

Legislative Assembly of Alberta

Title: **Monday, March 8, 2004**

1:30 p.m.

Date: 04/03/08

[The Speaker in the chair]

head:

Prayers

The Speaker: Good afternoon.

Let us pray. At the beginning of this week we ask for renewed strength in the awareness of our duty and privilege as members of the Legislature. We ask for the protection of this Assembly and also the province we are elected to serve. Amen.

Now, hon. members, would you please participate in the singing of our national anthem. We'll be led today by Mr. Paul Lorieau. Please feel free to participate in the language of your choice.

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

Mr. Tannas: Mr. Speaker, it gives me great pleasure to introduce to you and through you to members of the Assembly three guests that are seated in your gallery. From Capital City Savings: Mr. Harry Buddle, chief executive officer; Ms Jacqueline Broverman, community investment adviser. Joining them is Tim Downey, president of Priority Printing Ltd.

Capital City Savings and Priority Printing are community sponsors of the School at the Legislature program. This program gives grade 6 teachers from all over our province an opportunity to relocate their classroom to the Alberta Legislature for an entire week. In the fiscal year 2002-2003 over 600 students from 22 classes attended the School at the Legislature.

They are standing in your gallery and would like to receive the warm traditional welcome of the Assembly.

The Speaker: The hon. Minister of Economic Development.

Mr. Norris: Thank you very much, Mr. Speaker. I rise on this glorious Alberta day to introduce to you and through you to the House two young ladies who are doing a tour of our Assembly today, Tracie and Darcie Matthiessen. Both young ladies are active in politics, and they are also heavily involved in the disabilities movement working with people for Alberta Disabilities Forum. They are seated in the gallery with Sasha Angus, who is no stranger to any of us. I'd ask that they all rise and please receive the warm welcome of the House.

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

Mr. McClelland: Thank you, Mr. Speaker. To you and through you to members of the Assembly it's my pleasure to introduce Mrs. Pat McCurdy, a resident of Edmonton-Rutherford, and she is accompanied by Mrs. Chris Tannas, a resident of Highwood and the spouse

of our own Deputy Speaker. We'd ask that they rise and receive the warm welcome of the Assembly.

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

Mr. Lukaszuk: Thank you, Mr. Speaker. It is indeed a pleasure to introduce three classes from a marvellous school in Edmonton-Castle Downs, the Caernarvon elementary school, run by a dynamite of a principal, Ms Julia Elaszuk. With the three classes today are teachers Mrs. Wendy Porteous, Mr. Jei Yin, and Mrs. Nadine Holden as well as a student teacher, Miss Jessica Lee, and a couple of parents, Anna Sawaryn and Kai Choy. I would ask all three classes to rise and accept the traditional warm welcome of our Assembly.

Thank you.

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

Mrs. O'Neill: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of this Assembly Mrs. Jacquie Hansen, who is the chairperson of Greater St. Albert Catholic school division No. 29. She is seated in the members' gallery, and I would ask her to please rise and receive the traditional warm welcome of this Assembly.

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

Dr. Taft: Thank you, Mr. Speaker. I have two terrific groups here to introduce to the Assembly today. The first is a group of people visiting from Canterbury Court, and I would like to read their names into the record. Canterbury Court is a terrific facility in my constituency serving older Albertans. I would ask them to rise, if possible, as I call their names. Their names are Margaret Dewart, Connie Marsh, Betty Wilson, Ed Parker, Iris Newman, Hilda Williams, Peggy Salze, Vera Shuckburgh, Aileen Ledrew, Dorothy Fenske, Alice Fraser, Roy Zipse, Rhoda Cohen, Zena Frankel, Fanny Hersch, Maria Morin, and they are accompanied by two staff, Fred Czopek and Terry Kellington. Please, all MLAs, give them a warm welcome. Thank you.

Mr. Speaker, the second group I have is from one of my very favourite schools in the whole province, Our Lady of Victories school. They are a class who are here for the week for the School at the Legislature. They are in the public gallery. I would ask them to rise. There are 18 of them altogether, and they are accompanied by teachers Mrs. Lorraine Williamson and Mrs. Margaret Petruk, and the parent helper is Mrs. Jeanne Bartosh. Please rise and receive our warm welcome.

head:

Oral Question Period

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

Cattle Industry

Mr. MacDonald: Thank you, Mr. Speaker. The federal agriculture committee is calling on executives from Canada's largest packing plants to come forward and testify about allegations that they may have unfairly profited from the BSE crisis. My first question is to the Premier. What does it say about this government's commitment to openness and transparency when the federal government demands answers from the packing plants but your government won't?

Mr. Klein: Mr. Speaker, the federal government is doing precisely what the federal government should do under the Competition Act

and all of the hearings and procedures associated with that act. It is not the purview of the provincial government to review such matters.

There is, however, a review – and I would like to underline: there is a review – underway now by the Auditor General. As I understand it, he indicated to a meeting of deputy ministers in February of this year that he was going to undertake a review relative to food safety and financial assistance programs for BSE, or mad cow disease. So this government is doing what this government should do. The federal government is doing what the federal government should do.

Mr. MacDonald: Again, Mr. Speaker, to the Premier: why did the hon. Premier refer Albertans to the Competition Bureau last week given that the bureau has no power to investigate the \$400 million BSE aid package?

Mr. Klein: Mr. Speaker, I know that it is hard to get through to dense people, but I will repeat once again, and I would ask the hon. Member for Edmonton-Gold Bar to listen carefully. The federal government investigates price-fixing and matters of gouging or alleged matters of gouging and alleged matters of price-fixing. The federal government does that, and that's what they are investigating as it relates to the packing plants.

Our responsibility is to make sure that money we spent on behalf of the people of this province was wisely spent. The Auditor General, as I said, indicated to a meeting of deputies on February 25 that he was going to investigate such matters. The hon. Deputy Premier has written a letter to Mr. Dunn, the Auditor General, asking him to fast-track that investigation or that probe or that review, call it what you want, in order that we may clear the air in this Legislature.

1:40

Mr. MacDonald: Again, Mr. Speaker, to the Premier: given that the Premier has stated that on March 22 and 23 there is going to be a delegation from Alberta going to Washington, D.C., and talking about how this BSE crisis has affected Alberta, will the Premier commit now to bring along some of the small producers from across this province so that they can tell their story directly to the American government as to how they have been affected by this crisis and how little they have received of the \$400 million aid package?

Mr. Klein: Well, Mr. Speaker, first of all, it's not a bad idea if the producers want to come along and augment what we have to say. But what is not true and what is offensive is the statement relative to this government not helping producers.

Mr. Speaker, I have a letter here, and this is one of numerous letters I have received. While the Liberals sit back here in Edmonton and whine and complain and carp and spread misinformation, we're out and about in the country finding out from farmers and ranchers and beef producers and others associated with the cattle industry exactly what they think of this government's action. This letter from the Western Barley Growers Association, signed by Douglas McBain, says:

Dear Ralph,

Quick and decisive action by the Government of Alberta to deliver financial assistance to the beef industry, was and continues to be very much appreciated. Support by you and the Caucus of the programs put forward by Deputy Premier and Minister of Agriculture, Food and Rural Development, Shirley McClellan, that were developed with consultation and endorsement of the beef industry, maintained the industry when it needed it the most.

That, to me, means more than all the carping we hear from over on that side.

The Speaker: That document will be tabled, and we'll try and remember that we're not supposed to use members' names in the House.

Second Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

Electricity Deregulation

Mr. MacDonald: Thank you, Mr. Speaker. Critics of the government's botched electricity deregulation scheme refuse to remain silent. The Consumers' Association of Canada in Alberta would not sign off on the Bolger report because it painted too rosy a picture of electricity deregulation. In response Alberta Energy posted a version of the Bolger report on its web site that conveniently omitted this objection, then tried to correct it when challenged. My first question is again to the Premier. Given the unparliamentary language used last week in this Assembly by certain members in response to tough opposition questions, is it government policy now to silence all its critics?

Mr. Klein: Mr. Speaker, no one is trying to silence any critics, including the Liberal opposition, who, by the way, do not pose intelligent questions.

I will have the hon. Minister of Energy respond.

Mr. Smith: Well, Mr. Speaker, that report was the property of that committee, and the report that we received was the report that we tabled. So the question would be accurately posed to the chairman or any members of the committee.

Mr. MacDonald: To the Minister of Energy: given that there were so many consumer complaints around electricity deregulation, why did the minister not read the early draft reports of the Bolger commission?

Mr. Smith: Boy, you're right; they don't ask intelligent questions.

When the report is the property of that committee, Mr. Speaker, they don't send draft reports to the minister and say: "How do you like this one? How do you like that one? Would you like us to change this? Would you like us to change that?"

I mean, surely this member knows that all you have to do is go back to the committee and ask Mr. Bolger: "What are the details of the report? What happened?" Mr. Wachowich is but one member of 20, and in fact Mr. Wachowich has been around this business a long time. He was, in fact, the member from the Consumers' Association who signed off the negotiated settlement for EPCOR in the year 2000-2001, so he's, you know, very current with the file. Perhaps the member would seek clarity and information from that particular source.

Mr. MacDonald: Mr. Speaker, to the same minister: given that the Bolger report calls for an independent, government-funded consumer advocate, why is this government ignoring that recommendation from the Bolger report?

Mr. Smith: Well, Mr. Speaker, we're not ignoring anything from the Bolger commission just as, as the member continues to talk about skyrocketing bills, we wouldn't ignore examination of his bill, should he choose to table it, to determine if in fact prices have gone up these last three months. Table your bill.

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

Sour Gas Well Emissions

Dr. Taft: Thank you, Mr. Speaker. Currently there's a proposal before the Energy and Utilities Board to drill six new sour gas wells on Calgary's doorstep. Last Friday the Calgary health region called on the Energy and Utilities Board to reject the project application because, in the words of the chief medical officer, it in no way adequately addresses the potential health hazards that could result from this well if an accidental release were to occur. My question is to the minister of health. Will the minister join the Calgary health region in asking for the Calgary sour gas project to be rejected?

Mr. Mar: Mr. Speaker, as the minister of health I'm not competent to make an evaluation of the evidence that was put before the Energy and Utilities Board. It is the appropriate role, of course, of the Calgary health region to make its submission to the EUB. We trust that the EUB will take into account all of the evidence that is put before it and will properly make a decision, but it wouldn't be appropriate for the minister of health to intervene in such a quasi-judicial type of venue. Accordingly, it is properly the role of the regional health authority and properly the role of the EUB to make a decision but not for the minister of health.

