

Legislative Assembly of Alberta

Title: **Monday, March 3, 2003**

1:30 p.m.

Date: 03/03/03

[The Speaker in the chair]

head:

Prayers

The Speaker: Good afternoon and welcome back. Hon. members, would you please remain standing after the conclusion of the prayer for the singing of our national anthem.

Let us pray. O Lord, guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Now would you please participate in the singing of our national anthem in the language of your choice. We'll be led by Mr. Paul Lorieau.

Hon. Members:

O Canada, our home and native land!
True patriot love in all thy sons command.
With glowing hearts we see thee rise,
The True North strong and free!
From far and wide, O Canada,
We stand on guard for thee.
God keep our land glorious and free!
O Canada, we stand on guard for thee.
O Canada, we stand on guard for thee.

The Speaker: Please be seated.

head:

Introduction of Guests

The Speaker: The hon. Minister of Community Development.

Mr. Zwozdesky: Thank you, Mr. Speaker. It's indeed a great pleasure for me to rise and introduce to you and through you to all members of this House several bright, young, alert, attentive, and very inquisitive students from one of the best schools in Mill Creek, and that would be Julia Kiniski. I would ask that they rise with their teacher, Mr. Don Douglas, and other helpers to receive the very warm welcome of all members of this Assembly. Thank you for coming.

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Thank you very much, Mr. Speaker. I, too, want to rise on this beautiful Alberta day and welcome some of the best and brightest in the province of Alberta from the riding of Edmonton-McClung, students from Good Shepherd school. They're accompanied here today by their teacher/group leaders Mrs. Doreen Neuls and Ms Val Newgard, as well as parent helpers Ms Lise Prosser and Mrs. Pat Davidson. I would like them to rise and please receive the warm welcome of the gallery. Welcome to the Legislature.

The Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. On behalf of our Member for Wetaskiwin-Camrose I would like to introduce 35 students from the Battle River home and school camp and their group leader, Mr. Richard Schultz. At this time I'd like to have them rise and receive the warm welcome of this Assembly.

Thank you.

The Speaker: The hon. Member for Redwater.

Mr. Broda: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to the members of the Assembly 25 energetic students from Sturgeon composite high school. They are accompanied by their teachers Mr. Norman Zweifel and Mr. Ron Haskell. They're seated in both members' and public galleries. I'd please ask them to rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly nine visitors from Alberta Revenue who are taking part in a public service orientation tour. This is to acquaint everybody a little more with the operations of the Legislative Assembly. I'll ask them to stand: John Mathias, Warren Regehr, Jennifer Smart, Brandy Stefanyk, Kim Le, Irena Luciw, Tanya Holmes, Doug Stratton, and Justin Chow.

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

Mr. Maskell: Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you three guests who are seated in the members' gallery. Last Thursday a new Canadian play, *Einstein's Gift*, premiered on the Citadel's Maclab stage, and my guests are here as a result of the premiere. My first guest is Vern Thiessen, who is artistic associate of dramaturgy, and play development at the Citadel Theatre. He's president of the Playwrights Guild of Canada and a board member of the Edmonton Arts Council. His play *Einstein's Gift* received its world premiere at the Citadel Theatre. This talented Albertan, a grad of the U of A, has written for stage, radio, and television for over 15 years.

My second guest is Bob Baker, artistic director of the Citadel Theatre, a position he's held since 1999. He's been nominated for and been the recipient of numerous awards including the Sterling and Dora. As a result of his strong leadership, the Citadel Theatre is considered by many Canada's leading theatre.

Finally, my third guest is Sol Rolinger, QC, officer of the Order of St. John, recipient of the Queen's jubilee medal, and known by many in this Assembly. He's a senior partner in the 108-year-old law firm of Duncan & Craig, which counts in its namesake the first Minister of Justice of the province of Alberta in 1905, Charles Cross, and the first mayor of the city of Edmonton in 1904, William Short. Mr. Rolinger has many public faces, including that of a member of the board of governors at the Citadel Theatre.

Gentlemen, would you please rise and receive the warm traditional welcome of this Assembly.

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

Ms Kryczka: Thank you, Mr. Speaker. This afternoon I am really very pleased to introduce to you and through you to this Assembly – a moment ago there were two people sitting up there that I was going to introduce, but I will refer to the second person anyway. I would like to say that in Calgary-West we produce only the best. The person who has left momentarily, Gord Olsen, is an outgoing executive director of the southern Alberta office of the Premier, and I suspect he's out maybe already doing work as a consultant. That would be his next career. The person that is left sitting there, very important to us, brings wonderful people and business skills to his new job as executive director of the southern Alberta office of the Premier. I'm sure that everyone he works with, whether politicians or citizens, will feel that they were well heard. Rich Jones, would you please – and you are; see how keen he is – rise and receive the warm welcome of this Assembly.

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

Mr. Magnus: Thank you, Mr. Speaker. It's a privilege and a pleasure for me today to be able to once again introduce a number of Alberta's finest firefighters who are here from all over the province today to watch us while we negotiate our way through Bill 202. They're in the public gallery. I'll ask them to stand as I call their names. They are: Gord Colwell, president of the Alberta Fire Fighters Association; Scott Wilcox, president of the Calgary Fire Fighters Association; Wayne Johnson, president, Lethbridge Fire Fighters Association; Brent Shelton, vice-president, Lethbridge Fire Fighters Association; Ken Block, president of the Edmonton Fire Fighters Association; Wayne Hudson, president, Grande Prairie Fire Fighters Association; Steve Larsen, vice-president, Grande Prairie Fire Fighters Association; Kim Smyth, president, St. Albert Fire Fighters; Tim Stewart, vice-president, St. Albert Fire Fighters. Then we have Mr. Paul Wyndham, the original firefighter in Alberta to collect benefits from WCB, who is with us today, Greg Holubowich, Dale McLean, Brian Davies, Dan Carmichael, Paul McGonigal, Bill Quinn, Rollie Bullerkist, Fred Hermary, Tim Casavant, Larry Walsh, Lorne Corbett, Greg Tanouye, Steve Spiegelmann, and Ron Polutnik. I see they're all standing. I'd ask that this House give them the warm welcome that we're known for.

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

Mr. Cenaiko: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of the Legislature in the members' gallery Mr. Ed Campbell, a member of the Prostitution Awareness and Action Foundation of Edmonton, who is here representing hundreds of Edmonton volunteers. Mr. Speaker, they literally work day and night to improve the safety and security of communities battling the devastating effects of street prostitution. I'd ask that Ed please rise and receive the traditional warm welcome of this Assembly.

head: 1:40

Oral Question Period

The Speaker: First Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Energy Prices

Mr. MacDonald: Thank you, Mr. Speaker. This government promised during the election to protect Albertans from the skyrocketing costs of natural gas. Albertans already know firsthand the fatal flaws that went into the policy. The only solution this government has is to advise Albertans to turn down the thermostat and put on a sweater. My first question is to the Premier. Does your government practice what it preaches? Have you in your office turned down the thermostat and put on a sweater?

Mr. Klein: Yes, Mr. Speaker, I do quite often in my own office. As a matter of fact, in my own home I do it as well. My wife keeps the temperature at about 67 degrees, I think. Notwithstanding my complaints, I have to put up with it because she is very strong on conservation. My wife will attest that, indeed, we take very strict conservation measures. She even makes me turn off the little flashing light on the computer because, apparently, there's a power drain there. She is very, very conscious of electricity bills. So, yes. The answer is yes. Yes, we take all the conservation measures that we possibly can in our house and in my office, and I encourage all Albertans and the hon. member to take whatever conservation measures they can and he can to reduce the cost of electricity and the

cost of heat – it only makes sense – and to make a contribution to the Kyoto accord, as flawed as it is, to make an effort at the reduction of greenhouse gases, which we all want to do, but we want to do it in a responsible and reasonable way.

Moreover, Mr. Speaker, not only are we requiring people and asking people to take conservation measures, as all people should; we have implemented a special-needs program on a temporary basis to now include rising utility costs for low-income seniors. I would remind the hon. member that as a result of the rebate program that was put in and because we didn't want to continue with ad hoc hocking this particular situation, we introduced legislation that said that if on an annual basis natural gas reaches \$5.50 a gigajoule, then rebates would kick in. That is clearly announced in regulations, which were publicized on the government network – what is it? – www.gov.ab.ca.

Mr. MacDonald: My next question is to the Minister of Seniors. How long will it take from the time an Alberta senior applies for the special-needs assistance program to help with their high utility costs before that application is filed and they will receive any money? Will it be July, or will it be August so that they can pay for their air conditioning unit?

Mr. Woloshyn: Mr. Speaker, I really resent his tone. It shows how insensitive and ill-informed he is. The special-needs program is directed at seniors who have difficulty balancing their incomes against ongoing expenses, and we have had this program for some time. We've expanded it to include the increase in utility costs as of 11 o'clock this morning. People who have applications in the mail will be getting cheques very quickly, and hopefully we'll be able to stay within our time line of three weeks between the receipt of application and cheques being mailed out. However, I expect a bit of a run on this, so there might be slight delays.

In answer to his rather foolish comments, the program has started now, is effective immediately, and hopefully will reach needy seniors within the week, if you will.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Speaking of insensitive and uninformed, my third question is to the Minister of Energy. Given that you promised Albertans that deregulation would bring lower energy prices, why are we now paying some of the highest bills in North America?

Thank you.

Mr. Smith: Well, Mr. Speaker, the preamble, of course, is incorrect, which we have to correct. That promise was not made by me that we would have lower energy prices. I have always said that competition will bring new generation, will also bring the competition, and we will have the lowest possible prices that the market will allow us to bring.

Let me also say that, in fact, Albertans have been conserving and Albertans have responded. Today ATCO, the utility for natural gas, Mr. Speaker, has implemented a budget plan where people who have paid, say, for example, \$80 a month on their budget plan now will pay about \$103, and it can be budgeted over a 12-month period, with the consumption being 60 percent in the short term. Also good news for Albertans is that ATCO has said that conservation has created about a 10 percent reduction in natural gas demand across this province over the last two years, so in fact Albertans are practising what they preach.

Low-income Albertans

Ms Carlson: Mr. Speaker, leaving Albertans to choose between heat and food is only the latest example of this government's lack of concern for low-income earners. There is no Alberta advantage for tens of thousands of Albertans. My first question is the Minister of Health and Wellness. Why does someone making \$16,000 a year pay six times more of their salary to health care premiums compared to someone making over \$100,000?

Mr. Mar: Mr. Speaker, I'll have to take the information in the member's question under advice. However, I can say that health care premiums provide a significant amount of revenue for the functioning of our health care system. To the best of my recollection about \$900 million a year is collected through health care premiums. We use that money to fund a \$19 million a day health care system, a total of nearly \$7 billion. Albertans understand the value of the health care system. They do contribute to it directly through health care premiums but also through other sources of revenue that accrue to the provincial government, including income taxes. People do acknowledge that this is a valuable system and that they contribute to it, and that is the reason why we have health care premiums.

Ms Carlson: Mr. Speaker, my second question is to the Minister of Learning. Why, when parents can't afford extracurricular activities such as field trips, are their children denied an equal opportunity to learn?

Dr. Oberg: Well, Mr. Speaker, one of the things that we pride ourselves on in Alberta is that all students have opportunities and equal opportunities to learn. One of the reasons why we eliminated the ability for the school boards to tax was so that everyone would have equal opportunity, something we pride our students on, something we pride our system on in this province.

Ms Carlson: Mr. Speaker, my third question is to the Minister of Human Resources and Employment. Given that MLA salaries are indexed to inflation, why aren't AISH and SFI rates tied to inflation? Those people haven't seen an increase for 10 years.

Mr. Dunford: Mr. Speaker, there's an important fundamental here that we all have to be aware of, and that is the fact that the philosophy of this government is that we will provide a hand up and not handouts. The other defining philosophy that we operate under is the fact that people should be better off working than on assistance. So everything that we do is geared toward moving people from temporary assistance, then, through skills training and into the workplace. You will note from our budgets over time that we devote a tremendous amount of our budget toward the skill training areas.

I want to reaffirm today and to make sure that everyone understands that our supports for independence program as it now exists is a program of last resort and it is a temporary resort, and the benefit levels, then, are geared in order to continue to provide the incentive for people to get trained and to get into the workplace.

The Speaker: Third Official Opposition main question. The hon. Member for Edmonton-Riverview.

1:50 Capital Regional Health Authority Board

Dr. Taft: Thank you, Mr. Speaker. In the new Capital health region more than twice as many people live in the city of Edmonton as elsewhere in the region, and every major facility is in Edmonton. Yet on the new region's board, handpicked by this government, the

people of Edmonton only have half the per capita representation as people from outlying areas. To the Minister of Health and Wellness: did the Edmonton government caucus make a formal presentation to him on the membership of the Capital region health board, and if so, will he table it in the Legislature?

Mr. Mar: Well, Mr. Speaker, I want to say that, first of all, there are fine facilities that exist in the newly drawn Capital health region that are outside of the city of Edmonton. One example – and the member may have recalled this – is that the Leduc facility was at one time outside the Capital health region, and when it was brought into the Capital health region, hundreds of surgeries were moved from overburdened facilities in the city of Edmonton to a very good facility out in Leduc, that has a good infrastructure and solid staff, surgeons, health care providers out there, and that has helped the people of Edmonton in relieving some of the wait lists that existed in facilities in the city of Edmonton.

On the subject of health board appointments there were previously approximately 189 people on our 17 health boards. Of that, 126 were elected individuals; the balance were appointed. Mr. Speaker, in going to nine regions, we now have 111 members who sit on those regional health authorities. Sixty-five of them were previously elected, and 46 of them were previously appointed. I can assure you that the people who were put on the Edmonton Capital health region board are outstanding people. We recognize that there must be representation from the areas outside the city of Edmonton in order to have a functioning regional health authority that operates like a system as opposed to a mere collection of facilities.

The Speaker: The hon. member.

Dr. Taft: Thanks. It seems the minister has confirmed another failure of the Tory government caucus.

To the Premier: how does this government explain to Edmontonians that each of their voices on the Capital health board are now worth only half as much as voices from outlying areas?

Mr. Klein: Mr. Speaker, you don't explain it that way. You explain it in such a way that a regional health authority is to provide for the health needs of a region and that the region is appropriately represented. Governance is important. Administration of the system is important. But what is important to Martha and Henry is that health care is there for them when they need it. That is what is important, and that's what we stress.

The Speaker: The hon. member.

Dr. Taft: Thank you, Mr. Speaker. Again to the Minister of Health and Wellness. How does he justify eliminating five out of 12 Edmonton members from the Capital health board?

Mr. Mar: Well, Mr. Speaker, first of all, I want to say that the 189 people that I referred to earlier in answering the member's first question, without exception, I found that those people, whether they were previously appointed or previously elected, have been people who have been of character, who've brought passion to health care, who've been constructive. So the first thing that I want to do is thank all of them for having served on our previous 17 regional health boards.

Secondly, Mr. Speaker, in moving from 17 health regions to nine health regions and amalgamating a number of regions, in order to do so, clearly we had to reduce the number of overall members serving on regional health authorities. As I indicated, we went from 189 to

111, but if you look at the numbers, 126 were previously elected out of 189, roughly two-thirds. Now we have 65 out of 111 who were previously elected, again roughly two-thirds. We have preserved a balance of bringing in the interests of all people, both in urban areas as well as in rural areas. We've struck a balance with respect to the number of people who are elected and appointed. We've got a more efficient and effective system in nine regions than we had with 17, and it's for that reason that we've made the decisions that we have.

Natural Gas Prices

Dr. Pannu: Mr. Speaker, the government's deregulation policies are tailor-made for foreign companies like Direct Energy while shafting Alberta electricity and natural gas consumers. The gang that gave us the highest power prices in Canada is looking for a repeat performance in natural gas. Later today I will table internal government documents showing that the government's proposed rule changes for natural gas utilities will in fact drive up costs to consumers. My question is to the Minister of Energy. After breaking a promise to provide natural gas rebates, why is the government rubbing salt in Albertans' wounds by introducing changes that will drive Martha's and Henry's natural gas bills even higher?

Mr. Smith: Mr. Speaker, the Natural Gas Price Protection Act is a policy that was put in place after 2001. Its threshold price is 5 percent below what was achieved in 2001. The government has taken very active measures to move on protection of seniors, protection of low-income Albertans, protection of families in need. Throughout this debate people have asked for options and choices about how to purchase their natural gas, whether they want to purchase it on a two-year, a three-year, or a five-year basis. The gas utilities amendment act will in fact offer Albertans those choices.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. To the same minister: how can the minister claim that the proposed changes to natural gas utilities won't either drive up costs or are a direct response to consumer demand when this is directly contradicted by an internal document dated December 24, 2002, a Christmas Eve lump of coal, that states that costs will in fact go up? In addition, the government has produced no evidence that consumers are demanding choice.

Mr. Smith: Mr. Speaker, we will look at the tabled document, and we'll take it under advisement.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Last question to the same minister: why is the government pursuing changes to natural gas utility policies that both government bureaucrats and the Consumers' Coalition say will both drive up costs and increase the likelihood of billing errors?

