, a person suffering a cardiac arrest did not receive advanced life care for 40 minutes because EMS dispatch would not allow the closest ambulance to attend the scene and was unfamiliar with the distances.

Mr. Speaker, we need a single-point 911 call answer, with fire and EMS dispatch together, to solve the multiple problems causing delays and the unacceptable consequences of centralizing, which are experienced by all 26 municipalities served by the Foothills 911. This is something we can fix and has been done for Calgary, Lethbridge, Red Deer, and Fort McMurray. We are requesting the immediate return of EMS dispatch to Foothills regional 911 commission.

The Speaker: The hon. Member for Calgary-Fish Creek.

Seniors' Supports

Mr. Gotfried: Thank you, Mr. Speaker. Alberta is aging. Today's boomers, only now beginning to access seniors' care, are 53 to 71, with healthier, active lifestyles. By 2031 there will be more than 900,000 Alberta seniors, roughly double current numbers. Key priorities in the future of seniors' care: enabling seniors to remain in their homes, better connecting seniors with services, and delivering services in the community. Choice and innovation in community design, transportation, and housing are required.

The future of seniors' care is important while sustainability and affordability are challenges we must face head-on. But, first, we must take care of today's seniors by working collaboratively with private, nonprofit, and faith-based sectors. In 2015 we had ASLI. Today we are told that the scope and timeline for the next capital grant program has not been determined and that more announcements will follow. We all know that now is the time to partner, plan, and build.

We hear of challenges in providing seniors' care due to the minimum wage increases and the burden of the carbon tax in an environment where exemptions and rebates are either nonexistent or misdirected. In my Motion 509, to be tabled this session, I will ask you to approve a review of the financial impact of the carbon levy on organizations providing front-line care to seniors. We must collectively understand the unintended consequences of legislation on this all-important and growing demographic, the people who literally built this province.

We have called on government to exempt the seniors' housing and continuing care industry from the carbon levy to allow them to continue a high level of care and services for their residents and clients without the burden of crippling cost pressures or the negative consequences of fee increases.

Mr. Speaker, let's listen and work together as legislators with caring and compassionate housing organizations, the private sector, and industry associations to ensure sustainability, innovation, and focused and leveraged investment in the care of those who deserve our respect, compassion, and support to live not only in comfort, safety, and dignity but to thrive as valued and contributing members of society.

Thank you.

Westray Mine Explosion 25th Anniversary

Loyola: Mr. Speaker, 25 years ago today, early in the morning of May 9, 1992, a blast so strong that it shook houses more than a kilometre away lit up the skies of the small town of Plymouth in Nova Scotia. This was the Westray mine explosion. It ended the lives of 26 miners and started both a criminal investigation and a public inquiry into the safety conditions of the mine that led to this disaster.

Nova Scotia Supreme Court Justice K.P. Richard said in his report that the Westray disaster was "a story of incompetence, of mismanagement, of bureaucratic bungling, of deceit, of ruthlessness, of cover-up, of apathy, of expediency, and of cynical indifference." He placed the cause of the disaster and the loss of life squarely on the shoulders of management, who repeatedly violated safety procedures, and on government for failing to enforce their own regulations.

In 1997, after the release of his report, the government of Nova Scotia apologized to the miners' families, finally admitting that the entire system failed the workers of Westray.

Despite wide-ranging evidence of safety violations and wilful refusal by management to act, no one was ever held criminally responsible for the deaths of these 26 men. It is hard to think of any other circumstance where 26 people could be killed and everyone who was responsible could walk away free.

I'm proud to be part of our government today for signing an MOU which will define protocols between occupational health and safety officers and police officers when investigating serious workplace incidents to help determine if criminal charges are warranted. On this anniversary of a deadly disaster, where 26 men died and where dozens of family members' lives were changed forever, we should all do everything we can to make sure that it never happens again.

1:40

Mariano Ezeta

Connolly: Mr. Speaker, I rise today to celebrate the life of a young Albertan who grew up in my constituency of Calgary-Hawkwood and tragically passed away early last week. Mariano Ezeta was born on June 7, 1993, and lost his battle with leukemia on April 30, 2017. He grew up in the community of Arbour Lake and later attended the University of Calgary, where he was a member of the U of C Dinos track and field team in 2012-2013 and 2014-2015. He won the Canada West men's track and field championship with the Dinos in 2015 along with other medals for the relay and the 300-metre sprint. After the 2015 season he was diagnosed with leukemia and was forced to miss the next two seasons.

Mr. Speaker, leukemia is a devastating disease that can attack people at any age. It occurs when the bone marrow begins to create abnormal white blood cells. Usually white blood cells help your body to fight infection, but leukemia cells grow faster than normal cells and crowd out the other blood cells in the body.

Experts don't know what causes leukemia, but the toll of the disease is high. It is estimated that in 2017 alone close to 3,000 Canadians will die from the disease. Research into the causes and effects of leukemia are ongoing, and treatments are helping hundreds of Albertans to fight the disease. Sadly, for Mariano Ezeta the treatments did not work.

This gifted athlete is survived by his parents, Guillermo and Marcela Ezeta, and his sister, Alex Ezeta. His teammates with the U of C Dinos remember him for his strength and his team spirit. The University of Calgary lowered its flags to mark his passing and is establishing a track and field scholarship in his name.

I encourage all members to visit the Mariano Ezeta track and field scholarship page at netcommunity.ucalgary.ca/marianoezeta and join me in contributing toward this worthy cause in memory of a strong Calgary athlete.

Thank you.

Arbor Day and Forest Week

Mr. Schneider: Mr. Speaker, Arbor Day has come and gone, and with that, we begin the celebration of Forest Week here in Alberta. To get at the roots of these events, you need to go back to Nebraska, where then secretary of the territory of Nebraska, a journalist and nature lover, J. Sterling Morton, advocated the planting of trees whenever he could. On January 4, 1872, Morton first proposed a tree-planting holiday, to be called Arbor Day, at the meeting of the state board of agriculture. The date was set for April 10, 1872. Prizes were offered to counties and individuals for properly planting the largest number of trees on that day. It was estimated that more than 1 million trees were planted in Nebraska on the first Arbor Day.

Closer to home Alberta's Forest Week is celebrated each year during the first full week of May. While not as long a tradition here as in Nebraska, the tradition of Alberta Forest Week and Arbor Day celebrations do date back to 1884. In fact, the lodgepole pine, or *Pinus contorta*, is Alberta's provincial tree. Conservation and stewardship as well as the environmental benefits of trees and our forests are shared with our young generation. Close to 70,000 tree seedlings are distributed by Agriculture and Forestry to grade 1 students throughout the province during Forest Week.

Forest companies also play their part throughout the year as members planted over 65 million seedlings in 2015, more than two trees for every one harvested. This is a renewable industry that employs over 15,000 people and nearly 30,000 others in direct spinoff activities. Alberta has some of the highest forest management standards in the world. Companies are required to not

only regenerate harvested areas and access roads but to also take into consideration wildlife habitat, water quality, and recreational opportunities.

Mr. Speaker, I would like to take this time to acknowledge the contributions to both Alberta school kids and industry to ensure that we have a healthy and long-lasting forest for generations to come.

Thank you.

Tabling Returns and Reports

The Speaker: The hon. Member for Innisfail-Sylvan Lake.

Mr. MacIntyre: Thank you, Mr. Speaker. I have four sets of documents to table today. One is from Market Surveillance Administrator, a notice to participants. "The MSA has received complaints about the Balancing Pool's conduct regarding ... breaches of the Electric Utilities Act" with regard to power purchase arrangement terminations. They're investigating the conduct of the Balancing Pool.

I have another document from the Balancing Pool acknowledging that they have received a notice of an investigation from the MSA pursuant to complaints about the Balancing Pool's conduct regarding breaches of the Electric Utilities Act in relation to power purchase agreements and terminations.

I'm also tabling a letter from the office of the Information and Privacy Commissioner of Alberta. It's investigation file 004383. The commissioner is investigating the issue regarding the government asking the Balancing Pool to delete e-mails. It's regarding PPAs again, the gift that keeps giving here.

Also, an article from jwnenergy.com entitled Canada One of the Most Geopolitically Unstable Places for Oil and Gas. "Arguably the highest-cost basin in the world and it's not because of inefficient operators ... [but because of] the high tax rates and the uncertainty."

Thank you.

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

Mr. Fildebrandt: Thank you, Mr. Speaker. I rise on day 16 of Public Affairs Bureau tablings. I would like to table a letter I wrote to the hon. Government House Leader on the 9th of March, 2017, quoting him, where he refers to the Public Affairs Bureau as a "bloated PR bureaucracy [that should] be downsized in order to save the taxpayers money."

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

Mr. McIver: Thank you, Mr. Speaker. I'm pleased to table five copies of an article from CBC's website today entitled 'God Only Knows': Serenity's Mother Concerned about Children Living in Former Foster Home.

The Speaker: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker. It's my pleasure to table the requisite number of copies of a story found through the 630 CHED website where the title of the story is Wildrose Party AHS Employee Satisfaction Numbers Found to Be Misleading. That's not my word; that's the word of the media.

Oral Question Period

The Speaker: The Leader of the Official Opposition.

Serenity's Former Guardians

Mr. Jean: The NDP government is allowing what happened to Serenity to happen again. The same guardians who allowed Serenity to be physically and sexually abused and starve under their watch continue to have children in their care. The ministry is trying to claim it's nuanced because it's an informal living arrangement, but that's simply not good enough. Why isn't the Premier directing her government to take every single necessary step to ensure that these guardians who abused Serenity can't have children in their care ever again?

The Speaker: The hon. Premier.

Ms Notley: Well, thank you very much, Mr. Speaker. Let me begin by saying that our hearts go out to the mother of Serenity, who is still dealing with this horrible tragedy, and our hearts also go out, of course, to all Albertans who are concerned for vulnerable children across this province.

Let me begin by saying that it is the policy of this government, that we are following, that we never place children in care in a setting where there is a criminal investigation involved. However, we do not take the biological children away from families where there is a criminal investigation involved. Instead, what we do is we monitor the matter very, very closely. That's what's happening in the case here.

Mr. Jean: Well, here's what Serenity's caseworker said about her guardians.

The child is being neglected by the guardian, the child has been or there is substantial risk the child will be physically injured or sexually abused by the guardian of the child and the guardian of the child is unable or unwilling to protect the child from physical injury or sexual abuse.

Your government says that removing children from the home is the last resort. If that doesn't sound like a last resort, Premier, what does?

1:50

The Speaker: Hon. members, I just want to caution the entire House. This is a very sensitive matter. As we move into this topic, I would hope that we all respect that.

The hon. Premier.

Ms Notley: Well, thank you very much, Mr. Speaker. As I've said before, after the tragedy of Serenity's death, ministry officials immediately removed children under the government's care from that particular setting. They then engaged in a process of monitoring the safety and the quality of life of the biological children in that family very, very closely. The matter actually went before the courts. Indeed, in that case the judge indicated that what should happen is that monitoring should continue. So that is what is happening, and we are taking every care to ensure the safety of the children in the house in which they live.

Mr. Jean: Sounds like a lot of excuses, Mr. Speaker.

It is their job to protect these children. If it wasn't for Serenity's mother's bravery in continuing to bring these horrific conditions to light, we would know nothing. It took a CBC reporter to uncover it. From what I see, this government is sitting on its hands while children are in serious danger in Alberta. This scenario isn't something from the past. These children right now are living in these conditions. We keep asking for action and answers. What is the Premier doing to protect the other children in this house and prevent another possible murder?

The Speaker: The hon. Premier.

Ms Notley: Well, thank you very much, Mr. Speaker. You know, I would caution the member opposite on using the kind of inflammatory characterizations that have not been proven in any setting, and I would suggest that that is deeply irresponsible to the families, the children, and the community in which this tragedy occurred. What I will say is that the safety of the children who are biologically related to the guardians in question is being monitored on a regular basis. We are absolutely concerned about ensuring their continued safety, and we will continue to do that work.

The Speaker: Second main question.

Mr. Jean: This government is totally irresponsible, Mr. Speaker. Two years after her death the RCMP continues to investigate the probable murder of Serenity in the home of her caregivers. And what do they say? Excuses. There are six children still in that home under the guardianship of Serenity's former caregivers. Two of those six children have reportedly not been seen in school since October. That's over six months and no school. While we've been asking for answers on the death of Serenity, we don't know if the other six children in that home are even safe today. Has the minister even bothered to pick up the phone and ask someone to go and check on the welfare of those children?

The Speaker: The hon. Minister of Children's Services.

Ms Larivee: Thank you, Mr. Speaker. The safety of the children of this province is my top priority, and I remain committed to doing everything in my power to ensure the safety of those children. I care very deeply, like all Albertans, about ensuring that every child is safe and protected. My heart continues to go out to the mother of Serenity, who is dealing with this tragedy still. Ministry officials do continue to monitor the situation very closely, and I certainly continue to interact with them to ensure their safety as well.

Mr. Jean: Albertans are disgusted. It's absolutely absurd that six children remain in the care of those responsible for Serenity at the time of her death. It is absolutely beyond comprehension that nobody in this government appears to have bothered to check on the safety of those children. This is pure negligence, and somebody in this government needs to be held responsible for this. I can't even believe that I have to ask this, but will the minister go right now and direct her staff, direct child services, or ask the RCMP to drive over to the home and check on these kids to make sure they're okay?

The Speaker: The hon. minister.

Ms Larivee: Thank you, Mr. Speaker. Clearly, the safety and protection of Alberta's children touches us all, and it makes us all passionate. I just want to clarify that, absolutely, the safety of Alberta's children is a key priority of Children's Services. We are monitoring the situation in the home very closely. When there have been concerns of safety issues, of abuse or neglect, they have been followed up. We take every report of possible abuse and neglect very seriously and follow up with every single one. We continue to monitor this situation and ensure safety.

Mr. Jean: The death of Serenity was more than a tragedy. It looks like outright murder. Now, with six other children still in the care of the same people who were responsible for Serenity when she died, we hear more shocking stories told by Serenity's family. "Every time I saw them, those kids, they had bruises and cuts on them. Every single time." I don't even know what to say. When will

this minister, this government, and this Premier or anybody over there do their job and get these kids out of that house?

The Speaker: The hon. minister.

Ms Larivee: Thank you, Mr. Speaker. Once again, the safety of children is a top priority for myself, for Children's Services, and for this government, and we continue to do everything we can to ensure the safety of children in this home and across this province. Every single concern about the safety of a child in this province that's reported to Children's Services is taken seriously and followed up. I would urge all Albertans that if they have concerns about the safety of a child, please let Children's Services know. Please know that we do take it seriously. We will ensure to follow it up and to monitor . . .

The Speaker: The third main question.

Lacombe Hospital and Care Centre

Mr. Jean: Wildrose has obtained confidential documents related to the AHS-run Lacombe hospital and care centre. In April an investigation was launched following serious concerns about care quality and only – only – because Red Deer College practical nurse students completing their practicum sounded the alarm. In total there were 80 issues identified to date that include safety concerns and training deficiencies. What changes are being made to Lacombe hospital to address these serious concerns that jeopardize patient safety?

The Speaker: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker. We are grateful that the students who were on-site did raise concerns and that AHS followed up immediately. Some of the steps to date include placing three staff leaders on immediate administrative leave pending the investigation. The investigation is still ongoing, but this certainly is a matter of concern. We are grateful that the students raised it and that AHS is acting in accordance with the legislation, including following up with protection for persons in care to ensure that they can do their preliminary investigation as well, which is, again, under way.

Mr. Jean: Monitoring, investigating: Mr. Speaker, why don't they just do their job and pick up the phone and get some action on this file? We've heard concerning stories from loved ones whose families have been patients at Lacombe hospital. Lois Cookson's 89-year-old father's condition rapidly deteriorated at Lacombe hospital to the point that she said that she was watching him die before her eyes, with an inadequate level of care. Since he's gotten out of the facility, he's improved 40 per cent. I'm appalled at the conditions at this hospital. Would the Premier trust the level of care at Lacombe hospital to her own loved ones?

Ms Hoffman: Yes, Mr. Speaker, I would. Again, this is a long-term care facility. It's important that we enable anyone who has concerns to bring those forward. It's my understanding that the students did bring those concerns forward. AHS was notified, and they're in the process of conducting a survey, ensuring that the three staff who were the staff leads at that time were put on administrative leave. They're conducting nursing assessments of the 75 residents, again, of the long-term care facility to ensure that the health care needs are being met. I would be confident to assure that if I needed to be in care, I would feel safe there. That's why we have these checks and

balances in place. Again, thank you to the students for raising the concerns.

Mr. Jean: Another concerned family shared the following about their 72-year-old mom who has dementia. Numerous times Lois was found in her room in her wheelchair with her pants around her knees because it was quicker for staff than pulling her pants all the way up. Her blanket had fallen on the floor beside her, out of her reach. She was cold and very distraught. What steps is the Premier taking to ensure that the people of Lacombe get the care they deserve, and is that the care the Minister of Health said she would leave her family in? Is that appropriate?

2:00

The Speaker: The hon. Premier.

Ms Notley: Well, thank you very much, Mr. Speaker. As the Minister of Health has already outlined, these concerns that were raised have been taken very, very seriously. The staff leads have been put on leave, and most importantly a very thorough nursing assessment of the quality of care and the state of health of every person in that facility has been undertaken, because we know we are accountable, because we care about providing the quality of care that our seniors and our loved ones deserve. We are working very hard to make sure that all of those concerns are addressed and that the quality of care improves on behalf of the people that are there.

The Speaker: Thank you, hon. Premier.
The hon. leader of the third party.

Serenity's Former Guardians (continued)

Mr. McIver: Thank you, Mr. Speaker. The CBC article I tabled today said, "Children are still living in the former foster home where Serenity lived before she died emaciated and battered in an Edmonton hospital bed." When I read this, I thought that the minister and the system cannot possibly be that tone deaf and indifferent to children in care, yet it is true. To the children's minister: what could possibly have been more important that you couldn't be bothered to ensure kids in the same place where the brutal end to Serenity's young life took place aren't left to suffer the same fate under your watch?

Ms Larivee: Thank you, Mr. Speaker. Once again, I cannot state strongly enough that the safety of the children of this province is absolutely my key priority, and I will continue to do everything in my power to ensure children in this province are safe. I want to be clear that there are no children in the care of this government who have been placed in this home, and again ministry officials continue to monitor the situation in the home very closely. But if there is an allegation of abuse or neglect, Children's Services staff will follow up. They will do a safety assessment in that house and will . . .

The Speaker: Thank you, hon. minister.
The first supplemental.

Mr. McIver: Thanks, Mr. Speaker. I was once a minister, so I know that things can go sideways without warning and land on the front page of the paper. I also know that when this happens, the minister in charge must demand the file and take a personal interest in the issue and get on top of the problem or be fired. Serenity's file has been front and centre for months, and now we know that the Premier and the minister have not done their job and left more kids in the same danger as Serenity. To the Premier: before you and your minister decide to resign in disgrace, will you order these kids

removed from the very same house that led to the unspeakable abuse and death that Serenity suffered?

Ms Notley: Well, Mr. Speaker, you know, it's interesting. Unfortunately, the tragedy that Serenity went through occurred in September 2014, and the ministry engaged in a very comprehensive review and monitoring of the safety of the biological children of the guardians in question, beginning in September 2014 and onward, under the watch of the member opposite's former government. Now, the reason for that is because the policy is that you do not take away the children of somebody who is engaged in a criminal investigation . . .

The Speaker: Thank you, hon. Premier. [interjection] Thank you, hon. Premier.

Mr. McIver: Shame on the Premier smirking about this issue.

Mr. Speaker, we know that the Premier and the children's minister have left children under the same roof where a child named Serenity was starved, beaten, raped, and murdered, knowing that her killers are still at large. To any minister that dares to answer: what feeble excuse can you offer that would convince Albertans that the Premier and the minister should not be fired and immediately held responsible for endangering the lives of these and other children? [interjections]

The Speaker: Hon. members, I would ask that responses – I am not able to hear when the noise gets so loud, so please contain your comments both in substance as well as tone.