The Speaker: The hon. member.

Dr. Taft: Thank you, Mr. Speaker. Well, then, does the minister have concerns about a new hospital in south Calgary being built so close to potentially lethal sour gas wells?

Mr. Mar: Well, again, there were a number of submissions that were made before the EUB. My understanding and my briefing, although not my first-hand knowledge, is that one of the submissions was that there was the possibility of withdrawing all of the sour gas from this field before the hospital would even be built. Mr. Speaker, I don't know whether that, in fact, is realistic or is part of the proponent's submission before the EUB.

This is a hypothetical question, Mr. Speaker, because there is no hospital there at this time, but hypothetically if there were a hospital within a certain range of a sour gas well, I would presume that the Calgary regional health authority would make that point known to the EUB. I don't know if they have made that submission to the EUB, but I would presume that they would have.

The Speaker: The hon. member.

Dr. Taft: Thank you. My second supplemental is to the Minister of Infrastructure. How has this minister addressed the dangers of sour gas in his negotiations with investors who might finance a P3 hospital in south Calgary?

Mr. Lund: Mr. Speaker, as I indicated on Thursday to a similar question, if in fact this whole project should go ahead as a P3 – and that will be determined through a long process – I have no idea who the investors might be. Nor would the Calgary regional health authority at this time have any idea who the investors might be. So it's pretty hard to address imaginary investors when you have no idea who they might be.

1:50

The Speaker: The hon. minister to supplement.

Mr. Smith: Thank you very much, Mr. Speaker. I will be brief. I think it's important, as the member continues to spread suspicion and distrust, under the structures that we have for the appropriate

and safe drilling and extraction of sour gas. This has occurred in Alberta since the mid-60s. We have a world-best record, we have world-best processes, and we have a practice of having complete and total transparency. Whether this hearing is in the city of Calgary or it's in the town of Rocky Mountain House or the town of Barrhead, it's all the same.

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

Cattle Industry

(continued)

Mr. Mason: Thank you very much, Mr. Speaker. Last week Albertans witnessed the spectacle of Conservative MLAs refusing to support a motion to investigate just where \$400 million of BSE compensation ended up and who benefited by it. By contrast, the all-party federal parliamentary committee on agriculture has decided that there are more questions than answers, and they've summoned three packers to Ottawa so they can get some answers. While Ottawa puts the matter to an all-party committee to deal with in full public view, this Premier asks his agriculture minister to investigate herself and her own programs. My question is to the Premier. Why is it that this government can't even meet the minimal accountability and transparency standards of the federal Liberal government?

Mr. Klein: Mr. Speaker, I answered this question. The federal government is doing precisely what the federal government ought to do, and that is to investigate allegations of improprieties, I guess, and unfair competition as it relates to the packing industry.

That is not the role of the government. The role of the government is to determine whether the \$400 million we spent on beef or BSE assistance programs was properly spent. I indicated to this Assembly that the Auditor General is or has committed – I don't know if he's undertaking the review right now – on February 25 of this year to undertake a review, an investigation, an examination, a probe, call it what you want, of the BSE funding program. So why would he depend on the Public Accounts Committee to do what he had decided to do anyway? That's what I can't figure out.

Mr. Mason: Mr. Speaker, given that provincial governments from Saskatchewan to Prince Edward Island have called for an investigation into the packers' operations in this country, why is this government just sitting on its duff and holding up 1-800 numbers for the Competition Bureau instead of standing up for the public of this province?

Mr. Klein: Mr. Speaker, we are standing up for the public of this province, but there are two agencies. We have our provincial Auditor General. This hon. member has been sitting in this Legislature daydreaming, obviously, for the last four and a half years or five years, however long he's been here – too long, obviously – because he doesn't know the procedures and hasn't taken time to learn the procedures. We investigate things that are of concern to the taxpayers of this province; i.e., was the \$400 million we spent on BSE assistance programs properly spent? The Auditor General is investigating that or has indicated that he will investigate that. That's done.

The federal government investigates issues of alleged price-fixing, gouging, unfair competition. That is their responsibility. That is their responsibility, the federal government's responsibility, and they are doing precisely what they are supposed to do.

Mr. Mason: Mr. Speaker, if the taxpayers of this province, the citizens of this province, are being gouged, why isn't it the govern-

ment's responsibility to make sure that not only is government money spent properly but that we're paying the right price at the supermarket?

Mr. Klein: Mr. Speaker, that is a matter for the federal government to investigate. My God, how many times do you have to repeat that there is an agency in place? Why would we spend taxpayers' dollars to investigate something that the federal government is already investigating? Why would we do that? The Competition Bureau and the process now going on in Parliament is the right process, and I would suggest that if the hon. member has any problems – any problems – or any allegations or any proof of the kinds of things he's been spouting off here, go down and testify before the committee.

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

Mental Health Services

Mr. Lukaszuk: Thank you, Mr. Speaker. The stabbing death that occurred in Edmonton-Castle Downs over the weekend and the recent shooting of a police officer have many people concerned whether the province is doing enough for individuals with mental health illnesses. My question is to the Minister of Health and Wellness. Can the minister tell Albertans what the government is doing at this time for individuals with mental health illness?

The Speaker: The hon. Minister of Health and Wellness.

Mr. Mar: Thank you, Mr. Speaker. I don't want to comment specifically on this particular case except to offer my condolences to the families involved, but what I do want to outline is what treatments are available for Albertans who are suffering from mental illness.

A patient in immediate need of help can go to an emergency department to be seen by a physician, and if the physician believes that hospitalization may be required, then that individual will get a psychiatric assessment. When a patient is discharged from the hospital, Mr. Speaker, there are contacts made with community mental health clinics to provide the follow-up care that such an individual might need.

Also, in major centres throughout the province there are available 24 hours a day seven days a week mental health crisis teams. Mobile mental health teams also work closely with the police in the event that an individual may be a danger to either themselves or to others.

Patients with less urgent need can seek help through their own physicians. They may get a prescription for medication. The physician may also recommend specific community mental health programs such as group counselling.

Finally, Mr. Speaker, the province of Alberta does offer extensive coverage for prescription drug costs, including psychiatric drugs, under the Blue Cross benefit plan. Low-income Albertans, of course, also get full or partial subsidies for their drugs.

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My first supplemental for the same minister: would the minister consider following the lead of B.C., Saskatchewan, or even Ontario by introducing community treatment orders in this province?

Mr. Mar: Mr. Speaker, mental health legislation is a complex and sometimes very controversial area of discussion. The purpose of

such legislation is to try to balance the needs of an individual against the needs and rights and protection of society as a whole.

There are wide opinions, Mr. Speaker, as to whether community treatment orders are appropriate. There is a large gulf that exists between advocates for mental health. Even within the mental health community there is not a clear consensus. There are differing opinions from people: the individuals themselves who do have mental illness, their family members, physicians, and lawyers as well.

Our current mental health legislation took 11 years to develop, and that was because of these wide sets of opinions from various stakeholders. Our act does allow for the apprehension, admission, detention, and control of a person who is suffering from a mental disorder and who may present a threat to themselves or to others. But I have, Mr. Speaker, asked our Mental Health Board to look at the other jurisdictions, that the hon. member referred to, to see if community treatment options have in fact had an effect on reducing the number of these types of incidents.

I should say, finally, Mr. Speaker, that we are of course focused on integrating our mental health services into the community as recommended by the Premier's Advisory Council on Health and that regional health authorities are redoubling their efforts to ensure that this plan will be used as a framework to make improvements to mental health services in this province and their communities.

2:00

The Speaker: The hon. member.

Mr. Lukaszuk: Thank you, Mr. Speaker. My last supplemental, to the Solicitor General: are our police officers in this province afforded appropriate training rendering them competent to deal with mental health case issues?

The Speaker: We're asking for an opinion here. Solicitor General, proceed.

Mrs. Forsyth: Well, thank you, Mr. Speaker. I appreciate the question. When it comes to policing, dealing with mental health problems is part of officer training. The police in this province are well trained in all aspects of criminal behaviour. They come across people high on drugs; they come across people who are mentally ill; they come across incidents where people are extremely agitated. I have to say that the police in this province do a wonderful job in dealing with all these situations not knowing what's around the corner for them.

In cases of critical incidents the large municipal police services have emergency response teams with specifically trained negotiators with expertise in dealing with mentally ill or agitated people. There are four on Calgary's ERT team, five on Edmonton's ERT team, and four on Red Deer's ERT team. In the case of the RCMP, extensive training is provided to negotiators on their ERT teams for dealing with mentally ill patients.

The Speaker: The hon. Member for Edmonton-Riverview, followed by the hon. Member for Drayton Valley-Calmor.

Mental Health Strategy

Dr. Taft: Thank you, Mr. Speaker. Last week when I raised a question about mental health, the Solicitor General said that she was appalled at the questions and said that I should "drop the crap." Well, this weekend another tragic fatality involving a mental health patient brings home the message that this government cannot wait any longer to implement a new mental health strategy. My question

is to the Premier. When will this government release the new mental health strategy, that is sitting on the health minister's desk?

Mr. Klein: First of all, Mr. Speaker, I don't know if the mental health strategy is sitting on the minister's desk, but I will have the minister respond.

Mr. Mar: Mr. Speaker, I think it's critical that we get this right as opposed to get it right away. The issue of mental health is one which is of great interest to Albertans. The consultations on this have been extensive. Right now it's in a draft stage, and it's out for discussion among stakeholders. The early response to it has been quite positive. There may be some changes that we may need to make to it, but the final of this plan has not yet been put before me or, in the words of the hon. member, on my desk.

It is not sitting on my desk, but it is part of an ongoing process by which we will develop a strong plan consistent with the efforts and the submissions of stakeholder groups ranging from psychiatric nurses here in the province of Alberta to the regional health authorities themselves; the Alberta Mental Health Board; the Alberta alliance on mental health; the Canadian Mental Health Association, their Alberta branch. These are all stakeholders that we've worked with extensively. I thank them publicly for the work and the time and the effort that they've put into it.

As I indicated in my response to the Member for Edmonton-Castle Downs, Mr. Speaker, the issue of mental health, while important, is a very complex and difficult and challenging one. That's the reason why it's important to get it right rather than get it right away. It will come forward in the spring, and if the hon. member wants more specificity on when in the spring, it'll be the spring of 2004.

The Speaker: The hon. member.

Dr. Taft: Thank you, Mr. Speaker. Well, then, given that this government has been downsizing mental health institutions for years, indeed decades, why haven't they got it right? Why haven't they got mental health services right yet?