Mr. Smith: Mr. Speaker, natural gas has been deregulated in this province since 1985. This is, in fact, the last piece of that 17-year process. Throughout that time, people have bought natural gas on the spot rate or they've used the budget plan. This bill will allow people to purchase natural gas on a long-term contract, allow them to integrate it with electricity purchases, allow it to integrate with furnace cleaning services and furnace maintenance, computerized thermostat services. There will be more choices in the marketplace for Albertans.

As to the prospect, Mr. Speaker, of lower prices, prices here are now more expensive than they are in Ontario. People will then be able to exercise their own choice and be able to make their own determination about how they want to buy this commodity called natural gas.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Mill Woods.

2:00 Regional Health Authorities' Billings

Mr. Ducharme: Thank you, Mr. Speaker. Since the release of the Deloitte & Touche review of the Lakeland regional health authority's financial situation, Lakeland and Health and Wellness officials have rerun the numbers and have identified to date nearly \$1.6 million in government underfunding. As they reviewed the import/export funding between Lakeland and Capital health, they found that Capital has been overbilling Lakeland on a yearly basis for inpatient and ambulatory services. Some claim that the overbillings could be in the tens of millions of dollars. My questions are to the Minister of Health and Wellness. Is the minister aware of these overbillings, and if so, has he asked the Auditor General to review?

Mr. Mar: Well, Mr. Speaker, first of all, I want to lay to rest any suggestion that either the Capital health authority or another large health authority, such as the Calgary health region, would intentionally try to overbill any of the regional health authorities outside of those two areas for services that have been provided.

There may be good examples, Mr. Speaker, of why for medical reasons a rural region whose patient has come into one of these larger health regions would be charged more than once for the same patient. For example, for the sake of efficiency a number of different procedures may be done on a single day for a particular patient, and it's for that reason that there may be multiple charges for a single patient visit on a particular day.

Now, Mr. Speaker, having said that, from time to time there can be errors made in the billings, and given the number of patients who travel from rural health authorities to the larger centres, there may be errors. So, for example, in one case in the Capital health region it was disclosed that a number of procedures, some 20 of them – I believe it was for angiograms – had been recorded on a single day as having been done to a single patient. It turned out that those angiograms were in fact done on a number of different days, but they were recorded on a single day, which was clearly in error.

We have completed a review, Mr. Speaker. We find that there has been approximately \$1.3 million in total for all 17 health regions and the two provincial health boards, and we will rectify that. Keep in mind, however, that that would be out of a total budget for regional health authorities of some \$4 billion. No, we have not asked the Auditor General to investigate this further.

Mr. Ducharme: To the same minister: as the minister has just confirmed that overbilling by Capital health has occurred in all the other rural health authorities, how will the minister reimburse these affected health authorities?

Mr. Mar: Mr. Speaker, I'm happy to reply to that. As I said, we did review other regions, and, yes, we did find examples of similar situations. Now, I want to say first and foremost that the errors have been corrected and that funding levels are adjusted accordingly. In addition to this, regions will be compensated for the year currently 2002-2003. In addition, we have implemented corrective procedures, as have all the regions. As an example, the Department of

Health and Wellness has implemented stricter guidelines on how services are coded, and the Capital health region also has made changes to its reporting system to avoid exactly these kinds of errors in the future.

The Speaker: The hon. member.

Mr. Ducharme: Thank you, Mr. Speaker. To the same minister: as the overbillings are a very, very serious allegation, will the minister reconsider his decision to not ask the Auditor General to investigate rather than just simply accepting a departmental review?

Mr. Mar: Well, Mr. Speaker, this has not strictly been a departmental review. This has been a review that has been done with the health authorities working with us, and while allegations of overbilling are serious, I can assure again the hon. member and members of this House that this is not an intentional effort on the part of any regional health authority but that we should expect errors to occur. We should try our best to minimize those errors from time to time. One point three million dollars in a \$4 billion regional health authority budget strikes me as being, while important, relatively modest.

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Grande Prairie-Wapiti.

Operational Costs for Learning Ministry Committees

Dr. Massey: Thank you, Mr. Speaker. Earlier this year when Edmonton public schools announced a budget crisis, the Ministry of Learning responded by sending in a team of auditors. When the Official Opposition requested information with respect to the cost of Learning department committees, the minister's response was that such information was not readily available. My questions are to the Minister of Learning. Why is it so difficult for the minister to keep track of committee costs within his own department?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. Well, what the hon. member from the opposition asked me for were things such as the Alberta Vocational College committee, the committee that was designed back probably nine or 10 years ago to look at the dissolution of the Alberta vocational colleges into the existing Bow Valley College and NorQuest College. So it is not that it is difficult. What it is is very time consuming. It would require a lot of resources from my department. Could we do it? Yeah, we could do it, but quite frankly we would sooner take those moneys and put it into the classroom, put it into kids, where it's needed.

The Speaker: The hon. member.

Dr. Massey: Thank you, Mr. Speaker. Again to the same minister: how can the minister lead by example with school boards when he can't keep track of costs within his own department?

Dr. Oberg: I'll repeat my first answer, Mr. Speaker. It's quite easy to do. We can do it, but it is going to be very cost intensive. You know, in talking to the hon. member and with some of the questions that have been asked, I'm sure that they would much sooner have dollars spent in the classroom.

Mr. Speaker, the other issue here is that a lot of the work that's done, as much work as possible, is done by members of my own department with their own salaries. They are on salary. It is not

included in the cost of the committees. So, again, could we do it? Yeah, we could do it. Is it very expensive? Yes, it's very expensive and very time consuming to do. Do we want to do that? No. We would much sooner put those dollars in the classroom.

The Speaker: The hon. member.

Dr. Massey: Thank you. Again to the same minister, Mr. Speaker: does the minister not think it would be better to put his own fiscal house in order before trying to give school boards budget advice?

Dr. Oberg: Mr. Speaker, our financial and fiscal house is very much in order, and there is absolutely no doubt about this. Again, as I say, obviously the opposition member wants us to spend money – needless administrative dollars, bureaucratic dollars – that we could put in the classroom.

The Speaker: The hon. Member for Grande Prairie-Wapiti, followed by the hon. Member for Edmonton-Centre.

Softwood Lumber Policy

Mr. Graydon: Thank you, Mr. Speaker. The media reported last week on developments in the softwood lumber discussions between Canada and the U.S. Specifically, there's been much talk about a draft policy bulletin being prepared by the U.S. Department of Commerce. My question is to the Minister of International and Intergovernmental Relations. Could the minister please explain what this draft policy bulletin means to Alberta and whether it signals an end to the softwood lumber dispute?

Mr. Jonson: Mr. Speaker, the draft policy bulletin sets the rules for changed circumstances reviews under U.S. law which the U.S. Department of Commerce would follow. Under the proposed rules provinces that show they have made significant market-oriented changes in their forest management systems would have the countervailing duties against their softwood lumber exports eliminated. Each province would have to study its system to determine what changes might be needed and whether they are prepared to make them. Further, those changes would have to be made and implemented before requesting a changed circumstances review.

It's important to understand that at this point the policy bulletin is still in its draft form. The U.S. still needs to publish the draft policy bulletin for consideration by the public for 30 days before it can be finalized. Until the final bulletin is published, it is too early to say whether this process will provide a basis for any province to request and be successful in a changed circumstances review.

Nevertheless, Mr. Speaker, it is our view that the development of this document, which will be there in black and white, does indicate progress in the overall dispute and holds the potential for, after further discussion, leading to some resolution of the matter.

The Speaker: The hon. member.

Mr. Graydon: Thank you. My next question to the same minister. The minister indicated that the policy bulletin could result in a long-term solution, but it may not result in an immediate end to the duties. What are the possibilities of an interim solution in the meantime while we wait for this to happen?

Mr. Jonson: Well, Mr. Speaker, there is an issue here, and that is that there is the possibility of an interim solution if there was agreement from the American negotiating powers that be, number

one, that the money they have that has been collected from Canadian producers by the United States government, in the area of \$1 billion, would be returned. That's one stipulation that has to be there. Secondly, the proposal is that the Canadian government would be required to collect a tax or a levy on softwood lumber at certain levels here in Canada.

On those two particular points, Mr. Speaker, there has not been agreement thus far, and the matter will have to be revisited. There will have to be some type of bridging mechanism which provides for a reasonable export tax levied by the Canadian government or through the provinces. Lastly, of course, there would have to be the return of that some one billion dollars that has been collected to this point in time during this dispute.

2:10

The Speaker: The hon. member.

Mr. Graydon: Thank you. My final question this afternoon is to the Minister of Sustainable Resource Development. How open is the government to changing our forest management system so that we have the option of participating in a changed circumstances review?

The Speaker: The hon. minister.

Mr. Cardinal: Thank you very much, Mr. Speaker. Of course, like I've said before in the House, forestry continues to play a very important role in our economy in the province. We will of course continue to consult with industry as we move forward through the softwood lumber negotiations, and we will study the final proposal put forward by the U.S. Of course, we will not be making any quick decisions, because we feel that we have a very secure tenure system here in Alberta, and that is how we get investment. We have our forest management agreements, which are long term, and we are not willing to put those on the table as far as negotiation because that's what creates the stability in our forest industry here in Alberta. I can say over and over again in this House, like I've said before, that we do have sound management practices in our forests. We have lots to be proud of.

The Speaker: The hon. Member for Edmonton-Centre, followed by the hon. Member for Edmonton-Glenora.

Assisted Care Facility Review

Ms Blakeman: Thanks, Mr. Speaker. A paralyzed 72-year-old man died in an Edmonton extended care centre in December after his ventilator became disconnected and no one responded to multiple alarms. The minister of health was widely quoted at the time saying that the Health Facilities Review Committee would investigate. More recently he stated in a letter to a seniors' group that the Capital health authority would investigate. My question is to the Minister of Health and Wellness: so which agency is investigating this tragic and preventable death?

Mr. Mar: Mr. Speaker, this is a tragic death. I can say that the Mill Woods facility is under the jurisdiction of the Capital health region. The region does have the resources and the expertise to conduct a full and impartial investigation into this matter. Of course, should their review disclose that there was any criminal wrongdoing, the expectation would be that it would be turned over to the appropriate police authorities.

Obviously, Mr. Speaker, the Capital health authority's first responsibility would be to share the results of their review with the family of the individual who died, and thereafter I would expect the

Capital health region to then share the results of their investigation with me. At that time I will determine if there should be any other steps taken in this matter.

The Speaker: The hon. member.

Ms Blakeman: Thank you. This next question is directed to the Minister of Justice. Given that under section 35(1) of the Fatality Inquiries Act the Justice minister has the power to order an inquiry into a death, will the Minister of Justice commit today to do so for this case?

Mr. Hancock: No, Mr. Speaker. The minister of health has outlined a process which ought to be undertaken first before we go to any question of a fatality review inquiry.

The Speaker: The hon. member.

Ms Blakeman: Thank you. Back to the minister of health: given that this is the third suffocation death at that facility alone in recent years, what is the health minister going to do about this problem?

Mr. Mar: Mr. Speaker, I've already outlined the process which will be undertaken in this particular case of the circumstances of the man who died outdoors last year. I should note that the Capital health region has informed me that the family of the patient who did die last year agrees that there was no wrongdoing involved in this particular incident.

The Speaker: The hon. Member for Edmonton-Glenora, followed by the hon. Member for Edmonton-Glengarry.

Seniors' Utility Costs

Mr. Hutton: Thank you, Mr. Speaker. I don't think there is a member in this Assembly that is not concerned about seniors on fixed incomes as it relates to the rising utility costs. The Minister of Seniors has just announced plans to help seniors with rising utility costs. My question is to the Minister of Seniors. Is this a new program? How much assistance will be available, and is it available to all seniors in Alberta?

The Speaker: The hon. minister.

Mr. Woloshyn: Thank you very much, Mr. Speaker. The program is the special-needs program. What we've added to it is the ability to look at seniors' expenses by including increasing utility costs. That's the portion that's new. I think that it's very important to remember that it is not a rebate program, and quite frankly, in keeping with our focus on helping the people that are most needy, the program is not universal to all seniors in the province.

Cell Phone Use

Mr. Bonner: Mr. Speaker, using a cell phone while operating a motor vehicle is a dangerous exercise. Albertans know this both intuitively and from experiences on their roads and highways. Despite this, on March 11 of last year this government defeated a bill that would have made it illegal to use handheld cell phones while operating a motor vehicle, and five months later Kristen MacDonald was killed by a trucker trying to find his ringing cell phone in his vehicle. To the Minister of Transportation: what specific strategies has the minister's department taken since the legislation was defeated to conduct studies within the province to determine the impact of cell phone use on highway safety?

Mr. Stelmach: Mr. Speaker, I'd just like to make one correction. The legislation that the hon. member is referring to was a private member's bill that was brought forward, and it wasn't government legislation.

With regard to what we are doing in terms of the Ministry of Transportation, we're working with other provinces, looking at the evidence that's coming forward in a number of studies, one that was done in the province of Quebec. There are also a few studies coming from various American states with respect to cell phone use and their relation to distractions on the highway.

Mr. Bonner: Mr. Speaker, given that scientific studies have determined that people are four times as likely to be involved in a motor vehicle accident if they are using a cell phone and given that up to 6 percent of all motor vehicle accidents are attributable to cell phone-related distractions, when – when? – is this government going to reintroduce legislation to ban cell phone use in motor vehicles?

Mr. Stelmach: Mr. Speaker, the government didn't introduce the legislation. So we won't be reintroducing any legislation because it wasn't introduced in the first place.

However, with respect to distractions on highways, there's a list of various distractions that occur, ranging from changing music on a CD to reaching for cigarettes, drinking coffee, eating, pets in the vehicle, as well. So there are a number of distractions. However, with the introduction of the new highway Traffic Safety Act and increased penalties, we will be able to enforce a lot of these distractions much better.

The Speaker: The hon. member.

Mr. Bonner: Thank you very much. To the same minister, Mr. Speaker. What will it take for this government to confront this ongoing and critical safety issue?

Mr. Stelmach: Mr. Speaker, with the introduction of the new highway Traffic Safety Act, which comes into effect May 20, the act will address significantly increased fines in those areas that have come up as most devastating in terms of fatalities and accidents. There is an area with respect to distractions on the highway. There are also issues that we're going to cover in terms of the number of pedestrians that have been killed on Alberta highways, securement of load, vehicle changes, et cetera, and I believe that with the introduction of the new legislation and proper enforcement, awareness, and also education, we'll be able to reduce the number of incidents.

2:20 Regional Health Authority Boards

Dr. Pannu: Mr. Speaker, in October 2001 Albertans elected those they wished to be in charge of running their public health care system. This past Friday these elected representatives were fired without cause halfway through their mandate. The minister has been saying that Albertans don't care whether health boards are elected or appointed. Albertans are outraged about this trashing of local democracy. To the minister: will the minister level with Albertans and admit that elected health boards were scrapped because they stood in the way of the Tory agenda to further health care privatization?

Mr. Mar: Mr. Speaker, I think I've answered this question when asked by the hon. Member for Edmonton-Riverview, and I wish to reiterate that of the 111 people who will now serve on our nine

regional health authorities, 65 were previously elected. I really want to emphasize again that prior to elections we did have all appointed boards. There were examples in the elections of October 2001, referred to by the hon. member, where an entire board was acclaimed, and the people who ran were the very same people who had been previously appointed.

So I wish to say that we have some confidence in the people that we have selected. They have been selected on good criteria, people who were selected for their experience in dealing with large organizations, with their community ties, their ability to speak passionately and effectively and constructively on the issue of health care reform, that understood the needs of local representatives throughout the entire health region.

We should say, Mr. Speaker, that we have the best health care system in all of Canada, and our expectation is that we will continue to do so.

Dr. Pannu: Mr. Speaker, my next question is also to the Minister of Health and Wellness. How can the government justify giving local Tory MLAs veto power over who is handpicked to serve on appointed regional health boards from the hundreds of elected members who were dismissed in the first place?

Mr. Mar: Well, Mr. Speaker, I want to assure the member and all Albertans that political stripe was not a relevant criteria for selection to regional health authorities.

The further point that I wish to make is on the issue of accountability. Mr. Speaker, who do Albertans hold accountable for the health care system? The fact is that they hold us, members of the government, accountable for the health care system. Why is that? It's because we collect the taxes, and we distribute the money that is used by our health care system, so that accountability ultimately rests with government MLAs.

Dr. Pannu: My final supplementary, Mr. Speaker, is to the Deputy Premier. Given the government's callous and arrogant dismissal of local democracy, when does the government plan to replace elected school trustees with Tory appointees, thereby further undermining local democracy?

Mrs. McClellan: We'll let the Minister of Learning answer.

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. We have absolutely no intention of eliminating school trustees. The school trustees do a very good job. What the hon. member seems to forget is that in Alberta we have very close to 2,000 schools as opposed to 100 hospitals. The school trustees do an excellent job at the grass roots, and there's no intention to get rid of them.