The hon. minister.

Ms Larivee: Thank you, Mr. Speaker. Certainly, I have to say that, without doubt, I take an interest in the safety and well-being of every child in this province. I can absolutely say that in this particular case ministry officials and Children's Services are monitoring the situation very closely. Since 2014 they did recognize the need for an interest. I care very deeply about ensuring that every child is safe and protected, and I will continue to do every single thing I can to improve the child intervention system and to . . .

The Speaker: Thank you, hon. minister.
The hon. Member for Calgary-Mountain View.

Gravel Extraction in Flood Plains

Dr. Swann: Thank you, Mr. Speaker. My questions are for the minister of environment. The water for life strategy has three main goals: safe, secure water; healthy aquatic ecosystems; a reliable, quality water supply. Gravel extraction in watercourses continues to threaten as flood plains are crucial for long-term protection of our water and flood mitigation efforts, yet this government continues to allow the PC-era policy of continued activity in flood plains. To the minister: why hasn't the law changed since you took office? Why do you still allow gravel extraction in flood plains?

The Speaker: The hon. Minister of Environment and Parks and climate renewal.

Ms Phillips: Well, thank you, Mr. Speaker, and thank you to the hon. member for the question. He's quite right that the water for life strategy involves monitoring. It involves clean drinking water. It also involves public education. It also involves compliance and enforcement. We're very committed to all of those elements of the water for life strategy.

As for the particular matter that the hon. member raises, I can assure him that the department is reviewing the matter of gravel extraction and will have more to say about that.

Thank you.

Dr. Swann: Well, the conflict is that the Municipal Government Act allows municipal governments authority over water within their boundaries. The Environmental Law Centre said recently that they have a lack of capacity to assess risk, measure cumulative impacts, and protect habitat, recognizing ecological function of the flood plains. Alberta Environment and Parks does have the necessary expertise and is responsible for protecting all surface water, including flood plains. To the minister: when will the minister make water the priority and enforce the ministry's standards?

The Speaker: The hon. minister.

Ms Phillips: Well, thank you, Mr. Speaker. There is no question that years of underfunding the environment department and the operations division in particular under the previous government led to a situation where we have a number of cases in which we simply don't have enough resources to do the job. That is why we have increased our resources by reallocating within the department – we've had this conversation at estimates as well – to ensure safe drinking water, to ensure habitat, and to ensure that Alberta's water resources are there for environmental, social, and economic reasons. That is why the department is looking at its options . . .

The Speaker: Thank you, hon. minister.
Second supplemental.

Dr. Swann: Thanks, Mr. Speaker. Last week I met with members of the watershed planning and advisory committee for the confluence of the Red Deer and Medicine rivers and viewed the 120 acres, productive farmland, in the river flood plain that are going to be turned into another gravel bed. They're dissatisfied with the lack of transparency in the approval process and the inability to appeal decisions, meaning that finances trump environmental concerns. However, the proposal still needs to be ratified by this province. To the minister: will you commit now to protect these communities and the environment and do a proper cumulative impact assessment before this goes ahead?

The Speaker: The hon. minister.

Ms Phillips: Well, thank you, Mr. Speaker. I want to thank the hon. member for his engagement on this topic for the benefit and health of all Albertans. It's not just on this particular topic, but his history of working on environmental issues is to be commended and in this case as well. I am pleased that he has interacted and engaged with the WPAC in question. I am pleased that he has raised this matter for us. We will ensure that all of the appropriate protocols are followed and that we take a conservation and stewardship ethic approach as we consider this matter of that particular extraction.

Thank you, Mr. Speaker.

Protected Leaves of Absence from Work

Ms Fitzpatrick: Mr. Speaker, I am very proud to be part of a government that supports family-friendly workplaces. I have worked for about 50 years, and most of that time my workplaces were not family friendly. Given that today's workplaces are very different from when our employment standards legislation was last reviewed and that this province has not done enough to match protections enjoyed by other Canadians, to the Minister of Labour:

what is the government hearing from Albertans who are struggling to balance work and family responsibilities?

2:10

Ms Gray: Thank you very much to the member for the question. Mr. Speaker, since I've been minister, I've been hearing from Albertans who have concerns that they haven't been able to take time off in urgent situations for personal and family reasons, situations like when a loved one dies or for the care of a child with a critical illness. Albertans want to be treated fairly, and a parent having to worry about losing their job while also trying to care for a critically ill child is not fair. Albertans pay into employment insurance like every other Canadian and deserve the same rights and protections other Canadians enjoy.

The Speaker: First supplemental.

Ms Fitzpatrick: Thank you, Mr. Speaker. Given that other jurisdictions have made updates to their employment standards legislation and given that many Albertans may not be aware that they don't have the same rights and protections as other Canadians, can the same minister tell us where Alberta is out of step with other provinces and why?

The Speaker: The hon. minister.

Ms Gray: Thank you very much, Mr. Speaker. Albertans face some of the longest qualification periods in Canada for job-protected leaves, including maternity and parental leave. We are also one of the few provinces that don't guarantee that employees who are sick won't lose their jobs for that. Alberta also has the shortest compassionate care leave in Canada, and we don't have leaves for bereavement or domestic violence. That is why I have engaged with Albertans to ask their thoughts on our leave system.

The Speaker: The second supplemental.

Ms Fitzpatrick: Thank you, Mr. Speaker. How do these leaves in other provinces impact women in the workforce?

The Speaker: The hon. minister.

Ms Gray: Thank you very much, Mr. Speaker. Between 2005 and 2015 the number of women in Alberta's working-age population grew by 28 per cent, or by 360,000. Mothers and pregnant women are a part of our workforce, and their ability to take leaves impacts their health, their productivity at work, and the health of their children. However, our maternity leave is out of step with what is offered by the EI system. We also have the longest qualification period for maternity leave, meaning that Alberta women can be fired for getting pregnant if they haven't worked somewhere for a full year. Other jurisdictions have lower . . .

The Speaker: Thank you, hon. minister.

The hon. Member for Lacombe-Ponoka.

Lacombe Hospital and Care Centre (continued)

Mr. Orr: Thank you, Mr. Speaker. Elder abuse is not something to take lightly. We entrust our loved ones to the care of competent and compassionate care workers in seniors' homes across Alberta. At AHS's Lacombe hospital families spoke up, but issues persisted until nursing students in practicum reported abuses. The teacher had to pull the students from the hospital before an investigation was launched. Such drastic measures should not need to be taken before

reports of abuse are taken seriously. Why were families rebuffed, and why did it take so long for an investigation to be launched?

The Speaker: The hon. minister.

Ms Hoffman: Thank you very much, Mr. Speaker. The member is right that Albertans of all ages and all health care needs deserve to be treated with dignity and respect. Again I want to thank the students at Red Deer College for expressing their concerns and ensuring that those were raised. As soon as AHS found out, the concerns were indeed followed up.

With regard to the specific questions about families notifying the facility, I'd be happy to follow up. I can tell you that when AHS was notified, they immediately followed up, and I'd be happy to co-ordinate sharing additional information. Any Albertan can call 811 to talk to a registered nurse and absolutely be facilitated with the right people if they do have concerns they want to raise, Mr. Speaker.

Mr. Orr: This is a systemic issue. Given that 80 continuing care service standards have been breached at Lacombe hospital – no medical assessments at admission, no care plans, no record of legal representatives, no fall assessments, no dietary assessments, no wound care interventions, and staff are not trained in infection prevention, emergency preparedness, medical assistance, care with dementia, CPR, on and on – how did this facility deteriorate to the point where 80 care service standards have been breached?

The Speaker: The hon. minister.

Ms Hoffman: Thank you very much, Mr. Speaker. The member does articulate concerns that have been raised. As I've mentioned, there is an investigation, and even more deeply – ensuring that the 75 residents in the facility had their health care needs being met was the number one action as well as making sure that the three staff leads who were on at the time and who were responsible were put on leave, the three staff leads at the facility. So I have to say that this is a demonstration of the seriousness with which it's been taken.

With regard to the accusations the review is continuing, and of course any measures will be taken to ensure the safety of all residents.

Mr. Orr: People's parents and grandparents are at stake here. Given that patients have suffered falls, burns, and serious systemic substandard care here, if this is the case at one facility, I can only guess how many other facilities managed by AHS are in the same disastrous state. Given the people of Lacombe are worried that this will be swept under the rug, will the minister make public the results of the current investigation into the hospital to ensure that real corrective action is taken?

The Speaker: The hon. minister.

Ms Hoffman: Thank you, Mr. Speaker. Certainly, what is always the case is that whatever information can be shared publicly will be done so.

We want to ensure the safety of all residents in this facility and others. That's why there are regular audits, and that's why I really want to say again that if you have any questions, please do raise them with AHS and make sure that they are properly flagged, as was the case by these nursing students. I'm very grateful that they did raise these concerns. I myself had a grandmother that lived in long-term care for five years. There were times when she fell, where I had concerns and where I was able to raise them, and they were

able to be addressed. Of course, the staff who work in this facility deserve our respect, Mr. Speaker.

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

Support for the Energy Industry

Mr. Gill: Thank you, Mr. Speaker. Yesterday I was proud to vote in favour of the Member for Calgary-Foothills' motion favouring Alberta's oil over oil from countries with poor human rights records. Unfortunately, the Member for Edmonton-Decore shouted "no" during the vote. We all acknowledge that he later voted for the motion, perhaps after his whip intervened to avoid embarrassment for this government. The member even acknowledged on Twitter that he shouted "no," saying he was just, "playing around." Playing around with the fate of Alberta jobs: seriously? Premier, will you denounce this member's anti-Alberta views, and if not, why not?

The Speaker: The Deputy Premier.

Ms Hoffman: Thank you very much, Mr. Speaker. I was proud to be part of the debate yesterday. We heard many points raised on both sides of the House. At the end of the day, we all came together and had a unanimous vote in support of making sure that we continue to advocate for our product to get not only to tidewater but to all markets within Canada. I think that yesterday was a very good day, a very positive result. [interjections] I have to say that the disrespect that is being demonstrated by members opposite at this very moment is very frustrating, Mr. Speaker.

I hope that they certainly stand by the vote that we had yesterday and the unanimity that we had. [interjections] Mr. Speaker, can I draw your attention to the very blatant disrespect that's being shown to me at this moment?

Mr. Gill: Mr. Speaker, alone I could have shrugged off this member's antics, but this is just part of a bigger pattern for this NDP government. The NDP tries to talk a good game but every once in a while show their true colours. From labelling Alberta the "embarrassing cousins" of Canada to appointing anti-oil radical Ms Berman as the oil sands adviser to bizarrely calling the vast majority of Albertans that oppose carbon tax xenophobes, this is the true Alberta NDP. Premier, again I ask if you'll lead by example and clearly denounce the Member for Edmonton-Decore.

Mr. Mason: Point of order, Mr. Speaker.

The Speaker: Point of order.
The Deputy Premier.

Ms Hoffman: Mr. Speaker, the tone, the rhetoric, the disrespect is not becoming of elected officials or of our province. I'm very proud of the fact that we came together yesterday afternoon to consider a motion brought forward by one of the members opposite. We all engaged in that debate in a thoughtful way. [interjections]

The Speaker: Hon. Member for Chestermere-Rocky View.

Ms Hoffman: At the end of the day we voted unanimously, Mr. Speaker. It was a standing vote. The member's vote is on the record. The accusations coming from the member opposite are not becoming of his office or this House.

2:20

Mr. Gill: Mr. Speaker, today is election day in B.C. It's quite possible that Ms Berman, this government's hand-picked oil sands adviser, is busy right now campaigning for the B.C. NDP, the party

that's promising to kill the desperately needed pipeline to our west coast. That's right. If Ms Berman gets her way, the next Premier of B.C. will block the Trans Mountain pipeline. This is who Alberta's government is taking advice from. Wow. This is a bad joke, and it has gone on for far too long now. Premier, regardless of the outcome in B.C., will you finally do the right thing and fire Ms Berman?

Speaker's Ruling Preambles to Questions

The Speaker: Hon. member, I would remind you again as well as the other ones – and I've said this several times, particularly today but also in earlier events – about the use of the preamble. You've taken advantage of it, and I don't appreciate that. If it continues in the manner in which it has, I think we'll have to enforce it much more stringently than we have. So I would ask you, hon. member, not to do that again.

The Deputy Premier.

Support for the Energy Industry (continued)

Ms Hoffman: Thank you very much, Mr. Speaker. I have to say how proud I am of the environment minister and the fact that she did things differently. Guess what? Instead of getting the same results that we did year after year after year, which was a flat-out no, we got a different result. By bringing a variety of perspectives to the table, including the member that was just referred to, we got approval for two pipelines. This is great news for Alberta. We're making sure that we're showing the world and our country that environmental responsibility and good jobs and market access go hand in hand, and I have no apologies to make for that.

Emergency Medical Dispatch Services

Mr. Stier: Mr. Speaker, back in the news today are the issues surrounding the lack of co-ordinated emergency response and the reduced communication between AHS dispatch and the Foothills regional 911 commission. Since AHS took over EMS dispatch and especially since February, people are dying and lives are at risk because the current broken system of separating fire and EMS dispatch is causing life-threatening delays and risks to first responders. Instead of just monitoring this situation, why won't the minister and AHS do the right thing and allow Foothills 911 to become a satellite EMS dispatch centre as has been done in four other major centres in Alberta?

The Speaker: Thank you, hon. member.
The Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker. I'm glad that I've had an opportunity to discuss this issue with the member opposite as well as the Member for Banff-Cochrane as well as with the leadership from FRESC themselves. What the member opposite fails to highlight is that this has been the case for over six years. He himself says that he's been working to try to stop this for many years. It is totally different from the issue that he's highlighted. This has been something that's been happening for some time, where folks in Calgary are doing dispatch, and we are working to make sure that any of the questions and concerns are being ironed out. While they spend all this time in the backrooms of the Federal building, why don't they talk about policy? It was their . . .

The Speaker: Thank you, hon. minister.

Mr. Stier: Mr. Speaker, given that AHS is falsely suggesting that this is a change issue and the problem is with 911 call handling and given that this is a lack-of-communication issue between EMS and fire, which has been intensifying since AHS began dispatch earlier this year, and given that this can easily be solved by Foothills, who have the facility and the capability to solve this problem, where a single-point 911 call answer with fire and EMS would be dispatched together, again, why do the minister and AHS continue to refuse to consider returning the authority to Foothills?

Ms Hoffman: Again, Mr. Speaker, this has been something that has been ongoing. There's been a great deal of change in the last seven or eight years. We've ensured to make increased opportunities for stability. I hope that the member will lean over to the left or that the next time he's in the backrooms with members of the PC caucus ask them why this policy change happened seven years ago. I believe that they have very insightful intelligence, including people who have been paramedics themselves, to offer the members. While they're having these conversations about where to have their seats, maybe they can talk about policy.

Mr. Stier: Mr. Speaker, this is serious. Given that recent poorly co-ordinated EMS calls and delays and errors have led to death, a baby not getting an emerg response for 64 minutes, a person having an asthma attack waiting 34 minutes, and a person suffering a heart attack for 40 minutes and given that only 4 per cent of emergency calls are being sent to Foothills 911 within the industry standard response times, Minister, you can make an immediate decision and save lives. Again, will you do the right thing and allow Foothills 911 to become a satellite EMS dispatch centre?

Ms Hoffman: The points the member raises are valid. Any time anyone calls 911, they want to know that help is on the way, Mr. Speaker. That's one of the reasons why those specific occurrences or incidents that have been highlighted have been reviewed, to ensure that the very best opportunities for effective dispatch are in place. We're going to continue working to make life better for Albertans in all parts of the province, including those that the members just referred to.

Again, if you want to talk about policy, this has been policy in place for over five years. Please feel free to talk to the people whose positions are going to have to be defended before you keep criticizing.

The Speaker: The hon. Member for Battle River-Wainwright.

Health Care Funding for Central Alberta

Mr. Taylor: Thank you, Mr. Speaker. The inequity of health care funding to central Alberta is quickly reaching a crisis situation, and the government needs to stop pretending that there isn't a problem. According to AHS's own numbers, planned capital spending on a per capita basis in the central zone is fractional compared to its neighbouring zones. How can the minister rationalize the gross inequity in per capita funding to the central zone?

The Speaker: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker. The member opposite talks about gross inequities. How about proposals that would result in cutting \$9 billion from infrastructure projects? How about the Calgary cancer hospital? Do the members opposite think that we shouldn't be building a Calgary cancer hospital because that's an inequity? I don't think so.

We're making sure that we are moving forward with increasing stability in terms of infrastructure. We're increasing infrastructure spending in parts of the province that were neglected for far too long. And we all are happy to continue to work with folks in central Alberta. I was just in Red Deer a week and a half ago meeting with doctors to talk about how their needs can be met as well instead of...

The Speaker: Thank you, hon. minister.

Mr. Taylor: Given that this is a critical issue that desperately needs the government's attention, not political posturing, and given that the Red Deer hospital was once a top priority for AHS and now no longer appears on AHS's list of top 20 priorities, my question to the Minister of Health: how can a desperately needed expansion of the Red Deer hospital simply fall off the government's priority list?

The Speaker: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker. The point around priorities changing is a fair point. It's dependent on what some of the other needs are in the area. Let's talk about Lacombe-Ponoka, where we've invested \$2 million in roof repairs and chiller replacement. Let's talk about Strathmore-Brooks. In Brooks we've invested \$500,000 in health care to ensure a new high-pressure sterilization boiler, which ensures that clinical equipment and tools are properly cleaned. Let's talk about Rimbey-Rocky Mountain House-Sundry. In Sundry we're working to keep long-term care beds open, ensure that they remain at the site, and develop the lab in the hospital. We will continue to work with folks in Red Deer as well.

Mr. Taylor: Given that the Minister of Health has informed Albertans that, quote, the buck always stops with the minister, unquote, and given that the situation has hit a critical juncture, where doctors and nurses feel it necessary to organize rallies and speak to media about their concerns, about their ability to provide adequate care to patients, to the minister: does the buck still stop with you, and if it does, why are you subjecting central Albertans to this type of unfair treatment and ultimately risking their health?

Ms Hoffman: Mr. Speaker, I respect the fact that individuals in the community had meetings and ensured that they were sharing their perspectives. I actually followed up by having my own meetings both before the gatherings and after with a number of the folks who were there presenting information. I respect the physicians and other health care staff working in the community of Red Deer and in other parts of the province for doing their best to make sure that they have the best supports available to their constituents. And I'll tell you that making sure that they have an NDP government that supports health care and making sure that we aren't pushing deep ideological cuts and privatization is just that.

The Speaker: The hon. Member for Grande Prairie-Wapiti.

Rural Health Facility Capital Planning

Mr. Drysdale: Thank you, Mr. Speaker. In February the Minister of Health told the good people of Beaverlodge that the money for planning a new health facility had already been allocated and the design for a new health care facility would be moving ahead. Since the Minister of Health has stated, "When I make a commitment, you can count on it," and given that the good people of Beaverlodge are counting on the minister to uphold her commitment to planning this

facility, to the Minister of Health: can you confirm that you are currently planning the Beaverlodge health facility?

2:30

The Speaker: The hon. minister.

Ms Hoffman: Thank you very much, Mr. Speaker and to the member for his important question. Absolutely, the residents of Beaverlodge have worked hard, and they've long advocated for the community and the health care needs to be met over many years. I had the pleasure of meeting with Doris McFarlane at that exact moment, and she, having formerly been a nurse and also being somebody who wants to ensure that the community has a long-term, positive outlook moving forward, has graciously offered a significant portion of land. We are happy to ensure that we are moving forward with plans to ensure that Beaverlodge does get a new facility at some point.