Mr. Mar: Well, Mr. Speaker, we have in fact been moving in the trend from institutional care for such individuals to community treatment. But we have protected the budget. We have increased our commitment to this area. The hon. member will recall from my response to him late last week in this Assembly that we currently put almost a quarter of a billion dollars, \$240 million approximately, into mental health this year. That's an increase of about 5 per cent from the previous year.

So, Mr. Speaker, again, while we have been making the move away from institutional care into community treatment, I think that this is a step in the right direction and one that has been lauded by the mental health community. We understand that there will be a continued need for some institutional capacity at, for example, Alberta Hospital Ponoka – they do provide world-class treatment at that facility – but the overall trend is to go to treatment in the community. We're doing that, and we're providing the resources so that we can make this transition from institutional care to community care.

Dr. Taft: It's not good enough.

To the Premier: given the long delays on other government reports like the corrections review and the Graydon report, how can we know that there won't be another long delay in releasing the mental health strategy report?

Mr. Klein: Mr. Speaker, I can't speak to the length of time it will

take to complete the report. Perhaps the hon. minister can shed some light on that.

Mr. Mar: Mr. Speaker, we have been working on this a long time. I confess that it is a very challenging and complex area. To ensure that we have the full support of as many stakeholders as possible – these are the stakeholders who will actually make this work. That's the reason why we need to continue to work with them, so that we reflect the input that they've had in terms of how this program should be delivered.

Now, Mr. Speaker, I have said on a number of occasions – and I repeat it for his benefit and for the benefit of Albertans – that when we look at our health care system, there are two things that loom large on our health care horizon in the next 10 to 15 years. We often look at a shorter time horizon, but in the next 10 to 15 years two areas loom large. One is the area of diabetes, which we are working on with the provincial diabetes strategy, and secondly, mental health. Both of these are critical to helping ensure that our health care system is sustainable not just for the next two years but well into the future of this province.

The Speaker: The hon. Member for Drayton Valley-Calmar, followed by the hon. Member for Edmonton-Ellerslie.

Crystal Methamphetamine

Rev. Abbott: Thank you, Mr. Speaker. Recent TV news reports have highlighted the growing problem of methamphetamine manufacturing, trafficking, and addiction in Drayton Valley and along the Yellowhead highway. People in my constituency have been working hard to control the spread of this highly addictive drug. To the Solicitor General: what steps are being taken to control the substances used to make crystal meth?

The Speaker: The hon. Solicitor General.

Mrs. Forsyth: Well, thank you, Mr. Speaker. I do appreciate that question, and I want to assure everyone in this House that the Alberta government is well aware of the problem and that we're well ahead, we feel, on what we're trying to do.

Alberta is a leader across this country in dealing with meth, and in fact the hon. member's own mayor is part of our working group that we have established. We're attacking the problem, if I may say, in three different areas. First of all, I have established a cross-government initiative that has been very, very effective and working very hard on it.

Second, Mr. Speaker, I think that what is really important is that we've engaged the College of Pharmacists, and I have to really provide a lot of kudos to what the College of Pharmacists is doing to help us deal with this very serious situation.

Thirdly and, I think, most importantly, Mr. Speaker, is that we are pressing the federal government to tighten its laws controlling the materials used to make meth and would encourage the opposition to maybe get on the phone or write a letter to their federal relatives supporting our recommendations on making amendments to the Controlled Drug and Substances Act.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My first supplemental is for the Minister of Health and Wellness. What treatment options and facilities are available for individuals addicted to crystal meth?

2:10

Mr. Mar: Mr. Speaker, methamphetamine poses a serious threat to

the well-being of individuals who use it, it poses a serious threat to their families, and it poses a serious threat to the communities in which it is being used.

AADAC, the Alberta alcohol and drug agency, is participating in the cross-governmental initiative that was referred to by my colleague the Solicitor General. AADAC does provide treatment to methamphetamine users as part of its comprehensive treatment of a whole range of different types of substances in 49 communities throughout the province of Alberta.

Specific to methamphetamine, Mr. Speaker, services include counselling, parent consultations, and referral to intensive or residential treatments. I think it's important to note that crystal meth, or methamphetamine, is often a drug that's used with other drugs, so sometimes varying types of treatment are required.

AADAC is also working very closely with the hon. member's community of Drayton Valley and also in places like Hinton, Edson, the Yellowhead corridor, and Camrose, among others, where methamphetamine has particularly been identified as being a significant problem.

The Speaker: The hon. member.

Rev. Abbott: Thank you, Mr. Speaker. My final question is also to the same minister. Given that these seem to be the highly concentrated problem areas, are there any plans to build more treatment facilities for this growing problem?

Mr. Mar: Mr. Speaker, we have no such plans at this time except to make the commitment that we will continue to monitor this particular situation and be prepared to take any additional action that's required. We are addressing the problem of methamphetamine use by offering treatment and support to those who need it and by working with communities to let them know about the dangers of this particular drug, which are significant.

AADAC data shows that amphetamine and stimulant use, which includes methamphetamine, is a concern to about 8 per cent of all the clients receiving addiction treatment by AADAC. Clients who access AADAC services for methamphetamine, again, as I said, Mr. Speaker, often experience problems with multiple use of drugs. Outpatient counselling services are available in 25 AADAC offices located throughout the province. Adults can be referred to AADAC detoxification residential treatment services in the cities of Grande Prairie, Edmonton, Calgary, and Claresholm.

The Speaker: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Banff-Cochrane. [applause]

The hon. member has the floor.

Ms Carlson: Thank you, Mr. Speaker. I'd like to thank all members from all sides of this Assembly who helped me and supported me in this nomination bid, and for those who didn't, what can I say? Thank you.

Sour Gas Well Emissions

(continued)

Ms Carlson: Mr. Speaker, speaking of – and I quote the Minister of Energy from March 3 – “spreading confusion and misinformation and talking about something that they really don't know the effects of,” last week the Minister of Energy said, “Since the 1982 Lodgepole blowout . . . there has never been a civilian fatality from sour gas management in this province.” My first question is to the Minister of Energy. Why isn't the minister aware that in January of

this year a 35-year-old male worker employed as a contract operator was overcome by H₂S gas resulting in fatal injuries and of the death of a Caroline man who was able to penetrate a sour gas facility in April 2002 and caused a high-pressure release of hydrogen sulphide?

Mr. Smith: Well, Mr. Speaker, the member talks about people from or who are employed in the industry, and that's, in fact, who are at most risk. I admire all Albertans who work with sour gas and are able to make it the safe type of product that it is.

Mr. Speaker, I would direct the member to a very good article in the *Calgary Herald* this weekend by a gentleman by the name of David Yager, who is a veteran oil patch writer and safety analyst, who starts the article off with, “You can drill these wells in my backyard for all I care.”

Ms Carlson: Mr. Speaker, both of those deaths were civilian.

To the Minister of Municipal Affairs: since the Minister of Energy speaks of Caroline as having “some of the world's best handling equipment,” how could it have taken six and a half hours to discover and contain a sour gas leak that occurred there as recently as March 2003?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. I think that with the preamble relative to the information, the situation, it's important to note that every municipality in this province has an emergency operation plan that they execute. They work with the Ministry of Environment as well as with Energy and first responders, or local emergency officials. I want to say without any fear of contradiction that these first responders do an excellent job in representing and protecting Albertans at large.

The Speaker: The hon. member.

Ms Carlson: Thank you. To the same minister: if the proposed wells in the Calgary region are approved, how can this ministry assure residents in the emergency planning zone that they won't be exposed to sour gas for hours on end, as occurred in Caroline?

The Speaker: The hon. minister.

Mr. Boutilier: Thank you, Mr. Speaker. As was indicated earlier this afternoon, this is in front of the board. The board is hearing stakeholders' input from all walks, every particular stakeholder who has expressed an interest. I'm not in a position to evaluate the decision they will make, but I can assure all Albertans that every single effort in terms of protecting Albertans will be taken, is taken during these hearings that are a quasi-judicial body.

The Speaker: The hon. minister to supplement.

Mr. Smith: Well, you know, it's always good to do a little research on the application, Mr. Speaker, and actually do a little research on the past. The Sindre gas leak, the one that I believe the member is referring to, was known almost instantaneously, I believe. Secondly, there's a process called ignition. They make a decision to ignite sour gas fumes that start to escape, and that immediately ensures that no sour gas emissions are then spread to the individuals in the emergency planning area. Really, I think it's important to encourage the member to get up to date with the handling of sour gas in this world-best jurisdiction.

National Avalanche Centre

Mrs. Tarchuk: Mr. Speaker, during the winter of 2002-2003 29 people died in avalanches across Canada. Twenty-four of these occurred in British Columbia with nearly one-half of the fatalities Albertans and one-third foreign tourists. In the wake of these fatalities the Canadian Avalanche Association is recommending the creation of a national avalanche centre. My question is for the Minister of Community Development. Could the minister tell us what he is doing in response to this recommendation?

Mr. Zwozdesky: Well, Mr. Speaker, I have received the proposal, and I am reviewing that. It arose, essentially, as a result of a review of avalanche safety programs in the province of British Columbia, and it was conducted by the British Columbia government itself. Unfortunately, no input was sought from the province of Alberta with respect to this particular development proposal. Nonetheless, avalanche safety is a very serious matter here for our government and for Albertans, and as soon as I complete that review of the recommendations, we'll see what possible further steps might be taken.

The Speaker: The hon. member.

Mrs. Tarchuk: Thank you. To the same minister: given that this centre would be located in British Columbia, will you be considering funding it?

Mr. Zwozdesky: Well, Mr. Speaker, I would of course prefer to consider this from the standpoint of possibly seeing a commitment of funds made to some kind of a satellite office at least in the province of Alberta; in other words, funds of the Alberta taxpayer being used to fund something in our province for individuals. I should say, however, that I don't know yet what the extent of our involvement will be or if we will be making that commitment, because there are a number of ministries that this particular issue references and affects. We do spend approximately \$90,000 already through Community Development monitoring avalanche safety programs in our province at this time.

Mrs. Tarchuk: Lastly, to the same minister, I'd ask if there's anything further that the government of Alberta can do to help increase avalanche awareness and safety.

Mr. Zwozdesky: Mr. Speaker, Community Development is actively involved in the Kananaskis area, which is provincially managed, and we have one of the very best provincial avalanche monitoring systems anywhere in the country. We're already doing a lot from the monitoring point of view, from the information and communications point of view, and also from our involvement with search and rescue missions. We're also involved, where circumstances warrant, with the safe discharge of explosives to trigger avalanches when there's no one around, obviously, and certainly more can and perhaps should be done. But we do have a partnership already with the Canadian Avalanche Association and with Parks Canada.