The Speaker: The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Edmonton-Ellerslie.

Utility Costs for Low-income Albertans

Mr. Lukaszuk: Thank you, Mr. Speaker. All Albertans are affected by the rising cost of utilities. However, those who are most affected by it and with the least ability to deal with those changes are individuals on fixed incomes, such as SFI/AISH recipients, and perhaps widows. My question is to the Minister of Human Resources and Employment. Are there currently any programs or policies allowing the department to assist the recipients of those programs with those rising costs?

Mr. Dunford: Yes, there is, Mr. Speaker, and I think we've been able to announce this throughout Alberta. When we have low-income Albertans, people on our client lists receive a disconnect notice from a utility, they can come forward and seek assistance from our department with that notice. Now, I don't have any figures that would be up to date, but for an example, last winter when we did this, I think about \$1.6 million was provided then to needy Albertans to help out on their utility bills.

We have to make it clear that we're not here to help somebody that's just upset about a utility cost and then simply refuses to pay their bills. What we're interested in is somebody that is struggling to get by, has been trying to meet their obligations, find themselves in a situation where they're unable to keep up to their costs, and have received this disconnect notice. They come forward to us, we look at the criteria whether they would be eligible for social assistance, and if so, then we would help out.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you. My second and last supplemental to the same minister. Mr. Minister, would you consider developing a policy allowing your department to perhaps increase the rates of those benefits over the winter months, when the cost of living is increased as a result of the higher utility costs?

Mr. Dunford: Well, first of all, of course, this government has legislation in place that would look at average costs of utilities over a yearly period. I want to say without trying to raise any expectations, Mr. Speaker, that our department has always tried to listen. We've always tried to help out. The hon. member's suggestion might be something to be looked at, but we'd have to be very, very careful in this. The main criteria we operate from is the fact that we recognize that there are Albertans that need the help of the taxpayers of this province, and as a steward of taxpayers' money, then, I take this situation extremely seriously and try to find the best way that we can in order to help out. It's a balance, and we attempt at all times to strike the right balance.

The Speaker: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Calgary-East.

PCB Release in Edmonton

Ms Carlson: Thank you, Mr. Speaker. On January 24 of this year this government announced that it was laying nine charges against the city of Edmonton relating to the accidental release of a small amount of PCBs at Commonwealth Stadium. My questions are to the Minister of Environment. Given that this case sets a harsh precedent for strictness of enforcement and severity of penalty, is this government going to treat all cases from this time onward with such strict interpretation and severe penalties?

The Speaker: The hon. minister.

Dr. Taylor: Thank you, Mr. Speaker. Under the Environmental Protection and Enhancement Act when there is a spill or a release of toxic hazardous materials, then we have a certain procedure we have to follow. What we do is an investigation and then forward the information from the investigation on to the Department of Justice.

Ms Carlson: Mr. Speaker, he didn't answer my question, so I'll ask it again. Given that this case sets a harsh precedent for strictness of enforcement and severity of penalty, is this government going to

treat all cases from this time onward with such strict interpretation and severe penalties?

2:30

Dr. Taylor: Well, Mr. Speaker, to start with, the Department of Environment doesn't decide the penalties. That's a simple fact of life. I will repeat my answer, and hopefully she will listen. The Department of Environment does the investigation. We don't lay charges. We do the investigation and pass our investigative files on to the Department of Justice. We could ask the Minister of Justice to comment on his procedure after that.

Ms Carlson: Why did it take 18 months to bring this case forward? What was the reason for the delay? It was a simple case.

Dr. Taylor: Mr. Speaker, it takes a while to do an investigation where people are brought in from the United States to do the investigation to help to determine the seriousness of the situation, and it just took a while to do the investigation. I don't think it's an excessively long period of time at all.

head:

Recognitions

The Speaker: The hon. Member for Little Bow.

Canada Winter Games

Mr. McFarland: Thank you. Mr. Speaker, I'm very pleased to recognize the achievements of Team Alberta during the first week of the Canada Winter Games now underway in Campbellton, New Brunswick. This past weekend our Alberta men's hockey team captured the gold medal. Alberta also garnered the gold in men's long-track speed skating and in several other events that include squash, badminton, and cross-country and freestyle skiing. After one week of competition I'm very proud to announce that Team Alberta is holding down third place at the Canada Winter Games with a total of 33 medals: 10 gold, 13 silver, and 10 bronze.

I'm also proud that the government of Alberta through Alberta Sport, Recreation, Parks & Wildlife and the Ministry of Community Development have provided the funding that helped prepare athletes for these and other competitions. I hope that everyone will join me and our Minister of Community Development in congratulating all our young Alberta athletes, their coaches, trainers, and parents and in wishing them continued success through to March 8.

Thank you, Mr. Speaker.

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

Steadward Centre

Mr. Hutton: Thank you, Mr. Speaker. It is a great pleasure that I stand today and recognize Dr. Robert Steadward, his staff, and all the volunteers involved at the Steadward Centre. Yesterday my colleague the hon. Member for St. Albert and I had the privilege of participating in the 12th annual indoor classic at West Edmonton Mall. There were hundreds of participants from the disabled community. The Steadward Centre provides maximum opportunities for Albertans with disabilities to enhance their physical and mental well-being through individually prescribed and group programs of physical activity, fitness-related medical intervention, and psychological services. Hats off to Dr. Steadward, Sandy Jacobson, the staff, and volunteers for organizing a great, fun event.

Thank you, Mr. Speaker.

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

Energy Conservation

Mr. MacDonald: Thank you, Mr. Speaker. Today I rise to recognize the humble sweater, that comfortable yet underappreciated garment that helps Albertans with high utility bills now that the government's deregulation policies have failed. The government would not protect Albertans from high home heating bills. Even the Minister of Energy, upon realizing that his own act contains fatal flaws, has found solace in the dark blue sweater. The sweater, insists the minister, will comfort Albertans because they currently cannot afford their sky-high utility bills. The sweater has picked up right where the government's energy policies have left many Albertans, freezing in the dark.

I would like to say that we are a hardy breed here in Alberta, much like the rough fescue grass, and I think it appropriate to suggest that the humble sweater one day be recognized as Alberta's official garment. The sweater can then be honoured along with the other official emblems: the official arms, the official flag, the official flower, the official dress tartan, the official bird, the official stone, the official tree. I think that the sweater would be in proud company.

Thank you, Mr. Speaker.

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

Polish Veterans' Society

Mr. Bonner: Thank you, Mr. Speaker. On Saturday evening the Polish Veterans' Society gathered to celebrate its 65th anniversary. The society was originally formed by a group of 100 veterans from World War I. Later, World War II veterans, their families, and interested members of the general public were able to join the society. I know that the original members would be proud of the society's accomplishments over the past 65 years and that all of them would certainly agree that their optimism and vision has continued.

Approximately 30 years ago the society built a senior citizens' home and a few years later added an attached banquet hall. The building of this complex demonstrates their commitment to their community. Over the years it has provided a comfortable home for many seniors, and through their fund-raising efforts they've been able to assist the residents with subsidized rents.

In the span of 65 years the Polish Veterans' Society has been consistent in its dedication to the Polish community. They have enriched the lives of many by their efforts. Congratulations on your anniversary, and may the next 65 years be as successful as the first.

Thank you.

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

Cultural Diversity

Mr. Cao: Well, thank you, Mr. Speaker. Today I rise to recognize a celebrity event in Calgary. Nowhere else in the world but in our Alberta do we celebrate cultural diversity with gusto. Nowhere else but in Alberta can we visually, acoustically, and linguistically immerse ourselves in many parts of the world within a short evening. Indeed, just a moment after enjoying the rich culture from the subcontinent of India, we crossed the Pacific to the lands of Columbia, El Salvador, and Chile, with their fiesta spirits and colours. Then we crossed the Atlantic to enjoy the colourful, festive traditions of Hungary, Poland, and Switzerland. Then we went to Spain, with its heartfelt rhythm of the flamenco. We are brought back to Calgary with the sound of the Calgary Police Service Pipe Band.

Cultural diversity has enriched our province, our nation. Crossing

the ethnic boundaries, sharing the cultures, provides solidarity and understanding among our fellow Albertans. Culturally speaking, this is what we call the Alberta advantage.

I want to thank the hundreds of Albertans who delivered outstanding performances. Please keep growing the flower garden of Alberta's culture.

head:

Presenting Petitions

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

Dr. Taft: Thank you, Mr. Speaker. I have today a petition – it's in order – signed by over 1,500 Albertans which says:

We, the undersigned residents of Alberta, petition the Legislative Assembly to consider increasing base funding to post-secondary education to ensure that every qualified Albertan is able to attend University.

Thank you.

head:

Introduction of Bills

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

Bill 18

Energy Statutes Amendment Act, 2003

Ms DeLong: Thank you, Mr. Speaker. I request leave to introduce Bill 18, the Energy Statutes Amendment Act, 2003.

The Mines and Minerals Act and the Freehold Mineral Rights Tax Act will be amended by this bill. The amendments will provide legislative clarity for investors as well as ensure the rules are clear and effective if someone drilling a well trespasses onto minerals for which they don't have the rights.

Finally, the bill will allow the government to enhance its tenure and collections practices, thereby ensuring that Alberta continues to have the best land tenure and royalty systems in the world.

Thank you.

[Motion carried; Bill 18 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 18 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

Bill 21

Ombudsman Amendment Act, 2003

Mr. Ducharme: Thank you, Mr. Speaker. I request leave to introduce Bill 21, the Ombudsman Amendment Act, 2003.

This bill will allow the Ombudsman to more thoroughly investigate complaints and will allow for the expansion of his jurisdiction to include other government agencies not currently covered by legislation.

[Motion carried; Bill 21 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 21 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

2:40

Bill 206

Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003

Mr. Cernaiko: Thank you, Mr. Speaker. I beg leave to introduce Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003.

Mr. Speaker, Bill 206 will help create safer and healthier city communities for children and families. This bill will reduce sexual assaults committed on those women and children involved in the sex trade industry, supporting the Protection of Children Involved in Prostitution Act. Bill 206 provides for a strong deterrent and another tool for police enforcement but also includes a provision allowing for the release of the vehicle if the seizure creates a financial hardship to the offender's family. Bill 206 sends a strong message that this government will not tolerate the victimization of women and children who are trapped in a world of drug and alcohol addiction.

Thank you, Mr. Speaker.

[Motion carried; Bill 206 read a first time]

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

Bill 207

Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003

Mr. Lord: Thank you, Mr. Speaker. I rise to request leave to introduce a bill being the Municipal Government (Councillor Disclosure and Protection) Amendment Act, 2003, otherwise known as Bill 207.

[Motion carried; Bill 207 read a first time]

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Learning.

Dr. Oberg: Thank you very much, Mr. Speaker. I have two tablings today in direct reference to question period on Thursday, when I told the Assembly that I would be tabling the information about the Learning Resources Centre as questioned by the hon. opposition member. I have those as one tabling.

Mr. Speaker, the second tabling is actually a letter of support for the Learning Resources Centre from Avi Habinski, executive director of school and district services of Edmonton public schools, expressing his support for the excellent job and discounts that occur at the Learning Resources Centre.

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

Dr. Pannu: Thank you, Mr. Speaker. I've got five tablings here today. I'll be tabling them in the appropriate numbers required. The first one has confidential proposals for a Gas Utilities Statutes Amendment Act, 2003. This is dated October 3, 2002.

The second tabling is Gas Statutes Amendment Act, 2003: Gas Distribution Act. So confidential again.

The third one is a confidential document called Gas Statutes Amendment Act, 2003: Rural Utilities Act.

The fourth document is an overview of the ministry's assessment of the major changes which shows that these changes will drive up

costs for consumers. This is with respect to the natural gas amendment act, and this is issued from the acting assistant deputy minister for the department.

The last one, Mr. Speaker, is a letter dated January 17, 2003, from the Consumers' Coalition of Alberta to the Minister of Energy, indicating that the proposed changes to gas legislation will increase costs to consumers and also likely cause confusion.

Thank you, Mr. Speaker.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have four tablings this afternoon. The first one is a letter that I'm tabling on behalf of the Leader of the Official Opposition of Alberta. It is dated February 20, 2003, to Mr. Ken Block, president of the Edmonton Fire Fighters' Union. In this letter the hon. leader is indicating that there is a recognition that the essential services that firefighters provide to all Albertans is very important and hopes that Bill 202 will be passed.

The second letter that I have to be tabled this afternoon, Mr. Speaker, is dated December 31, 2002, and it is addressed to the chairman of the Alberta Electoral Boundaries Commission. It is from Gary Hanson from West Edmonton Mall, the general manager and chief officer, urging very strongly that Edmonton keep our 19 seats in this Assembly after redistribution.

The third letter is a letter dated February 28, 2003, to the attention of the hon. Premier, and it is regarding unreasonably high gas prices. It is from a troubled citizen who has a disconnection notice after a \$1,258 bill that is in arrears.

The last tabling I have is five copies of the petition that over 900 Albertans have accessed from the altaliberals.ab.ca web site urging the government to do as they promised and reinstate natural gas rebates.

Thank you.

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

Mr. Bonner: Thank you very much, Mr. Speaker. With your permission I would like to table the appropriate number of copies of the program commemorating the 65th anniversary of the Polish Veterans' Society.

Thank you.

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

Ms Blakeman: Thank you, Mr. Speaker. I'd like to table five copies of a letter from a constituent, Michael Denkers, who was denied qualification for AISH because he was \$11 over the limit and noting that the AISH Act declares that disability benefits received from CPP are nonexempt, whereas if the same amount was received from a private insurance provider, the first \$200 is not considered and the remainder is prorated at 75 percent.

Thank you.

The Speaker: Additional tablings? The hon. Member for Calgary-Buffalo.

Mr. Cernaiko: Thank you very much, Mr. Speaker. Today I would like to table the required number of copies of letters from urban communities supporting legislation that would allow the seizure of vehicles involved in prostitution-related offences. In addition to the over 100 letters of support from Albertans tabled last fall, including support from Mayor Bill Smith and Edmonton council, these letters

are from the following: 11 letters from Distinctive Employment Counseling Services of Alberta, one letter from the executive director of Metis Child and Family Services, six letters from students at King's University College, 11 from social work students at Grant MacEwan College, 10 letters from staff from the Prostitution Awareness and Action Foundation of Edmonton, 27 letters from the 124th Street Safe and Caring Community meeting, and 10 letters from women highly concerned about the exploitation of children and vulnerable women.

Thank you very much, Mr. Speaker.

The Speaker: Hon. members, the chair has received a letter from the hon. Member for Edmonton-Ellerslie requesting that the chair provide an explanation to some of the Speaker's rulings of February 27, 2003. Following that, we will deal with the two matters that were left over from Thursday dealing with two purported points of order, and following that we will deal with a point of order from today.

So, hon. Member for Edmonton-Ellerslie, if there's some clarification you'd like to provide with respect to your letter, please do it now.

Point of Order

Explanation of Speaker's Rulings

Ms Carlson: Thank you, Mr. Speaker. As the letter stated, the questions regarding your rulings on Thursday have to do with the two points of order that you requested the members for Edmonton-Mill Woods and Edmonton-Centre to respond to today.

I would like you to tell us about two separate issues. The first is your ruling on naming the members absent from this Assembly, which has not been a parliamentary tradition of yours or of the Commonwealth associations. Secondly, if you could explain your ruling on not allowing me as the Opposition House Leader to speak on their behalf on the points of order. In both cases you cut me off while you did allow a second government member, who does not hold a House leader position, to respond. I'll take this information under advisement in terms of proceeding with the point of privilege against yourself from the perspective of impartial rulings of the Speaker.

2:50

The Speaker: Hon. member, methinks there was a threat there, which would violate every provision within everything in the Assembly, and methinks that the hon. member doth protest too much. Let me, however, in the best form of parliamentary decorum attempt to respond to the letter.

First of all, there were some interesting words that were used by the Member for Edmonton-Ellerslie which are factually, I believe, quite incorrect from the perspective of the chair. What the chair did last Thursday was recognize, with the greatest degree of propriety, the civility and the courtesy that would normally be expected in this Assembly on a point of order.

First of all, the Standing Orders clearly indicate that the attendance of members in this Assembly is mandatory and, in fact, do provide, I guess, in the extreme interpretation of everything, for the members having to advise the Speaker when they would be absent. That rule has never been enforced by this chair. There's some degree of civility and decorum provided by the chair with respect to the attendance of those members in the Assembly.

Now and in the past, if a point of order is raised in this Assembly and particularly when innuendo is part of the point of order – in reading the text and listening to the text from last Thursday, clearly statements were made with respect to innuendo with respect to two

purported points of order. Who in this Assembly would be so arrogant that they could purport to speak on behalf of another person, knowing exactly what the intent of the original member raising the point would be? Who possibly would stand and say: I know better than what the other person is saying or thinking?