Mr. Drysdale: Thank you, Minister. Given that \$2.5 million allocated for a rural health facility design template appeared in the Minister of Infrastructure's 2016 budget and given that the 2015 budget allocated those funds to create a model that could be used on health care facilities in rural communities across the province, including Beaverlodge, to the same minister: is the \$2.5 million you referred to in the Ministry of Health's budget, or is it in the Ministry of Infrastructure's budget?

Ms Hoffman: Thank you again for the very fair question. The member is right to say that that is what I said. The \$2.5 million is indeed in the Minister of Infrastructure's budget. In the budget previous to that, which was passed only about six months before, I believe, we also had a line item – I believe it was \$10 million – for rural facility and needs assessments to be done throughout the province, Mr. Speaker. Both Health and Infrastructure have been making sure that they have resources available. My staff have a number of projects on their plates, but this continues to be one of them.

Mr. Drysdale: Thank you, Minister, for that clarification. Given that the Ministry of Infrastructure has had money in their budget to design rural health care facilities such as Beaverlodge for three years now and given that in estimates I asked the Minister of Infrastructure if something was actually going to get done this year and given that the minister answered that they were awaiting direction from the Ministry of Health, to the Minister of Infrastructure: are you still waiting for the Minister of Health to direct you to design rural health facilities such as Beaverlodge?

The Speaker: The hon. minister.

Mr. Mason: Thank you very much, Mr. Speaker, and thank you very much for the question from the former Infrastructure minister of the previous government. The rural health facility design project is indeed in the Alberta Infrastructure budget. Approximately \$2.4 million has been allocated this year for the work. We're nearing the completion of this initiative. It will standardize documents and processes and provide consistent information for the planning and development of future rural health facilities. Various facilities are included in the project, including...

The Speaker: Thank you, hon. minister.
Calgary-Northern Hills.

Calgary Growth Management Board Transition

Mr. Kleinsteuber: Well, thank you, Mr. Speaker. The Calgary Regional Partnership, or CRP, has been in existence for over a decade now and has been an organization that has helped the Calgary region expand their work together on common interests during that time. With the MGA review and the new growth management board coming to Calgary, to the Minister of Municipal Affairs: what is the future of the CRP, and will the CRP be merged with the new growth management board?

The Speaker: The hon. Minister of Municipal Affairs.

Mr. S. Anderson: Thank you, Mr. Speaker, and thank you to the member for the question. I want to say that the Calgary Regional Partnership has done excellent work over the years. I recently had a great meeting with the board and have committed transitional funding to help assist the CRP as we move forward to establish a new board similar to the Capital Region Board here in Edmonton. What elements of the CRP will be taken over by the growth management board will be up to the member municipalities and the elected leaders of those communities, and I will support the decisions that they make for their region.

The Speaker: First supplemental.

Mr. Kleinsteuber: Thank you, Mr. Speaker. Given that the CRP covered 12 municipalities such as Turner Valley and Black Diamond and given that the new growth board is expected to include 10 municipalities and three municipal districts, to the same minister: what will happen to communities that are no longer covered by the growth board?

The Speaker: The hon. minister.

Mr. S. Anderson: Thank you, Mr. Speaker, and thank you to the member for the question. We want to make sure that the right number of municipalities are at the table so that the board is as effective as possible. We are proposing a number of provisions to help ensure that this board operates smoothly and that all perspectives are heard. As for Black Diamond and Turner Valley, I have committed to meeting with the mayors again one-on-one and look forward to discussing the membership issue with them. I will also point out that all communities in the region will have opportunities to collaborate, whether they are mandatory members or not.

The Speaker: Second supplemental.

Mr. Kleinsteuber: Thank you, Mr. Speaker. Given that regional transportation projects like On-It transit are in the pilot project stage and involve communities that were covered by the CRP but not the new Calgary growth board, to the same minister: what will be the future of this pilot transit project?

The Speaker: The hon. minister.

Mr. S. Anderson: Thank you, Mr. Speaker, and thank you to the member for the question. As mentioned, I have approved transitional funding for the CRP so that this and other priority programs can continue. Just today I received a letter from the CRP thanking Municipal Affairs for this funding and for the encouragement going forward with the transition. The long-term future of this program and others of the CRP will be determined by the elected leaders of the new growth management board. They will

have the ability to transition this program, and I will support the decisions that they make for their region.

Thank you.

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

Health Information Privacy Breach Reporting

Mr. Cyr: Thank you, Mr. Speaker. Rising problems related to information and privacy have never been a problem that this government has addressed. It's bad enough that the NDP withholds information from Albertans under FOIP, and it's just as bad that the privacy of Albertans is being violated. Most recently a former AHS staff member was fined \$3,000 for inappropriately accessing information, yet it appears that there's no obligation for the incident to be publicly reported. To the Minister of Health: is it mandatory for your ministry to report these types of privacy breaches? Yes or no?

The Speaker: The hon. Minister of Health.

Ms Hoffman: Thank you very much, Mr. Speaker and to the member for the question. When privacy is breached, obviously, it's a deep concern. A number of factors are taken into consideration, including the risk that it might put to the individual if they were notified. I believe that there is some room for – regularly it is said that the rules need to be questioned sometimes. It is certainly best practice, whenever it's safe to do so, to share that information with the individual who could have been impacted, but there are times when it isn't safe to do so.

The Speaker: First supplemental.

Mr. Cyr: Thank you, Mr. Speaker. Given that in May 2014 the health information amendment act passed third reading and given that this act would have made reporting privacy breaches mandatory but, unfortunately, a section that this act brought forward was never fully brought into force, to the Minister of Health: how can it be mandatory, given that you have not proclaimed the legislation necessary, to publicly report investigated breaches under the law?

Ms Hoffman: Well, in answer to the first question, Mr. Speaker, I clarified that there are times when information needs to be taken into consideration, as the implications of notifying the individual could be damaging both to their safety and the safety of others. So that, I believe, is one of the reasons why that piece has not been proclaimed. Obviously, the intent is to ensure that whenever it's safe to do so, that information is shared. Certainly, there are times when it may not be safe to do so, and people's safety, obviously, needs to be the top priority.

The Speaker: Second supplemental.

Mr. Cyr: Thank you. It appears that you're hiding breaches.

Given that it appears there is no mandatory reporting for health-related breach problems and given that this concern for privacy and security has been raised on all sides of the House and considering that the Member for Edmonton-Calder, the former NDP Health critic, said in May of 2014 that the information on this bill was "very timely and important," will you immediately implement this bill to protect Albertans' sensitive health information, or now that you're in government is privacy and security no longer timely or important?

Ms Hoffman: Of course, privacy and security is timely and important, Mr. Speaker. That's one of the reasons why I'm confident that my colleague the hon. Member for Edmonton-Calder and Minister of Education made those remarks. There are times when sharing the information could cause a serious threat to a number of individuals – a threat of safety, a threat of well-being – and that needs to be taken into consideration. But the intent is that whenever it's safe to do so, to share information, and that will continue to be the case.

2:40

The Speaker: We're going to move, hon. members, to points of order. If anybody would like to leave the Chamber, please do so within about 15 to 20 seconds.

Hon. members, I believe a point of order was raised on question 9 by the Government House Leader.

Point of Order

Questions outside Ministerial Responsibility

Mr. Mason: Yes. Thank you, Mr. Speaker. Today in question period the hon. Member for Calgary-Greenway posed a number of questions with respect to apparently some sort of heckle that may have occurred. I think that the question was clearly out of order.

If you look at *Beauchesne's Parliamentary Rules & Forms*, page 121, rule 409(6):

A question must be within the administrative competence of the Government. The Minister to whom the question is directed is responsible to the House for his or her present Ministry and not for any decisions taken in a previous portfolio.

There are a number of other references as well. In *O'Brien and Bosc*, on page 502, questions should be about items that are "within the administrative responsibility of the government." At page 617 in *O'Brien and Bosc* there's also a reference to referencing previous debates and proceedings.

Mr. Speaker, if the opposition's interpretation of everything that's said in this House by people who do not have the floor is to become the subject of a point of order, we might see hundreds of points of order based on various heckles and catcalls and so on that we get all the time from the opposition. Each one could be subject to a point of order.

Moreover, Mr. Speaker, the member has put his own interpretation on whatever it was, and that is not something that one ought to be doing. I think that that's actually a violation of 29 – sorry; 23, 22. I'm counting down. I just want to actually find that section. Standing Order 23(i) says, "imputes false or unavowed motives to another Member." He's clearly doing that in this case with the Member for Edmonton-Decore. He has no idea what that meant, nor is it a matter of something that is rightfully a subject of question period.

He is simply using the opportunity to try and smear the government by creating some sort of sense that the government is not deeply committed to establishing pipelines and to supporting the oil sands in our province. Nothing could be further from the truth, Mr. Speaker. This government has shown by its actions where it stands with respect to these matters. This government has got more action in two short years than that government ever did in 20 years.

I just want to say in closing, Mr. Speaker, that those types of questions are absolutely inappropriate in this House. They are nothing but an attempt to smear the member, smear the government, and clearly, in my view, should be ruled out of order.

The Speaker: The House leader for the third party.

Mr. Rodney: Thank you, Mr. Speaker. To quote the old Bard, methinks thou doth protest too much, my friend.

Mr. Speaker, clearly there's no point of order. We can see how the hon. Government House Leader was struggling for the quotations. I daresay that if this wasn't so serious, it would be laughable. Now, to prove my point, because there were no direct references to what was said, I will quote simply two sentences that were said. "The member even acknowledged on Twitter that he shouted 'no,' saying he was just 'playing around.' Playing around with the fate of Alberta jobs: seriously?" The other quotation: "From labelling Alberta the 'embarrassing cousins' of Canada to appointing anti-oil radical Ms Berman as the oil sands adviser to bizarrely calling the vast majority of Albertans that oppose the carbon tax xenophobes, this is the true Alberta NDP."

So I challenge anyone in this House from any corner of this House to prove that any of these statements are at all false because they're not. Mr. Speaker, with reference to Standing Order 23(h), there were no false allegations, there were no false or unavowed motives, and (i) there was no abusive or insulting language. These are the words of the NDP. If it causes disorder for them, they're the ones causing the disorder in the first place in this room and out in Alberta.

Mr. Speaker, this is just simply the truth. If the truth hurts them, I'm sorry it hurts their feelings, so I encourage you to simply rule this out of order. If the Government House Leader is concerned about continuing to raise points of order, maybe he should be a little bit more careful about when he calls them because clearly there is nothing here. Nothing to see. Let's move on.

The Speaker: Did I note by your standing that you wish to speak as well, hon. member?

Mr. Cooper: That is correct. Sorry, Mr. Speaker. I'll stand on a phone book the next time so you know I'm actually standing.

It's a pleasure to stand and speak to the point of order, Mr. Speaker. I'll speak specifically just to address some of the concerns from my colleague, the Government House Leader, who has taught me much, and I have studied his words in this House at length. I hope that some day he'll have the same opportunity to repay the favour to me.

I speak specifically, Mr. Speaker – the Government House Leader spoke about what was a heckle. As you know, there are rules in this place around when we vote and when we don't and what should be decorum and what isn't while we vote. What happened last night certainly wasn't a heckle. It was a vote in a recorded vote.

If you are so inclined to spend some time reading this evening, *House of Commons Procedure and Practice*, chapter 12, speaks specifically about voice votes and then recorded votes as well. You'll know, Mr. Speaker, that there is a long-standing tradition, not just in this Chamber but in Chambers all across the Westminster parliamentary system, that as one votes with their voice, there is an obligation or an assumed position that one would then stand and be recognized with what their voice vote was. I know that the member from Lloydminster has spoken about this in the House as well. He has spoken where he perhaps even voted in error and voted with the government when he had intended to vote opposed but still stood in his place and voted as he had in the voice vote.

So what we saw last night by the member was a departure, certainly, from the long-standing traditions of the Assembly, and I might add that the question was clearly in order as the statements were true, as acknowledged on Twitter. But, more importantly, the member was asking about whether or not this position was the position of the government, so not only was it discussing a statement of fact but also of government policy because the member

was asking about not just whether it was the member's position but whether it was the position of the government, as such making it in order. He was discussing whether or not this was the position of the government and would the Premier condemn such a position or not.

Clearly this is not a point of order. I hope that you take some time to read chapter 12 this evening around the procedures, voting and perhaps check the *Hansard* from my colleague from Lloydminster when he spoke about the long-standing traditions of voting as you have voice voted.

2:50

The Speaker: Hon. member, I in fact have that book beside my bed. I just want you to know that I read it regularly. I've been known to fall asleep when I've read it, but, as you alluded to earlier, you must have a book beside your bed with quotes by the former Opposition House Leader. I suspect you fall asleep faster than I do.

Hon. Member for Calgary-Greenway, I think earlier today I referenced your infractions, I would say, with respect to the preamble point, so let's put that one aside.

Government House Leader, I was listening carefully to your arguments, but I missed some of the subtleties. Nonetheless, I have looked into the matter, and I in fact ought to have maybe jumped in sooner myself. Nonetheless, the subject matter in the first quotation was offside as it pertained to a decision of the House, and I cite Standing Order 23(f) and page 617, *House of Commons Procedure and Practice*: "Members may not speak against or reflect upon any decision of the House." In other words, an allegation or question concerning how a member has voted is offside.

The House has made a decision on the matter. I believe there was a point of order in this situation, and I would caution again all members to – it may be good politics at times to do that, but respect and honour in this House is determined by each of us.

Mr. Rodney: Mr. Speaker, point of clarification, please. I'm asking how it is that a point of order can be made on something other than what the point of order was. That's all. You raised . . .

The Speaker: Hon. member, through the chair, please.

Mr. Rodney: Happy to.

The Speaker: I'm not sure what part you missed. I cited several citations. I've indicated that I made a ruling with respect to the comments made by the member, and I believe they have good evidence, if you look to *Hansard*, that applies.

Mr. Rodney: Yeah, well, Mr. Speaker . . .

The Speaker: What now, hon. Member for Calgary-Lougheed? I made a decision.

Mr. Rodney: It's Standing Order 13(2), clarification of a decision of yours. The hon. Government House Leader raised a point of order that was completely different than the ruling that you gave. That's very, very confusing for everyone beyond that side of the House.

Mr. Mason: Three separate things.

Mr. Rodney: Not the one that he . . .

The Speaker: Hon. members, please, both of you. The decision is made.

Mr. Fildebrandt: Mr. Speaker, under Standing Order 13(2) I would like to seek a clarification of the ruling.

The Speaker: I'm not sure what you were listening to either, hon. member. I've given my decision, and we're now going on to Orders of the Day. I'd love to have a visit with you this afternoon.

Orders of the Day

Government Bills and Orders

Second Reading

Bill 11

Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017

[Adjourned debate May 4: Mr. Sucha]

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

Mr. Sucha: Thank you, Mr. Speaker. Last week I spoke about fear of reprisal, and I'm going to underline some of those themes that were there. Last time I spoke, I spoke about the future, the 24th century, with the United Federation of Planets, Commander William Riker facing the challenges in relation to fear of reprisal over an experiment that was done. [interjections] Now, the Member for Edmonton-Decore . . .

The Speaker: Hon. members, could we ask you to exit if you're going to have a conversation, please? Thank you.

Keep going.

Mr. Sucha: Thank you, Mr. Speaker. The Member for Edmonton-Decore did a sidebar with me in relation to this and asked me to go back in time a bit further to the 23rd century to ask a reference in relation to a red shirt and fear of reprisal in relation to that. He said: how would red shirts be directly impacted if they had a whistleblower protection act on Kirk's *Enterprise*? I cited that more people would be alive today.

Mr. Speaker, you know, it was May the 4th, and we all referenced many fun popular culture references to whistle-blowing, but it is important to acknowledge that sometimes whistle-blowing really impacts a life-or-death situation. I'd be remiss because we just recently had comic expo in Calgary, and Edmonton-born Nathan Fillion was there. In *Firefly* they had the Reavers. If anyone has read into the Reavers, they were these beasts that no one really understood where they came from. There were these weird creatures, and there was a lot of hearsay and rumour in relation to it. As we dug deeper, it turned out that Nathan Fillion's character in the show *Firefly* discovered that it was actually the Alliance that was doing experiments, and they actually work off a parliamentary system similar to our own here. It made me wonder that if they had whistle-blower protection under the Alliance on *Firefly* if Reavers would have actually existed, you know, if whistle-blowing could be called on members of the parliament in *Firefly*.

It's fortunate that here in our Legislative Assembly we're moving forward with including ministerial staff and the office of the Premier to be included under the Public Interest Disclosure (Whistleblower Protection) Act because, you know, it's important that we make sure that we have the most transparent government possible, that we preserve faith in the public sector and preserve faith within our elected officials here within the government of Alberta.

You know, one of the things that we also looked at was expanding it to contractors or delegated services that are provided to the provincial government, and I think this is very important because sometimes within a workforce it's easy for us to put our blinders on. It's easy for individuals sometimes to be in a culture where they think, "Well, this is how it's done, so it must be right,"

not knowing that a regulation or law has been broken. So sometimes when we have situations occur where we have contractor or delegated services come into one of our government environments or come into our workplaces, they can determine that in reality there is some neglect or there is something that's going wrong or people's lives are being put at risk.

It's interesting to note that there are actually a lot of contractors and delegated services in *Firefly*, and if they had this whistle-blower protection, they could move forward with ensuring that Reavers were never a thing. It's important to notice that, because even within sort of our universities there are a lot of ongoing experiments that occur, and sometimes we do bring in contractors, whether to maintain some services or to help with some of these experiments. It's important to note – and for many of those who have been academics who studied psychology or were doctors, they'll understand that there is a code of ethics that has to be dealt with and maintained when doing any experiments. If we're breaching those codes of conduct or codes of ethics and our government is funding these projects, it's important that we're speaking up and that we're making sure that we expose some of these here as well.

3:00

You know, it's also very important to note that if someone is dealing with punishment within the workplace because they have spoken up about anything that is unethical, they have the freedom to go to the Labour Relations Board, and the Labour Relations Board is enabled to find remedies for the situation. While I have complete faith that the office that receives the reports of whistle-blowing will act in the best interests of the whistle-blower, sometimes they don't have a lot of the labour relations legislation readily available whereas with the Labour Relations Board, this is what they're experts at. This is what they're paid to do. So, ultimately, they can move forward with making sure that the employee is taken care of and that they receive the proper justice here as well.

The other thing that's really neat to see is that currently under our public service and our government offices whistle-blowers have to report to the designated officer to handle whistle-blowing, and this can create a lot of anxiety. You know, I used to see this in the private sector when a front-line employee had concerns in relation to something that was happening within the establishment, and they sometimes didn't really know where to turn. There would be some workplaces, especially within the corporate sector, where they would say: well, go to your direct manager if you know of something unethical happening. Well, what if it is your direct manager who is doing something unethical?

A lot of these workplaces enabled an ethics line or a line for you to contact to go directly to a person who would handle, in essence, whistle-blowing within that private-sector establishment. It worked really well because that would go to the regional manager, and then we could have it dealt with appropriately. We could make sure that we protected the privacy of that individual, and to be honest, within the private sector and from what I saw of it occurring there, it worked very efficiently.

I'm happy that we are now introducing legislation that will allow potential whistle-blowers to report directly to the Public Interest Commissioner whenever there is any concern. Then, when the commissioner receives any of these complaints, they are authorized to go to the employer's workplace and view the records within the site, and it gives them strong powers that are equivalent to our Auditor General's.

I know that the Member for Edmonton-Centre spoke about some of the strengths that we've seen from our Auditor General. You

know, it's a system that works really well to hold us – elected officials, government agencies – accountable. Giving the commissioner powers that are very equivalent to the Auditor General's will allow the commissioner to really maintain that public faith within the public sector. Also, those front-line workers can feel safe to come forward but also feel that we have appropriate remedies to make sure that we're running an ethical workplace and so that they can feel safe simply going to work every single day.