So as this proposal moves through the process here, we will continue to keep the member and all members and Albertans updated in that regard.

2:20 Reviews by Solicitor General's Department

Ms Blakeman: Mr. Speaker, the Solicitor General seems fond of the water torture method of releasing information, one drop at a time, but taxpayers, provincial corrections staff, police, and others would like to see the full corrections review, the complete victims of crime

consultation report, and the standards for provincial policing with its implementation plan. Albertans have paid for all three reports, and we cannot monitor the government's progress without them. My questions are to the Solicitor General. When are taxpayers going to see the complete corrections review that they paid for?

The Speaker: The hon. Solicitor General.

Mrs. Forsyth: Thank you, Mr. Speaker. I've had that question before, and I would refer the hon. member to *Hansard*. The Member for Edmonton-Castle Downs asked me the same question.

Mr. Speaker, I'm not going to make excuses for the delay for my department or for the minister responsible. When you have people who have gone out and worked very hard collecting evidence and providing you with recommendations like the corrections committee did, there are budget implications to it. I will be proceeding after the budget is released later on this month.

Ms Blakeman: Again to the Solicitor General: given that the Auditor General stated in his report that "public safety could be at risk" until the Solicitor General implements the plan for provincial policing standards, when can we expect that plan?

Mrs. Forsyth: As I've indicated before, Mr. Speaker, the standards that the hon. member is referring to in regard to policing standards will be done at the end of the year. Our fiscal year-end is the 31st of March, and it will be done.

Ms Blakeman: In two weeks. Really?

The final question, again to the Solicitor General: why have we seen nothing at all about the victims of crime consultation headed by the Member for Calgary-Shaw?

Mrs. Forsyth: Again, Mr. Speaker, when you have a committee going out and doing a bunch of work for you, they come back with recommendations. In regard to the recommendations that they bring forward, there are usually budget implications. I felt that it was best to be able to deal with those when we could provide the recommendations with the dollars to follow them.

If the hon. member will be patient, we have got very good news for the people in this province in regard to the reviews that I've undertaken, and I ask her to be patient like the people who have worked on the committee and like Albertans have.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Fort.

Cattle Exports

Dr. Pannu: Thank you. Mr. Speaker, last week's decision by the U.S. Department of Agriculture to reopen a comment period for resuming Canadian live cattle exports is a welcome development. However, for this government to put all its bets on a quick reopening of the border is a high-risk strategy, especially when it gets caught in the middle of American presidential election politics. That is why the Premier's recent admission that there is no contingency plan should the border remain closed is bad news. My question is to the Minister of Agriculture, Food and Rural Development. Given that political posturing could keep the border closed until after the U.S. election in November, why does the government have no contingency plan should the border remain closed to live cattle exports for an extended period?

Mrs. McClellan: Mr. Speaker, it's possibly a matter of semantics. As I've explained in this House, the round-table that covers all

aspects of the beef industry, including trucking, packing, processing, primary, backgrounding, feeding, and so on, has indeed been working for some time on what is termed a beef recovery plan. This is maybe somewhat different than what might be called a contingency plan or a backup plan.

I'm pleased that the hon. member is aware that there are some uncertainties out there and that we have to look at those uncertainties. I'm not sure I concur with the full reasons for the uncertainties, but there are uncertainties out there. We're very pleased that the comment period has been reopened. We're very pleased that rule making includes all ages of animals, and we will be working with the federal government and, obviously, making a comment on our industry's behalf.

So, Mr. Speaker, the plans that we've had in place, which, in fact, have worked – we still have an industry, which means a great deal to every community in this province, not just the rural communities – I think state very clearly that the work that the industry has done with us in meeting this issue head-on for the last 10 months and some is continuing. The beef recovery plan that the industry has worked on involves the short term, which is the immediate, and it involves what they would want the industry to look like in five years or expect it to look like in five years, and I'm sure that's what the hon. member would want to see happen.

Dr. Pannu: Should the border not open until after the presidential election, does the minister have a contingency plan, and what is it and will she table it in the House?

Mrs. McClellan: Well, Mr. Speaker, there are, as I said, a lot of ifs and there are uncertainties. I am, I guess, dealing from a more positive note. I have, I think, great reason to be optimistic. We have made significant progress in dealing with this issue. No other country that I know of in the world that has experienced BSE has had a border opening in seven months. That's what has been accomplished here, and that's what has been accomplished by working with what is our largest trading partner, particularly in the beef area but in others.

The work on the recovery plan, Mr. Speaker, is not at a stage that it could be presented. It is a plan that's being worked on by the whole industry, but I would be pleased to do that at the time that it's completed.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Is the minister, then, admitting that she has no contingency plan at this time?

Mrs. McClellan: Well, Mr. Speaker, I don't know how I could make it any more clear. Since the first week of January we've been meeting with the industry, since the second BSE incident, which happened to be in the U.S., and with the industry have been developing a number of scenarios to deal with these issues. It is in a developmental stage. The industry is committing to do this.

There is a difference philosophically, I know, between the hon. member and this government and this minister. This is what the difference is. I would gather from the hon. member's comments that he would believe that government is the right vehicle to make decisions for the cattle industry. Well, you know what, Mr. Speaker? We don't agree with that. We agree with partnerships. We agree with working with the industry, and the success of that work is before us today. We have an industry, albeit under stress and duress, because the plans that we put in place to carry this industry through were made with the wisdom of the industry, not dictated by government.

The Speaker: Hon. members, in 30 seconds I'll call upon the first member.

Hon. members, before I call upon the first of six hon. members to participate in Recognitions, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: 2:30

Introduction of Guests

(reversion)

The Speaker: Well, I'm just delighted to see that he's okay after his exploits on the weekend. The hon. Member for Calgary-North Hill.

Mr. Magnus: Thank you, Mr. Speaker. It's a real pleasure for me to be able to stand here. I'd like to thank the House for the unanimous consent on this introduction. We have some people in our gallery that I'm intimately familiar with, and so are most of the MLAs in this Legislature as well as every single Albertan that exists out there today, if not now, into the future. Unfortunately, I had occasion to use them last night, and they were fabulous, not these particular officers, but I would like to introduce them.

The first is Gord Colwell, the president of the Alberta Fire Fighters Association. I'd ask him to rise. The second is Dale McLean, first vice-president of the Edmonton firefighters association, as well as Greg Holubowich, who is also a first vice-president with the Edmonton fire association. The last person – we've met in the past – is a very nice lady who is the prevention and public educator. She's an EMT and a paramedic, and her name is Brenda Hardy-Reader. I'd ask that this Assembly give them a warm welcome.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly the always curious and most welcome guests that we have with us today in the public gallery from NorQuest College. This group is always very curious about parliamentary process, and I know that they enjoy their tours through here. They're accompanied today by their teachers and group leaders Brenda Chwyl, Judy Dobbs, and Gordon Heffel. I would ask them all to please rise and accept the warm welcome of the Assembly.

head:

Recognitions

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

International Women's Day

Mrs. Ady: Thank you, Mr. Speaker. I am a woman. [interjections] I know you don't believe it. I rise today to recognize International Women's Day as we celebrate the many achievements of women in Alberta and elsewhere. This year's theme, She's on a Role, recognizes the momentum behind women's issues and reminds us of the progress being made.

Last September our Minister of Community Development hosted his counterparts from across the country. As ministers responsible for women's issues, they released a document called Workplaces That Work.

Since 1977, when the United Nations established March 8 as International Women's Day, we have dedicated this day to address the challenges facing women and to consider future steps to enhance the status of women and to celebrate the gains made. I ask all

Albertans to join me and our minister in acknowledging the achievements of women in Alberta and around the globe.

Thank you, Mr. Speaker.

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

International Women's Day

Ms Blakeman: Thank you very much, Mr. Speaker. As a feminist and an elected member of this Assembly, it is my pleasure to rise and recognize today as International Women's Day. We recognize women divided by ethnic, linguistic, political, and economic differences but united by decades of struggle for representation, equality, justice, and peace.

Sadly, women are not even halfway to equal when it comes to political representation. Today women make up only 20 per cent of elected officials. Seven years ago it was 27 per cent. In the next year Albertans will be called to the polls to elect representatives to three levels of government. A woman's place is at the table, in the boardroom, on the factory floor, in the Assembly, wherever she wants to be. Political parties, media pundits, politicians must work to create an atmosphere where women can visualize and then actualize their participation in politics and stand for political office. In 2004 decreasing representation for women in this Assembly, municipally, or federally is simply not acceptable.

Thank you.

The Speaker: The hon. Member for Wetaskiwin-Camrose.

Movie Filming in Wetaskiwin

Mr. Johnson: Thank you, Mr. Speaker. I rise today to congratulate the city of Wetaskiwin for being chosen as the site of a Hollywood movie filmed recently. Wetaskiwin was selected because of its historic downtown with its impressive old buildings. Film crews were particularly taken with the grandeur of the old courthouse with its amazing architecture and preserved courtroom. It was especially exciting for the citizens to see the filming crew use these old historic buildings in Wetaskiwin, especially the old courthouse. The city of Wetaskiwin is well known for valuing our Alberta heritage and working hard to retain it for future generations.

The movie *Santa's Slay*, directed by David Steiman and starring wrestling superstar Bill Goldberg, will be released sometime before Christmas 2004 in theatres across North America. My constituents and I salute Wetaskiwin for this latest exciting event of movie magic that took place on their historic main street in February.

Arctic Winter Games

Mr. Broda: Mr. Speaker, this week the 18th Arctic Winter Games in Fort McMurray came to an end. Held biannually, this international sport festival attracted 2,000 athletes, coaches, and officials from communities north of the 55th parallel. It was a grand celebration of participation in sports for northern athletes and a chance for them to interact with people from different cultures.

Today I want to recognize Team Alberta North and its 351 athletes, coaches, managers, and mission staff who participated. Team Alberta North had its best showing ever and finished first overall with a total of 137 ulus, or medals: 50 gold, 50 silver, and 37 bronze.

Our athletes impressed everyone, and in doing so, they continue a rich legacy of hard-working and determined young Albertans. I'd invite everyone to join me and the Minister of Community Development in congratulating the athletes, coaches, volunteers, staff,

parents, and family members who took part in these games.

Thank you.

The Speaker: The hon. Member for Calgary-Mountain View.