Well, what the chair did last Thursday was afford an opportunity for those members who were absent from this Assembly to in fact be here in this Assembly to participate in the purported point of order. How difficult would it have been if, in fact, the points of order were dealt with last Thursday and a member to whom the point of order was addressed was not here and was found to be out of order without having had a chance to participate in the point of order? Methinks that immediately there would be some member standing up and saying, "How dare you? How can you possibly make a decision?" and the member who was not here coming back the following Monday and saying: how could you have made a decision without offering me an opportunity to participate in the discussion at hand? It would appear to me that that would have been the biggest of all infringements of the privileges and the rights of a member of this Assembly.

I would never do that, hon. members. To have one member stand in this House and say that they can speak on behalf of another member when that member is not here and has not provided any information to the chair providing the authority for that other member to have their proxy would certainly jeopardize the independence of the chair and the civility and the courtesy and the decorum and the traditions of parliamentary government.

So what was done last Thursday? There were no rulings with respect to any purported points of order. The only thing that was done last Thursday was to say that it would be very helpful and that the member should be here.

Secondly, while it is a long-standing tradition not to comment on the absence of a member from this Assembly, from time to time that is done. When it is done by the chair, it is done with obvious reasons, and obvious reasons in this case were for the protection of the two members who were not here. If that is a difficult position for any member to comprehend, understand, realize, or appreciate, well, the chair feels sorry for that person who would come forward with that kind of myopic interpretation of their own.

In terms of cutting anybody off, that is just absolute nonsense. When a point of order is being presented, there is concern given to the point of order. But if it is not a point of order that's being addressed, rather another aspect that's being addressed, then clearly, in terms of the utilization of the time of all members of the Assembly, there is a requirement for the chair to intervene and intervene judiciously, appropriately, and in a timely manner. That doesn't mean that a member will not have an opportunity to participate later if and when they believe that they should have the right to.

Thirdly, as far as one member being more important in this Assembly than another member, for a member to assume that because they, quote, have a certain position, end quote, and then they look at another member who, quote, does not have a certain position, end quote, that they should be denied the right to participate is the greatest of all arrogance in a parliamentary democracy. Every member in this Assembly is an equal in this Assembly. There are no differences. There are no differences among members. All members in this Assembly have one vote, represent a constituency, and will be treated equally. No member has two votes, three votes, four votes, an inside track, an inside approach, a special privilege. That would be tantamount – tantamount – to the greatest chaos that could ever exist in a parliamentary democracy and would be to suggest that, in essence, there are several categories. How would you categorize this? Will one give precedence to the Government House Leader,

saying that he's much more important than the Opposition House Leader? Will one say that the Opposition House Leader is a heck of a lot more important than a private member from her own caucus? I think not.

This is a parliament of equals. This is a parliament of people, all who have one vote, all who have the right to participate, and all who should have the right to participate, and as long as I am the Speaker of this Legislative Assembly, duly elected by secret ballot from among all the members, I will be here to protect all members on an equal basis, without bias to any of them. That's the explanation.

Now, it's a few minutes shy of 3 o'clock in the afternoon, and the chair indicated that he would return to two issues from Thursday last. He also said that he asked for some clearer heads to look at these things since Thursday last.

Point of Order

Allegations against a Member

The Speaker: One point of order was raised by the hon. Member for Edmonton-Norwood. The hon. member rose. The hon. Member for Edmonton-Centre was not present – I repeat it again: not present – last Thursday for whatever reason, totally immaterial and insignificant to anybody. Members do have the right to leave this House. The chair, in listening to what had been said, listening to the brief statement by the hon. Member for Edmonton-Norwood, hearing that the hon. Member for Edmonton-Norwood had issued a particular statement with respect to some comments, might view this matter to be closed. Is that a correct understanding?

Mr. Masyk: Yes.

The Speaker: There is no point of order on that item.

Point of Order

Allegations against a Member

The Speaker: Now, the second item had to do with a point raised by the hon. Minister of Justice and Attorney General with respect to certain comments made by the hon. Member for Edmonton-Mill Woods. In reading the views of the hon. Minister of Justice and Attorney General, it had to do with some certain phrases and some certain words essentially dealing with – and I quote from *Hansard*: “The Edmonton Tory caucus has failed to protect the city from losing a constituency.” I stop the quote at that point although the quote does go on.

The chair did indicate the independence of an Electoral Boundaries Commission and the process for the Electoral Boundaries Commission in dealing with a particular issue and the process in there. Part of it was an innuendo that the hon. Member for Edmonton-Mill Woods essentially had secondary, I guess, objectives from the ones that actually pop out, that the implication and innuendo would be there that members of this Assembly can actually influence the Electoral Boundaries Commission. Now, the hon. Member for Edmonton-Mill Woods didn't say that the Edmonton Tory caucus could influence the Electoral Boundaries Commission, but the words led to the intervention, I believe, on the basis of innuendo.

The chair, quite frankly, doesn't want to see the Assembly spend a great deal of time on this matter. If there's a requirement for us to proceed on further discussion with respect to the point of order, the chair will sit down and listen to it. It's also recognized from time to time that this Assembly must accept conflicting views of the same idea or statement. All members know that they cannot influence the Electoral Boundaries Commission. If it were to come to be that a member was in a position to influence the Electoral Boundaries

Commission, this House and this parliament would have one heck of an issue. The courts would have one heck of an issue.

So if the hon. Member for Edmonton-Mill Woods would clarify that the intent was not to have anyone influence the Electoral Boundaries Commission, I do believe we could deal with this matter and wrap it up very, very quickly.

3:00

Dr. Massey: Thank you, Mr. Speaker. It was never my intention through innuendo or through the use of my words to imply any impropriety on the part of the government caucus. The root of the question referred to the record of the Edmonton Tory caucus and the kinds of activities that might have been undertaken and I think citizens in the city still are concerned weren't undertaken in terms of bringing the arguments that would clearly show taking a seat away from the city as an undesirable alternative. In the past there were campaigns. For instance, when the Calgary accord was being discussed, there were citywide town halls that were instituted by the government. I think there's a whole host of activities that would have raised citizen awareness, would have encouraged them to take some action that couldn't in any way be construed as doing anything but the kind of public service work that MLAs do on a day-to-day basis. I had no intention of making that kind of inference, as I said, either by word or by the choice of words, and that's it.

The Speaker: So, hon. Government House Leader and Minister of Justice and Attorney General, for fear of the hon. minister coming back to the Speaker and saying that I cut the hon. minister off, the fact of the matter is that I'm terminating this. This is not a point of order. The hon. member has had a chance to respond in the House with respect to this matter, and that's where that matter ends.

Now, the hon. Minister of Justice and Attorney General on the point of order raised today.

Point of Order

Clarification

Mr. Hancock: Well, thank you, Mr. Speaker. Under Standing Order 23(f) with respect to debating any previous vote of the Assembly, and *Beauchesne* 409(1) – and this perhaps may turn out to be simply a point of clarification. The hon. Member for Edmonton-Glengarry indicated in a preamble to a question that the government had defeated a bill on cell phone usage. It's very clear that the bill that the hon. member was talking about was a private member's bill. That was clarified in the response by the Minister of Transportation, but it still behooves me to raise the point of order that I raised at that time to clarify and to make sure that the hon. member understands and withdraws the reference to the concept that the government defeated a bill.

In this Legislature governments can bring forward bills, but the Legislature debates and passes bills. Private members can bring forward bills, and the Legislature debates and passes bills, and while we're used to a considerable amount of leeway in preambles to questions with respect to the factual nature of the preamble, in this case it is an affront to the House to suggest that the government defeated a private member's bill.

The Speaker: The hon. Member for Edmonton-Ellerslie on this point of order.

Ms Carlson: Thank you, Mr. Speaker. On behalf of the Member for Edmonton-Glengarry he certainly did state that the government defeated the bill to have more clarification, which this really is: a

point of clarification, not a point of order. To be defeated in this Assembly, when opposition members vote for a bill, the bill has to have a majority of government members and government private members support it or vote against it, and in this case that is what happened. So we're dealing here with a point of clarification.

The Speaker: Actually, there may very well be a point of order, and it would be *Beauchesne* 411(4), where members are actually cautioned that questions should "not criticize decisions of the House." There was a decision of the House with respect to this matter, but this was not raised during this purported point of order, so it will not be dealt with.

The chair looked at the hon. Member for Edmonton-Glengarry when the hon. Minister of Justice and Attorney General rose on the point of order. The hon. Member for Edmonton-Glengarry conveyed to me that he didn't think he'd said that government defeated the bill, and that was fair. So that matter is dealt with as a point of clarification.

Speaker's Ruling Role of the Speaker

The Speaker: The last words this afternoon, Standing Order 2 of the Alberta Assembly:

In all contingencies unprovided for, the question shall be decided by the Speaker and, in making a ruling, the Speaker shall base any decision on the usages and precedents of the Assembly and on parliamentary tradition.

Number 13(1), "The Speaker shall preserve order and decorum and shall decide questions of order." And I repeat: this Speaker will not be intimidated by any member with a threat, and if the hon. Member for Edmonton-Ellerslie stands in this Assembly again, she will be challenged immediately to proceed with her point of privilege and the whole process within this Assembly will be dealt with forthwith. Enough of that nonsense.

head: **Orders of the Day**
head: **Written Questions**

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you. Mr. Speaker, proper notice having been given on Thursday, February 27, it's my pleasure to rise and move that written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: **Motions for Returns**

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. Proper notice having been served on Thursday, February 27, it's my pleasure to move that motions for returns appearing on today's Order Paper also do stand and retain their places.

[Motion carried]

head: **Public Bills and Orders Other than
Government Bills and Orders
Second Reading**

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

Bill 202 Workers' Compensation (Firefighters) Amendment Act, 2003

Mr. Magnus: Thank you, Mr. Speaker. I am pleased today to rise to support Bill 202, the Worker's Compensation (Firefighters) Amendment Act, 2003.

This bill, Mr. Speaker, has a unique significance. This bill affirms the ability of every member of this House to seek redress when policies and laws don't work, to debate the institutions and processes that deliver services, and to make quick, substantive, positive change to improve the lives of those who need help in times of greatest need.

Years ago anecdotal evidence suggested that firefighters – the fittest, the strongest, the healthiest people in any profession – were getting some types of cancer more often than people in other professions, and that's what prompted scientific research to begin. The evidence was conclusive and decisive and has been since 1992.

There are six cancers that affect firefighters more often than the general population. They are brain cancer, kidney cancer, bladder cancer, leukemia, non-Hodgkin's lymphoma, and colon cancer. A surgeon at the Foothills hospital right in Calgary has dubbed these the firefighters' cancers.

Studies from Burnett, Guidotti, Mount Sinai, and the Ontario industrial disease panel, to name a few, all have told the same story: the profession of fire fighting makes firefighters more likely to get these cancers than you and I. Why? Because every time that a firefighter walks into a fire, whether that be in a home, an office, a vehicle, he steps into a toxic soup of soot and gases that are released by the burning materials. The chemicals used to make everything from the furniture we're sitting on to the gas that powers our cars to the clothes we wear are inert and harmless when used normally but become altered, airborne, and deadly when they're burned.

Firefighters do take precautions. They wear masks, but we have all seen firefighters or pictures of firefighters immediately following a fire, and they are black. They are covered from head to foot in soots, gases, and again, those same toxins, and that exposure happens, Mr. Speaker, hundreds and hundreds of times in the career of a professional firefighter, and that for some leads to cancer.

[The Deputy Speaker in the chair]

Until the research started coming out, firefighters didn't even ask for compensation when they got one of these cancers because they didn't know that the cancers were likely job related. When the research made the link between the profession and cancer clear, firefighters began asking for compensation, but the WCB, understandably, wasn't built to deal with this kind of a situation. It put the onus on individual firefighters who had cancer to prove that the cancer was work related, to determine the cause of the cancer, to provide records of fires fought, and to pinpoint the fire that was the cause of the cancer. It's not reasonable, Mr. Speaker, and it is not possible. Not only have firefighters traditionally not kept detailed logs of fires, nor do they conduct pollution analysis at every fire, but asking them to determine the cause of their cancer is a bit like asking a smoker to prove which cigarette caused lung cancer. There is simply no need to put the onus of proof on a firefighter with one of these cancers. The research is clear. These cancers are disproportionately work related.

3:10

Compensation for a firefighter with one of these cancers should not be left up to the discretion of any body, including the WCB. It should not involve a process of accumulating research, attending hearings, and waiting for months and months and months. Mr.

Speaker, if a firefighter drops an axe on his foot, he gets coverage tomorrow, but if a firefighter gets leukemia from years of being exposed to carcinogens, he could wait as long as a year for a decision. There's enough research now that when a firefighter gets one of these cancers, his or her only fight should be with that cancer, not with an arm's-length government body to determine whether or not they'll provide compensation, and that is why we need to ensure that when a firefighter does get one of these cancers, there's a presumption that the cancer is work related unless otherwise proven. That's what 23 U.S. states and one province, the province of Manitoba, have done, and it's time for Alberta to follow suit. We have the power and the ability to fast-track this process and to give peace of mind, and I think we should do that today.

Some have argued that if we make laws that give presumptive status to firefighters, then we might open a floodgate to other professions asking for the same thing. With respect, the floodgate argument does not hold water. You see, there's a huge difference between firefighters and other professions. If in any other profession workers encounter a dangerous situation, an environmental risk, they can refuse to work under that danger. They can appeal their working conditions, but firefighters cannot. When an oil refinery explodes or a chemical factory catches fire, firefighters are duty bound to enter that environment and work in it. They have no choice, and that, Mr. Speaker, is the difference. Firefighters are different.

There's another reason to support this bill, a more emotional, less tangible reason, and that is that firefighters deserve it. They deserve to know that just as they are there for us whenever we encounter danger and just as they answer any call for help, they can count upon us as legislators and Albertans to back them up in their rare times of need. Firefighters haven't come before the Legislature before, making demands or asking for help. That would be out of character for them, but this matters to them deeply. It matters that we send a signal that we understand the risks they take, the dangers they face, and the duty they accept, a duty that few of us would ever consider.

Mr. Speaker, there's a reason why we hold firefighters in such tremendous regard. These are people for whom heroism is just part of a day's work. There's a reason why every little boy wants to grow up to be a firefighter, and I'm led to believe there are a few little girls. I'm getting that from the other side. In my past career as an air traffic controller I have seen firefighters rush, firsthand, headlong where angels fear to tread. I've watched them go into a burning 737 and, frankly, rescue a very, very good friend of mine who was the last person out of that airplane, into infernos where second-guessing, a moment's hesitation, a wrong decision literally – literally – means life or death.

What we sometimes forget, though, is that firefighters are the point of first response for almost every emergency. During the past few months I've had long conversations with firefighters who have shared their everyday stories of dealing with death and life, from being the first to arrive at a tragic car accident to delivering a baby when EMS couldn't make it to the scene and a mother couldn't make it to the hospital. Everyday miracles, everyday tragedies, everyday danger, and it's part of their job. We hold them in high regard, we honour them when they fall, and we have a chance today to be there for them when they are struck down silently. We have a chance today to support them when they are at their weakest, and today we can tell firefighters that just like them, they are there for us, and we are there for them.

One firefighter told me very, very recently, actually last Friday, that since September 11 getting to work in the morning has been just a little bit tougher. He said he believed that the passage of this bill would send an awesome message of support from this House to every firehouse in this province. He said it would give firefighters

a little starch. Today let's come to the aid of firefighters with cancer. Let's give them a little starch because, Mr. Speaker, it's the right thing to do.

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

Ms Carlson: Thank you, Mr. Speaker. On behalf of the Official Opposition in Alberta we are very happy and very proud to support this legislation as it goes forward. Our Human Resources and Employment critic has been advocating for this type of legislation since Manitoba passed similar legislation last May. It really is the right thing to do for firefighters, who risk their health daily to protect the community.

When we were discussing this bill earlier this morning, the Member for Edmonton-Riverview wanted me to remind this Assembly and all Albertans that on 9-11 when everyone was leaving the World Trade Center, who did we see going back in there and risking their lives and in some cases costing their lives but public-sector unionized firefighters. We all owe you a vote of thanks, and I thank you for that.

Mr. Speaker, my son wants to be a firefighter. He is 19 years old now, and he has wanted to do this since he was a very young man. He's putting in a couple of years at college so that he can reach a level where he is going to be acceptable to be accepted as a fireman and is very much looking forward to that day. So when I say that I'm supporting this legislation as a legislator and as an Albertan and a community-minded person, I'm also very much supporting it as a mother of a future firefighter, so thank you very much for what you do on our behalf.

The Deputy Speaker: The hon. Minister of Human Resources and Employment.

Mr. Dunford: Thank you, Mr. Speaker. I want to begin today by complimenting the mover of Bill 202. I don't think anyone here questions the passion, the concern that has been raised by the Member for Calgary-North Hill in sponsoring this bill, and of course I want to extend my congratulations to him.

Secondly, I want to compliment all the firefighters here in the province. Some of them are here in the gallery today, and I think it's very important that they be here to listen to the debate and to listen to both the compliments that they'll receive and also the concern and some of the issues that one might have, including myself, in terms of the principle of this particular bill.