Mr. Speaker, I recognize that I probably do not have a lot of speaking time left. I just want to close by thanking all hon. members who participated in this committee for the hard work that they did over the summer. You know, I feel a lot closer to all of you. It felt like we really worked collaboratively and got to know each other and that we could work together to find a balance of how we want our whistle-blower protection to occur.

Thank you very much, Mr. Speaker.

The Speaker: Are there any questions under 29(2)(a) to the Member for Calgary-Shaw? Under 29(2)(a), Edmonton-Centre?

Mr. Shepherd: Under 29(2)(a), yes. Thank you, Mr. Speaker. I greatly appreciated the member's statements. He offered, I think, some excellent analogies, and certainly it warmed my heart, being a fan of science fiction myself. Certainly, hearing him expound on both *Star Trek* and *Firefly* in a single speech: much to be admired there. My one question to the member, specifically in regard to his reference to *Firefly*, is: why, if he knew that he was going to bring that up in the House, did he not at least have the decency to wear a brown shirt?

Mr. Sucha: You know what? I was going to sing about the man they called Jayne, but unfortunately – I could see on this side of the House the people that got the reference. Realistically, going into it, I think it's important to really note and relate to these popular culture references because, for some of us, we haven't found those parallels to when something unethical has happened in the workplace and when something unethical hasn't happened in the workplace.

You know, I made light of the May the 4th reference there, but to be fair, it really outlines the importance of why we need these in place. Ultimately, if you look at these references, you truly do see that having these protections in place will ensure that we can have a government that is transparent, that works, and that makes sure individuals are safe.

The Speaker: Any other comments under 29(2)(a) to the Member for Calgary-Shaw?

Seeing and hearing none, the hon. Member for Edmonton-Whitemud. [interjections]

Dr. Turner: Is there somebody else that wants to speak?

The Speaker: I'm sorry. My apologies to the House.
Calgary-Mountain View.

Dr. Swann: Thank you, Mr. Speaker and to the member for ceding the floor.

Bill 11, Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017: progress, real progress. I was part of the committee and applaud the chair and the work that was done on this. A pity that we couldn't get on to do some of the other important work with respect to the Election Act and conflicts of interest, but this is truly a step forward from the earlier version of the whistle-blower protection act. It authorizes the Public Interest Commissioner, for example, to investigate allegations of wrongdoing

submitted anonymously or by people that are not considered employees under the act; private citizens, for example. That's progress.

[The Deputy Speaker in the chair]

Whistle-blowers can report wrongdoings directly to the Public Interest Commissioner, which they couldn't do before, always a weakness of the previous bill under the PC government. Whistle-blowers are protected from reprisals from the moment they tell their supervisor about an issue.

Workers who are fired, have their duties changed, or experience reprisals as a result of whistle-blowing have access to restitution through the Labour Relations Board. The Labour Relations Board decides on restitution for workers who experience reprisals, with an enforceable decision in the same manner as a court order. Prescribed service providers such as care in seniors' homes that have a business relationship with the government are now covered under this act, as are physicians, who have an alternate reimbursement program, which was not the case in the past.

The term "gross mismanagement" now includes a wider variety of wrongdoings, including bullying and abuse in the workplace as well as mismanagement. So progress.

The Public Interest Commissioner's office will be required to report more information each year, telling what types of wrongdoings and summarizing the findings, penalties, and specific recommendations to public entities. Section 19 adds a section, 18.1, which grants the Public Interest Commissioner greater access to information than in the past, much like the powers of the Auditor General. More progress.

The Public Interest Commissioner determines whether a public interest outweighs potential harm to an individual, and the Public Interest Commissioner and his or her staff are not compelled to give evidence during judicial proceedings.

Finally, the Public Interest Commissioner is now allowed 20 days to determine whether to investigate a complaint, giving the Public Interest Commissioner more capacity and time and resources to make appropriate decisions and not short-circuit anything that's needed.

The Liberal caucus position is, of course, that the most glaring deficiency is that the PCs wrote the legislation in such a way that it only applies to wrongdoings that occurred after the act came into force. Clearly, that allowed a get-out-of-jail-free card for any potential wrongdoings that occurred prior to June 2013, when the act was first brought in. Certainly, it went against the spirit of the legislation, and we're pleased to see that this is now going to be much more vigorous and timely.

3:10

Section 19(2) authorizes, again, the Public Interest Commissioner to either not investigate a disclosure or discontinue an investigation if more than two years have passed since the date the wrongdoing was discovered. Again, this is arbitrary and could lead to legitimate investigations of wrongdoing being abandoned or not even getting off the ground. So that's a shortcoming of this particular bill, limiting it to two years.

Pursuant to section 38(1) the Public Interest Commissioner is appointed by "the Lieutenant Governor in Council, on the recommendation of the Legislative Assembly." As always, there is a risk that government could unduly influence the choice, and that continues to be a concern.

Finally, section 52 is problematic in stating:

No proceeding of the Commissioner is invalid for want of form and, except on the ground of lack of jurisdiction, no proceeding

or decision of the Commissioner [can] be challenged, reviewed, quashed or called into question [by a] court.

In other words, the Public Interest Commissioner has the absolute final word, and that's a concern with respect to accountability of the Public Interest Commissioner.

Having said that, I think the progress made on this bill and the improvements in protecting whistle-blowers are significant, and I'm very much supportive of what we finally came to. In my view, our existing whistle-blower legislation was deficient in not allowing proceedings or decisions of the Public Interest Commissioner to be challenged, reviewed, or quashed and with the commissioner being given the absolute final word, with no accountability. I would reiterate that if there was any amendment, that would be an area that we would be considering.

Bill 11 does address the deficiency in part by very specifically allowing a decision of the commissioner concerning a reprisal to be reviewed by the courts. This is a welcome improvement. But why are we stopping there? If we're going to allow the courts to decide whether addressing a reprisal against a whistle-blower can be reviewed, why wouldn't we allow the courts to review the commissioner's decision? It doesn't seem to be consistent.

Apart from those concerns, caveats, I very much support this important bill. It's bringing us into line with much of the rest of the country, Madam Speaker. I believe we will be supporting it as is.

Thanks, Madam Speaker.

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

Seeing none, are there any other speakers to the bill? The hon. Member for Bonnyville-Cold Lake, followed by Edmonton-Whitemud.

Mr. Cyr: Thank you, Madam Speaker. It is my pleasure to rise and speak on Bill 11, Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. I'd like to start off by saying that this bill should improve accountability and ethics here in Alberta. When the original whistle-blower protection act was passed in 2013, it was mandated to be reviewed within the first two years of coming into force and thereafter every five years. In accordance with this piece of legislation, it was sent to the Select Special Ethics and Accountability Committee. I myself sat on that committee, and I'll commend all of the members on all sides who sat on this committee. It is another example of nonpartisan MLAs moving forward to bring in a good piece of legislation. It is an incredible honour to be a part of that committee, to be able to show that the process of committees works within Alberta.

From the fact that this government usually will push legislation through the House, which is to run over the opposition and all objectors from far and wide like a legislative truck, if you will, this is where I can say that in this case a committee was very aptly used. That is why, when I sat on this committee – and this went through the summer, and I spent many hours of time and debate with my government MLA colleagues – it was surprising that what we had, according to the article by Global News from September 20, 2016, was: Brian Mason Says Alberta Democracy Committee Could Be Scrapped. That's the article title.

To go on, I'm going to quote from this article. The Government House Leader told reporters:

I'm pretty disgusted. (The opposition) have filibustered that committee from start to finish, they've made up phoney points of order and points of privilege (and) they've attacked chairs for just trying to [get the job done].

This is completely false. In the end, what we've got here is a piece of legislation that went through a committee, and to say that this

entire committee had no value from start to finish is completely unfounded.

Now, I'm pleased to say that the bill reflects 20 of the 21 recommendations that came from the committee. Recommendation 9 came from a motion that I put forward to the committee, which read:

The Act [should] be amended to clarify a chief or designated officer's obligation to report illegal conduct to law enforcement or to the Department of Justice and Solicitor General in cases where there is a reasonable belief that an offence has been committed.

The legislation as it was originally worded led to some inconsistencies between sections 5(2)(f) and 22 in regard to the chief or designated officer's obligation to report alleged illegal conduct.

Obviously, Madam Speaker, clear laws reduce the need for court clarification and interpretation of the laws and, hopefully, can prevent long-drawn-out arguments about what the interpretation of that law is. That is why making legislation consistent and clear is important, and I hope that this amendment to the act will do so. I am pleased that the other side agreed with that assessment of this and will be supporting the change.

Another recommendation that this side proposed, Madam Speaker, was defining what gross mismanagement is. The Auditor General, Alberta Health Services, and the Alberta Medical Association all asked for that term to be defined. It is my intention that this Chamber supports open government and works with the Auditor General and makes sure that we see an improved piece of legislation moving forward. The fact that we were able to define this term and have it included as a recommendation is an incredible source of co-operation between both the government and the opposition.

Under this bill gross mismanagement will be defined as an act or an omission that is deliberate and shows reckless or wilful disregard for management of public funds or a public asset or the delivery of public services or employees by a pattern of behaviour or conduct of a systematic nature that indicates a problem in the culture of the organization relating to bullying, harassment, or intimidation. In these times, Madam Speaker, we cannot afford for any government funds to be misused, abused, or to pay for needless, worthless expenses. This will help the Auditor General and others determine where the line lies on gross mismanagement of government resources.

There are some other aspects of the bill which will improve current legislation, Madam Speaker. One area that I think is important to note is that this bill will expand the act to contracted service providers who may be witnessing wrongdoing and gross mismanagement of public assets. This is important because there is complicity in the government of Alberta's office with regard to wrongdoing. There may not be anyone able or willing to come forward from that office. By including contract services providers, this will allow an additional set of eyes on operations of government and may expose waste in areas of the government that may not be on other people's radar.

This is especially important in Alberta. As you know, we have private contractors that do many services such as registries agents, services for disabled people, self-managed care, and so on and so forth. The Auditor General noted that the former department of human services contracted with more than 2,200 small businesses. This is just one area of the government, Madam Speaker. So to extend the act in this way, we are extending oversight of the government to areas where services are contracted out.

3:20

If this legislation were to pass, these contractors would be able to report wrongdoing without having to endure bureaucratic nightmares

working all the way up through the government's chain of command. This bill will allow direct reporting by contractors to the Public Interest Commissioner. This will also shield contractors from negative business repercussions from their program area for reporting wrongdoing.

I just want to conclude, Madam Speaker, by talking about how important it is that this legislation and indeed most legislation is reviewed with a sunset clause. We need to get legislation right for whistle-blowers. It is not easy for whistle-blowers to come forward. They risk their jobs, their livelihoods, and much besides that with their decisions to come forward and expose mismanagement in government. That's why it's disappointing to see that the NDP have chosen not to expand whistle-blower protections to physicians, who are in alternative relationship plans or receive other forms of payment from the government. We in the Wildrose wonder why it is better to exclude these people from the act rather than to include them since even the government seems to agree that it is in the best interests of all Alberta and all Albertans. That being said, on the balance this bill is an improvement over the current law.

I would like to reaffirm – reaffirm – Madam Speaker, that while we were in a committee setting, this committee was not a waste of time from start to finish. Let's be clear. The discussion or the comments that the House leader from the government side made were truly inaccurate. I took offence when he did that.

Thank you, Madam Speaker, for hearing me out.

The Deputy Speaker: Under 29(2)(a), Edmonton-Whitemud.

Dr. Turner: Yes. Thank you, Madam Speaker, and thank you, Member, for those comments. I did want to actually ask a question about your comment that physicians were not included. I think that's actually a misreading of the bill. It's my understanding that physicians and other contracted service providers – and it's in recommendation 3, actually, that came out of the committee – whether they're fee for service or in an alternate revenue plan, are included. This is also going to apply to other service providers like psychologists, social workers, dentists, et cetera. In fact, this is one of the strengths of this legislation.

Otherwise, I actually am in agreement with much of what you said, except for the criticism of our House leader. I wonder if you would want to modify your remarks in that regard.

The Deputy Speaker: The hon. member.

Mr. Cyr: Thank you, Madam Speaker. I thank the member for bringing clarity forward. If I have made an error in my speech, I do have to apologize for that. I will be looking closer at that specific issue, and I will be bringing comments later. Thank you very much for bringing that to my attention.

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

Seeing none, I'll call on the hon. Member for Edmonton-Whitemud.

Dr. Turner: Thank you, Madam Speaker. I'll beg the indulgence of the Legislature, but I am going to continue on in a similar vein, not to coin a pun, to what we were just discussing. First of all, it's fascinating that we're dealing with things like conflicts of interest and whistle-blower protection and enhancement of democracy. I actually have to bring the attention of the Legislature to the fact that all of us who speak to this bill are in a form of conflict of interest since this whistle-blower legislation, according to recommendation 2, will apply to MLAs and their staff.

Certainly, I am in conflict of interest in the sense that I am a physician of 40 years' standing in this province. I have practised medicine at the University of Alberta hospital and other hospitals in Edmonton as well as in Grande Prairie, Red Deer, and outside the province over those 40 years. Some of that practice has been in the form of fee for service, and other parts of it have been in an alternate revenue plan. Indeed, I've worked at the Cross Cancer Institute for 40 years and have always been in an alternate revenue plan employment status there.

I thought it might be useful for me to bring some clarity of that terminology to the Legislature. I think it's a very important thing that this is being discussed in this bill. Also, alternate revenue plans are a very important part of what the Alberta Medical Association, Alberta Health Services, and the Ministry of Health are doing to try to rein in the escalating costs of physician services. Alternate revenue plans refer to a system of payments for physicians that aren't dependent upon only fee for service. Fee for service is what a physician is allowed to charge for specified medical activities. For instance, if a general physician sees a patient for a physical examination, a yearly checkup, there is a set fee for that. If it's a follow-up from that visit, the fee is about a fifth of what the checkup fee is. That's the way that medicine was practised primarily 40 years ago.

Over the 40 years we have come to the realization that involving alternate providers is important, so we have advanced nurse practitioners and pharmacists and physician assistants, who can act in a more collegial environment. Some of these are developed in primary care networks.

I'm more familiar with the academic alternate revenue plans, and they've been interesting, too. Those plans – and they were alluded to by the Member for Calgary-Elbow a week or so ago – actually permit academic physicians to practise medicine. Actually, we can retain academic physicians because this is a very attractive form of practice. It isn't just looking after patients and billing on a fee-for-service basis. We academic physicians can actually create a practice profile that includes doing research.

I might just allude to the remarks made in the member's statement of Calgary-Hawkwood about leukemia. In the Alberta cancer program there is a hematology tumour group that includes a whole host of various professionals that are basically dedicated to improving the results for patients with acute leukemia. That couldn't be done if we didn't have a way to actually include research, education, community service, and clinical service in our practice profiles.

In an alternate revenue plan we've got multiple components to it and multiple co-workers, all of whom deserve the protection of a whistle-blower protection act. I can attest to the fact that having this protection is going to make it a lot easier for this kind of activity to prosper in this province, not only in the cancer program. I can tell you that for 30 years the department of medicine at the University of Alberta hospital has had an alternate revenue plan so that things like pulmonary medicine, cardiology, kidney disease, the whole gamut of what we would call internal medicine, are covered by the same thing. Combining activities in research, combining teaching of all phases of medical activity and community service as well as the actual seeing of patients and caring for patients can all be taken care of.

3:30

That's been very successful at the University of Alberta hospital in medicine, and it's actually at the University of Calgary. They have a similar thing. It's being expanded to pediatrics and to psychiatry in various areas. Maybe giving you more information than you want to know about alternate revenue plans, but I did want

to make sure that all of us knew that by having whistle-blower protection, we're actually enhancing the environment in which that kind of activity can prosper.

You know, basically, the question was: does the act currently apply to physicians? It applies to physicians who are directly employed in public entities as well as other health practitioners and professional staff with admitting privileges run by those public entities such as Alberta Health Services, Covenant Health, and others. However, the act currently does not apply to physicians who receive government funding in other ways such as through the alternate revenue plan or fee for service. If the act is passed, government is going to be consulting with physician stakeholder groups and delegated service providers to determine how best to move forward on this side of the issue. The expansion of the legislation could impact a wide variety of health service providers and medical clinics, and it's only fair that they be consulted before moving ahead.

If you look at Bill 11, where this shows up clearly is part 1.2, prescribed service providers. The prescribed service provider regulations basically talk about:

- (a) respecting the Commissioner's exercise of powers and performance of duties under this Act in relation to prescribed service providers; [and]
- (b) for the purpose of section 1(j.1), determining that any individual or person, any part or all of an organization, body or other person or any class of individuals, persons, organizations or bodies is a prescribed service provider.

I think this is a very strong part of this legislation and worthy of support of all of us.

I want to turn back to the comments about the work of the select special committee. I, too, was a frequent attendee and participant in the meetings of this committee last summer, and I think it was one of the most rewarding activities that I've had the honour to participate in during the two years that I've been an MLA. There was a collegial environment and a recognition that expansion of the whistle-blower protection was essential, and this was recognized by all participants in that committee. It was really gratifying to see how well that committee worked, particularly under the direction of our minister responsible for democratic renewal.

There's no doubt that the public interest is served by having strong whistle-blower protection, and certainly there's nobody on this side of the Legislature or that corner of the Legislature that would deny that. It's certainly been my personal belief for as long as I've known about politics that whistle-blower protection is a key factor in our democratic institutions.

The all-party select special ethics committee did a lot of work on the bill, and I do want to acknowledge that that work was done by all of us. There were a lot of thoughtful comments made. The submissions were superb, I thought, and it was obvious that this was something that was very important.

You know, besides physicians, the other area that I think that this legislation applies to that I'm very interested in – and we actually heard a little bit about this in question period today – is the nursing home operators. If this legislation is passed, I would think that perhaps what we heard about the issues in Lacombe might actually be helped.

Those people, those nursing students, I think, could be called whistle-blowers in a sense, and this is going to basically give them some backup when they want to do this. I'm really anxious to see this legislation pass so that the people working and caring for our most vulnerable people living in those long-term care facilities can feel free to try to help improve the environment in which they are working and do that without fear of retribution, without fear of losing their jobs, without fear of being discriminated against in their

employment. I think this is really, really important, and I don't think you can think of a better example than what was brought up in question period.

You know, the government does support the idea that this act should extend to service providers who provide services paid for with taxpayer money. However, it's also very important that everyone takes the time to review and consider which services should be included and how they should be included. So we're going to consult with government contractors and delegated service providers to see how best to move forward without stepping over the line into the private sector.

I think I'm going to wind up my comments at that point. I think this is vitally important legislation. I'm glad to see that there's a lot of interest on both sides that is generally supportive of the legislation. I would hope that the opposition can see their way to fulsomely supporting this without doing some ad hominem type of criticism that I heard a little bit of today. I don't think that that is helpful at all.

In any event, Madam Speaker, I would implore all of my colleagues in this House to support this legislation.

The Deputy Speaker: Any questions or comments under Standing Order 29(2)(a)? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. Yes, under 29(2)(a) I'd like to ask the hon. member if in his 40 years of medical experience, without divulging details or circumstances, whether directly or in proximity to his practice, he's actually witnessed the effect of not having whistle-blower protection in place in workplaces that he was witness to and what types of pressures that put on employees that he may have been aware of that would have been otherwise helped by the whistle-blower protection that we're now contemplating with this legislation.

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

Dr. Turner: Yeah. Thank you very much to the member for that important question. I do have a lot of experience in health care in general, and I'm somewhat constrained by confidentiality issues at this point to discuss this. In fact, that comment actually is the basis of why I'm so supportive of this legislation, because heretofore health care providers have been constrained in doing this sort of thing. I can assure the member that there have been situations in which I personally might have wanted to become more vocal and bring forward issues, and this legislation is going to protect that.