University Volleyball Teams

Mr. Hlady: Thank you, Mr. Speaker. I rise today to recognize two outstanding women's and one outstanding men's volleyball teams from Alberta. The University of Calgary Dinos women's volleyball team captured the 2004 Canadian Interuniversity Sport national championship, defeating the University of Alberta Pandas in the final in Saskatoon on Saturday afternoon three games to one.

Calgary's Amanda Moppett was named most valuable player of the tournament, and Calgary's Joanna Niemczewska was named CIS player of the year in women's volleyball. Moppett was the player of the game in both the CIS semifinal and championship final match. Moppett had a kill percentage of 32 per cent in the three matches during the tournament. Calgary was ranked number one the entire season except for one week and finished the season with an overall record of 32 wins and five losses. The team is coached by native Calgarian Kevin Boyles, who has committed himself over the last several years to building a championship team and organization.

Mr. Speaker, I would also congratulate both U of A volleyball teams that represented Alberta extremely well, bringing two silver medals back to the U of A. Congratulations to all three Alberta teams, the players, the coaches, and training staff on representing their schools and province so well.

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

Canterbury Foundation

Dr. Taft: Thank you. Mr. Speaker, Canterbury Foundation is a not-for-profit organization that in September of this year will be celebrating 30 years of providing supportive housing and care services to Edmonton seniors. Since 1974 Canterbury Court has been one of the city's leading seniors' facilities, providing a high level of service and care to its residents.

Canterbury Manor, a self-contained seniors' residence opened in September 1992, continues through this day to be one of Edmonton's most highly regarded and popular seniors' residences. In 1997 the foundation, in a bold and visionary initiative, opened Canterbury Lane, a 20-unit special care program for residents with Alzheimer's and similar dementia, the first of its kind in the city. Today over 300 Edmontonians call Canterbury their home.

This is a caring and visionary organization. Canterbury Foundation has a proud history, and its vision for the future continues to evolve as it strives to meet the changing needs of Edmonton's seniors.

Thank you.

head: 2:40

Presenting Petitions

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

Ms Graham: Thank you, Mr. Speaker. As chair of the Standing Committee on Private Bills I beg leave to present the following petitions that have been received for private bills under Standing Order 93(2): number one, the petition of St. Mary's College for the St. Mary's College Amendment Act, 2004; number two, the petition of Sister Ann Murtagh and Sister Mary Anne Mulvihill for the Sisters of Charity of St. Louis of Medicine Hat Act Repeal Act; number three, the petition of Paul Reich, Randy Holt, William Dyck,

Gordon Setterlund, Verdon Kerr, James Blair, Kathryn Wall, and Dennis Traverse for the Living Faith Bible College Act; number four, the petition of Northwest Bible College for the Northwest Bible College Amendment Act, 2004; number five, the petition of Brooklynn Rewega, an infant, by her legal guardian and father, Doug Rewega, for a private act that will grant an exception to the law that provides for maternal tort immunity for prenatal wrongful conduct.

head: **Introduction of Bills**

The Speaker: The hon. Member for Leduc.

Bill 17
Agricultural Operation Practices
Amendment Act, 2004

Mr. Klapstein: Thank you, Mr. Speaker. I rise today to request leave to introduce Bill 17, the Agricultural Operation Practices Amendment Act, 2004, for first reading.

This bill and new amendments will add clarity to technical changes on how the Natural Resources Conservation Board administers the act, on the role of municipalities, and for confined feeding operations who are looking at changes to their operation.

[Motion carried; Bill 17 read a first time]

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'd move that Bill 17 be moved onto the Order Paper under Government Bills and Order.

[Motion carried]

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

Bill 18
Maintenance Enforcement Amendment Act, 2004

Mr. Hancock: Thank you, Mr. Speaker. I rise to move first reading of Bill 18, the Maintenance Enforcement Amendment Act, 2004.

This new legislation will provide the Alberta maintenance enforcement program with additional tools to encourage compliance with court-ordered maintenance payments. The program, as all members know, provides an essential service to single-parent and low-income families by working to collect all of their court-ordered support payments. Many of the new provisions in the bill address debtors who continually fail to pay their court-ordered support, and we hope that with changes to the legislation the program will be even more effective.

Thank you, Mr. Speaker.

[Motion carried; Bill 18 read a first time]

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

Bill 207
Traffic Safety (Emergency Vehicle)
Amendment Act, 2004

Mr. Magnus: Thank you again, Mr. Speaker. I request leave to introduce Bill 207, the Traffic Safety (Emergency Vehicle) Amendment Act, 2004.

The purpose of Bill 207 is to reduce the number of injuries and deaths of police officers, firefighters, and emergency medical professionals on Alberta's roadways. The regulations set forth in

this legislation will help to ensure that individuals operating a motor vehicle do not collide with a stopped emergency vehicle or endanger any person outside the emergency vehicle.

Thank you, Mr. Speaker.

[Motion carried; Bill 207 read a first time]

Bill 208
Emblems of Alberta (Official Gemstone)
Amendment Act, 2004

Mrs. O'Neill: Mr. Speaker, I request leave to introduce Bill 208, the Emblems of Alberta (Official Gemstone) Amendment Act, 2004.

This bill seeks to adopt ammolite as the official gemstone of Alberta.

[Motion carried; Bill 208 read a first time]

The Speaker: The hon. Member for Drayton Valley-Calmar.

Bill 209
Insurance (Demerit Offences) Amendment Act, 2004

Rev. Abbott: Thank you, Mr. Speaker. I request leave to introduce a bill being Bill 209, the Insurance (Demerit Offences) Amendment Act, 2004.

Bill 209 would protect drivers from paying higher insurance premiums for having committed a demerit offence more than two years prior to the date, making it illegal for insurance companies to penalize drivers for demerit offences or demerit points which occur more than two years prior to an application for or renewal of insurance coverage. In other words, Mr. Speaker, it brings the Insurance Act in line with the Traffic Safety Act.

[Motion carried; Bill 209 read a first time]

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

Bill 210
Matrimonial Property (Division of Property
on Death) Amendment Act, 2004

Ms Graham: Thank you, Mr. Speaker. I do request leave to introduce a bill being Bill 210, the Matrimonial Property (Division of Property on Death) Amendment Act, 2004.

This bill would allow the surviving spouse of a marriage terminated by death the ability to bring forward a legal action challenging the terms of the deceased spouse's will if it does not provide the surviving spouse with at least a share of the matrimonial property that would be available to him or her if the parties had separated or divorced.

[Motion carried; Bill 210 read a first time]

head: **Tabling Returns and Reports**

Mrs. McClellan: Mr. Speaker, I'm pleased to file with the Assembly a letter sent today to the Auditor General of Alberta asking that his audit of BSE-related programs be fast-tracked as discussed previously with AAFRD department staff.

Thank you, Mr. Speaker.

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

Mr. Hancock: Thank you, Mr. Speaker. I'm pleased to rise today

on behalf of the Minister of Community Development to table an information bulletin dated today's date in reference to the accomplishments of women honoured on International Women's Day. The hon. Minister of Community Development had wanted this document to be provided to the House in order to further people's understanding of the nature of and extent of the accomplishments of women and in honour of International Women's Day.

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

Dr. Taft: Yes. Thank you, Mr. Speaker. I'd table the appropriate number of copies of a letter from Linda Telgarsky with her permission; in fact, at her request. She attended a sitting of the Legislature last week and was unimpressed with our behaviour.

Thank you.

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

Mr. Mason: Thank you very much, Mr. Speaker. I'm tabling five copies of a policy resolution adopted at the December 2003 annual general meeting of the Alberta Beef Producers asking that the provincial and federal governments "investigate pricing practices of the packing and retail sectors."

The Speaker: Are there others, hon. members? Then I have the pleasure of making two tablings. First of all is a copy of a message from one of the most remarkable women in the world, Her Majesty the Queen, and it's her Commonwealth Day 2004 message. The theme of Commonwealth Day 2004 is Building a Commonwealth of Freedom.

Second, it is my pleasure to table the appropriate copies of the third School at the Legislature report card, 2002-2003. This is an educational program that we have here at the Legislative Assembly for grade 6 students sponsored by two community partners, Capital City Savings and Priority Printing from here in the city of Edmonton.

head: **Orders of the Day**

head: **Written Questions**

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 4, I move that written questions appearing on today's Order Paper do stand and retain their places with the exception of written questions 1, 4, 5, 15, and 33.

[Motion carried]

2:50 **Provincial Veterinary Pathologists**

Q1. Dr. Taft moved on behalf of Mr. MacDonald that the following question be accepted.
What increase in remuneration or salary and benefits is required for the Department of Agriculture, Food and Rural Development to attract and maintain sufficient numbers of veterinary pathologists to meet requirements for timely testing of animals since the discovery of bovine spongiform encephalopathy in Alberta?

Mr. Stelmach: Mr. Speaker, on behalf of the hon. minister of agriculture we're prepared to accept Written Question 1.

The Speaker: The hon. Member for Edmonton-Riverview to close the debate.

Dr. Taft: I appreciate the gesture, and we look forward to the information, Mr. Speaker.

Thank you.

[Written Question 1 carried]

Assistance for Elk Ranchers

Q4. Mr. Bonner moved on behalf of Ms Carlson that the following question be accepted.

What programs are being developed to aid elk ranchers who have suffered economic losses due to shrinking markets as well as the recent case of bovine spongiform encephalopathy?

Mr. Stelmach: On behalf of the minister of agriculture we're indicating that we're prepared to accept Written Question 4.

Thank you.

The Speaker: The hon. Member for Edmonton-Glengarry to close the debate.

Mr. Bonner: Thank you, Mr. Speaker, and thank you to the minister for providing that information.

[Written Question 4 carried]

Elk Ranching Consultations

Q5. Dr. Taft moved on behalf of Ms Carlson that the following question be accepted.

What consultations are presently taking place between the government and game farm operators regarding the future of the elk ranching industry in Alberta?

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Well, thank you, Mr. Speaker. Once again on behalf of the hon. minister of agriculture we're prepared to accept Written Question 5.

[Written Question 5 carried]

Department of Agriculture, Food and Rural Development Restructuring

Q15. Mr. Bonner moved on behalf of Mr. MacDonald that the following question be accepted.

How much was spent on division and branch restructuring initiatives within the Department of Agriculture, Food and Rural Development broken down by initiative for the fiscal year 2002-2003?

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Thank you. Once again, on behalf of the minister of agriculture we're prepared to accept Written Question 15.