It must be understood that what we have here today isn't a bill that's suggesting that firefighters ought to be covered for the cancers that they're exposed to within their work conditions. That is accepted. I agree a hundred percent with the mover of this particular bill on the research that's been done and what it should lead to, then, in terms of an application for WCB because of a work-related, in this case, disease rather than injury. So what must be clear, I think, to all members of the House and certainly, then, through *Hansard* and out to all members within the firefighter occupation but also to all Albertans: again, it's an issue that goes beyond and aside whether or not a firefighter experiences cancer and, once having experienced cancer, whether or not we should do whatever we can to be able to assist that firefighter and their family as they go ahead to seek compensation, to seek medical benefits. There's not one of us in this House today that is going to vote against firefighters and the struggles that they have against cancer.

3:20

I want to also compliment, then, Alberta's Workers' Compensation Board, because when the Fire Fighters Association came to me last year with this particular issue – and, of course, in attendance

they had, as I recall, a representative from the Manitoba Firefighters Association – they were very articulate about what their concerns were and felt that in the past they had not been receiving perhaps the kind of attention, the kind of sensitivity, that a firefighter ought to from the Workers' Compensation Board. At that particular meeting I think I expressed, certainly in my recollection, some concern and some sensitivity toward the particular issue of cancer and compensation, and I share that today. I have not wavered from that.

In fact, by way of some background, Mr. Speaker, we have worked with the WCB in order to do a number of things. There have been changes since that particular meeting. One of them, of course, is a clearer understanding that in these matters a firefighter does not have to prove which fire they might have been exposed to in order to receive recognition for that cancer. Now, I'm not sure what other jurisdictions have done in the past about this. I'm told by the Alberta WCB that they've had a situation in place now for a reasonable period of time where a firefighter has not had to prove that. [interjection] Well, whether that's a long period of time or not, I am not sure, but I can tell you this: as we are speaking about this issue today, that is no longer in place.

So I believe that the workers' compensation system in Alberta has been trying to move forward, then, on the issue of how to deal, then, when a firefighter comes forward. I believe that they have made it more streamlined. The number of questions now that the applicant has to answer has gone, I think, from 18 to something like seven. More importantly, since a date in June of last year the sensitivity had been raised to: now let's make sure we understand this application, whether it is a firefighter or not. So there's been more focus on what has happened. In fact, in that period of time and regarding the cancers that are part of the bill, it is my understanding that there has not been an application that's been denied.

What I'm speaking against today is the principle of the bill, and again it is important for everyone to understand that the principle of the bill is not talking about a cancer and talking about a firefighter. That is accepted. We all accept that. What the principle of the bill is saying is: where is the onus of proof in attempting to receive compensation?

Now, I think it's important, then, at this particular stage to think about how a parliamentary system such as we have works, and I want to contrast that to a system that is currently in existence in the United States. The mover of the bill talked about 23 states that have accepted the presumptive nature of the cancers, and there shouldn't be any question about that. I think 50 states should be accepting that because the United States was set up under a Napoleonic code rather than a British parliamentary system, and under a Napoleonic code you have built into that whole realm of legislation, of regulation, a presumptiveness. The individual is right until somebody proves that they are wrong. So if somebody wishes to take my words today and help throughout the States, then they're welcome to it, but in Canada, under a parliamentary system, the onus has always been on an individual or a collective that if you are entitled to something, you must show how you meet that entitlement.

So this is the only thing that we're talking about. Bill 202 turns that upside down. The presumptive nature of it is more like a U.S. system than a British/Canadian system, and it would put the WCB in a position of, first of all, guaranteeing the acceptance of the claim until such a period of time that they can prove it or disprove it. That is the essence of the bill, and that is why I want everyone today to know and to understand that we're not in a popularity contest here about firefighters. There is no question about the value of firefighters, and I hope that this *Hansard* is distributed to firefighters so that I don't get these e-mails that I've been receiving from firefighters that clearly don't understand the position that I'm trying to take. We

are not for or against firefighters by whether or not we support or don't support this particular bill.

What we have here, and I think where firefighters should celebrate the fact, is that we have a plan A and we have a plan B. Now, if plan A is the presumptive nature of Bill 202, then that is a way to resolve the issue as far as firefighters are concerned, and they support it, and that is fine. This is a democracy. There's no problem with that. What I'm saying, though, is that there's a plan B that's been in effect for a period of time and remains in effect today, and that is where the government and WCB are working to see how we can reduce any sort of barrier or any sort of bureaucratic hazard that a firefighter might expect. And just for those of you that are so turned off by a WCB system that you would want to do anything that might impact them, this would be a reason to perhaps follow the bill. That was for my friend down at the far end.

It is my oath to uphold legislation and regulations that are duly debated here in this House, and I have a sworn duty to ensure that the policies and procedures support those regulations, and right now in our system if you are applying for a benefit, the onus has to be yours that you show entitlement.

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

Dr. Pannu: Thank you, Mr. Speaker. I am pleased to rise on behalf of the New Democrat opposition in the Assembly to speak strongly in support of Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. I also want to thank the hon. Member for Calgary-North Hill for bringing this piece of legislation forward.

I want to express some disappointment at the minister's remarks just made in the House, but it's a democracy. We have a right to disagree with each other and express our opinions on the floor of the House as we please. So I am disappointed somewhat.

I want to also acknowledge a letter that I received from a man that I respect very highly, Ken Block, president of the Edmonton Fire Fighters' Union local 209, who I understand is present in the public gallery here today. Welcome, Ken, to the Assembly as we debate this legislation, and I assure you that your letter of February 3, 2003, was an added impetus to my determination, which was already there, to support any legislation that will provide adequate support and protection to our heroic firefighters, men and women, who provide us protection, give us help when we need it, and in doing so, put their own lives on the line.

Thank you all for the work and the public service that you offer, and hopefully this Assembly will pass this bill and do what's right, which is to proceed with a legislation which has a presumptive status, which puts the onus of proof for injury received at work by firefighters on the shoulders of the employers so that the injured workers – and they're affected in this case by deadly forms of cancer, six different types – won't have to stand in line and fight both their cancers and the WCB in order to receive the coverage that they so duly deserve.

Firefighters make an incalculably important contribution to our society, to our communities. They protect our lives, our homes, and our families. They also bear the price of this contribution all too often with their own lives. My own constituency is host to a memorial statue of firefighters that have served our communities and who are no longer with us.

3:30

But the most obvious dangers faced by firefighters – the heat, the building threatening to collapse – are not necessarily the most threatening ones. The most obvious ones are the ones that we know about and people think about. On a daily basis firefighters run the

risk of being exposed to a number of toxins such as asbestos, benzene, hydrogen cyanide, nitrogen dioxide, and others. It's no surprise, then, that firefighters face a 30 to 50 percent increase in the likelihood of the risk of prostate cancer and many other cancers. The science on this matter is very clear and solid. We reap the benefits of these men's and women's dedication, but they pay the cost. It's only fair that as a society we do everything we can to mitigate their costs.

Currently, if a firefighter acquires cancer because of their occupation, they must prove to the WCB that the cancer is linked to their work as a firefighter and their repeated exposure to the toxins mentioned earlier. Imagine, Mr. Speaker, being asked to risk your life every time you leave your family and go to work. Imagine that after five, 10, or 20 years of risking your life you are told that you have cancer. What would your priority be? If it were me, I would want to spend time with my family, my friends, and my close colleagues, knowing that I'm suffering from cancer and that it may be terminal. I would want to focus my energy on getting better, on beating this terrible disease. Instead, our current system forces firefighters to waste valuable time convincing the WCB that they deserve compensation.

Let me tell you, Mr. Speaker, that the Workers' Compensation Board tends to greet injuries that have any complexity with a great deal of skepticism. This is part of what Justice Samuel Friedman noted in the review of the WCB appeal systems when he said that the WCB system has an entrenched culture of denial. Injured workers who apply for benefits find themselves to be immediately under suspicion. Injured workers are forced to undergo numerous instances of humiliation. They are disbelieved. They are told that their pain is only in their minds and accused of being lazy, uncooperative, and outright dishonest sometimes.

Several years ago I had the privilege of advocating on behalf of a woman who had been perfectly healthy her entire life. Shortly after being forced to change from one office to another, she became terribly ill because of sick building syndrome. My constituent wanted nothing more than to heal herself and return to work. Rather than be given this opportunity, she spent several years of her life suffering the indignity of the WCB's constant suspicion and the poverty that accompanied the inability to work.

I met recently with another constituent who was injured over 20 years ago and whose battles with the WCB eventually had to be extended to a battle with Health and Wellness. That constituent has found that the longer he has been in the system, the more doors were slammed in his face and the more indignity he suffered.

So is it fair to ask firefighters to risk their lives for many years of their careers and then to force them to battle the WCB's culture of denial should they be unlucky enough to develop one of these six types of cancer linked to their occupation?

I also want to stress, Mr. Speaker, that firefighters are in a nearly unique position in their employment. In most jobs if your employer asks you to perform a dangerous and life-threatening task, the law guarantees you the right to refuse. The very nature of the firefighters' employment means, however, that they must put themselves day in and day out in harm's way for our protection, for providing service to their communities.

Detractors of this legislation will argue that it creates a slippery slope. The other occupations may start to make similar claims. The New Democrats say: let them. If a link can be proven as conclusively as a link between firefighters' occupation and their rate of cancer, then let us implement presumptive legislation in those cases as well.

To conclude, Mr. Speaker, I want to thank the men and women of this province, some of whom are in the public gallery today, who

have dedicated themselves to protecting, to providing safety and security to us and our families. I would like to encourage all members of this Legislative Assembly to give their clear and strong support to this legislation.

Thank you.

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

Mrs. Fritz: Thank you very much, Mr. Speaker. I am pleased to rise today, as well, and join in debate on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. Like others in the Assembly I would like to take this opportunity to express my thank you to my friend and colleague the hon. Member for Calgary-North Hill for all of the hard work that he's done in order to bring forward such an important piece of legislation.

There have always been and hopefully always will be those who dedicate themselves to saving the lives of others. Those who make it their profession to save lives are very, very special people who are held in the highest regard by our society because in many circumstances they put their own life on the line in order to save the life of someone else. One important group of individuals who perform this noble duty is our province's firefighters, and we are all here today paying tribute to them as well. They are elite professionals who have chosen a career that only a small number of Albertans would be brave enough to choose.

It is imperative to note that Alberta's firefighters are expected to go into potentially deadly environments and then save the lives of their fellow citizens day in and day out. They choose to perform this dangerous profession, which over the past several decades has claimed the lives of many of their brotherhood, and regrettably, Mr. Speaker, there are countless numbers of firefighters across the globe who have lost their lives as a result of work-related injuries such as burns from high-intensity heat, smoke inhalation, or falling debris. However, there is a silent enemy, that we heard of earlier, that is as deadly to a firefighter as any inferno or falling structure, and I am referring to cancer.

Our society is not a stranger to cancer. We hear about it every single day. Many of us have been personally affected by this potentially fatal disease. Many of us have had our loved ones and friends lose their lives to this horrific disease, while others are currently battling this terrible illness. The more we hear about cancer, the more it appears to be an epidemic that will only be stopped through the efforts of the entire world community.

Mr. Speaker, as you heard in this Assembly, firefighters are one group of individuals who have been particularly affected by this terrible disease. Due to their type of work they are highly susceptible to developing six specific types of cancer: bladder, kidney, non-Hodgkin's lymphoma, brain, and colon cancer and leukemia. I don't have to remind everyone here today that all of these are potentially fatal.

One of the key reasons why firefighters are so susceptible to contracting these particular cancers is directly related to the types of environments in which they work. Over the past several decades there have been significant changes in the sophistication of many of the materials that are used in construction. More specifically, there has been an increase in chemicals being used in construction to speed up construction time, lower costs, or improve the quality of structures. However, while these chemicals have reaped great benefits for the construction industry, they have proven to be extremely dangerous and potentially deadly to our firefighters. As these chemicals catch fire, they release potent carcinogens, which, if absorbed by human skin, can cause cancer, and currently our firefighters do not possess the equipment which can fully protect

them against these deadly agents and are therefore under the constant threat of acquiring the six cancers that were previously mentioned.

Mr. Speaker, Alberta's Occupational Health and Safety Act gives our province's workforce the option of refusing to do a certain task related to their work if they have reason to believe that such a task is potentially harmful to their health. However, due to the nature of their work firefighters are not permitted this kind of option. Unlike other professionals they have a duty and responsibility to all Albertans, and this duty involves their entering dangerous and life-threatening situations. Unlike other professionals they have no choice but to save life even it means compromising their own. As a result of this, many of our brave firefighters have contracted cancer and are currently suffering from its terrible effects. You would think, Mr. Speaker, that those firefighters who are suffering from any of the six work-related cancers would be receiving automatic compensation from the Workers' Compensation Board. This regrettably is not the case. The current WCB regulations stipulate that the onus is on the individual firefighter to prove that he or she acquired cancer while performing their duty.

3:40

Mr. Speaker, I believe that we have one of the best WCB systems in this country, a system that I strongly support. With all systems, though, change can be made, and it can be made for the better. Usually, that's brought forward by people that are experiencing the occupational hazards that relate to their type of employment, and that is exactly what has come to the Assembly today. Right now the system implies that we are prepared to put our firefighters through the agonizing process of having to prove their case even though it has been scientifically proven that firefighters are at a greater risk of developing these six cancers.

Putting some of our society's most selfless members through such an arduous process while they are trying to come to terms with such a deadly disease is simply unwarranted, and it must change. We appreciate the self-sacrifice of firefighters and must do everything in our power to help ease the pain of those who contract cancer. One of the best ways toward accomplishing this goal is for this Assembly to amend the Workers' Compensation Act and automatically provide our firefighters with the compensation they deserve.

This has already been accomplished in one other Canadian province and 23 states of the United States. During the spring 2002 session of the Manitoba Legislature a bill was passed which outlined Manitoba's commitment to fair treatment and compensation to its fire-fighting professionals who contracted cancer. Manitoba set the standard for other provinces to follow by passing Bill 5, the Workers Compensation Act, on May 2, 2002. The act established a new set of guidelines which give Manitoba's firefighters automatic compensation status if they were to contract brain cancer, leukemia, non-Hodgkin's lymphoma, bladder, or kidney cancer. It is also important to note that Bill 5 not only gave compensation to the firefighters who recently contracted cancer, but the law was also made retroactive to 1992. This meant that firefighters who made their claim to Manitoba's Workers Compensation Board after 1992 received automatic coverage. The road to introducing Bill 5 in Manitoba was one that involved tragic events. Since 1987 17 firefighters have died in Winnipeg from work-related cancers. That is 17 lives lost and 17 families shattered.

The group that was largely responsible for lobbying the Manitoba government to bring forward Bill 5 was the International Association of Fire Fighters. They brought forward numerous studies which outlined the risks and dangers of fire fighting. These studies included sizable amounts of data illustrating the likelihood of firefighters contracting work-related diseases when compared to the rest of the population. The evidence is compelling.

In closing, I would like to thank my hon. colleague from Calgary-North Hill once again for having the resolve to bring forward this important, historic piece of legislation. I congratulate you, hon. member. I would also like to thank our firefighters, many of whom are here today, for bringing this important matter to our attention so that we as legislators can enshrine our policies into legislation. I would urge all of my colleagues to support our province's firefighters by voting in favour of Bill 202.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar, followed by the Hon. Minister of Finance.

Mr. MacDonald: Thank you very much, Mr. Speaker. I, too, rise this afternoon in debate on Bill 202 and urge all hon. Members of this Legislative Assembly to endorse the proposal, the Workers' Compensation (Firefighters) Amendment Act, 2003, as tabled here by the hon. Member for Calgary-North Hill.

I, too, would like to congratulate and thank the hon. member for bringing this legislation forward. I was pleased to see it come forward and pleased to see how it was developing – I heard through the grapevine that it was developing very well – because I was disappointed last June to find that support of an idea that the Official Opposition had in regard to following the legislative initiative from Manitoba was not being received favourably in some quarters in this province. So I'm delighted that the hon. member has worked at this, and I appreciate his work and his efforts. Hopefully, everyone can listen to the debate this afternoon and support Bill 202.

Now, every day or every evening, whenever a firefighter goes on shift, they're willing to put their life on the line for each and every one of us. There are very few jobs where that is one of the requirements. After the hon. member's description of the toxic soup that firefighters must go into in order to do their job, there's no doubt that they are exposed, and unfortunately they can acquire various cancers including bladder, kidney, non-Hodgkin's lymphoma, colon cancers, or leukemia as a result of their job. We look at the composition of our modern building materials and the resins and the glues and the inhibitors that are put in these materials to make them more soundproof and, in some cases, even to fireproof them to a certain temperature. The firefighters are exposed to this, and they're exposed to this over a period of years. While our building materials and how they burn have certainly changed in the last 50 years, the laws to protect not only the firefighters but their families have not changed.