To take a more positive view of it, having this protection is going to free up, basically, the creativity of our co-workers and our teams so that they can feel free to make comments about how things are managed without fear of retribution, and I think what will happen in health care facilities of all sorts is that you're going to see more. In fact, that's been happening in Alberta Health Services to a greater degree over the last few years because the management of Alberta Health Services actually is trying to promote this, to try to get people to buy in, to engage, you know, and with the whistle-blower protection we may actually see an improvement in the engagement numbers that Alberta Health Services has been seeing.

Thank you for the question.

3:40

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

Seeing none, I will call on the hon. Member for Barrhead-Morinville-Westlock.

Mr. van Dijken: Thank you, Madam Speaker. I am pleased to speak to Bill 11, the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. I was able to participate in the committee, the Select Special Ethics and Accountability Committee, to review the Public Interest Disclosure (Whistleblower Protection) Act, and I'm pleased to stand today and speak on Bill 11, which would amend that act.

I must say that it was a pleasure to work with all members on the committee, and I believe that the amendments to the act reflect much of the work that was done by the committee. It was a show of how committee work can actually come to good resolution and bring forth good recommendations and how it's a very effective tool within our legislative process to work with all-party committees. We did review several written submissions on the committee, Madam Speaker, and I believe we also had three oral presentations to help us with our work.

One thing that the committee work on the public interest disclosure act allowed me to do was also to reflect on some of the whistle-blower work that I had done in the private sector, working on different boards and audit committees that helped to design whistle-blower functions within private-sector businesses, and how it can lead to very effective ways of bringing a culture change into an organization that helps to improve the culture in the organization and respect all levels, from management right down to beginning workers.

It was interesting, just going through the notes of our committee work, that the Auditor General, I believe, did a very good job of consolidating the written submissions that came before us and talked about five main issues that he found that were throughout many of the written submissions, and I believe that we did a fair bit of work on those main issues: expanding the scope or application of the act, coming to a definition of wrongdoing, investigations, and the ability of the commissioner to compel action.

Effective whistle-blower legislation does contribute to better government for the people that it is mandated to serve, and the successful whistle-blower programs, whether they be in government public service or whether they be in private-sector programs, to be effective really rely on buy-in right from the bottom to the top of the organization. I would suggest that it definitely works the best if the senior members of the workforce recognize the value of whistle-blower protection and the value of a whistle-blower program. It really helps to encourage a culture of transparency in how the whole workforce can work together to improve the operation.

Whistle-blower protection is about giving employees the piece of mind to know that they will be free from reprisal when they come forward and report wrongdoing. It's about enabling government employees to expose gross mismanagement of taxpayer-funded resources and bring unethical behaviour to light. Those who behave unethically should not have the privilege of stewarding tax dollars.

The changes being implemented will encourage early reporting of wrongdoing, which will help also with risk management within our functions. Early reporting of situations can really stem the costs of those misdoings. For risk management in undue loss of public dollars it's important that we have effective whistle-blower legislation.

I think there are a number of positive developments within this bill, which is a result of the co-operation of the multiparty legislative committee. It is my understanding that this bill reflects 20 of the 21 recommendations of the committee's final report. Under the new act those who disclose wrongdoing and face reprisal will be able to seek restitution through the Labour Relations Board. Whistle-blowers, who have been brave enough to report wrongdoing, unfortunately sometimes in the past have had their

career or work life suffer at the hands of the people committing the mismanagement. Hopefully, the likelihood of reprisals will be diminished by the fact that this bill includes a provision for whistle-blowers to report directly and anonymously to the office of the Public Interest Commissioner. A whistle-blower may not feel comfortable filing a disclosure with their boss or even their boss's boss. Furthermore, navigating bureaucracy is often a frustrating and unjust process.

Another thing this bill does is expand the scope of the act to the government's contracted service providers. This is important as the Auditor General did point out that there's a risk of misdoing with public funds through the services of contracted service providers. These contractors provide services for seniors and children, to name a few, and it's critical that there is an adequate avenue for reporting of wrongdoing.

One thing that was brought forward in the oral submissions – and it did concern me – was from the Alberta Federation of Labour, where Mr. Gil McGowan presented on behalf of the Alberta Federation of Labour. I did ask a question after his presentation. We had a discussion on extending the legislation into the private sector. It did concern me that the AFL had not become proactive in its own organization to ensure that its employees had the benefit of having whistle-blower protection for themselves.

Mr. McGowan did say that their organization

believes very strongly that whistle-blower protections are an important component of workers' rights and employment rights . . . with an eye to making it more effective. In general and in principle, we're supporters and fans of whistle-blower legislation . . . We believe that all employees, regardless of where they work in the public or private sectors, should have whistle-blower protection.

Then in further discussion on those points my colleague the MLA from Highwood asked a question, where there are 41 individuals who are listed as vice-presidents for the Alberta Federation of Labour – that's quite a size for a management team. He was wondering if the Alberta Federation of Labour could describe their internal processes and practices for dealing with whistle-blowers within their own organization. It astounded me to hear Mr. McGowan reply, "We do not have internal practices or procedures for whistle-blowing." This from a person that strongly believes that whistle-blower protection is an important component of workers' rights and employment rights yet has not taken the effort to ensure that his employees have that same right.

Mr. McGowan would like to see that we have legislation put forward to cover both public and private, and he talks about protecting the public interest. I would suggest that there's a little bit of confusion in his thought process. The public interest is identified by the Auditor General as protecting the public interest by whistle-blower protection where the recipients of public money are under this legislation. The Auditor General did suggest that he thinks that it broadens the scope, this opportunity to manage the risk of public dollars going to these other contractors.

3:50

Mr. McGowan did also say, "I'd be thrilled to welcome legislation that covers my employees as well." But, Madam Speaker, it is not necessary for legislation to come forward to encourage a private-sector body to do what they believe is right for their employees. Legislation is not necessary for whistle-blower protection to be implemented in the private sector, so when I hear this submission that they, the Alberta Federation of Labour, believe strongly in whistle-blower protection for their employees yet have put no effort into ensuring that that protection is given to their

employees and expect our body, the legislative body, to make them do it, I don't understand. There's a disconnect to me.

It is allowed to be done. I sat on boards where we had whistle-blower protection for all our employees, and it worked very effectively. We had third-party auditors that our employees were able to phone if they had any ideas about or saw any misdoings. So I would encourage the Alberta Federal of Labour to actually do that for their employees, to put forward whistle-blower protection for their employees. When it's identified at the top that it's an important function of a healthy organization, it will trickle down and will help that organization to stay very healthy.

Back to Bill 11. This bill calls for more detail when the office of the public interest conducts its annual reporting. The Public Interest Commissioner will now report on the types of proven wrongdoing in the disclosures received: a summary of findings in cases where wrongdoing or acts of reprisals are found to have been committed, the specific recommendations made to public entities or offices of the Legislature and the entities' responses to these recommendations, and any offences committed or penalties given under the act. I would like to see the reports tell how much money has been given in restitution each year, but I'm not sure if this bill does that.

I do look forward to further discussion on Bill 11. Thank you, Madam Speaker.

The Deputy Speaker: Under 29(2)(a), the hon. Member for West Yellowhead.

Mr. Rosendahl: Thank you. I find it rather interesting that the member is talking about the Alberta Federation of Labour and Mr. Gil McGowan and the employees. I'm wondering if the member is aware that the executive is made up of union presidents that are covered by union contracts, and under the union contracts they have all those protections that are outlined: whistle-blower, antiharassment, bullying. All those things are covered under those union contracts. Of course, the other part of it is that any employees hired by the Alberta Federation of Labour are also unionized, and they are also covered under union contracts. So I'm asking you: are you aware of all those things when you make those kinds of comments?

Thank you.

Mr. van Dijken: I find it interesting that the Member for West Yellowhead tries to second-guess what the presenter presented before committee, and to this day I have not received a reply to the recorded question that was given at that time. I asked, "So if you could give me an understanding on why you felt it was more necessary to have another entity establish [whistle-blower protection for your employees at] AFL as opposed to establishing it within your own organization." There was no reply, and I still have not received any reply.

So I find it difficult to take that submission seriously from an individual that has spoken very adamantly that they believe strongly in whistle-blower protection and that they believe that all employees, regardless of where they work, should have that protection. I'm a strong believer in whistle-blower protection. I'm a strong believer in whistle-blower programs being instituted in all organizations because I do believe that it's a fantastic way to create an environment that allows that organization to stay healthy and to stay ahead and to provide risk management for their organization so that there will be no wrongdoing.

When an individual brings submissions forward to our committee, quoting that they're a strong believer in that protection, yet makes the claim that there is no – I'll find it here; lots of papers. Essentially, Madam Speaker, the person doing the submission, Mr. Gil McGowan, reflected on the question from the MLA for

Highwood. The question was: "I'm wondering if you could describe to us . . . your internal processes and practices for dealing with whistle-blowers within your . . . organization." Mr. McGowan replies, "We do not have internal practices or procedures for whistle-blowing."

I find it somewhat disingenuous for an individual to make claims that they "believe that all employees, regardless of where they work in the public or private sectors, should have whistle-blower protection," to make claims that they believe that this is a right for all employees yet to not have that right being extended to their very organization. Mr. McGowan says, "We do not have internal practices or procedures for whistle-blowing."

The Deputy Speaker: The hon. Member for Edmonton-Mill Creek.

Ms Woollard: Thank you, Madam Speaker. I think that this bill – updating and amending it is a very good move. It's something that has been needed in the public arena for a long time. Having protection for people that need to, want to speak up about concerns that they have, not just concerns but wrongdoings that they're aware of in their workplace, is really important. A good public service and a fair, honest, and transparent public sector are things that Albertans count on and should be able to count on. We want to make sure that serious wrongdoings in the public sector are both reported and addressed, not just reported and put on a piece of paper and filed away but dealt with.

Employees are the ones who see things that are going on, and they see what shouldn't be going on. They should be able to report serious problems without having to fear for their job security, and that fear of reprisal is a terrible obstacle. Anybody who's worked in a large institution or corporation knows that there is often, you know, maybe not an overt climate of fear but an underlying climate of fear: don't say too much, or you stand to jeopardize your job or your chances of promotion. There is an element of that being a deterrent. I like the fact that the way the investigation is to be dealt with or handled is laid out very clearly when problems are reported to encourage more people to be able to speak up when need be.

4:00

I've just gone through here and looked at things. One of the things I noticed in the bill was that wrongdoings aren't just having to do with public funds or assets or service delivery but that wrongdoings are also cases where public trust is being violated through egregious or systemic bullying and harassment. That's a very subtle wrong, but it's one that does involve people and is very demoralizing. I'm sure many of us have known people who did wind up leaving jobs that they were effective in and found enjoyment in and were successful at because of harassment in the workplace. I know there are other means for dealing with harassment, but it's good to have the whistle-blower.

The new legislation defines gross mismanagement, and in regard to bullying and harassment in the workplace the new act would allow the Public Interest Commissioner to become involved in some cases. As said, there are already a range of remedies for this – human rights legislation, employment law, and collective bargaining tools – but this allows the Public Interest Commissioner to step in if the other means have been exhausted and it's still going on.

I like the way it lays out how people can blow the whistle. The designated officer in each government department or public-sector entity is given the directions and means to know how to handle whistle-blower complaints, and a potential whistle-blower has to report to a designated officer before a wrongdoing will be investigated. Under the old law that had to be done, and they were

not protected from reprisal until that time. So they may have thought about it and talked about it, maybe to a supervisor, but until it went to the official designated officer, they were not free from the danger of reprisal. But under the new legislation they are allowed to approach their supervisor or the Public Interest Commissioner directly, and they're protected from reprisal as soon as they approach their supervisor. They don't have to wait until the designated officer is informed.

There are just a few other things that I thought were really worth while looking at. I know I was looking at the part on delegated service providers. As a psychologist I worked as a contracted service provider for school boards. I was being paid out of the public purse, and, you know, I used to wonder sometimes. I never had cause to be a whistle-blower, and I didn't see any wrongdoing that concerned me, but if I had, it would have been really important to know what the avenues were, what the means of reporting wrongdoing were so that it could be addressed. If there's any institution that we need to make sure is free of wrongdoing, then that is a school division, a school board.

The recommendations, I found, were very good, and it seemed like they were very thoroughly done, even the definitions clearly laying out the difference between the different kinds of wrongdoing. The reporting of it I've talked about.

One of the things I did mention just briefly, to back up a little bit: a potential whistle-blower may not know who their designated officer is. If the research and prior work hasn't been done, the person may not know, so they've got a choice to hang around and wait until they find out their designated officer's identity or to move on and talk to somebody who can start the process of dealing with the wrongdoing. That's where going directly to the commissioner would be advisable.

I know there are a lot of things that are dealt with and that everybody can read that, but I like the fact that the information is given, and I hope it's shared with every individual in the public sector, in a government sector of any kind, so that they know what their rights are and what their responsibilities are.

Thank you, Madam Speaker.

The Deputy Speaker: Under Standing Order 29(2)(a), any questions or comments? The hon. Member for Edmonton-Whitemud.

Dr. Turner: Thank you, Madam Speaker. I want to thank the Member for Edmonton-Mill Creek for her informed comments, and I wonder if she could actually expand on some of the issues related to the psychology of whistle-blowers. In my experience, some of these whistle-blowers have been under a lot of stress, and that stress has actually been elevated to the point where it could be called, basically, posttraumatic stress because of the evocative nature of what they've witnessed or what they've been participating in. There's been bullying that's been going on. I just wondered if the member could further elaborate on how this legislation might actually alleviate some of that.

Ms Woollard: Thank you. The Member for Edmonton-Whitemud put it very well. That is something that I didn't talk a lot about, but it's something that we all are aware of to some degree. As a psychologist also you know that people who have their confidence and their picture of themselves undermined on a systematic basis do lose perspective. They have a hard time seeing what they can and should do, so a victim mentality. If a person is convinced that speaking up is not going to be effective or that it's not necessary and that, really, what's happening isn't that bad or whatever, they start questioning their own judgment. They can. That is where having something like this would be really helpful. A lot of it is

saying: if you see or are aware of something that you believe is a wrongdoing, then you have the responsibility and the ability to go and speak about it and speak to somebody who, hopefully, would be able to support the person, the whistle-blower, in their thinking, maybe give them some added clarification. Maybe this is somebody who's a witness to or has been aware of the same concerns as the whistle-blower.

At any rate, that would be really important because it's that cycle of abuse, basically, psychological abuse. If a person is being bullied or harassed for a long period of time, it's very hard for them to step out of that situation that they're in, to be able to step out and look at it and say: that's wrong; that needs to stop. Anything we can do or anything that could be done – and I think this will help by giving more support to the whistle-blower – is good to help them have the ability to find out who to speak to and to start the process going.

Thank you.

The Deputy Speaker: Under 29(2)(a), the hon. Member for Lethbridge-East.

Ms Fitzpatrick: Yes. As you know, I worked for the federal government for nearly 33 years, and I was a union rep for about two-thirds of that time. I had – I can't tell you the exact number – many cases where harassment and bullying went on in the workplace, and when those members tried to deal with it, first of all in a very proactive manner, they found that they were targeted even more so because they were confronting really bad behaviour. I mean, eventually it reached a point where several members of the executive got suspended. They had to go through a process that took almost two years to get settled.

I'd like to hear from you – I mean, I think this legislation is awesome in that it's coming forward to try to protect from those kinds of things in the workplace – and I'd certainly appreciate knowing, again from a psychological standpoint: along with this whistle-blower legislation, how else can we protect employees when this kind of thing is going on in the workplace?

The Deputy Speaker: We're out of time. Sorry, hon. member.

I will now recognize the hon. Member for Edmonton-McClung.

4:10

Mr. Dach: Thank you, Madam Speaker, for the opportunity to rise today to speak to Bill 11. In my work history I've just been listing the number of places where I did work through some of my early work career. I started off listing warehouses that I worked in in my early teens, packing plants where I helped put myself through university, oil well service rigs north of Edmonton, seniors' long-term care. I was a master control operator at a community TV station, worked at numerous construction sites and also 30 years at a real estate office. Some might say, by reading all those, that I had trouble keeping a job in my early career, but actually they were mostly shorter term positions that helped me get through university, of course, culminating in 30 years of a real estate career.

However, in all those situations that I found myself working in, there were always instances where people during coffee breaks would rub shoulders with each other and talk about situations that they weren't comfortable with and want to know what they could do and who were fearful that if they did perhaps raise the alarm, their job would be at risk.

I know that in working as an oil well service rig hand, that was the most egregious place to work, that I worked at in 1982 or '83. Notice was given about three days beforehand that we were going to have an inspection of the rig, and you could see the binoculars of the rig inspector standing beside his car glint in the sunlight as he recorded the rig number to make sure it was standing, and that was

the extent of his inspection. I can tell you that that rig needed a serious inspection because when I was catching pipe and threading it in and the other fellow on the platform was greasing the threads, as it got close to the pipe that was already stemmed into the hole, there was an arc, a spark, at an open well, and it would happen every time we brought the two two-inch sleeve pipes together.

We'd been working for pretty much 72 hours straight moving one rig and putting rods down the hole, completing it off, and getting to the other site, and the push wanted to really get going and keep on moving. He said: look, just get this pipe, this sleeve, in the hole, and we'll shut her down for the night, and we'll fix it in the morning. It wasn't more than 10 minutes after that that the residual petroleum in the two-inch sleeve caught fire. I was right there, and luckily it was petroleum, an oil well, not a gas well. Otherwise, I probably wouldn't be talking here today. But people there didn't say anything. They were concerned about perhaps getting fired. And that's not the only safety incident there that people never spoke up about.

But as a result of that incident, we of course jumped right off the platform and ran for our lives until we got to the guy wires, and the fellow up in the crow's nest was screaming that he didn't have a cat line to get down, no safety line. We ran back, grabbed fire extinguishers, and tried to put the fire out, but not one of five fire extinguishers worked. So we ended up putting the fire out, an open flame at a wellhead, with rags. That was something that I don't think ever got reported to any type of authority at all. The rig did get shut down at that point, and, blow me down, they actually hired an electrician, who came out to fix the short in the lighting system that we relied upon to continue working into the night.

So that's one example in my working career where I can see how whistle-blower protection might have saved some lives, and I'm sure that's multiplied many times over in the past work histories of many other members of this Legislature. If they recounted stories from places they were employed at, they would probably come up with multiple stories of situations where they knew that things should be said about work practices or about how an operation was being undertaken, yet nobody said anything for fear of reprisal, for fear of losing their job. That was in the days of shoot, shovel, and shut up, where, in other words, you just kept your mouth shut and kept on working. That brings consequences, and it could have been my death as a result of that and that of many others who were working beside me on the same platform.

I know that after I think probably 10 weeks of working on that job, I would normally come home – and I was staying back at my folks' place for the duration of that summer. I'd finish the day working on that service rig, and I'd be covered in crude oil, so I know the smell of Alberta crude.

Crude oil doesn't wash off well with soap and water, so what you'd do in order to get the crude oil off you is turn to the pail of diesel fuel and some scrub brushes you had there. You'd wash the crude oil off with diesel fuel. To get rid of the diesel fuel, you had a pail of gasoline that you scrubbed off with. Then you went and showered, about a triple shower, and you could actually go home. When you got home, you stood your pants up at the door because they were crusty with crude oil from the day, and you'd hopefully pass muster for supper. You'd go inside and not smell too much like a refinery and have supper and crash in bed.

After about nine weeks of this job I went in to talk to my father – and I'd never actually quit a job before – and I told my dad: I quit that job today. And this is after reporting a few other incidents that included getting knocked off the platform into the sump and so forth. And he, to my relief, said: I'd have quit the darn thing two weeks ago.

So I had my experience on the service rigs and wished that there was somebody I could have spoken to and raised the alarm. Many of those people that I met in that service rig industry were missing digits, missing fingers, had caved-in faces, severe injuries that deformed them for life, that nobody really could say anything about and didn't in those days.