[Written Question 15 carried]

Grandparents' Access Rights

Q33. Dr. Taft moved on behalf of Ms Blakeman that the following question be accepted.

What measures has the Department of Justice taken to establish statistical measures to determine the number of grandparents who apply to the courts for access rights to their

grandchildren, the number who are successful when applying for access, and the number who are unsuccessful when applying for access?

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Regretfully, I would indicate on behalf of the government that we'll reject Written Question 33. In doing so, I would just indicate that the question asks what measures we've taken, and the short answer to that might be none. That might confuse some people.

Some statistical information is available, historical information from January to December 2002. There were a total of 79 applications brought in Calgary, 60 applications brought in Edmonton, and 136 in the rest of the province, for a total of 275. However, information is not available on the number of successful versus the number of unsuccessful, and indeed it might be difficult to actually quantify which ones were successful and which ones were not successful because there are a number of variations in the middle and really it's in the eye of the beholder what success is in each of these cases.

It may also not be particularly useful, because each application for grandparents' access that is brought represents a unique set of strange family circumstances, and success or failure on any one application does not necessarily have a relationship to the success or failure of any other application. So a number count really is a questionable use of resources.

We're rejecting the question, just so that there's no lack of clarity around it, but the short answer is that we're not taking any steps relative to measurement, because measurement of this nature would not be cost-effective nor provide useful information.

The Speaker: The hon. Member for Edmonton-Riverview to close the debate.

Dr. Taft: Thank you, Mr. Speaker. I can say that we'll be disappointed with that response from the government. We brought this written question forward in response to inquiries and requests from grandparents who want more information about how the system is working, and it didn't seem like it was that much to ask.

The minister has provided some information, and I appreciate that. We'll review *Hansard* to see what it entails, but I would have thought that for the purposes of evaluating how the program is working, evaluating the effect of legislation, evaluating how we're meeting the needs of grandparents and families and children, this would have been information that was worth collecting, and it would have been well worth establishing statistical measures to determine these outcomes.

I would urge the minister to reconsider his position in the future. I can't imagine that there are so many variables that they can't be at least generally categorized so that we have some sense of how this is playing out.

I'm sorry to hear the response from the minister, and we may bring this issue back through other means.

Thank you, Mr. Speaker.

[Written Question 33 lost]

head: **Motions for Returns**

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 4, I move that motions for returns

appearing on today's Order Paper stand and retain their places with the exception of motions for returns 21 and 43.

[Motion carried]

3:00

Kneehill Animal Control and Rehabilitation Centre Ltd.

M21. Dr. Taft moved on behalf of Ms Carlson that an order of the Assembly do issue for a return showing any report received by the government from the Society for the Prevention of Cruelty to Animals in calendar years 2003, 2002, 2001, and 2000 regarding the well-being of animals at the Kneehill Animal Control and Rehabilitation Centre Ltd., GuZoo.

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Well, thank you, Mr. Speaker. On behalf of the minister of agriculture we are pleased to accept Motion for a Return 21.

Dr. Taft: I appreciate the gesture from the government and look forward to the information. Thank you.

[Motion for a Return 21 carried]

Applied Research and Forage Associations

M43. Mr. Bonner moved on behalf of Ms Carlson that an order of the Assembly do issue for a return showing the total dollar amount allocated by the Department of Agriculture, Food and Rural Development to applied research and forage associations, broken down by the amount given to each association, for the fiscal year 2002-2003.

The Speaker: The hon. Minister of Transportation.

Mr. Stelmach: Thank you. On behalf of the minister of agriculture we'll accept Motion for a Return 43.

Mr. Bonner: Thank you, Minister, for that information, and we look forward to getting it. Thank you.

[Motion for a Return 43 carried]

head: **Public Bills and Orders Other than Government Bills and Orders Committee of the Whole**

[Mr. Tannas in the chair]

The Chair: I'd like to call the Committee of the Whole to order.

**Bill 201
Safety Codes (Barrier-free Design and Access)
Amendment Act, 2004**

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Clover Bar-Fort Saskatchewan.

Mr. Lougheed: Thank you, Mr. Chairman. I'm pleased to be able to rise today and speak to the Committee of the Whole regarding Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004.

Two weeks ago I was very pleased with the kinds of and the levels of support for Bill 201. It was and is very gratifying to know that the

issues that the bill seeks to address have found a receptive audience in this Assembly and one that's also prepared to take action by passing the bill. In conversations I've had in the past couple of weeks, I've come to understand that there are a few concerns, a few questions about Bill 201 and what its impact would be. With this in mind, Mr. Chairman, I'd like to open my remarks by making clear a couple of things.

First of all, the amendments proposed by Bill 201 do not change the manner in which the Alberta building code applies to existing buildings and/or renovations. Existing buildings are only required to be compliant with the code that was in effect at the time that they were built unless they undergo some significant change or renovation. In such situations, then, only the actual renovations would be required to comply with the current edition of the Alberta building code, and that's the legislation today, and it would remain so after Bill 201. Then, as well, the compliance would only be to the extent determined by the nature of those renovations. Moreover, Bill 201 has never sought to effect any changes to the Alberta building code as it applies to private homes.

As stated in section 2 of the bill, Bill 201 amends section 2 of the Safety Codes Act by adding subsection (2.1) to the act as follows:

(2.1) This Act is to be applied in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to access and use buildings and facilities to which this Act applies.

Which buildings are affected, then, is spelled out in section 3.8.1.1 of the Alberta building code. There it's written that the requirements of the barrier-free design section apply to all buildings except houses and that the Alberta building code exempts all private residences, including free-standing houses, semidetached houses, duplexes, triplexes, townhouses, row houses, and boarding houses not used in social programs such as group homes or halfway houses or shelters.

Also exempt, Mr. Chairman, from the barrier-free design and access requirements are relocatable industrial accommodations such as high-hazard industrial occupancies. These would include but aren't limited to the following: bulk plants for flammable liquids, dry cleaning plants, feed mills, grain elevators, paint factories, and spray painting operations. Only requirements dealing with hearing sensory provisions would apply there.

Finally, buildings that do not need to be in compliance with barrier-free design and access regulations also include those not intended to be occupied on a daily or full-time basis. Some examples would be things like automatic telephone exchanges, pumphouses, and substations, where only the requirements of a person with hearing sensory disabilities would apply.

I hope that this lengthy list of buildings that are not required now nor will be required under Bill 201 to comply with the barrier-free design and access requirements helps to clarify the barrier-free requirements as they currently exist and will continue to exist after Bill 201. Put differently, Mr. Chairman, the common-sense exemptions already specified in the Alberta building code for such things as private homes or relocatable industrial buildings and other industrial-type operations, where the risks to persons with sensory and/or physical disabilities would preclude their working or being present in the building, will remain unchanged by Bill 201.

What's more, Mr. Chairman, section 4 of Bill 201 augments the Safety Codes Council by adding to the existing body of experts an entity with expertise in barrier-free design and access. Not only does it make good sense from the standpoint of equality, the importance of which was stressed by several members during second reading; of no less significance is the fact that by enabling representatives of persons with disabilities on the Safety Codes Council, we're setting the stage for recommendations being brought forward by persons

with expertise in barrier-free design and access. That's why adding a 10th body of expertise to the Safety Codes Council not only makes good sense; it's also the right thing to do. It's right for the disabled community in Alberta, and it's right for Alberta's citizens in general.

Two weeks ago, you may recall, I mentioned the wheelchair ramp by the east wing entrance to this building. It's a good thing to have it there. If nothing else, the decision to put it there was really well intentioned. It certainly serves many other purposes besides just being a wheelchair ramp. If anyone's pushing a cart, perhaps with mail or one of those big blue garbage tubs or something like that filled with paper destined to the shredder, they are helped immensely by the presence of that ramp. Instead of manoeuvring the cart or the tub down the stairs, both of which could be quite difficult, quite heavy and awkward to handle at the best of times, they simply push them up or down the ramp, depending on their situation.

3:10

It took a wheelchair-bound person, however, to point out to me and to, perhaps, the rest of you, who are fortunate enough to be able-bodied, something that we have failed to observe all these years. Because the ramp is not properly aligned with the door, getting off the ramp and out the door or getting on the ramp once you're inside presents its own set of difficulties. The turning radius of wheelchairs is such that it's difficult to manoeuvre at the top of the landing and get down the ramp. In the same way, it may be difficult to bring some large object straight in the door and down the ramp because the ramp isn't aligned directly. A small change in that may make quite a difference for people with wheelchairs as well as for people using the ramp for bringing something in or out of the building.

Thanks to section 4 of Bill 201, which amends section 16(4) of the Safety Codes Act, this is the kind of practical knowledge and expertise I know the future recommendations and decisions made by the Safety Codes Council will benefit from, and as a result so will our province and so will all Albertans.

On February 28 I was at a gathering in the Legion in Fort Saskatchewan where a group of people had gathered together to honour one of their good friends, John Fisher, who was the next day, on February 29, celebrating his 20th birthday. This 80-year-old gentleman was having friends over, and conversations were going around, and some people in discussions were asking me what we're involved with in the Legislature currently. I got talking to them about Bill 201 that I was bringing forward and the challenges of access that some people are experiencing and some of the things that we hope to accomplish with Bill 201.

It was interesting that several of these contemporaries of John Fisher commented to me that mobility problems as you get a little bit older are something that is very important to them. The challenges of barrier-free access are important to them because those mobility challenges become very significant in their lives and impact them as they try to get around the community.

So certainly, Mr. Chairman, the community at large supports the ideas that are going to be brought forward by design experts that can help clarify the kinds of designs that will make barrier-free access more practical and more prevalent to the whole community.

Mr. Chairman, I'm looking forward to hearing comments from the rest of the members assembled. Thank you.

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

Mrs. O'Neill: Thank you very much, Mr. Chairman. I am very pleased to be able to join this stage of the debate on Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004.

I'd like to begin my remarks by expressing my sincere gratitude to my friend and colleague the hon. Member for Clover Bar-Fort Saskatchewan. From his work as chairman of the Premier's Council on the Status of Albertans with Disabilities I know we can all take great comfort in the fact that this bill has come before us as a result of wide-ranging consultation, careful deliberation of the issues, and, certainly also, a great deal of knowledge of the issues upon which the bill would have an impact, whether directly or indirectly. It is, therefore, what I would call a truly sound piece of legislation. The phrase "common sense" comes to mind when I consider what impact this bill will have both in the short term and in the course of a longer period of time.