When we look at not only residential fires or commercial fires but also large industrial fires, which firefighters are required to fight, it is more important that we pass Bill 202 to recognize just the number of carcinogenic substances that they encounter in their line of duty. Some may say that this is a special treatment. I don't think so when you compare firefighters to other workers in Alberta. Firefighters – and I repeat this – every shift, whether it's afternoon, night, or morning shift, put their lives on the line. If unfortunately – and I hope it never happens, but I'm sure it will – one of the membership is diagnosed with any of those forms of cancer that have been mentioned earlier, they and their families should be able to have at least the comfort of knowing that there are going to be benefits through the workers' compensation system.

I'm not going to speak too long this afternoon, Mr. Speaker. There are many members of this Assembly that, I understand, are very anxious to participate in debate. In conclusion, when you consider what the firefighters put on the line every time they answer a call, it's the least we can do. It will not be an expensive program for the WCB to carry out, as I understand, and certainly we have the

occupational disease reserve fund. It's in excess of \$200 million. Hopefully – hopefully – the number of firefighters that are going to be diagnosed with cancer from job exposure is going to be in the single digits across the province. But it shouldn't be a matter of money; it should be a matter of priority. It was a clear day in September, a beautiful September day, when the rest of the citizens of New York City were going one way and the firefighters were going another. I know it's outside the jurisdiction of Alberta, but I have no doubt that the firefighters in this province would go the same way the firefighters in New York City went, and that was inside a burning building to save lives. The least we can do is consider this Bill 202 and make it part of the law of this province.

Thank you.

3:50

The Deputy Speaker: The hon. Minister of Finance, followed by the hon. Member for Edmonton-Glengarry.

Mrs. Nelson: Thank you very much, Mr. Speaker. I am very pleased to stand with a number of colleagues on both sides of the House in support of Bill 202. I, too, would like to thank my colleague from Calgary-North Hill for raising this issue and bringing it forward. When he first told me about his quest, I was a little overtaken. I couldn't believe that we didn't already have this in place. In fact, I think I said to him: well, that's a no-brainer, so bring it forward, and let's get on with it. I couldn't believe it.

Like many have said, this bill recognizes that there are six cancers that are occupational diseases particular to fire fighting. It also says that we accept a presumptive status for these cancers in the legislation, and it calls for a study to be carried on about the cancer rates for volunteer firefighters. It also does one thing that I think is important. The onus of proof is now shifting a little bit – and this is something that has been a concern and, I know, is changing – from the injured worker to prove the case to WCB proving the case.

So when I think about what we're doing, I think about burning buildings, explosions, bombings, chemical spills, house fires, grass fires, acts of terrorism, all types of disasters and emergencies that are associated with people that care for us, people that call to look after us by simply dialing a number, and they're there. Without hesitation they enter into all of those situations, all of them emergencies, and go in to make things better and to rescue us.

I was reading some articles, Mr. Speaker, and I know that a lot has been said about the different types of things that have happened. I was interested in the article – and it may have been talked about – from Dundas, Ontario, where John Gray's father was a firefighter in Hamilton for 28 years. John talked about building roofs caving in, staircases caving in, his father being trapped in a fire. He never dreamt that his father would have brain cancer. He never dreamt that his father would die that way as a firefighter for 28 years. Now, he was diagnosed, and he did receive compensation in Ontario, but this does happen. One of the things that they said when they were looking at this in Ontario through the Ottawa Professional Firefighters Association was that there had been 10 studies that had linked statistical data between brain cancer and fighting fires, but they weren't too sure what the link was. There was a strong suspicion that exposure to toxic fumes, gases and that released when plastics and synthetic materials burn causes problems and a link to cancer, carcinogens. These things are found in every car and every home, in every office building that we have.

In fact, there's a whole list of them. I was interested to look at some of the dangerous chemicals that are there before our firefighters every day that they are out on the streets for us. Acrilan is probably one of the biggest ones. It's a white and yellow liquid that

burns very easily, and it's found in the manufacturing of plastics and perfumes. It's also found in livestock feeds and pesticides, and it can be created by combustion from wood, cotton, carpeting, and upholstery.

Another one is asbestos. Of course, we know the dangers of asbestos and exposure to it, but it's amazing the amount of asbestos that is there in buildings, particularly the older buildings, that burn.

Benzene. Benzene, of course, is found all over in things such as dyes, chemicals, linoleum, oilcloths, varnishes, and lacquers. These are in buildings and businesses and homes when firefighters go in.

Chloroform. Chloroform, again, is something that is found on different organic materials at fires. It's usually found in low quantities but still at sites they go into, and it can cause huge damage to the liver and kidneys.

Diesel exhaust. Diesel exhaust, of course, is a mixture of chemicals including benzene, formaldehyde, and polycyclic aromatic hydrocarbons. PAH they call them. When you go into a place where there's diesel exhaust and there's been a fire, this is all inhaled.

Formaldehyde, halons, hydrogen chloride, hydrogen cyanide, nitrogen dioxide, and organic solvents, even vinyl chloride, which is another chemical in bag and bottles and automobile upholsteries and toys and consumer goods: when these things burn, they're inhaled, and the firefighters are exposed to all these chemicals. They can't be doing anything other than hurting our firefighters.

In fact, there was a fire on July 9, 1997, in Hamilton at the Plastimet building, where 400 tons of plastic, most of it polyvinyl chloride along with polyurethane foam and polyethylene, were involved. It took between July 9 and July 12 to put the fire out. There were 204 firefighters who responded to the fire. One hundred and eighty-five were on-site from July 9 to July 12. One hundred and sixteen were involved in the cleanup and the decontamination. Fifty-six percent reported throat irritation, 52 percent eye irritation. One hundred and twenty-eight were exposed to smoke, 97 were exposed to mist, and 60 were exposed to ash and fallout. It goes on and on. Today's firefighter is exposed to more chemicals and more carcinogenics than you can believe.

The difficulty is that we ask our firefighters to do the job for us. A number of studies have already been held in the United States and in Ontario. Why this hasn't been dealt with in our province is beyond me. The time has come to move forward on this. When we all saw the vision of what happened in New York, where the flames were burning away, the debris was all over, the temperatures were high, it was the firefighter's face that went into the flames, in to rescue, in to carry the day, to help people. In an article that was written on it, it said that among the substances that escaped in that fire, there were 1.2 million tonnes of debris at ground zero made up of asbestos, benzene, dioxin, polychlorinated biphenyls, also known as PCBs. These are all linked to cancer. Now, they won't know for probably some 20 years if the impact of that rescue is going to be felt, but already they're having fallout from people who participated at ground zero. But it won't be assessed for 20 years.

In the meantime there's an expectation that firefighters must go in. We depend upon them for our own safety. Now, why we would not put some safety in place for them and for their families so that if something unforeseen such as cancer hits them as a result of this occupational hazard is, in my view, unconscionable. It's a must. It's no different from any other high risk.

4:00

Fighting fires has changed dramatically over the last 30 years. We just haven't changed with it. So the time has come, Mr. Speaker, for us to move forward, to protect our firefighters and their families so

that they have an opportunity to have a clear conscience when they go into those fires to save our lives, to protect our families, to protect our businesses, to protect our communities.

I would encourage all members in this House to stand behind the colleague from Calgary-North Hill, who has carried this bill, and the other colleagues within this Legislature and put this forward and join the fold of people on the front line that protect the firefighters of this province.

Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Glengarry, followed by the hon. Member for St. Albert.

Mr. Bonner: Thank you very much, Mr. Speaker, and it is, indeed, a pleasure to rise this afternoon and speak to Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. I must also add my thank yous to the Member for Calgary-North Hill, who has sponsored this bill and who has spoken so passionately and strongly for it to be passed here in the Assembly. I would also like to add that I certainly favour this bill, and I will lend my support along with other members in this Assembly to see that it does get a speedy passing.

These brave firefighters encounter any number of difficult and dangerous situations in the course of their employment. They are generally the first on the scene of disasters: fires, accidents, toxic waste spills, drownings, and the list goes on and on. Their dedication to safety in this province is unparalleled. Over the years they have developed measures to deal with the most dangerous of situations. They train constantly to hone their safety skills. They develop strategies to deal with toxic waste. They have developed safety equipment to assist in search and rescue and assist them in the predicaments that they find themselves in. We also find, Mr. Speaker, that many of these procedures, much of this equipment finds its way into the industrial sectors of our society, into the residential parts of our society, and it certainly assists in the safety of us all.

he bill supports compensation for firefighters with six different types of cancer, and these types of cancer are specified as primary site cancers, and it certainly is a very, very good piece of legislation.

If we look at the workers in this province, one of the things that they have to do in order to get WCB benefits is prove causation, and I think that by the comments that have been spoken here in the House this afternoon, where our firefighters are expected to go into any number of different situations and they are exposed to so many different types of toxic materials, this particular bill is an important first step in dealing with that idea of causation. Certainly when we look at injured workers in the province and particularly those who have contentious, long-standing claims, the whole idea of causation is the biggest hurdle that they have to get over. This piece of legislation here today will eliminate for these workers, these people who, when they are called to action, place their lives on the line for Albertans, that first huge hurdle that so many workers in this province have to face. I think, as well, that when the injured workers of this province look at this legislation, they will also be thanking the firefighters because they have addressed a very, very serious flaw in our WCB legislation here in the province.

Now, certainly there is evidence, as has been pointed out here in the Assembly today, that firefighters do have an increased incidence of certain types of cancers, and I think that all of those have been dealt with here in the bill.

So, Mr. Speaker, I would like to take this opportunity to thank all firefighters in this province, in this country, and around the world for the great work that they do. I would also like to thank their families

because these people put their lives on the line for us on too frequent occasions and in many instances because of the stupidity or the lack of attention that the ordinary person has. As well, I would like to urge all members of this Assembly to support this bill, to see that it progresses through the House as quickly as possible so that we can offer this protection to the people that risk their lives for our safety.

Thank you very much.

The Deputy Speaker: The hon. Member for St. Albert, followed by the hon. Member for Lac La Biche-St. Paul.

Mrs. O'Neill: Thank you very much, Mr. Speaker. It is my honour to rise today in support of Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. I would like to commend the hon. Member for Calgary-North Hill for his dedication to this important matter which holds such incredible human interest for all of us. Bill 202 proposes the presumption of compensation for full-time firefighters who are regularly exposed to fire scene hazards and later contract certain cancers. A firefighter presumption means that certain injuries are presumed to be caused by the occupation of fire fighting unless the contrary is proven.

I am speaking here today in support of Bill 202 because I personally feel firefighters deserve presumptive status, but I'm also here speaking to voice the ideas of my constituents. Mr. Speaker, firefighters, some of whom live and many of whom work in my constituency, have contacted me and voiced their support for Bill 202, and I would like to acknowledge that there are three members in the public gallery today who represent the firefighters of St. Albert. We are very, very proud of you. Thank you.

The only province to have presumptive legislation for firefighters is Manitoba, and believe me; it is not like me to commend legislation that an NDP government has passed. However, it is important to note that the opposition Conservatives in that province were also in favour of the legislation. In all seriousness, Mr. Speaker, Bill 202 is an important piece of legislation that will directly affect the personal lives of firefighters and their families.

As has been acknowledged by all – and I stress “all” – who have spoken on Bill 202 today in the Legislature, firefighters put their lives at risk in their dedication to preserving and protecting the lives and property of Albertans. In the line of duty they encounter obvious perils, the flames and the debris that can cause traumatic injuries like broken bones, sprains, and burns, but they also encounter more insidious dangers: the smoke, gases, and fumes of various burning chemicals, plastics, and other synthetic material. There is no such thing, Mr. Speaker, as a standard fire.

I know that my colleagues here today recognize the complex hazards faced by firefighters and the increased risks these hazards produce. I also know that they, like me, want to ensure that firefighters who contract occupational cancers receive the benefits to which they are fairly entitled. Firefighters have received a great deal of intensive investigation from scientists over the last two decades. This research was prompted by the knowledge that firefighters are exposed through their work to a variety of known carcinogens and toxic agents contained in fire, smoke, gases, and building debris and that they are exposed to them on a regular and recurring basis.

The medical and scientific evidence has come a long way. There is now substantial medical and scientific literature on firefighters and occupational illness. That is why this amendment to the Workers' Compensation Act has been brought forward to identify the presumptive status for firefighters.

4:10

In a March 2002 study done by the Manitoba Workers Compensa-

tion Board it was concluded that the evidence available since 1994 suggests that it is reasonable, given the available scientific evidence, to adopt a policy of presumption for claims submitted by full-time urban firefighters for primary site brain cancer, bladder cancer, kidney cancer, non-Hodgkin's lymphoma . . . and leukemia.

This study was conducted by Dr. Guidotti, an internationally known epidemiologist. Dr. Guidotti served as professor of occupational and environmental medicine and director of the occupational health program in the department of public health services at the University of Alberta, but since 1999 he has been professor of occupational and environmental medicine at the George Washington University Medical Center in Washington, D.C., and was seconded to work on epidemiology issues after September 11, 2001.

You may have noticed that the study specifically mentioned "full-time urban firefighters." Bill 202's presumptive status is also limited to full-time urban firefighters. However, it should be noted that Bill 202 also calls for a study to be done on rural and volunteer firefighters to determine if a link exists between their occupational hazards and cancer. I feel strongly that this is an important part of Bill 202. The evidence must be strong and clear before we legislate presumptive status, which is the case for full-time urban firefighters.

Mr. Speaker, for a moment I would like to talk about the cancers that Bill 202 gives presumptive status to. The cancers, as I mentioned, are brain cancer, bladder cancer, kidney cancer, non-Hodgkin's lymphoma, leukemia, and colon cancer. It should be noted that Bill 202 has gone even further than the Manitoba legislation to include colon cancer because of the scientific evidence linking the disease to the occupation. Full-time urban firefighters are at least twice as likely to die from six firefighter cancers as their non firefighting counterparts. This statistic is astounding. It is time to implement fair and just legislation for the men and women who risk their lives for us every day.

Bill 202 calls for the Minister of Human Resources and Employment to set the minimum time lines that a firefighter must serve in order to receive presumptive status when these six cancers are discovered. The minimum time lines set out in the Manitoba legislation are a good reference point for us to consider. The minimum periods of employment in Manitoba range from five years for leukemia, 10 years for brain cancer, 15 years for bladder cancer, and 20 years for non-Hodgkin's lymphoma and kidney cancer. I believe these minimum time lines are important because they are based on medical evidence. They are not random estimates that the Manitoba government selected nor are they estimates that we here in this Legislature should presume to identify solely without the medical verification.

So, in conclusion, Mr. Speaker, I would again utter my appreciation, as others have done, for the fine work and the great confidence that the firefighters in my community and theirs give to us who are residents living under their care, if you will, in their jurisdiction, and I would strongly urge my colleagues here today to look at the evidence and to support this important piece of legislation.

Thank you.

The Deputy Speaker: The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Mill Woods.

Mr. Danyluk: Thank you very much, Mr. Speaker. I am also very pleased to have the opportunity to speak to Bill 202. My constituency volunteer firefighters support the hon. Member for Calgary-North Hill on his initiative to bring this bill forward. Voluntary firefighters from my constituency also agree with the intent of the bill but would like to see the bill extend its coverage to rural voluntary firefighters.

Firefighters in rural Alberta have a lot of similarities with their urban counterparts. Voluntary firefighters have exposure to the same conditions that full-time firefighters do. I would encourage the support of subsection (6)(b), page 2, for the WCB to investigate and prepare a report on the status of the research and submit it to the minister.

[The Speaker in the chair]

Automatic coverage and approval of benefits and coverage for cancer-related health concerns to voluntary as well as full-time employees should be mandatory. Toxic fumes and smoke are present at all fires whether the location is urban or rural. Exposure to these fumes is no different if you are a voluntary firefighter or a full-time firefighter.

Voluntary firefighters respond to a large number of fires. For example, in the town of St. Paul last year voluntary firefighters had 120 responses. They included bush fires, oil patch related fires, vehicle fires, major structure fires, and low-profile fires. It is worth it to mention that we cannot always view unexpected negative potentials. It is important to note that low-profile fires can have major health dangers and the potential of long-lasting ramifications. Vehicle and dumpster fires are probably some of the most dangerous as firefighters cannot anticipate their contents or their toxins. Also, there is a major concern when the flames are extinguished and firefighters relax their guard and may inhale smoke of a smouldering fire without knowledge of the content.

There are some differences in urban and rural departments. Education seminars are usually done on free time for voluntary firefighters, so they are less likely to happen in a timely fashion. They have full-time jobs that take time when courses are traditionally held. Sometimes toxic exposure information and training about these fires are not relayed to voluntary fire departments in a timely manner. Professional protection equipment is more likely to be substandard in voluntary departments than it is in a full-time department. A lot of equipment upgrades are purchased by voluntary fund-raising and may not necessarily happen when needed.

I would like to close by saying that volunteer firefighters have no pensions to fall back on, and their participation is usually their commitment to the support and protection of their communities. There are long-term firefighters in small rural departments. Many have volunteered for 20 to 30 years. To have negative contact with fumes and toxins does not necessarily need to be over a long period of time but can occur during short exposure. I would ask that rural voluntary firefighters have the same opportunity of support as their urban counterparts. Mr. Speaker, it is imperative for the WCB to have an industry report of the toxic implications to rural firefighters along with their urban neighbours.