It's changed significantly now. There's no bravado, you know, about weathering through dangerous situations. The safety situation is much better. I think that had we had legislation like this back then, you would have seen those occupational safety issues taken care of much more rapidly because people would feel that they could come forward and report wrongdoings in terms of safety or other improper practices without repercussions hanging over their head that they might lose their job, lose their way of supporting their family as a result of doing the right thing, which is basically protecting their lives and that of their other workers and other workers down the road who might replace them later on.

This type of legislation has been a long, long time coming, and I support it wholeheartedly. I support the changes that the legislation makes in terms of how MLAs, ministers, and the Premier can all be investigated when an accusation of wrongdoing is made to the Public Interest Commissioner. So it applies right across the board, top to bottom, throughout the whole workplace in the province, Madam Speaker. Right now no other jurisdiction in Canada has whistle-blower legislation that applies to MLAs in the way that this legislation would apply. Ontario is the only jurisdiction currently that covers ministers. If this recommendation is accepted, it will make our government one of the most honest, transparent, and accountable governments in Canada.

We also know that not only are there wrongdoings in regard to gross mismanagement of public funds, assets, or service delivery, but there also might be cases where public trust is being violated through egregious or systemic bullying or harassment. One of the things that this new legislation does is to define gross mismanagement. In regard to bullying and harassment in the workplace this new act would allow the Public Interest Commissioner to become involved in some cases.

There are already a range of remedies for this like human rights legislation, employment law, and collective bargaining tools. However, this new legislation would allow the Public Interest Commissioner to step in if any of these other processes have been exhausted. Now, it would have been great during my stint on the service rigs and in other jobs that I had if there was a guideline as to how to go about blowing the whistle if you saw improprieties, how to respond to those people who talked to you in the lunchroom, to give them some advice as to who to approach and what method they could take to perhaps save somebody's skin in the workplace or make sure that a bullying situation was taken care of.

4:20

Currently each government department or public-sector entity has a designated officer to handle whistle-blower complaints. A potential whistle-blower has to report to a designated officer before a wrongdoing will be investigated, and they're not protected from reprisal until that time. This new legislation would improve the reporting process and ensure that whistle-blowers are protected when they need it. This new legislation does help that process by allowing whistle-blowers to approach their supervisor or the Public Interest Commissioner directly. Also, this new legislation means that whistle-blowers will be protected from reprisal as soon as they approach their supervisor, not have to wait until the designated officer is informed.

Now, as far as investigating the whistle-blower complaints, something that would have been unheard of in my oil patch days,

never mind being able to come forward with the complaint in the first place without probably getting sacked the moment you opened your mouth, we know that the whistle-blower coming forward with an allegation is only the first step in the process. We're proud that this new legislation will also strengthen the commissioner's ability to conduct investigations.

For instance, the commissioner will be authorized to go to an employee's workplace, to view records on-site, and the commissioner's power will be made equivalent to the Auditor General's ability to get at pertinent information. Also, the burden of accessing the information will be more equitably shared with the commissioner on-site, to review documentation instead of requiring the affected agency to deliver the information to them.

When you look at how widespread this legislation is, you should note that contractors, delegated service providers, and physicians, as the Member for Edmonton-Whitemud alluded to, were something under consideration during the select special all-party ethics committee. They did a lot of work on this bill, and I want to acknowledge the hours that were spent by many members thinking about this legislation and in preparing a well-prepared final report. One of the things that the committee talked about was that contractors hired by the government and some delegated service providers such as some physicians and some nursing home operators do not currently fall within the scope of the act.

This government supports the idea that this act should extend to some of the service providers who provide services paid for with taxpayer money. However, it's also very important that everyone takes the time to review and consider which services should be included and how they should be included. Our government supports the part of this new legislation which would consult with government contractors and delegated service providers to see how best to move forward without stepping over the line into the private sector. One of the recommendations of the all-party committee was to ensure that these regulations do not affect the private sector, and our government supports the committee's recommendations on that.

Now, Madam Speaker, in order to make this legislation effective and in order to create an atmosphere where whistle-blowers feel secure coming forward, it is critical that their identity be protected. In the existing legislation it is already clear that FOIP does not apply to records held by the Public Interest Commissioner. However, there is an exception to this, and that is when a designated officer initiates an investigation rather than the commissioner. In that case, it is possible for a third party to submit a FOIP request asking for records connected to the investigation. This is not a secure situation for the whistle-blower, and the new legislation will ensure that the name of the whistle-blower and other identifying information is exempted from FOIP requests. The new legislation will also require that more details be reported annually by the Public Interest Commissioner.

Thank you, Madam Speaker.

The Deputy Speaker: Are there any questions under Standing Order 29(2)(a)? The hon. Member for Fort Saskatchewan-Vegreville.

Mrs. Littlewood: Thank you, Madam Speaker. I was just wondering if the member would care to expand more on what he was about to say, I think, about the expansion of the reporting, please.

The Deputy Speaker: Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. Thank you for the opportunity to continue with the conclusion of my remarks. Everybody in the Chamber and everybody in the public knows that

most whistle-blowers merely want to help fix mistakes and make things right. I'm proud of this legislation, that I hope will make legitimate whistle-blowers feel more secure in coming forward with their concerns. Everyone in this Chamber can agree that when it comes to public money and resources, opportunities to identify and correct mistakes should be welcome. I'm confident that this legislation, if passed, will help make that happen and help to protect those who come forward. This is just one way that our government is working to make life better for all Albertans and increasing the transparency and accountability of the public sector. I support this legislation, and I hope that everyone else in this Chamber does as well.

Now, as you know and as we've alluded to previously, on June 25, 2015, the Legislative Assembly passed Government Motion 12, which appointed the Select Special Ethics and Accountability Committee, an all-party committee made up of 17 members, to review the Public Interest Disclosure (Whistleblower Protection) Act along with other bills. This all-party committee put forward a number of recommendations, all of which were seriously considered, and the work of this committee has been commended by others in this House and was really put forward as an example of how members of this Legislature can really complement each other and work together to come up with legislation and recommendations around legislation that benefit a wide cross-section of Albertans when it comes to not only this matter but all types of legislation that we as committee members, as legislators are asked to comment on.

Some of the recommendations are incorporated into the legislation, and some are not. But I think that the general consensus about the work of that committee is that it was a very, very fine example of how positively we can work together and how we can really have some great results coming from a truly nonpartisan effort at seeking solutions to problems that face Albertans that are better tested in arguments that are seeking the truth rather than seeking partisan gain.

Now, the all-party committee recommended that the legislation be expanded to contracting entities. At this time we are accepting the all-party committee's recommendations, but much more work needs to be done to determine how to cover public-sector services carried out by third parties without stepping over the line into the private sector.

There are new penalties under the legislation that are contemplated if it's passed. The current act already establishes strict penalties of up to \$25,000 for the first offence and up to \$100,000 for each subsequent offence. Offences include the following: committing a reprisal; withholding information or making a false or misleading statement or counselling or directing another person to do so; obstructing, counselling, or directing another person to obstruct any individual acting in an official capacity under the act; destroying, mutilating, altering, falsifying, or concealing any document or thing that may be relevant to an investigation or directing or counselling another person to do so. There are no new penalties although whistle-blowers who are subject to retaliation would now be entitled to remediation as determined by the Labour Relations Board.

Now, if whistle-blowers go to the media rather than the commissioner – people have asked whether there's protection if they go to the media rather than the commissioner or their designated officer. Now, the act has a formal disclosure process for this.

Thank you, Madam Speaker.

4:30

The Deputy Speaker: That concludes the time under 29(2)(a).

Any other hon. members wishing to speak? I'll call on Athabasca-Sturgeon-Redwater.

Mr. Piquette: Thank you, Madam Speaker. It's my privilege to rise in the House this afternoon to speak to Bill 11, and I'd like to speak in favour of this bill. I think this is something that is building on existing legislation in a very constructive and positive way and one that's going to provide better – well, I mean, a couple of different things: one, I think it can provide one more tool to ensure that, you know, toxic workplaces aren't tolerated within government; secondly, I think it's critical, as these type of measures are, to improving our democratic practice in this province.

I'll talk first about sort of the expansion to allow the Public Interest Commissioner to investigate a wider variety of wrongdoings, including some forms of mismanagement but also, in particular, bullying or abuse of human resources. Now, of course, there are different pieces of legislation as well as workplace regulation that would address these types of issues. Even within the Legislative Assembly Office – right? – we have our respectful workplace policy and assorted directives.

Now, with these types of chains of reporting, there's always a concern that you might have individuals that, because of the widespread and systemic nature of the abuse that might be occurring, would, you know, feel constrained from reporting to their direct supervisor or even one or two steps up that chain and be fearful of reprisals if they do so, both overt – but, of course, these aren't always overt. There are other sort of covert ways to be able to get back at people who are breaking silence over various abuses of power. I think this is something that is going to be one more tool, that will allow another channel so they can go to the Public Interest Commissioner if it's relevant and at the same time be guaranteed that they'll be protected from reprisal from that very moment. I think this will really help get some respect because with these systems, people do have to feel protected, the vast majority of people that might be willing to step forward.

I mean, this is something, I guess, alluding to prior occupations, but I did do consultation and training on respectful workplaces for the city of Edmonton. There were some times when I would have individuals approach me, and they were a bit cynical about the process. They had multiple channels to go through but said: well, it will get back to the abusers, and it's just not worth it for us. So just one more channel is an important one to be able to get at it, especially where you have a toxic workplace. They don't tend to be issues where you have one or two – you know, if it's one or two people that aren't following proper behaviour with their colleagues, that's one thing, but when you have systemic abuse, it seems to erode. So I think it will be useful that way.

Secondly, I was saying that it's important for democratic practice. I mean, I just looked it up. It's a common quote – I think it's from Justice Brandeis – that sunlight is the best disinfectant, right? This is something that, you know, I mean, I had one of my colleagues – he's not in the House today. Oh, God. I didn't say that. Yeah. You could strike that. One of the hon. members – I didn't mention the name, so it's okay – liked to refer to *Firefly*, *Star Trek*.

I'm thinking of a historical analogy, and that's with Gorbachev and the whole movement of perestroika and glasnost in the then Soviet Union in the 1980s. The reason why you had perestroika and glasnost – now, perestroika, of course, referred to restructuring, and glasnost referred to openness. Looking back, in retrospect within Russia today and within, you know, countries like China, Gorbachev has been roundly criticized. He was criticized, saying: well, this was destructive, and all we needed to do was just economic restructuring, so what was the whole point of this whole glasnost thing?

But if you look back at that time, I mean, you know, for the reformers within the old Soviet Union, glasnost had to come first. Why did glasnost have to come first? For the simple reason that without openness, without having people be able to stand up and let officials know what was really going on, it was impossible to reform, right? How can you make informed decisions as a democratic society if you don't have the actual facts of the matter at hand? When you have an environment where there is abuse of power, where there is abuse of privilege, and where you don't have individuals feeling safe to be able to stand up to it, not only do those continue; they can continue despite the best of intentions by those in power for the simple fact that they're not aware that they're happening because people are afraid to tell.

That speaks, I think, directly to being able to govern well. How can you govern well if you're making decisions based on things that aren't actually true? You have your tools, and you're using your tools to the best of your ability to fulfill your mandate, but those tools are defective, and nobody will tell you because they're afraid to. This is something that faced the old Soviet regime. This is something that might surprise people, but when it collapsed, it came as a huge shock to a lot of people within the politburo, within the Supreme Soviet. They were shocked because they thought that things were going just great. I mean, there's an anecdote about Yuri Andropov where, I think, one of his children was saying that, you know, as far as he was concerned, everything was fine in the Soviet Union, but it's because all he could see was what he could see through the windows of his Chaika limousine when he was going from his home to the Kremlin.

Now, I don't want to necessarily compare our predecessors here to the old Soviet regime, but definitely I think sometimes – and I'm sure members of the opposition would agree – I mean, this is a province where we could have used a little more glasnost at certain points than we had. So I think that this is definitely something that's going to help all of us be able to have a better understanding of what the real situation sometimes is and then be able to make better decisions as a consequence.

I mean, it just sort of speaks to why free speech is so important on a pragmatic level. I want to refer to the philosopher John Stuart Mill, who I know is popular amongst some of my colleagues across the floor here mostly for his economic arguments. But sometimes people lose the moral arguments and even the epistemological arguments that he made around the importance of people being able to speak freely without fear of repercussion. According to Mill, really it's the only tool you have to be able to get at a sense of collective truth. By silencing certain parties for whatever reasons but in particular for fear of repercussions, you're actually preventing the ability to get at what the truth of the matter is, and that has grave pragmatic consequences, right? You know, it's like going back – I mean, you make these decisions based on an understanding of what the situation is, but it's a skewed understanding because you're only getting part of the story, right?

4:40

That's why I think this is something that we shouldn't be afraid of because there might be concerns, you know, from all of us on just how radical this expansion is. It is a radical expansion of whistle-blower protection. I think it's something to be commended. By "radical" I mean something that's a real change, and that's having political staff included within the legislation. That's something that I think would be wrong. But I think we're pretty unique in that in the country if we're going forward – I'd like to commend the committee for bringing that type of suggestion forward.

Not only is that going to make sure that we're – you know, if one of us is acting in a way that's untoward, that's unacceptable, that's an abuse of power, there's a better chance we'll be able to be held to account. It'll also create, I think, a more open environment. Like I say, sunlight is the best disinfectant. If all of us go forward with the understanding that if we act in a way that fits within the definition in the legislation, that is considered abuse, we too can be held to account, we too can face investigation. In that sense there aren't any little corners where you can avoid the sunlight, where you can do things in the darkness, which is where you tend to do things you don't want people to find out about. I think that by extending protections to more employees, including staff in the office of the Premier and ministers and MLAs, that's definitely a positive step.

Now, that being said, of course there are certain, you know, things that are legitimately kept secret. There are some types of discussions and conversations where if it's totally public, the people within it can't feel free to express their true opinion. It's a constraint on information necessary to making decisions as well. I'm speaking, of course, about parliamentary privilege and why that has developed over time. I mean, this is something that's developed over the centuries, and it's to make sure that with all this there is a space where we can speak entirely frankly. Now, that's about talking, about advice, that type of thing. I think we can protect that while at the same time making sure that how we treat people and how we treat our powers are subject to that disinfectant when they come out.

It's for these reasons that I'd like to commend once again the committee for, I think, putting together a good, balanced package, something that's very progressive and, hopefully, maybe an example to other provinces because I know that there are other provinces that weren't actually as far ahead as Alberta was even before this legislation. Hopefully, it'll serve as an example to some of the dawdlers so that, you know, everyone across the country can benefit from more open government, more transparent government, where nobody is considered to be above the law or is above reproach.

Thank you for listening to my points. I welcome any questions if you might have some.

The Deputy Speaker: Under Standing Order 29(2)(a), the hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Hanson: Thank you very much, Madam Speaker. You had mentioned a little bit of Soviet and Russian history in your comments there. It was brought to my attention that when the Holodomor memorial display was out front, some of the presenters there: you actually questioned their accuracy. I was wondering if you might want to comment on that.

The Deputy Speaker: The hon. member.

Mr. Piquette: Yeah. It's not germane, but with your indulgence I can reply to the question. The presenter was saying that the gulag prisons had just been closed in the 1980s, and I corrected the presenter to say that they were actually closed under Khrushchev in the 1960s.

The Deputy Speaker: I would urge you, hon. members, to keep your questions relevant to the topic at hand.

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

Seeing none, other speakers to the bill? Edmonton-Ellerslie.

Loyola: Thank you, Madam Speaker. As always, it's a pleasure to get up in this House and speak to a bill and share my thoughts

although I know that not all appreciate it when I get up to talk. But I'm sure the present members appreciate every word I have to say.

Dr. Turner: We do.

Loyola: Thank you. I appreciate that.

It gives me great honour to speak specifically about Bill 11, the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. As we speak about this bill, I think it's very important to highlight those two first words: public interest. What is in the public interest? And how is the work that public servants do day to day for all Albertans a way that they are part of building the great society that we have here in Alberta, in this province? Their day-to-day contributions do exactly that, protect the public interest of all Albertans. We can't forget that that is the primary objective of this bill, the public interest.

The public interest is served through our democratic system, and it's so important within a democracy that there are opportunities for checks and balances. Being an individual that came from a country which established a military regime, a military dictatorship, you can only guess how important it is for me to support democracy and not only to support the process of every four years electing representatives specifically to this House but also that constituents play an active role in participating in their democracy day to day.

We can't forget that public servants are constituents. They're doing their best to make sure that all Albertans get the services that they require, and they're part of that democracy. The hard work that they do every day is part of making sure that we have a strong democracy, and I think that we forget that. Now, you could call me biased. My wife is a public servant. I know many public servants, and I'm sure many of you in this House know public servants, but I think that we forget to appreciate the hard work they do day in, day out in order to contribute to our democracy and to make sure that Albertans are served well by that democracy.

Before I continue, though, I want to go into a little bit about culture because I remember working on the committee, and I remember how important it was for me to speak directly to the issue that what we're trying to do here is to create a paradigm shift. Up until this point, under the previous legislation and until this passes, that piece of legislation had holes in it. Public servants didn't feel a hundred per cent confident to come forward and disclose if there was gross mismanagement happening within a department or ministry. The reason for that is because in the legislation there isn't specifically the issue of how reprisals were going to be addressed. I'm going to get into that a little bit later on. I don't want to forget that we're talking about culture here.

4:50

Now, as a student of anthropology at the University of Alberta I'm proud to say that culture is something very important. A lot of people when they hear the word "culture" think ethnic diversity. My culture: these are my dances, and this is my food, you know? But culture goes even deeper than that, to the subcultures that we have within our different ethnic groupings, and at the base of that are the values and principles that we so intimately hold. That is the true foundation of our culture, the things that we hold dear: family, hard work, making sure that things are fair, that all are treated fairly in our society and our community, that everybody has the same opportunities that everybody else does, and that when we see barriers for some people when it comes to accessing those opportunities, we're going to do something to change it.

Now, that's what our government is all about, and we've been working so hard over the last two years to address those things. I want to talk about the culture that existed in this province for more

than 44 years, and at the risk of boring some people, I'm going to go all the way back to colonization. Let us not forget that this fine country that we call Canada was established by the Hudson's Bay Company. It was established as a corporation. The English had the Hudson's Bay Company, and of course the French had the North West Company, but the prime objective of both those companies was to extract resources from this land so that they could send them back to Europe. Now, of course, the majority of those were furs, as we well know, those of us who know our history and those who have had a chance to visit Fort Edmonton or Fort Calgary or all those wonderful historical interpretive centres that we have here in the province of Alberta, that tell the Alberta story so well.

But rooted deep in that story is a tendency for authoritarianism, not only authoritarianism but specifically colonization and, within that colonization, also patriarchy. Yes, I said it. Patriarchy. All of that has contributed to a strong foundation that has made Alberta the place it is today. Now, of course, Alberta has many, many wonderful things about it, but if we want to make Alberta better, we need to address those aspects of our culture that aren't good, and colonization is something that we need to focus on, of course, colonization and what happened in terms of marginalizing specifically the indigenous people here in the province of Alberta.

You know, I remember the hon. member across the way in the Indigenous Relations estimates specifically speaking to the fact of: how come we don't have more indigenous people working in the Ministry of Indigenous Relations? Great question. But it's not something that we can simply fix by saying: okay; well, now we're just going to go hire more indigenous people.

Mr. Hanson: Just one would be good.

Loyola: One would be good, yes. And my understanding is that they have hired one.

It goes deeper than that. It's about understanding the historical injustices that occurred in the past and trying to address those issues and not only that but also understanding and sharing in a wider understanding of how indigenous people and settler colonialism can work together in order to make this province a better place.