This bill, Mr. Chairman, is that rare breed of legislation that offers a set of solutions that are both reactive and proactive. Bill 201 is reactive in the sense that it addresses a variety of issues to which the hon. member has been alerted. On the other hand, the bill is proactive because having identified certain issues of concern to a particular segment of Albertans, once we take appropriate action, we will also initiate what otherwise is likely to be a major opportunity for the Alberta government over the next 15 to 20 years.

If we look at section 3 of Bill 201, we see that the bill states very clearly that "the Minister shall, in accordance with this Act" – and that would be the Safety Codes Act – "co-ordinate and encourage the principles of barrier-free design and access for any thing, process or activity to which this Act applies." Why is this important? Well, there are several reasons why it is so. As has been made amply clear, this bill does not seek to take action retroactively. Only new construction will be affected. Furthermore, in accordance with the Alberta building code with regard to renovations only when a refurbishment project is extensive and when it significantly alters an existing structure would the renovations have to be made in compliance with the requirements of the Alberta building code.

What we may refer to as practical or logistical aspects aside, Mr. Chairman, there's a seniors boom looming in the future that's a great deal less distant than we may want it to be. Yes, after the baby boom of the 1940s, '50s, and, I could say, early '60s must inevitably come a seniors boom. It may not have gained that official term, yet it makes sense. A person born in 1945 will turn 60 next year. We can therefore expect to see large numbers of people coming off the payrolls and retiring beginning in 2010. That's a mere six years away.

If we look at demographic numbers for the last six decades, we see that there were a lot of children born in the years following World War II, and although the baby boom generation was succeeded by Generation X, it wasn't really until the 1990s that the birth rate began to decline.

In fact, the number of Albertans who are to be considered seniors has grown at a steady rate throughout the last 30-plus years. According to Statistics Canada, since 1971 there's been a 171 per cent increase in the number of Albertans over the age of 65, and between 1971 and 2003 the number of seniors in Alberta rose from 120,500 to more than 327,000. During the same period Alberta's population as a whole increased by 84 per cent.

So as a result of the higher rate of increase among Alberta seniors, the population is aging, thereby placing a greater strain on resources. It's therefore imperative that we take action to address the impact that we can expect a rapidly aging population to have on our resources, and the sooner we do it, the better off I believe we will be.

Bill 201, by recognizing the need to remove barriers which hamper or prevent an individual's full participation in society, responds sensitively and sensibly to the problems being experienced by Alberta's disabled community. At the same time, the bill anticipates what lies ahead and prepares us as a society for a

collective need to decrease and eliminate barriers where possible. To be both responsive and forward looking is no small feat, and this is further manifested in section 4 of Bill 201, which is poised to amend section 16 of the Safety Codes Act. This is accomplished by augmenting the Safety Codes Council to be inclusive of persons with expertise in the area of barrier-free access and design.

Mr. Chairman, I do not believe that those of us who are able bodied and who have the full use of all of our senses can really fully and completely understand what being disabled means.

3:20

True, we may see a person in a wheelchair as he or she struggles up a ramp, and we may feel a certain amount or degree of sympathy, but do we really know what hurdles mean to them? Likewise, when I see someone accompanied by a seeing eye dog, I wonder if we, once we've taken note of the dog, also tend to focus on the dog rather than considering the reason the dog is there in the first place.

We've heard accounts that showcase all too well that our society is riddled with barriers and how those barriers are ingrained in our attitudes not about how things should be but about how things are. For those of us to whom these barriers are little more than a nuisance, we are often blissfully unaware and unable to fully appreciate that for as many as 1 in 6 Albertans they are anything but nuisances. For 1 in 6 Albertans they are truly barriers.

I think it's wise not to underestimate just how instructive and enlightening any participatory experience can be, such as the experiences that a number of the members of this Assembly indicated they had experienced in order to fully appreciate what it means to be disabled. It can offer a glimpse of what a disabled person faces each day. For this reason expanding the Safety Codes Council to include persons with experience and expertise in barrier-free design and access and what they mean will be a tremendous asset to Albertans both today and in years to come.

So with this in mind I will close my remarks here. Once again I thank and congratulate the hon. Member for Clover Bar-Fort Saskatchewan for having the vision and sensibility to introduce a bill of such merit as Bill 201. I will of course continue to offer my full support, and I ask that all members do so as well.

Thank you.

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

Mr. Bonner: Thank you very much, Mr. Chairman. It is a pleasure to rise once again to speak to Bill 201, Safety Codes (Barrier-free Design and Access) Amendment Act, 2004, in the Committee of the Whole, and I certainly do also want to congratulate the Member for Clover Bar-Fort Saskatchewan for bringing this much-needed legislation forward. It is legislation that will assist and aid those members of our community that do require barrier-free design and access. So from that standpoint I think this is an excellent bill.

I also was looking at part 4, which refers to section 16, which presently reads:

Among the persons appointed to the Council the Minister and the Committee shall include persons who are experts in fire protection, buildings, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment,

and also adding "barrier-free building design" after "buildings."

I am very happy to see the inclusion of these people, but as well what I would have liked to see in the bill is something that would address what has happened in recent fires in Edmonton. One in particular occurred in Clareview at the Pointe North complex. There was some concern that we have to revise our building codes relative to light construction. Again, one of the reasons for that was that this

particular fire spread very quickly and certainly consumed the whole building. I think we have to look, when we're looking at the construction of condominiums with lumber, that even with firewalls and sprinkler systems we do not get enough protection, particularly when we compare that construction with concrete.

The article in the *Edmonton Journal* which reported on this particular condo blaze – and this article was from Thursday, February 5, 2004 – went on to say that “there is a need in our building codes for structures larger than a 16-suite apartment to be constructed of a core material that will give fire protection similar to concrete.”

As well, I think that we do have to have some clarification, Mr. Chairman, in our building codes for the safety of the consumer. One of the issues that came up in this particular fire – and this was a larger condominium unit; it was a 63-suite wood frame condominium – and in an article from the *Journal* on February 8, 2004 – there was confusion.

But its lowest floor was considered a basement under the Alberta Building Code because the next level up was less than two metres above ground level. That means it was rated as a three-storey building, so sprinklers weren't required. At four storeys it would have needed sprinklers.

So I think that as we look at amendments to this bill down the road, these are certainly some areas of concern and areas, again, where we can strengthen this bill to the same effect as this current Bill 201. So I would urge all members of the Assembly to support this bill and certainly that we continue to review the legislation on safety codes to see how we can strengthen it.

With those comments, Mr. Chairman, I will take my seat and listen to further debate. Thank you.

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

Mr. Knight: Thank you very much, Mr. Chairman. It's my pleasure to rise in the Assembly this afternoon to offer my comments to the discussion and debate surrounding Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. As we've heard previously, Bill 201 would serve to provide a voice representing the disabled community in an effort to promote the principles of barrier-free design in the building environment.

Mr. Chairman, before I begin my remarks, I would like to take a moment to address a concern that was raised during the debate in second reading regarding the types of buildings that passage of this bill would affect. I would like to assure all members that this legislation does not apply to any private home in the province. Bill 201 states under section 2(2.1) that “this Act is to be applied in a manner consistent with the principles of barrier-free design and access to allow persons with physical and sensory disabilities to access and use buildings and facilities to which this Act applies.”

The Alberta building code specifies under section 3.8 that the code applies to all buildings with the exception of the following four categories. The first applies to all houses, including semidetached houses, duplexes, triplexes, townhouses, row houses and boarding houses which are not used in social programs such as group homes, halfway houses, and shelters. The second category exempts relocatable industrial accommodation. The third excludes high-hazard industrial occupancies; examples of these include grain elevators, dry cleaning plants, feed mills, and paint factories. The fourth category applies to buildings which are not intended to be occupied on a daily or full-time basis. Therefore, I reiterate that Bill 201 would not apply to any private home or dwelling occupied on a full-time basis.

Mr. Chairman, the Safety Codes Council includes experts from a variety of fields. These experts have been entrusted to recommend

action and pass informed judgment on proposed code changes. By including another voice to this council, we are only adding to the knowledge base from which we can draw. This does not change the building code, but rather it brings another expert to the table and another realm of expertise to utilize.

Currently there are provisions in the Alberta building code which permit exemptions to be made under very specific and limited circumstances to barrier-free design requirements for buildings in the province. The current exemption process needs to be modified a little in order to better accommodate the views of a growing disabled community.

3:30

When reviewing exemptions, especially those relating to barrier-free design specification, it would be beneficial to have representation from the disabled community. The disabled community is in a position to provide a wealth of practical knowledge which cannot be offered through other sources. As a result, it would seem likely that common ground can be found more quickly in times of dispute seeing as how the presence of a disabled community on the Safety Codes Council may also have the capacity as a facilitator or mediator, finding solutions that are acceptable to all parties. By creating a seat at the table, so to speak, for the disabled community, we are providing essential design expertise in the development or renovation efforts on public buildings.

Mr. Chairman, I am beginning to notice on a more regular basis the international symbol of accessibility, and I'm sure all members are aware of the symbol that I refer to, the white wheelchair figure on a blue background. We see this sign or symbol in parking lots, on washroom doors, on the fronts of buildings, and in other public settings on a daily basis. However, what I'd like to stress is that just because there's an increased presence of the signs or awareness among the general public, this has not necessarily resulted in increased accessibility.

These signs and symbols do not directly relate to the ease of mobility. It has been brought to my attention, in fact, that the signs can be misleading. Many of the facilities and services identified with the accessible symbol are on the contrary. For instance, some handicapped parking spaces are inaccessible. Granted, they're reserved for persons with disabilities, but their size or location can work to hinder rather than assist an individual's ability to get in or out of a vehicle.

Access ramps are another area which causes accessibility concerns. Not all ramps meet practical requirements and, therefore, are not accessible. In some circumstances when the ramp slope is too steep, it can be potentially dangerous.

Another example to illustrate my point would be the perceived access to washroom facilities. Washrooms often provide larger stalls for mobility and accessibility concerns, and logically we'd assume that this would address the issue. However, there are other things to take into consideration such as the appropriate height of grab bars and seats. Washrooms need to be equipped with hand-operated controls that are easily accessible to a wheelchair user or can be automatically operable. The height of the sink and faucet handles need to be easily reachable. These are all important specifics that need to be considered but may be overlooked by someone who doesn't deal with these situations on a daily basis.

Mr. Chairman, as accessibility may appear to be increasing to the general public, these changes may not provide mobility solutions to those living with a disability. Furthermore, just because steps are taken to account for disabilities, it doesn't mean that the actions are the most beneficial to the disabled. This is why it becomes crucial to have a voice representing the disabled community on the council.