Mr. Speaker, I would like to express the support of the voluntary firefighters in my constituency for Bill 202. Thank you.

The Speaker: The hon. Member for Edmonton-Mill Woods.

Dr. Massey: Thank you, Mr. Speaker. I appreciate the opportunity to say a few words in support of Bill 202 this afternoon. Much has been said about the bill. The bill is one that requires the WCB to presume that all firefighters filing for benefits due to brain, bladder, kidney, non-Hodgkin's, lymphatic, or colon cancers, or leukemia had their illnesses caused by the job. It asks that firefighters are to receive presumptive status in accordance with the years of service time restrictions. It's retroactive to 1993. It requires a three-year WCB study, and in order not to give benefits, the WCB must prove employment as a firefighter didn't cause the disease. So these are the provisions of the bill.

4:20

I guess one of the things I'm having a problem with is that a bill like this is necessary before the Assembly. It's really a very, very clumsy way of dealing with an issue that faces firefighters, and that has been well established by the medical community. The study cited by the Member for St. Albert from the University of Alberta, Guidotti and Goldsmith, says:

The evidence available since 1994 suggests that it is reasonable, given the available scientific evidence, to adopt a policy of presumption for claims submitted by full-time urban firefighters for primary-site . . . cancer,

and it goes on to list them. It seems that when there is this kind of evidence available, Mr. Speaker, the WCB itself would see the need to act and to prevent or at least to make unnecessary the kind of hard work that has gone into preparing this bill and getting the bill before the Legislature to deal with a problem that is well recognized by the medical community. Unfortunately, it's a reflection on the problems that those of us that deal with the WCB often have.

I recently gave the executive assistant in our office who deals with WCB cases a bonus because of the very fact that she has to spend so much of her time working with clients to gain from WCB the legitimate compensation that is legitimately theirs. So I'm glad the bill is here, I'm glad it has the support, and I hope that it does pass the Assembly.

I think we should also warn ourselves that there may be others. These are the ones at the present time, as a result of firefighting, that can be directly attributable to the occupation, but there may be others, and hopefully we won't find ourselves back here with another bill trying to add those to the list, that the WCB will see the wisdom of acting on solid medical evidence and provide the kind of compensation that is rightfully deserved by firefighters.

With those few comments, Mr. Speaker, I'm pleased to, as I said, support the bill and hope it passes through the House quickly. Thank you.

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

Mr. Cernaiko: Thank you, Mr. Speaker. I rise today in support of Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. I'm very pleased to have the opportunity to speak to this bill, and I commend the hon. Member for Calgary-North Hill for bringing forth this initiative.

Imagine if you will a fire in a residential neighbourhood. It spreads quickly, engulfing first one home then another and another. Not only is much of the neighbourhood if not all of it at a risk but so are lives, belongings, and property, not to mention memories. In a situation like this, the first thing anyone would do is dial 911 and ask for the fire department. Likewise, Mr. Speaker, when a fire breaks out in an office building or a warehouse, we call the fire department. Indeed, in many cases we don't even have to do that. As soon as the fire erupts, sensors detect it, triggering the alarms at the nearest fire stations. All we have to worry about is getting out. Yes; all we have to worry about is getting out alive so that firefighters can get in and do their job.

If you stop and think about that for a minute, Mr. Speaker, this is what is at the heart of this issue: the very idea that amongst us we have a few dedicated men and women who as part of their daily routines willingly risk their lives to save ours. To say that they are brave is an understatement. To say that they are courageous gets us closer, for what they do on a daily basis requires courage, empathy, and caring for their fellow men and women. It takes a very special person to do that day after day. As far as I know, firefighters are the only professionals who cannot refuse unsafe workplace conditions:

fires, smoke, collapsing buildings. By its very nature the job of a firefighter is unsafe. Firefighters go where the rest of us don't want to go, be it due to fright or inability. When on the job their lives are in constant peril as they stand ready to save our lives even at the expense of their own.

Mr. Speaker, at a very young age children begin forming dreams and aspirations about what they will do when they grow up. Obviously most children who dream of becoming firefighters do not realize their childhood dream. As they grow older, the interest wanes and even disappears, or they take stock of themselves and their options and realize that their temperament, physique, or some other factor makes them less than well suited to the rigours of being a firefighter. But for those who do keep the dream alive, for those who decide that being a firefighter is more than just a childhood dream, and for those who risk their lives each and every day for the benefit of the rest of us, what is it that drives them? What is the attraction? What is it that makes them commit to a job that's often more a mission than anything else and where dangers abound? I suppose that the answers to those questions will be as plentiful as there are firefighters. The exact reasons why someone would choose to be a firefighter will depend on the person.

There is, perhaps, a tendency in contemporary society to portray firefighters as heroes. While I don't want to belittle this view in any way, I get the feeling that most if not all firefighters are uncomfortable when described that way. The way they view themselves and what they do is that they are professionals who are merely doing their job. To them what they do is their duty. Their duty, then, is to be the first defenders at the scene of a fire, and in that capacity they take educated risks in order to minimize the loss of life and property. Taking risks, confronting danger, sometimes staring danger in the eyes. There are times when danger blinks first, other times not. With some regularity we read in the papers or hear on the news that a firefighter perished in the course of trying to gain control of a fire or that a building on fire collapsed, sending firefighters to an early death. Situations like these, where firefighters die violent deaths, make for powerful and attention-grabbing headlines. They remind us that there are members of society who are willing to risk their lives so that the rest of us can live.

Not all dangers have instantaneous results, however. Far from the headlines firefighters fight dangers whose impact are felt just as strongly but which are played out over long periods of time. Mr. Speaker, firefighters are regularly exposed to numerous and highly carcinogenic substances that are released during common indoor fires. As building materials have changed over the years, the number of chemicals used in the manufacturing of these materials has increased. When there are fires, therefore, their exposure hazards are greater now than in past years. As the hot, thick smoke develops and surrounds the firefighters, hazardous chemicals are absorbed through the skin. Protective gear notwithstanding, the chemicals also have the ability to permeate the materials of which the protective clothing is made.

Studies over the past decade have demonstrated increased occurrences of six types of cancer among firefighters: brain cancer, bladder and kidney cancer, lymphatic cancer, leukemia, hemotopoietic cancer, and colon cancer. The evidence is mounting that firefighters run two and even three times as great a risk as the general population does contracting these six different types of cancer. It does not, therefore, require a leap of faith to presume that there exists a cause and effect relationship between prolonged, repeated exposure to certain kinds of carcinogens and increased occurrences of the types of cancer I just mentioned.

It would seem reasonable to grant presumptive status to claims for firefighters involving any of these types of cancer. At the present

time, however, Alberta firefighters who are diagnosed with any of these types of cancer do not have such a presumptive status. The situation they face is anything but streamlined. When a firefighter is diagnosed with cancer, the onus lies on the firefighter to prove that the cancer was caused by his or her occupation in order for him or her to be able to make a claim for assistance from the WCB. In Alberta no cancer has presumptive status for any fireman wishing to receive workers' compensation benefits due to the contraction of these cancers.

4:30

Bill 202 would require that in cases where a firefighter files for WCB benefits due to these cancers, the WCB presumes that these injuries are occupational cancers, the dominant cause of which is employment as a firefighter. The firefighter would receive presumptive status regardless of how long he has worked as a firefighter as long as cancer was not detected at the time of his or her initial physical exam. This is where an already difficult situation is made worse: but for very large fires fire departments in Alberta do not keep track of every fire that erupts, let alone perform a rigorous analysis to determine the chemical makeup of each and every fire. However, this is just what the WCB requires. These are the kinds of details that the WCB expects the firefighters to produce in order to substantiate their claims.

So, Mr. Speaker, this is how an already onerous adjudication process becomes bogged down in an information-gathering process. Why? Is it really necessary that when those who stand prepared to sacrifice their lives for the rest of us but are no longer able to do so because of illnesses they contracted as a result of doing their job, we make them jump through hoops? I don't think so. This, however, is exactly what ill and sometimes dying firefighters are forced to do. After years of serving this society, they now have to not only suffer the consequences of exposure to toxins but also suffer through needlessly long waiting periods while WCB assigns caseworkers and investigates their claims. Is this the way to treat people who are so prone to being called heroes?

Last year, Mr. Speaker, our colleagues in the Manitoba Legislature passed Bill 5, which gives presumptive status to firefighters with WCB claims involving brain, bladder, or kidney cancers as well as non-Hodgkin's lymphoma and leukemia. The act allowed the Lieutenant Governor in Council to set a period of service thresholds for firefighters who made claims related to each cancer. In the United States 23 states have enacted presumptive legislation that goes further than would Bill 202, were it passed into law.

Mr. Speaker, I understand there are concerns that granting presumptive status to firefighters' cancers will lead to calls for similar measures to be extended to other groups. Let me reiterate my earlier point. Firefighters are the only group of professionals in society that do not have the right to refuse unsafe working conditions. If Bill 202 can be construed as a special and unfair benefit to a small group of people, we need only remind ourselves and others of the work they do on our behalf day in and day out.

Another concern is that all of a sudden there will be an outpouring of claims for WCB benefits. Let's face it. No one wants to have cancer. Cancer claims aren't going to appear mysteriously out of nowhere if Bill 202 is passed. Current statistics bear this out. Each year 1.8 of every 1,000 firefighters are diagnosed with cancer. In Alberta there are roughly 2,300 firefighters. Using simple math, then, it can reasonably be assumed that four cancer cases involving firefighters would be brought to the WCB's attention in Alberta each year.

I believe that Bill 202 is right for Alberta. I support it wholeheartedly and ask all of my colleagues to do the same. We owe it to our

firefighters to pass Bill 202. I've worked with firefighters for the past 24 years in my career as an inspector and member of the Calgary Police Service, and I truly appreciate them being here today and truly do honour and respect the job they do.

Thank you, Mr. Speaker.

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

Mr. Cao: Thank you very much, Mr. Speaker. It is my great pleasure to rise today to speak on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003. Firefighters provide safety to our communities. They cannot refuse the tasks in their jobs. It is a selfless job with numerous risks. These individuals put themselves in danger to save lives and ensure the public's safety. Firefighters go well beyond the call of duty, oftentimes putting their lives in jeopardy without possibly knowing the severity of the situation. This danger extends apart from the immediate risk. The unknown hazards are even more alarming, long term, and can be more destructive to the human body. I commend the MLA for Calgary-North Hill for bringing this legislation forward for discussion and debate.

Mr. Speaker, there have been several major industrial fires in my riding. During the years I have made many visits to the Calgary fire stations and the Calgary Firefighters Association headquarters in my riding. The most recent public poll in Canada indicates that 96 percent of the public are saying that among 20 professions firefighters are the most trusted. I share the public's feeling, the appreciation for the firefighter.

Through its awarding of presumptive status, Bill 202 will aid in providing a compensation process to firefighters, balancing their dedication and commitment to public safety at the very high risk of their own life. Mr. Speaker, my head tells me to ask the Member for Calgary-North Hill, who introduced the bill, to continue to work out the issues of different categories of firefighters, the definition of illness coverage as it relates to other professions. My heart tells me to support this bill. I encourage all my colleagues to vote in favour of the Workers' Compensation (Firefighters) Amendment Act, 2003.

Mr. Speaker, let me go into a bit of detail for my reasoning. Bill 202 would provide presumptive status to firefighters who choose to receive workers' compensation benefits upon developing brain cancer, bladder or kidney cancer, lymphatic cancer, leukemia, hemotopoietic, and colon cancer. Bill 202 would grant firefighters with just compensation for their dedication and devotion to the safety of our community.

I would like to address today two main issues concerning firefighters. First, I would like to speak about their work environment, and second, I would like to highlight the diseases and the medical concerns stemming from the working conditions firefighters face. Mr. Speaker, fire fighting is an extremely dangerous occupation which involves exposure to toxic chemicals and physical agents in concentrations that are unparalleled when compared to other work environments. Firefighters, while upholding public safety, are exposed to a vast variety of dangerous chemicals. This list of substances includes polyvinyl chloride, benzene, formaldehyde, pesticides, polycyclic aromatic hydrocarbons, asbestos, and the complex mixture of carcinogenic substances that emerge from the combustion of synthetic and plastic materials. All of these materials are commonly found in a variety of different fire sites.

Current fire circumstances are far more complicated than those of the last 50 years or even more so of those in the last 20 years. The reason for this change is due to the introduction of more than 70,000 synthetic chemicals to the marketplace. However, what is alarming is that the majority of these materials have never been tested for

possible toxic effects, while the long-term effects of the materials that have been tested are still not defined. In fact, a study by the U.S.A. National Academy of Sciences found that no data was available for the carcinogenicity and toxicity of 80 percent of the chemical substances in industrial use today.

Mr. Speaker, the lack of toxicity information on chemicals in commercial use signifies that firefighters are subject to chemicals with unknown outcomes. Firefighters in our communities are not only exposed to carcinogens, but these individuals put themselves in surroundings with materials whose disease potential is yet to be identified. Practically every emergency situation faced occupationally by a firefighter has the potential for the exposure to carcinogenic agents. This exposure occurs most typically through inhalation; however, some of this material can penetrate the skin.

4:40

Changes in the nature of fire fighting have altered due to the development of plastic materials. Firefighters in our province can expect to encounter plastics in every fire they fight. Just pause for a moment and think about the plastics in a typical room, let alone in an entire house or a building. The problem occurs when the plastics are exposed to heat. These materials become dangerous as decomposition begins, releasing a myriad of hazardous materials. Aldehyde, cyanide, acid gas, carbon monoxide are just some of the toxins that are released. These fumes are generally invisible and, in the case of carbon monoxide, odorless, thus appearing harmless.

Mr. Speaker, firefighters know very little about the identity of the material they are exposed to or the possible hazards that exist with it. Nevertheless, firefighters across the province continue to respond to the scene to save lives and reduce property damage with no regard to their own potential risk in the process. A firefighter's work environment is unique in that it is unlike any other. A fire has no workplace control or occupational safety and health standards to follow. It is an uncontrollable environment that firefighters confront day after day. These community heroes not only have to deal with great personal danger and inherent urgency entering hazardous situations from which others are fleeing and have no ability to schedule work or minimize stress, but they also put themselves at risk of developing chronic fatal diseases.

Bill 202 would guarantee the benefits to firefighters who contract one of the highlighted cancers. The bill would eliminate inconveniences and complications of cancer claims to the Workers' Compensation Board. Firefighters would receive adequate compensation while bypassing the troublesome process. Alberta is a province that values each of its citizens. Firefighters provide a special service to our province. They enhance the public safety of our communities. These individuals play a special role in the well-being of our families, friends, and neighbours.

Mr. Speaker, I would now like to shift my focus and address the diseases associated with firefighters and their work environment. It is evident that the full extent of occupational cancer risks for firefighters is not known. It is likely that in the years to come and research to follow, more cancers will be found prevalent to firefighters. Nevertheless, despite the gap in scientific information available, it is apparent that firefighters have a considerable risk of contracting occupational cancer. Each of the cancers outlined in Bill 202 has been linked biologically with the carcinogenic chemical exposures encountered by firefighters in their work environment. Cancer is characterized by unrestrained growth and chaotic multiplication of cells in human bodies.

I recommend that our hon. members vote for the bill. Thank you.

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

Mr. Marz: Thank you, Mr. Speaker. It's a pleasure to be here today and rise to speak on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003 sponsored by the Member for Calgary-North Hill. I'd also like to add my welcome to all the members from the various departments from around the province. It's good to see you all here today.

Mr. Speaker, this bill is one which I feel will be talked about immensely over the coming weeks and months. It's an important issue, one that must be discussed at great length. Those of us who are voting on this issue must do so with both knowledge and sound judgment, and to make the right decision, we need to hear all of the arguments involved. I appreciate all the previous comments of the speakers before me and particularly those of the Minister of Human Resources and Employment for providing his perspective on this issue.

Our decisions, like all those we make, must be just to all Albertans. Bill 202 would amend the Workers' Compensation Act to ensure that brain, bladder, kidney, lymphatic leukemia, hemotopoietic, and colon cancer have presumptive status for any firefighter wishing to receive workers' compensation benefits due to the contraction of these cancers.

Mr. Speaker, firefighters are here within our society. They put themselves at risk every single day and in most cases in disregard for their own safety. They ensure that the public is safe, and they think nothing of charging into a burning building to ensure that there's no one in harm's way. Firefighters put others first when it comes to their line of work. They routinely think nothing of sacrificing themselves for the benefit of others, and in their line of work dangers are always lurking. Whether those dangers are flaming buildings or collapsing structures or the diseases that are associated with the job, firefighters think nothing of it when they put the public safety in the forefront of their minds.