Of course, the base of that is the treaties. Now, I'll remind people – and, hopefully, there are people watching us at home that I'll be able to help remind – about the treaties. So many people think – and I'll be honest with you; this is even a misconception that I had until I learned otherwise – that the treaties allowed indigenous people to have their reservations. When I was younger, when I was in high school, that's what I thought because that was the history that was being passed down to me. That was the narrative that was being passed down to me as a new Canadian immigrant coming from that particular background. I think that many other people shared that misconception of what the treaties meant. But, of course, as I'm sure many of the members here in this House understand, the treaties aren't that.

The treaties said that, yes, these reservations were going to be set aside so that indigenous people could live and that we would share the rest, that we would have a shared responsibility to make sure that the wealth of this province and this nation would be shared equitably by all who call it home. Already right there you can see that we have this disjointed culture. Settler colonialism understands it from a different perspective. They thought: "No. We're going to come in, and we're going to develop. We're going to create our urban centres, and we're going to benefit from the wealth. The indigenous people can be there on their reserves, and if they want, hopefully, they can adopt the same agricultural methods that we use," not understanding the traditions of indigenous people here and

not only not understanding them but just being reluctant to even fathom how both cultures could get along.

Now, you may be wondering: “Okay. Well, this bill is the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. Why is he talking about colonization?” But I think I’ve made a really good argument to establish how the misunderstanding of our cultures has led to where we are right now and why there aren’t more indigenous people in the public sector. We need to make sure that the public sector mirrors the Alberta population, that we have more people who are ethnically diverse working in the public sector and not just at the bottom rungs but also higher up. I’m proud that our government is addressing that. Slowly we’re getting there with time.

I also talked about patriarchy. We wouldn’t need a ministry for the status of women if patriarchy weren’t a reality. Now, I’m so proud to be part of a government that has established a Ministry of Status of Women, that not only established the Ministry of Status of Women but is already doing the analysis on how many women are in the public sector and in what roles within the public sector. When you look at the data and you analyze the data, you start seeing that there are not many women in the upper rungs of the public sector, in director positions, assistant deputy ministers. There are some but not as many as there could be. Through the Ministry of Status of Women they’ve established a women’s leadership program so that the women who are interested in moving into those leadership positions within our government can do so. This is how we build a strong democracy, by making sure that those who didn’t have access before have access now.

Now, these people, as I stated at the very beginning, are the people who work so hard to make sure that our democracy and the services that we provide Albertans may be the best that we can offer the citizens of this fine province.

5:00

The Deputy Speaker: Under Standing Order 29(2)(a), the hon. Member for Calgary-Hawkwood.

Connolly: Well, thank you very much, Madam Speaker. The member was, well, just kind of beginning his speech about the patriarchy and how that influences this legislation and at the lower end kind of a whole servant-master type of ideal, so I was wondering if the member could expand on his ideas about patriarchy and women’s rights and how it influences this legislation.

The Deputy Speaker: Edmonton-Ellerslie.

Loyola: Thank you very much, Madam Speaker, and thank you to my hon. colleague for asking such an important question. Of course, as a man I’m a hundred per cent aware that there are women in this room that don’t need me to explain it to them because they live it every day. I would consider myself a newbie when it comes to understanding patriarchy because I’m not the one that has to live it every day and feel the effects of it, but I’m glad to be part of a caucus where there are incredibly strong women who share their experiences with me so that I may learn about the realities that they have to face.

It’s really interesting that when you look at the public sector, you see that there is a majority of women – right? – but those women are not in positions of power. Add that now to the fact that under previous legislation people felt reluctant to come forward and, quote, blow the whistle. So if you’re a woman in a system plagued by colonialism, plagued by patriarchy, how likely are you going to be to come forward and blow the whistle and not fear that potentially you could be fired for doing so?

Now, I’m not talking about what would really happen. I’m talking about perception here based on historical reality. We all see what’s going on. We all see the structures around us. We all know how gender, sex, and our ethnic makeup are part of the aspects of our society. I’ve heard it many times from people who are ethnically diverse. They come and say to me: “Well, you know what? I’m a little bit afraid to say what’s going on here. I’m a little reluctant to come forward because I’m afraid I’m going to lose my job.” If there’s one aspect of Bill 11 that is so great in terms of what we’re trying to do here in this province, it’s exactly addressing that: protecting whistle-blowers against reprisals.

I remember fighting so hard for it in committee along with many of my colleagues both on this side of the House and that side. We all agreed that there needs to be a way to protect us so that we can build a culture that’s going to strengthen our democracy as we move forward. That’s what it’s about at the end of the day. Let’s not forget. I go back to my opening remarks that this is about strengthening our democracy. This is about making sure that when people that work in the public sector see gross mismanagement, whether it be financial gross mismanagement or human resources gross mismanagement, which is now included within the amendment act before us today, someone can come forward and feel confident that they will not be reprisal against. Even if they should be so unlucky as to have a reprisal against them, we’ve set it up so that we can make sure that they would receive a reward if they’ve had to go through a process like that. We want to make sure that we have a culture... [The time limit for questions and comments expired]

Thank you.

The Deputy Speaker: Any other hon. members wishing to speak to Bill 11? The hon. Member for Calgary-Hawkwood.

Connolly: Well, thank you very much, Madam Speaker, and thank you to the hon. Member for Edmonton-Ellerslie for speaking. It was a very insightful speech. I really hope that everyone was able to pay close attention, as I am sure all members do whenever any member of the House rises.

I’m very proud today to stand in the House in support of Bill 11, the Public Interest Disclosure (Whistleblower Protection) Amendment Act, 2017. This legislation will better protect employees already covered by the whistle-blower legislation, and it will increase the number of people who would be protected, like staff in the offices of the Premier and ministers as well as all MLAs no matter where they stand in the Legislature. I’m really proud to be part of a government that is making life better for Albertans by renewing democracy in the province.

This isn’t the first bill that we’ve done to renew democracy and really improve our province. I mean, our first bill was to ban political donations from unions and corporations. After that, I was very proud to support the Fair Elections Financing Act, which helped to make sure that good ideas and everyday Albertans decide elections and not big bankrolls and deep pockets. This whistle-blower legislation amendment act would build on those successes, Madam Speaker, and further the principles of open government in Alberta by increasing accountability, ethics, and transparency.

Whistle-blowing is not something new. It’s been around since, really, the dawn of time whereas always people who are the general workers who believe something wrong is happening, whether that be in a corporation or in a government or basically anywhere – I was just looking up some history online, and I found one from 1777 even, with Samuel Shaw along with a third lieutenant, Richard Marven, who was a midshipman. Shaw was a key figure in the passage of the first whistle-blower law passed in the United States

by the Continental Congress. During the Revolutionary War the two naval officers blew the whistle on the torturing of British POWs by Commodore Esek Hopkins. Of course, as everyone obviously knows, Esek Hopkins was the commander-in-chief of the Continental Navy. The Continental Congress enacted the whistle-blower protection law on July 30, 1778, by unanimous vote. In addition, it declared that the United States would defend the two against the libel suit filed against them by Hopkins.

As everyone knows, it's very difficult, whether you're a lieutenant or a midshipman or even just a general worker in a company, to file something against your superior, especially if it's the commander-in-chief of the entire Continental Navy. So that's really where modern whistle-blower protection came from. It was because the Continental Congress at that time was able to pass legislation unanimously, and that didn't happen very often. There was a lot of piddling and twiddling and resolving in the Continental Congress, if anyone was aware. I don't know if anyone in the opposition was alive back in 1778, but I certainly wasn't. I'm very proud of what we've been able to accomplish thus far and to see how far whistle-blower legislation has come.

5:10

Even in 1984 there was a huge blow-up in the Canadian government when a Canadian civil servant reported to his chief, the top Canadian civil servant at the time, that the minister of defence under Brian Mulroney, Minister Robert Coates, had visited a West German strip club while on an official mission, with NATO documents in his possession, thus creating a security risk. While Coates was asked to resign from cabinet by Prime Minister Mulroney at the time, he also fired Duncan Edmonds and made him a *persona non grata* in government circles.

In reality, making sure that people in government who do come forward are given the rights of protection is incredibly important because we've seen – when was that? – 20, 30, 40 years ago, in the '80s, even as recently as then, that people who did come forward as whistle-blowers were still symbolically crucified by governments and by ministers and even by Prime Ministers. It's very important that we read this legislation and that we support the legislation as one of the biggest fears of employees and one of the reasons they don't come forward is the fear of reprisal by their employers. There is some protection with regard to that once this bill is finally passed. Right now any employer in the public sector can be prosecuted for punishing an employee who exposes a wrongdoing, but there is no mechanism in place to determine what kind of restitution should be made to the whistle-blower if they are the subject of such an unlawful punishment.

I'm really proud to say that the new legislation would enable the Labour Relations Board to order remedies when there has been a reprisal and that the board may decide that the whistle-blower deserves to get their job back if they've been fired or that they might be entitled to compensation. In the end, it will be up to the board to decide what is appropriate, and the board's order would be enforceable like a court order.

Our government hopes that these changes will encourage whistle-blowers to feel safe in coming forward because that's really the most important part. People won't come forward unless they know that they're safe in doing so. Some people will. Those people are fabulous, and we really appreciate them. However, many people won't because they're afraid of losing their jobs. They're afraid of their previous employers or even government coming back to them, as happened with Duncan Edmonds in 1984. They're afraid of what could happen. So making sure that that's explicitly in the legislation, that they won't lose their job, that they do have protections: that's really what's important.

I'm really happy that the act now expands to ministers and MLAs because another problem with the old legislation is that it didn't protect political staff who were working in ministers' offices and premiers' offices. As well, Madam Speaker, members of the Legislature weren't covered at all under the previous legislation. This is simply not right. As Members of the Legislative Assembly in this province we should be leaders when it comes to ethics and accountability, not people who are excluded from being held accountable, whether that's our staff or even managers in our offices, so I very much support the changes that this legislation makes in these areas as well.

If passed, this bill will mean that MLAs, ministers, and the Premier can all be investigated when an accusation of wrongdoing is made to the Public Interest Commissioner. Now, we know that this has been the subject of parliamentary privilege, and matters regarding parliamentary privilege would still be ruled on in the Legislative Assembly by the Speaker, of course. This is where Alberta will once again be a leader, Madam Speaker, because right now no other jurisdiction in Canada has whistle-blower legislation that applies to MLAs in this way, and Ontario is the only jurisdiction that covers ministers.

I'm really proud to see Alberta as a leader when it comes to ethics and accountability. It's something that we haven't seen, really, for decades, even centuries, I'd say. If this recommendation is accepted, it will help make our government one of the most honest, transparent, and accountable governments in Canada, and that's not only the front bench, Madam Speaker. That's the back bench. That's the opposition. That's every single last Member of this Legislative Assembly. I'm very proud to see that coming forward.

We also know that not only are there wrongdoings in regard to gross mismanagement of public funds, assets, or service delivery, but there also might be cases where public trust is being violated through egregious or systemic bullying or harassment. I know I've spoken to many public servants who have been bullied and who are always afraid of coming forward as a whistle-blower.

One of the things that this new legislation does is to define gross mismanagement, and in regard to bullying and harassment in the workplace this new act would allow the Public Interest Commissioner to become involved in some cases. There are already a range of remedies for this like human rights legislation, employment law, and collective bargaining tools. However, this new legislation would allow the Public Interest Commissioner to step in if any of these other processes have been exhausted, and that's something that we haven't seen in the previous legislation.

I'm really glad it's coming forward, as it is a very touchy subject for many public servants. There is gross bullying, and really it can be quite widespread. So allowing staff to come forward saying that there is bullying being done in their workplaces is something that I'm really proud that we're finally bringing forward. It's really a shame that it didn't come forward before because it has happened for eons. I'm really glad that this is finally going to be in the legislation.

Finally, this new legislation would also improve the reporting process and ensure that whistle-blowers are protected when they need it. Currently each government department or public-sector entity has a designated officer to handle whistle-blower complaints. A potential whistle-blower has to report to a designated officer before a wrongdoing will be investigated, and they are not protected from reprisal until that time. But this new legislation will help the process by allowing whistle-blowers to approach their supervisor or the Public Interest Commissioner directly, and that's really an important tool that public servants will finally have.

I know when we talked to the Public Interest Commissioner at the Select Special Ethics and Accountability Committee, that was

something that he had directly stated was needed because many people do try to come directly to the Public Interest Commissioner; however, before that was never an option. So I'm really glad we have this in the legislation as well. Also, this new legislation means that whistle-blowers will be protected from reprisal as soon as they approach their supervisor and will not have to wait until the designated officer is informed.

This entire bill is really bringing our whistle-blower legislation into the 21st century, and I'm proud that we will finally be a leader in this respect. I'd like to thank you, Madam Speaker, for giving me some time to talk about this bill.

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

Seeing none, are there any other speakers wishing to speak to the bill?

Seeing none, are you ready for the question?

[Motion carried; Bill 11 read a second time]

5:20

Bill 12 New Home Buyer Protection Amendment Act, 2017

The Deputy Speaker: The hon. Minister of Municipal Affairs.

Mr. S. Anderson: Thank you, Madam Speaker. We are here today to debate the merits of Bill 12, the New Home Buyer Protection Amendment Act, 2017.

I have to say that over the weekend I had the pleasure to speak with a lot of folks in my area who had heard about the bill and thanked me for introducing it. I'll be honest. Many people were actually shocked that this wasn't already in place to protect Albertans, and I think that shock comes from Albertans wanting and expecting their government to stand up for them and have their backs when they're making one of the largest, if not the largest, investment of their lives.

You know, on this side of the House we believe in a few simple things. We believe that a government should be working to make life better for Albertans every day that we walk through these doors of this Legislature, we believe that we can protect and promote smaller builders who get undercut out of the market by fly-by-night companies, and we believe that Alberta families should be able to make informed decisions and be protected when investing in their future home.

Again, what seemed to surprise a lot of the constituents I spoke to this weekend is that there are no specific requirements for the residential construction industry in Alberta. This leaves the government of Alberta with little recourse to stop a bad builder from building even if they have a documented history of fraud, have weak finances, or no credentials, and this could happen to any Albertan. Many of the folks I have spoken to since introducing this bill either had a personal story to share or had a friend or relative that may have encountered this. Even the most proactive Albertans struggle when trying to find information on the financial standing or build history of a prospective builder. So it is with great pride that I stand here to speak to this bill.

If passed, builder licensing will reduce the risk prospective homeowners face by establishing a licensing system for home builders, providing homebuyers with a single source of information on builders, and creating provisions to remove or suspend bad builders in order to protect people from negligent or unscrupulous businesses. We want to see that Albertans are empowered to go with trustworthy builders to construct their homes and that Albertans are better protected.

There are many excellent builders in Alberta, the vast majority of whom work hard, are professional, and build safe and beautiful homes. Under this new framework good builders will no longer be competing with fly-by-night companies that come in, cut corners, and undercut smaller builders out of the market. With builder licensing all builders will need to disclose their corporate history, build experience, financial claims, and any court proceedings in their licence application.

The new-home buyer protection office in my department will review applications for court proceedings, outstanding bankruptcies, orders and administrative penalties under the New Home Buyer Protection Act and Safety Codes Act, and make a determination on whether or not to issue a licence. Key criteria for rejection or removal of a licence would include instances of fraud, risk exposure due to pending bankruptcy, a builder grossly misrepresenting himself or herself, or licence rejection or removal in other provincial jurisdictions.

A licence will be suspended in instances of noncompliance with New Home Buyer Protection Act orders or administrative penalties, patterns of outstanding Safety Codes Act orders or violations, or patterns of financial court claims. Other criteria that would be considered as potential grounds for suspension would include violations under the Fair Trading Act, occupational health and safety standards, employment standards, workers' compensation orders and violations.

Builders who receive their licence will be added to the new public online registry of licensed builders. The online registry will allow consumers to look up corporate histories, build histories, and financial records and allow them to track these over the years. This will provide consumers with a single source of information, a one-stop shop, to help Albertans make informed decisions. It will also promote the many experienced and trustworthy builders in Alberta.

When we consulted with Albertans about this over the winter, we heard overwhelmingly from the 1,200 Albertans who took the survey that nearly 80 per cent supported the idea of licensing builders. We also held 11 engagement sessions across the province to talk with key stakeholders about builder licensing. Working with the Canadian Home Builders' Association and smaller independent builders along with other industry leaders like the Canadian Condominium Institute, we developed a licensing framework that works to protect consumers while promoting the work of great builders.

Currently 75 per cent of Canadians enjoy the benefits and protections of a licensing system in Ontario, B.C., and Quebec, and Manitoba is currently developing their framework and plans to have theirs online for 2018. Not having one means that Albertans have less consumer protection right now than the majority of Canadians. One of the reasons that I'm proud to work for this government is that we just don't settle for average.

What would make our licensing framework unique in Canada is the integration with our home warranty program. Other jurisdictions have different governing bodies that issue their permits, their licences, and their warranties. If there's a failure of communication, this can result in a building receiving a building permit before they even receive a licence or a warranty.

By amending the New Home Buyer Protection Act and tying our licensing framework to our warranty program, we would create a system of checks and balances that protects consumers from falling through the cracks and promotes the builders with great track records. While builder licensing will offer new-home buyers proactive protection when looking to build a new home, the new home warranty program will continue to protect new-home owners after they've moved in. This integration will require home builders to receive a licence before they're able to apply for warranty

coverage. Both the licence and a warranty will then be required to receive a building permit.

This is another example of a made-in-Alberta solution that other provinces are taking notice of. This bill comes from a coalition of Alberta builders, home sellers, homeowners, tradespeople, and government officials working together collaboratively to ensure that this framework comes together in the best way to protect Albertans and the residential home building industry.

As I said, I'm proud to stand here today to move and speak to this bill.

I look forward to the debate on the bill, and I look forward to answering any questions as they come up. Madam Speaker, Albertans deserve a government that protects consumers while promoting great businesses, and that's what we're doing.

I'm looking forward to some of the discussion involved. I've received a lot of positive feedback over the few days since I introduced the bill. You know, that was on Twitter, that was on Facebook, that was phone calls, and in my constituency. So I'm looking forward to hearing more positive stories from people out there. Like I said, any questions or things that I can clear up, I'd be happy to do so.

Thank you, Madam Speaker.

The Deputy Speaker: The hon. Member for Livingstone-Macleod.

Mr. Stier: Good afternoon and thank you, Madam Speaker, and good afternoon, everyone. It's my pleasure to rise this afternoon and speak a little bit about Bill 12, the New Home Buyer Protection Amendment Act, 2017. Thanks to the minister for the information he's supplied today on this new bill. I'm certainly most happy to see this bill.

A little bit of history to start out with, I guess, is what I've got prepared here today. The New Home Buyer Protection Act was passed by the Legislature in 2014. I was here during the time when we had those discussions, and it was of interest to me then. It was initially brought in because there was a growing number of homeowners who were finding that their newly built homes were poorly constructed, and the home builders that they had hired were not required to offer any sort of warranty in those times. This resulted in many Alberta families experiencing a significant financial loss, sometimes having to fix and replace shoddy workmanship.

In fact, I'm sure my colleagues from Fort McMurray, who aren't here today, may recall the issue of the poorly built Penhorwood condominium complex that resulted in over 300 residents being evacuated in the middle of the night. In the end, the entire structure was deemed uninhabitable, actually, and in 2015, four years after the evacuation was ordered, it was demolished.

I'm not going to stand here and claim that had the government of Alberta had a home builder licence requirement in those days, the issue of Penhorwood never would have arisen, but it went much deeper and was partly also the result of Fort McMurray's extreme housing shortage, incredible economic expansion, and problems within industry all converging together, apparently, which culminated in the building being ultimately condemned. In response, though, to Penhorwood and others the province began the process of implementing a number of consumer protections that would eventually result in lessening the number and severity of poorly constructed homes and condo buildings.

If the public, though, does not have faith in the products that are being produced, be it new homes or children's toys, the impact both economically and socially can be severe. There's no question. Albertans work hard for their money, and they deserve to have some certainty that when they decide to spend it, they're getting the

product that is being advertised. I believe that this is what the bill intends to address today, and it's why I will be supporting the bill at second reading.

Madam Speaker, I believe there's a role for government to play in ensuring that Albertans are not being taken advantage of, and I believe Albertans are best positioned to make decisions on what is best for themselves. However, in order for that system to work, the consumer must have the information they require to make an informed decision. More importantly, they must have faith and confidence in the information they do have. If they are either unable to obtain or lack faith in the information they have, they are unlikely to part with their money. We all know that.

5:30

It's not uncommon for professionals in highly technical industries to be required to hold a licence to practise their trade, which is what we're talking about here today. For example, land surveyors are required to be certified by the Alberta Land Surveyors' Association before they can advertise or work as a land surveyor in the province, according to the land surveyors' website, "for the protection of the public and administration of the profession." That just makes simple sense.

Another example within the construction industry of the requirement for a professional to have a licence before they can practise their trade is architecture. The Alberta Association of Architects is a self-governing professional association charged by government with the registration of architects and the licensing of interior designers in Alberta. Before an architect can begin practising in Alberta, they must be registered with the Association of Architects. The mission of the association is "to represent the public interest in the administration of the Alberta Architects Act."

Similarly, real estate brokers in Alberta are required to obtain and maintain a licence in order to practise in Alberta. The Real Estate Council of Alberta is responsible for setting, regulating, and enforcing standards for real estate brokerages in Alberta. This is ultimately done for the protection of Albertans and to ensure that they have confidence in the real estate industry in general.

To keep with the theme of housing-related professional licensing, home inspectors, too, in Alberta must be licensed in order to conduct and approve home inspection reports. Again, this requirement was introduced a few years ago in order to improve the confidence Albertans have in home inspectors, which ultimately improves industry as a whole.

No doubt, the intent of Bill 12 is to reduce the number of unscrupulous builders in Alberta, raise the overall quality of homes, and increase consumer confidence in the home construction industry. So while I will be supporting the intent of the bill and will be supporting it at second reading, I do have, though, a number of questions that I hope to have answered before third reading and perhaps in Committee of the Whole.

One of those questions is, by the way, what impact this will have on small, independent home builders. These are reputable, long-standing companies that employ five, three, four, a dozen employees. They may only have a handful of homes built every year. How will they be impacted by this additional requirement, I wonder. My understanding from reviewing the bill is that the licence doesn't require the home builder to have completed any specific education that I can see so far. My colleagues and I will be reaching out to these builders to ensure that small, reputable builders' concerns are being heard. I hope that the government is doing the same.

Another question I have is: who is responsible for overseeing and issuing these licences? I didn't happen to see that very easily on the site so far, but I understand that the Department of Municipal

Affairs is going to be overseeing this licence. Alberta has a long and successful history of delegating regulatory authorities, as I mentioned earlier, like the Alberta Association of Architects and the Alberta Land Surveyors' Association.

Was there any consideration, therefore, to delegating the authority to an industry association for this purpose, I wonder. Home building may not be rocket science, Madam Speaker, but it still takes a lot of expertise, and I'm not sure that a bureaucrat sitting in an office in Edmonton, who may have never worked in the industry, as an example, is going to have the expertise required to ensure that this licensing legislation is going to do what it intends to do. So I look forward to the answers to the questions as to who might be managing this new department and how it will work.

Furthermore, I wonder: how will this impact the housing market and home prices? I understand that a house is often the single largest purchase an individual or couple can make in their lifetime, and they deserve the protection and assurance that what they're buying is of quality, as we've talked about already today. However, the issue of licence costs cannot be made in a vacuum. For instance, last fall we approved changes to off-site levies that a municipality can charge developers. We are aware that all these additional costs cumulatively may not be large by themselves, but in total they can increase the cost of a new home to the point where regular Albertans are simply unable to afford to have the luxury of owning their own home.

I'm looking forward to hearing from the industry and the ministry as to how we will continue with this extra amount of cost being put onto the homeowners, and I look forward to continuing this debate on this legislation, as I said earlier, perhaps in the next couple of days during Committee of the Whole, to find out some of those answers.

I will close by saying that with positive responses to those questions, I will consider supporting this bill at second reading, and I look forward to hearing the answers to those questions and the discussion in the upcoming debates.

Thank you very much.

The Deputy Speaker: Thank you, hon. member.

I just want to once again remind all members that we do not refer to the presence or absence of members in the House.

I will call on the hon. Member for Edmonton-Meadowlark.

Mr. Carson: Thank you very much, Madam Speaker. It's an honour to rise to speak to the second reading of Bill 12, New Home Buyer Protection Amendment Act, 2017, as one of two cosponsors. I'd also like to thank the Minister of Municipal Affairs for bringing this bill forward and also to reiterate some of the sentiments that he's heard from his constituents and stakeholders since bringing the bill forward.

As I've been talking with my community about this bill, the number one thing that I've heard over and over again is: I cannot believe that this isn't in place already. It's really not hard to understand this disbelief, Madam Speaker. As the minister stated, the majority of Canadians, 75 per cent of them, have the protections and benefits of a builder licensing program. I would say that it's about time Alberta moved forward to protect both consumers and qualified builders from the consequences of bad builders in our communities.

I can tell you that since becoming an MLA and, even before then, in my previous line of work as an electrician, I've heard stories of bad builders costing homeowners upwards of thousands of dollars in extra expenses just because they simply didn't do the job right in the first place. I've listened to and spoken with constituents about how devastating these bad practices can be and the stress it causes

to not only not have a home but to be out potentially thousands of dollars as well.

It's important to note that without a licensing system we have no ability to remove accreditation from a poor builder who has a documented history of fraud, weak finances, or no credentials. By passing Bill 12 and establishing a builder licensing framework, we can protect homebuyers and the many builders here in our province. Let's be clear. We are dealing with a few bad apples in the industry. The builders in this province do recognize that licensing is needed to protect not just consumers but Alberta's home building industry. Currently anyone can be a builder in Alberta. There are no mechanisms to prevent builders from operating even after instances of fraud or violations of statutes such as labour laws, and this, I believe, needs to change, Madam Speaker.

Through consultations carried out by the Ministry of Municipal Affairs, we have heard from families and home builders alike that builder licensing will help to ensure transparency for consumers while holding bad builders to account within their industry. Once again, if passed, Bill 12 will reduce the risks prospective homeowners face by establishing a licensing system for home builders, providing homebuyers with a single source of information on builders, and creating provisions to remove or suspend bad builders in order to protect people from negligent or unscrupulous businesses. At the end of the day, Madam Speaker, licensing builders will help to prevent issues in home construction by requiring builders to be accountable for their actions.

The move to license builders is not only supported by consumers but by industry leaders such as the Canadian Home Builders' Association as well as the Insurance Bureau of Canada and the Alberta chapter of the Canadian Condominium Institute.

It's important to note once again that across Canada British Columbia, Ontario, and Quebec all have implemented builder licensing systems.

As the minister outlined, Municipal Affairs conducted targeted stakeholder engagement in February and March of 2017 to hear stories from Albertans and to determine an appropriate scope of a builder licensing program here in our province. Of course, specific program details will be outlined in regulations, which will be developed in summer 2017, taking into account stakeholder feedback from initial consultations and any further engagement as required. Legislation and regulations will come into force on November 1, 2017, with phased implementation over six months and full implementation taking effect May 1, 2018.

An implementation plan for builder licensing will outline key requirements such as processes for receiving, assessing, issuing, renewing, suspending, and/or revoking licences; auditing procedures; an appeal process; and required IT infrastructure. This new licensing framework will proactively protect potential homebuyers on the front end of the home-buying process, and the current new-home buyer warranty program will continue to protect homeowners after the purchase of their new property. By integrating it with the New Home Buyer Protection Act along with the warranty program, the ministry is creating a system of checks and balances that requires builders to receive a licence before they can apply for a warranty, which is needed to obtain a building permit.

5:40

Madam Speaker, since the introduction of this bill I've had the opportunity to speak with members of my community, as I mentioned, who are currently in the process of building their own homes, and they do see this as a good move. As construction of new homes and infill projects picks up, it is important that we work to ensure the best possible outcomes for families choosing to build a

new home. That starts with builder accountability, and I'm happy to see steps taken through this bill to ensure just that.

I want to take a moment to read a quote from the president of the Canadian Home Builders' Association, Alberta chapter.

CHBA – Alberta is looking forward to working in partnership with the provincial government on including licensing as part of the New Home Buyer Protection Act. While there is still plenty of work to be done, the ability to remove builders who demonstrate a proven negative track record will be a benefit to every Albertan – including those in the industry. Our members have always been on the leading edge of the industry, including requiring warranty coverage for more than 40 years. We want to make sure that licensing protects affordability and choice for Albertans – while also recognizing the many upstanding builders providing homes and jobs throughout the province.

What this bill will do is to empower consumers by establishing a one-stop shop so they can be informed and confident in their choices. Madam Speaker, this government made a commitment to make Albertans' lives better, and that's exactly what we're doing by ensuring that families can be making better, informed decisions when purchasing a home from a licensed and qualified builder.

I'd like to thank the minister for bringing this important piece of legislation forward. I look forward to the debates that arise, and I encourage all of my colleagues to support this passing.

Thank you.

The Deputy Speaker: Any questions or comments under Standing Order 29(2)(a)?

Seeing none, any other speakers to the bill? The hon. Member for Calgary-Mackay-Nose Hill.

Ms McPherson: Thank you, Madam Speaker. It's an honour to speak about Bill 12, the New Home Buyer Protection Amendment Act, 2017, and I'm especially proud to be one of the cosponsors as well. Thank you to the Minister of Municipal Affairs for bringing this forward. It's a bill I'm proud to cosponsor, and I think we can all get very excited about it. There has already been quite a bit said about the bill by the minister and other members, the many benefits of this bill, because it is a very needed bill. I'd like to talk about some of the specific aspects of the bill, which is a made-in-Alberta solution.

When the wildfires hit Fort McMurray last year, the government moved quickly on the lessons learned from the Slave Lake wildfire and the 2013 floods in Calgary and area. That was to make sure that the public could stay informed while rebuilding their homes. We instituted a pilot program that required builders working on the rebuild to submit a declaration including key information on their corporate structure and history. That information was made available to homeowners so they could make informed decisions about their builder, and this was launched in June 2016. This bill's builder licensing framework builds on this process from the Wood Buffalo fire, and it strengthens the transparency across Alberta as well as offering proactive protection to Alberta consumers.

Melissa Blake, the mayor of Wood Buffalo, recently commented:

These measures build on the New Home Buyers Public Registry pilot, which empowered Wood Buffalo residents to make informed decisions during the rebuild process. Builder licensing promotes builder accountability and protects homebuyers in the biggest purchase of their lives.

Madam Speaker, that's what's at the heart of this bill. It is a government's responsibility to protect its residents and to ensure that when they are making an investment like purchasing a new home with their family, they can be informed and confident consumers. By licensing builders, we are also ensuring the protection of the many builders and small businesses of integrity in

our province, who sometimes get shut out of the market by fly-by-night, unscrupulous companies that undercut them. It's this collaboration with Alberta builders, home sellers, homebuyers, homeowners, and other industry leaders that led to this bill being here today.

What makes the bill unique in Canada is the integration of the licensing program with the Alberta home warranty program. By reviewing and researching what has worked and what has not worked in other jurisdictions – this bill proposes full integration of our licensing program with our home warranty program. This integration, which would be unique to Alberta, ensures a system of checks and balances that puts consumers first. Builder licensing would proactively protect consumers before they choose a builder, and the New Home Warranty Program will continue to protect new-home owners after the purchase of their home. Both a licence and a warranty would be required before receiving a building permit, making sure the consumer is fully informed and protected before a building permit is even issued.

If this amendment is passed, licensing will also extend to condominium developers. Condo developers will also be required to receive a licence when building residential condos.

I'd like to read a quote from Anand Sharma, president of the Canadian Condominium Institute's north Alberta chapter, who recently said:

CCI North Alberta is very pleased that the Alberta government is proposing legislation that will protect new condominium owners. This type of consumer protection legislation has been desperately needed for decades. It will hold developers accountable for poor building practices and allow condominium boards to prevent large special assessments. It will make a tangible difference in protecting consumers.

When I talk to people in my riding, this is what they want to see from the government, legislation that puts them first and strengthens small business. Implementing builder licensing in Alberta will increase builder accountability, provide increased protection for homeowners, and will support enhanced quality of home construction in Alberta. It will also support strengthening the safety code system, enhance professionalism of the builder industry, and protect great smaller home builders from being priced out of the market.

By putting the people of Alberta at the heart of our legislation, we are ensuring protection of the dream of home ownership for Alberta families so they can be informed when making one of the largest financial decisions of their life, and that's how this government is continuing to make life better for Albertans, by making them the centrepiece of our legislation.

I ask that my hon. colleagues please support this bill. Thank you.

The Deputy Speaker: Questions or comments under 29(2)(a)? The hon. Member for Edmonton-McClung.

Mr. Dach: Thank you, Madam Speaker. I was very interested in hearing the discourse from the hon. member regarding her experiences with respect to homebuyer protection and her interest in the matter. I was wondering if indeed she's had any familiarity with people that she's known who have actually suffered as a result of purchasing a home or a condominium that was built in less than a professional fashion and which ended up having problems.

I know that in Edmonton and Calgary and throughout the province we've typically had, of course, boom-bust cycles in real estate as a result of our resource-based economy, which quite often ended up resulting in a shortage of tradespeople and workers, particularly in the housing industry. As a result of that, you had people who were less than qualified actually building houses, and

there was not enough oversight, and quite commonly you had problems with construction.

Most notably, recently you'll see in Edmonton and Calgary and Red Deer, in major centres anywhere in the province, the sort of leaky condo issue, where balconies were actually built where they leaned in towards the property and ended up drawing water into the walls and down the walls and into the actual buildings, so the building envelope was compromised. You'll see scaffolding around properties in Edmonton even right now that are only 10, 15 years old, and you think: "What in the world is going on? Why does this building need such a major revamp?" Well, it's because there were problems with the workmanship in the beginning.

I was wondering if the hon. member had experienced in Calgary those same issues or personally knew anybody affected by it.

The Deputy Speaker: The hon. member.

Ms McPherson: Thank you, and thank you to my colleague for the question. I am sitting here drawing a complete blank, so I'm going to draw from my own experience. Now, I haven't ever purchased a brand new home, but many years ago I bought a home that was quite a bit older. I remember the first very cold day. This was in Massachusetts. It got to minus 20, which is, surprisingly, much colder in Massachusetts than it is in Alberta.

5:50

The furnace died. It was quite a surprise. I actually had to go and buy some diesel to prime it, which was a new experience for me. I'm sure the hon. member can appreciate buying diesel. It took a lot of work on a very cold day when my kids were little to get the furnace going, and what that experience does for me is that, you know, it really draws a parallel. Imagine buying a brand new home. You have the expectation that everything is going to work, that the weeping tiles will be installed so that your basement doesn't flood the first time it rains, that you have a reliable heating and cooling system so that your family is comfortable when we face extreme temperatures, that the doorbells and the electricity will all work.

With this kind of a program, we're going to be licensing builders to ensure that they are credible and reliable. In conjunction with the home warranty program, they will have recourse if they find themselves at minus 20 with a furnace that does not work.

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

Seeing none, any other speakers to the bill? The hon. Member for Lethbridge-East.

Ms Fitzpatrick: Thank you, Madam Speaker. Like the previous member, I've never bought a new house. However, I've bought five houses during my lifetime and sold a couple, and I had experiences with each one. The second house I bought was here in Edmonton back in 1995. On the surface it looked like a pretty good house. I had my three-page checklist, and I checked everything off. I thought it was pretty good, but I found out there were other things I needed on the checklist.

Now, the house was 10 years old, and both my daughters, my grandson, and my stepson were living with me. In the basement of the house, which had been finished when the house was built – it was finished by the contractor – my daughters, my grandson, and my stepson had bedrooms, so they used the bathroom in the basement and used the shower. One day I heard this crash in the basement, and I ran downstairs. My daughter had been having a shower, and she slipped. She put her hand on the tiles around the bathtub, and her hand went right through. There was, I think, quarter-inch Gyproc behind it. It wasn't the wet rock. It wasn't, you

know, the normal size. It was quite thin. What we realized was that when that contractor had put that bathroom in, they didn't do the bathroom to specifications.

There were many other little things that we found out about that house that, really, went right back to the builder of the house. Of course, after 10 years you certainly couldn't go back and try to find or get somebody to fix things like the weeping tiles. Yes, we had a little rain, and we had a little leak in the basement, again, having to get a contractor in to redo weeping tiles or put weeping tiles in because there weren't any in kind of a low part of the soil next to the foundation. My list is now five pages long when I go to buy a house because I have to check all of these things that I found out through my experience.

But I have to tell you that I am thrilled that we have come forward and done this. Like my seatmate here said, so many people have said: "You're doing this bill? I thought that was already the case." None of them had bought new houses, so obviously they didn't know that. I certainly think that we have some incredibly reputable builders throughout Alberta. I see some of the housing that goes up in Lethbridge, and I'm just amazed at the beautiful work that's done.

I've got friends who've bought new houses. Certainly, there's some really, really lovely construction and building and designs, so I think we're very fortunate. But, again, as my seatmate had said, it's that one bad apple. It's the one family who's been saving for 10 years to buy that first house, and they buy a house and start finding all kinds of problems.

My cousin in Lethbridge a number of years ago bought a house. They were living in the house probably a month and a half, and I went to visit, and there were little sticky notes all over the front hallway. I said, "What are all the sticky notes for?" She said, "They're where the nails or the screws are starting to pop out." I said, "This is a brand new house." She said, "I know." They had saved for that house. Here they have this house, and you walk in their front hallway and screws are popping out of the wall. Absolutely shameful. They went back to the contractor and wanted to get something done about it, and basically he just raised his hands and said: "The house is built. You bought it." I don't want that happening to any Albertan. It shouldn't happen.

When I was growing up, my mom and dad did buy a new house. My dad was somebody who if anything needed to be done, did it. If he didn't know how to do it, he went to the library and got a book so that he could fix something if it needed fixing. My dad supervised the construction company that built that house, that I lived in for 13 years. He supervised everything except the pouring of the foundation. Guess what? The only thing there was a problem with was the foundation, and my dad got a jackhammer and fixed it. With everything else in the house – the electrical, the plumbing, everything – he supervised it to make sure they did it right the first time.

That's the way I was raised, that when you do something, you do it right the first time, and then you don't have to do it again. It's like those lessons you learn in life. You don't want to repeat those bad lessons. That's a good lesson that I learned from my dad. I think this bill is a perfect example of telling the building industry that they need to do it right the first time and that they need to put their word behind it.

I'm thrilled that this legislation is in second reading, and hopefully it's going to be passed. I thank the minister for bringing it forward.

Thank you very much.

The Deputy Speaker: Any questions or comments under Standing Order 29(2)(a)? The hon. Member for Calgary-Hawkwood.

Connolly: Well, thank you very much, Madam Speaker. I just had a very, very quick question, I hope, for the member. I heard her talking. I was very thankful for everything in her speech. I know that in my riding I had someone come to my office because he had recently bought a house for his daughter, and they realized just over a year afterwards that in the attic the builder hadn't connected the vents from the bathrooms to the vents outside. When I heard about this, it was quite odd. He showed me pictures, and they had just blown insulation over top of where the vents were supposed to

come out. There was no attempt to even connect those vents to the outside, which is completely ridiculous, and it is the home builder's fault. I just wanted to ask the member if . . .

The Deputy Speaker: I hesitate to interrupt, hon. member, but pursuant to Standing Order 4(2) the Assembly now stands adjourned until 9 tomorrow morning.

[The Assembly adjourned at 6 p.m.]

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