This bill, as I have mentioned, would change the way that WCB deals with firefighters who have cancer. Currently those cancers which I listed earlier – and I don't want to have to repeat them again – do not have presumptive status, meaning that if a firefighter is found to have cancer, they have to prove that they contracted it from their line of work. A firefighter can receive WCB benefits, but the onus is on the firefighter to prove that the job caused the cancer. Bill 202 would put the onus on the WCB to prove that the firefighter did not contract the cancer from fighting fires.

Mr. Speaker, there have been many studies over the past decade that have linked cancer and the occupation of fire fighting. Firefighters are regularly exposed to numerous highly carcinogenic substances that are released during very common indoor fires. These are the sorts of fires which firefighters deal with every single day. One such study which looked at this very issue was conducted in Ontario by the industrial disease standards panel, whose report detailed the connection between cancers and heart disease and the occupation of fire fighting. In 1999 the Harris government accepted portions of that 1994 report, which in part recognized that brain and lymphatic cancers should be afforded presumptive status within the Ontario workers' compensation legislation. The Ontario government, however, did not agree with that portion of the panel's findings. In Ontario the unions representing Ontario firefighters came to the panel because they believed that there was scientific evidence available to establish that fire fighting contributes to heart and lung disease. As part of its investigation the panel did a study of mortality among Toronto area firefighters between 1950 and 1989, and the study revealed that there were significant increases in brain cancer. It also found that a variety of other cancers were increased in firefighters.

The study discovered that firefighters are exposed to a wide

variety of cancer-causing chemicals. Chemicals in fires are extremely varied as they depend upon the type of fire and local physical conditions. For instance, synthetic materials such as polyethylene and polyvinyl chloride have been widely used since the early 1950s in furniture and building construction. Mr. Speaker, these substances are often more dangerous when they are smouldering than in high heat.

One must note that firefighters wear self-contained breathing apparatuses when they are fighting these initial stages of a fire, but they take this apparatus off when the main work is done. As they can fight a fire when it is smouldering, the breathing apparatus is removed because they are cumbersome and slow the work down. This means that firefighters are exposed to very dangerous yet common chemicals when they are battling a fire in its final stages, the smouldering stage. Synthetic materials cause a number of hazardous chemicals, such as hydrogen cyanide and hydrochloric acid, that are released during this stage. These chemicals are prevalent at fire sites. As well, concrete retains heat and gases like a sponge, then releases toxic fumes as the cooling takes place and for long periods of time after the fire has been extinguished.

4:50

Mr. Speaker, the panel found that firefighters are constantly exposed to hazardous chemicals, chemicals which pose a significant threat to their health. The panel also detailed how firefighters are exposed to chemicals that are particularly dangerous, ones that are known to cause cancers, which Bill 202 seeks to give presumptive status to. One of the most dangerous chemicals is polycyclic aromatic hydrocarbon, or PAH. PAHs are found disbursed in nature, and they are formed during the combustion of many organic materials and high temperature processing of crude oil, coal, and coke. They also occur in tobacco smoke and grill smoke and fried foods. Links have been made to suggest that PAH exposure can cause leukemia and cancers of the bladder and kidney. The scary part is that these hydrocarbons are found in something that all firefighters are exposed to in high amounts almost every single day. Polycyclic aromatic hydrocarbons are found in soot, and all fires create soot. There is no doubt in my mind that firefighters are exposed to a high level of PAHs, and these chemicals can cause cancer.

The statistics show also that there is a significant excess in mortality in firefighters from esophageal and liver cancer and leukemia. The link was made from another source. It was found that chimney sweeps who are exposed to very high levels of soot have higher levels of leukemia and esophageal and liver cancer. What the panel ultimately found was that there was evidence that many of the chemicals that firefighters are exposed to are known to cause cancer in humans. The statistics of the panel showed that mortality rates in firefighters are higher, and many die from diseases that are caused by chemicals that they are exposed to.

There are many different studies that show that the chemicals firefighters are exposed to are cancer-causing agents. Of course, it's very difficult for anything to be proven beyond a shadow of a doubt. This being the case, it remains difficult for firefighters to prove that the cancer they have was contracted through their line of work, so, Mr. Speaker, I don't believe that the onus should be put on a firefighter to prove that his or her cancer was caused by their line of work, even though there seems to be ample evidence to support their claim. If a firefighter gets cancer, he should not have to worry about dealing with the Workers' Compensation Board and getting their benefits. They have other more important things to deal with, like treatment and family. Let the WCB take care of finding the statistics and the evidence to prove that the firefighter's cancer was caused by another source.

I think Bill 202 is an important step for our firefighters. They work extremely hard to protect our society and our loved ones from death and destruction. As I said from the outset, we should not be in a rush to pass judgment on this bill without looking over the facts. This being said, however, there seem to be ample statistics out there that show clearly that the work firefighters do can cause them to get sick, and if firefighters are getting sick from that job that they do, then they should receive WC benefits for it. I do realize that this can be very expensive and cost employers as well as the WCB large amounts of money, but the stats do show a link. I think the onus should be put on the WCB to prove that the firefighter's cancer was caused by some other source rather than the job. I urge all members to vote in favour of this bill.

Thank you.

The Speaker: The hon. Member for Edmonton-Castle Downs.

Mr. Lukaszuk: Thank you, Mr. Speaker. It's an honour to join the debate on Bill 202, the Workers' Compensation (Firefighters) Amendment Act, 2003, sponsored by the hon. Member for Calgary-North Hill.

It is difficult to properly and completely articulate the importance firefighters have made in preserving the safety and value of Alberta communities. As we all know, they are usually the first to arrive at an emergency scene and are capable of performing many basic medical procedures as well as fighting fires. I believe that every reasonable attempt must be made to preserve the well-being of Alberta's firefighters. However, the presumptive status proposed in Bill 202 sets a dubious precedent for future policy directions for the WCB. It is also a matter of WCB policy and not legislation.

The firefighter would receive presumptive status as long as cancer was not detected at the time of his initial physical exam. If Bill 202 were to pass, developing cancer would become an occupational injury. Mr. Speaker, I am a little mystified by this assumption. There is an incredible amount of research related to the causes of cancer and cancer treatment.

For the sake of time of this Assembly I would like to focus on the causes of six cancers that some researchers link to firefighters. The only established environmental risk factor for brain cancer is radiation. Other environmental factors have been suggested as risk factors only, yet no conclusive evidence exists that clearly implicates these factors.

People with weaker immune systems have an increased risk of developing lymphomas, which are cancers that develop in the cells of the immune system. However, researchers have been unable to determine why this is the case.

Workers exposed to certain chemicals or electromagnetic fields over a long period of time are more likely to develop leukemia. Again, Mr. Speaker, this research is open to interpretation and not yet fully conclusive.

Researchers have also found that people with a mother, father, brother, or sister with kidney cancer also have a higher risk of developing the disease themselves. There is also a link to manipulation in the genetic structure of the body's cells that passes from generation to generation.

There are also instances where certain groups are likely to develop cancer, but doctors aren't sure why. For example, tall people have a higher risk of developing colon cancer. On the other hand, people who maintain a healthy weight have a lower risk of colon cancer as well as kidney cancer. Again, researchers are still trying to find out why this is the case.

Workers in the rubber, chemical, and leather industries are at risk of developing bladder cancer. So are hairdressers, machinists, metal

workers, printers, painters, textile workers, and truck drivers. If Bill 202 were to pass, this Assembly would have to address the specific concerns of these industries as well.

Finally, Mr. Speaker, how would the presumptive status proposed by Bill 202 apply to firefighters who use tobacco products? People smoking cigarettes have a higher risk of kidney cancer. When they inhale, chemicals filter into their urine, and those chemicals cause cells in the kidney to become cancerous. The chance of getting bladder cancer also increases for people who use tobacco products.

In no way am I trivializing the horrible process these people must go through as they battle various forms of cancer. However, I cannot find any proposals in Bill 202 that are designed to prevent cancer from happening to more firefighters in the future. It seems to me that Bill 202 is more reactive than proactive.

Currently firefighters, like any other persons contributing to the Workers' Compensation Board, can make a claim that their cancer is related to their occupation and can receive WCB benefits. However, the onus lies on him or her to make a claim for assistance from the Workers' Compensation Board. Such claims are being accepted now. The Workers' Compensation Board assesses compensation claims on a case-by-case evidentiary basis. The Alberta WCB accepts disease claims from firefighters, as it does with all claims, on an evidentiary, not a presumptive, basis. Perhaps there may be a way to alter policies to make the claim acceptance procedure faster and more user friendly for firefighters without passage of legislation.

Mr. Speaker, some groups have made a strong case that there may indeed be a probable association between certain types of cancer and the work firefighters do. The list of high-probability or probable association includes brain, bladder, kidney, and colon cancers.

Some provinces, such as Manitoba, have embraced presumptive status for firefighters and enacted legislation similar to Bill 202. That does not mean that we should follow, but rather, perhaps, we should lead in Alberta. Bill 202 dramatically conflicts with the policy directions of this government and the WCB. There has not been any legislation passed which grants presumptive status to any occupational group such as that proposed in Bill 202. Although there are provincial governments who have moved towards presumptive status for firefighters, there remains the danger of doing too much without proper information. Alberta is taking a different route. This government has heard the concerns of Alberta firefighters regarding the amount of detail required by WCB for its settlement. I believe that firefighters would be better served working with WCB to improve and standardize the adjudication process of their claims. It is also important to note that the WCB has also heard the concerns of firefighters and continues to communicate with the firefighters' representatives. Progress is occurring in making assessments more quick and effective. To date all claims have been accepted.

Mr. Speaker, my concerns do not simply lie with the increased costs to compensate firemen battling cancer. I worry about the impact this would have on the WCB as a whole, its independence from political interference, and other industries around the province which contribute to WCB premiums and don't have presumptive status. Cost should never be a concern when just compensation is considered.

5:00

There are other questions that need to be addressed that are not covered in Bill 202. For example, not only should we be asking what, exactly, causes the cancers; we should also find ways to prevent it from happening in the future. Finding effective ways to help firefighters avoid developing these cancers should be this government's and WCB's number one concern. Further, the

presumptive status proposed by Bill 202 fails to appreciate the effect this policy shift would have on other industries and tradespeople contributing to WCB.

The first example I can think of is the oil industry. There is a long list of toxins and chemicals that people work with every day. If another research study revealed cancer in these industries, legislators would be compelled to give people in the oil industry presumptive status because the precedent would have already been set with firefighters. As I mentioned before, the National Cancer Institute in the United States has made a link between bladder cancer and working in the rubber, chemical, leather, printing, and painting industries. Legislators would be compelled to extend presumptive status to these hardworking Albertans as well.

In closing, Mr. Speaker, I believe that this bill conflicts with the Workers' Compensation Act in that the act does not give presumptive status to any other occupation. Bill 202 is unfair to all members of the WCB due to the fact that it does not address the claims of other occupational groups whose members work around chemicals or environments deemed to be cancerous. I am sure that every member in this Assembly would agree that firefighters are remarkable people and play a large role in preserving our communities, but I do not believe that they should be exempt from the overall policy framework of the Workers' Compensation Act. To do so would set a dangerous legislative precedent for other industries contributing to the WCB. Changing WCB policy is the proper method to address the firefighters' issue.

Thank you, Mr. Speaker.

The Speaker: Well, the time has expired.

I'd now invite the hon. Member for Calgary-North Hill to close debate on Bill 202.

Mr. Magnus: Thank you, Mr. Speaker. There have been a number of questions that have been raised within this portion of the bill, which is second reading, and to the principle of the bill. I guess I've been listening to some of the debate and the argument, and I have to question some of the comments that came out.

When we're talking about the principle of presumption and to shift the onus now onto the WCB to in fact prove that a firefighter did get his cancer somewhere else – I'm told that that isn't necessary by a number of the speakers, but we have had a period of time now where we've had presumptive association within the WCB itself. What that presumptive association was supposed to do was, in fact, allow firefighters who get cancer on the job to lessen their burden of proof, if you will. I guess that my problem when we start talking about that is quite straightforward in that that onus, which is currently on the firefighter – it's almost like an individual fighting the great big body that is the WCB, and I have difficulty with that. When we get into the discussion about the floodgate argument, where it's going to make all kinds of other professions come into the WCB and request compensation, well, you know, it strikes me that if you're a worker in Alberta or anywhere in this country and you get sick from your workplace, is it not what the WCB was originally intended to do and originally set up for, to pay those people who, in fact, got sick in their workplace?

The third point that I would like to address has to do with the volunteer firefighters. You'll note that the last paragraph in the bill asks for a study. Now, this is the same study that is within the Manitoba legislation, and it's not my intent to have the WCB go out and do an entirely similar study. However, I would like the study done in conjunction with their WCB so that we get, in fact, the best study that it's possible to get. That study, of course, within the bill asks that the board come back in three years' time to this Legislature

with a report, and I'm sure there will be a number of members that are looking forward to that.

Mr. Speaker, firefighters are unique and special. I think it's been mentioned a number of times how firefighters don't have a choice. If you're in any other profession in Alberta and your employer asks you to go into an unsafe working condition, quite simply put, they are turned in, in fact, to the government of Alberta through the labour minister to go forward and tell that employer: you cannot make your employees work in unsafe conditions. Firefighters are the only profession in this land where, in point of fact, everything that they do is unsafe.

I've heard a number of comments about breathing in the smoke. It's not just the breathing in of the smoke, or you'd probably have lung cancer involved in that list of six, and it would probably be a list of seven. If you've ever seen a firefighter coming out of a fire, even with the breathing apparatus, with the best equipment a firefighter can wear today, their whole body is covered with soot for not one, not two, but three days. It can go that long, Mr. Speaker, and that soot is, of course, laden with carcinogens and toxins.

When I've met over the last period of time, actually probably the last year and a half or so, with firefighters, like many of us here I've developed a huge respect for them. I think that they are the most solid, upstanding individuals, collectively and individually, that I've ever met in my life, and while I would like to thank many of them today, my five minutes is winding down. I'll do my thank yous at third reading, assuming we get that far, of course, Mr. Speaker.

I'd like to point out that some of these very, very special individuals have spent a lot of time over the last couple of months, frankly, going to funerals. On Friday in Winnipeg a memorial was held for the first firefighter that was ever paid benefits by the WCB in Manitoba. His name was Captain Rick Stoyko, and a number of our firefighters, of course, from Alberta went, a number of the people that I can call friends today.

Their job is difficult at the best of times, impossible at the worst of times. I won't mention, of course, that date in September, but for anybody that had an opportunity – and I think everybody in this room, everybody in the world had an opportunity – to see some of those pictures, in particular a picture of a fireman sitting on a curb with his face absolutely blackened by the soot, the toxins, and the chemicals from that horrendous fire, you would understand where they're coming from. This is an accumulated exposure. It's not something that is a onetime event.

I would like to thank all the members here for sitting very patiently through what has been two hours of very, very illuminating discussion. As I say, I'll thank my firefighters and the people that have helped on this bill as we go along. I'd like to call the question, Mr. Speaker.

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

[Several members rose calling for a division. The division bell was rung at 5:08 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bonner	Jacobs	Nelson
Broda	Jonson	Norris
Cao	Klein	O'Neill

Carlson	Kryczka	Ouellette
Cenaiko	Lord	Pannu
Danyluk	Lougheed	Stevens
Evans	Magnus	Tannas
Forsyth	Marz	Tarchuk
Fritz	Maskell	Taylor
Graydon	Massey	VanderBurg
Haley	Masyk	Zwozdesky
Horner	Melchin	

5:20

Against the motion:

Abbott	Friedel	McFarland
DeLong	Herard	Snelgrove
Doerksen	Lukaszuk	Strang
Dunford	McClelland	Vandermeer

Totals:	For – 35	Against – 12
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[Motion carried; Bill 202 read a second time]

Bill 203

School (Compulsory Attendance) Amendment Act, 2003

The Speaker: The hon. Member for Little Bow.

Mr. McFarland: Thanks, Mr. Speaker. It gives me a great deal of pleasure today to rise and sponsor and participate in the discussion for Bill 203, the School (Compulsory Attendance) Amendment Act, 2003.

The purpose of this bill is to amend the existing School Act in order to accomplish three objectives. First, it would raise the mandatory school attendance age from 16 years to 17 years old. Second, the bill would apply this age requirement universally and consistently. As it currently stands, the School Act allows the school board or in some cases the Minister of Learning discretion to excuse mandatory attendance before age 16 for sufficient cause. Third, Bill 203 would eliminate the use of attendance boards. Currently attendance boards offer school authorities a method to resolve attendance disputes without immediate use of court action. Eliminating these boards would make school boards more accountable for ensuring student attendance. Let me stress, Mr. Speaker, that it should be the goal of every parent or guardian to see that their child graduates from high school and, hopefully, pursues some type of postsecondary education.

Mr. Speaker, we've had a long afternoon. I have a longer speech than I have time left, and I would at this time like to move that we adjourn debate on Bill 203 until 8 o'clock tonight, and I look forward to continuing my speech later on.

[Motion to adjourn debate carried]

The Speaker: The hon. Deputy Government House Leader.

Mr. Zwozdesky: Thank you, Mr. Speaker. I would move that we now call it 5:30 and adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 5:24 p.m.]