It appears to be beneficial to have the capacity to call on someone who can review designs in practical terms and provide valuable input. The process by which an engineer designs plans may seem logical from a building sense or from his or her expertise but may not make practical sense for someone with a disability.

One in six people in the province lives with a disability, and we are talking about a significant number of Albertans with a valid concern. This legislation promotes an initiative that takes a positive step toward addressing this concern. Bill 201 would help ensure that disabled persons have access to public facilities.

In closing, Mr. Chairman, I just want to emphasize that Bill 201 is not about creating unnecessary regulation and additional cost for business owners. Rather, the legislation takes a proactive approach to increasing accessibility while promoting fairness and moving us towards becoming a more inclusive society.

Mr. Chairman, I commend the Member for Clover Bar-Fort Saskatchewan for bringing forward this bill. I feel it's a very important initiative, and I encourage all members of the Assembly to consider the merits of the legislation and strongly support Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. Thank you.

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

Dr. Taft: Thank you, Mr. Chairman. It's my privilege to rise to address Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. Like so many speakers here today I would congratulate the sponsoring member, the Member for Clover Bar-Fort Saskatchewan, for bringing forward this bill. I think it's long overdue in fact, and I think it's an excellent idea that will have all kinds of spinoff benefits for everybody.

Twelve or 14 years ago I remember doing some research into the concept of universal design when I was doing work as a consultant. The idea of universal design is very much like barrier-free design: trying to make houses, appliances, automobiles, whatever universally accessible for people, whether they are able bodied or disabled.

One of the effects of that design is that everybody benefits. Whether it's a doorknob that's easier to open for somebody with arthritis or whether it's the ramp on the sidewalk that's intended for wheelchairs, everybody can benefit from those improvements. Whether or not you have arthritis, if your hands are wet, if your arms are full, having a doorknob that's easy to open is a good thing. Whether you're in a wheelchair or whether you're riding a bicycle or pushing around a baby stroller, the ramps on the corners of sidewalks are a good thing. So we all benefit from improvements to design.

As people with disabilities are often prepared to remind those of us who don't have disabilities, we easily could become disabled. In fact, those of us without disabilities are referred to as TABs sometimes by those who have disabilities, TABs standing for temporarily able bodied. It is often only a matter of time or circumstance before those of us who are able bodied develop disabilities, and to the extent that this legislation will facilitate easier living and facilitate independence for people who are disabled, it will also benefit those of us who are temporarily able bodied but may in the future need these benefits.

This is going to become more and more of an issue given the aging of our population. All of us in this Assembly are aware that the average age of Alberta's population and Canada's population is increasing, and if our houses, if our condominiums, if our buildings are designed to be barrier free, then that will allow us to age in place more easily. We will not have to move because the bathroom in our house is unusable. Properly designed, it will be usable for each of

us as long as we want to live there. We won't have to move because the kitchen is inaccessible or because there are too many steps through the house. All of these issues can be addressed through proper design, and this piece of legislation should facilitate an improvement in building design and in appliance design and so on.

I think this is a good piece of legislation. The intent is good, and it is, as the previous speaker said, something that can achieve its goals without bringing in a whole load of bureaucracy and red tape. In fact, I think we'll find that builders and people working under the safety codes will by and large welcome this legislation.

So I for one will be endorsing it, and I congratulate the member for bringing it forward. Thank you.

The Chair: The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Chairman. Like other members of this Assembly I am pleased that Bill 201 passed second reading, and I've enjoyed listening to the debate here in Committee of the Whole. It's clear to me that this is an issue that we have thought about a great deal since the sponsor brought it forward, and the thoughts of each of the members reflect that quite well.

3:40

I'd also argue that this government has over the years been instrumental in bringing forward and seeking out all sorts of legislation and regulations that would benefit disabled Albertans. Yet every new piece of legislation reminds us of the extra steps we need to take to ensure that the disabled are afforded equal consideration in our society, and that's what I'd like to centre my comments on around this legislation, Mr. Chairman, equal consideration.

I don't see this bill, by and large, as one regarding equal rights, as many members suggested in second reading. The bill does not take a rights-based perspective. It does not issue commands, nor does it push through suppositions of what rights we should or should not grant to others. What it does do, however, is make provisions for the consideration of different perspectives as they relate to the building and design of certain structures in our province, and that's quite a bit different than equal rights. This bill, to my mind, simply asks for a bit more in the way of courtesy and regard so that we may fully understand and accept the considerations of disabled individuals.

Today I'd like to discuss some of the particular amendments to the Safety Codes Act so that we can get a greater sense of what Bill 201 is trying to accomplish. I think most Albertans and most members will agree that what we're talking about here is a small change in legislation that will actually mean a great change in the way buildings are constructed in Alberta. The change is simple. As section 4 of Bill 201 indicates, an expert in the field of barrier-free design will be part of the Safety Codes Council. This expert will sit as an equal with experts in the fields of fire protection, buildings, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems, and pressure equipment.

For some the difference between an expert in barrier-free design and experts in each of the other fields is that these experts are interested in safety whereas the expert in barrier-free design is an expert in providing access to those with disabilities. This is a division of safety and access with which I would disagree, Mr. Chairman. While some may suggest that this is solely a comfort and ease issue directed at disabled Albertans, I do not see how that is the case. After all, as the Member for St. Albert mentioned during second reading debate, providing barrier-free access and designing buildings in such a way that barriers are minimized is a safety issue. It may not be a safety issue for every Albertan, but it is a safety issue for some Albertans, and that needs to be recognized by this Assembly.

For instance, I can only think of a situation in which a blind man was trying to make his way around a building possibly with tighter corners and narrow halls and aisles. I'd imagine that the wider the aisles are or the smaller the steps are, the easier it would be for a blind person to get around without accidentally bumping into things or possibly running into other people. This is definitely a safety issue. When somebody is disadvantaged like this, it doesn't just affect whether or not the individual can see or cannot see; it affects every aspect of his life from things that the person is able to do with ease right over to the things that cause a great deal of difficulty.

If there is a greater degree of difficulty for a handicapped individual to get around, then that person risks injury. If these injuries occur repeatedly, we could be talking about serious damage to a person's body, not to mention the frustration that must accompany these sorts of occurrences. These are the sorts of things that most Albertans are hardly aware of without having their thoughts directed that way.

That actually gets me to another aspect of Bill 201 that ought to be mentioned. Many Albertans would not think about some of the issues that have been raised in relation to Bill 201 were Bill 201 not raised. Life is such that people cannot help but use their own experiences as a reference point. It takes a small shift in thinking in order to see things from a different angle, and often the best shift in thinking is caused by people who must see the world in that different way because that's how they live every single day. Accordingly, I'll bet many builders and the Safety Codes Council itself will be further enlightened by the inclusion of a barrier-free access and design expert on the council. Just as our discussion opens eyes, the future discussions around the council will open eyes as well. So I agree with section 4 of Bill 201.

Mr. Chairman, many of the sections of Bill 201 which follow section 4 stem from section 4. Section 5, I would argue, acts as an offshoot insofar as it gives the council the ability to take the recommendations of barrier-free design experts and use them in the service of making buildings more accessible to disabled Albertans. Section 5, in my mind, gives weight to the recommendations of the barrier-free design and access expert.

Section 6 of the bill allows the Lieutenant Governor in Council to take these recommendations and use them towards making regulations which would have greater sensitivity towards the concerns of disabled individuals as they relate to issues surrounding access to buildings. Section 6 also allows for the relaxation of rules in cases where an exemption is deemed to be permissible. This is the section that allows for an appropriate balance between the needs of disabled Albertans and the needs of other members of the community, be they business owners, officers with community organizations, or other sorts of building owners.

This part is important. Not every building can be made accessible as easily as others. Oftentimes cost considerations are also important. It is important that we allow for some leeway so that the bill does not lead towards onerous situations in which the ability of Albertans to either serve the community or run successful businesses is overly restricted. Mr. Chairman, I believe this qualification is met in Bill 201. This bill passed second reading unanimously and with good reason. It takes that difference in outlook and finds a way to apply it judiciously to our legislation.

There is very little within the bill that needs to be tinkered with as I know that the sponsor and the associated departments worked together to make sure that it was in the best shape possible. It is a sound piece of legislation that underscores the difficulties of handicapped individuals as well as the ways that we can make their access to public buildings easier. The bill does not have any bearing on private structures, only on public ones, thus it strikes an appropri-

ate balance between respecting the private rights of Albertans in their homes and respecting the equality of all Albertans in public.

Mr. Chairman, in 1952 Dr. Albert Schweitzer was awarded the Nobel peace prize for his selfless commitment to humanity. Dr. Schweitzer spoke to us when he said, "Whosoever is spared personal pain must feel himself called to help in diminishing the pain of others." Today we are called to diminish the pain of the disabled by passing Bill 201 into third reading and then into law. I therefore urge every member of this Assembly to support Bill 201.

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

Ms Graham: Thank you very much, Mr. Chairman. I join a whole long list of members of this Assembly who have spoken very favourably about this bill at the various stages that it has been debated, and because of all of the debate, I have taken an interest in it. I know how hard my colleague the Member for Clover Bar-Fort Saskatchewan has worked in bringing this forward and ensuring that any problems with it have been overcome, and I have a great deal of respect for him and want to support him in his endeavour.

My interest in the subject matter of this bill was piqued, and I had occasion to read from the press release of the Canadian Paraplegic Association (Alberta) dated February 23, 2004. I would like to quote fairly liberally from that, Mr. Chairman, and I undertake to file this with the Assembly at the completion of my remarks.

It is my understanding, Mr. Chairman, that Bill 201 is presented in recognition of the Alberta Disability Strategy, a document published by the Premier's Council on the Status of Persons with Disabilities, chaired by the Member for Clover Bar-Fort Saskatchewan. This paper contained eight major recommendations, one of which is:

A commitment should be made to embrace the principles of universal accessibility and a process put in place to remove physical barriers from public spaces so that all Albertans can fully participate in all community, employment and business activities.

Mr. Chairman, in summary, it's my understanding that Bill 201 would amend the Safety Codes Act to achieve these ends: to clarify the applicability of the act to matters of barrier-free design and access, to also provide a proper voice for persons with disabilities by specifically enabling representation by persons with disabilities on the Safety Codes Council, and specifically enabling the making of regulations with regard to barrier-free design and accessibility, all of which are very laudable aims and have been spoken to at great length in this Assembly today and in the last two weeks.

3:50

In effect, Mr. Chairman, Bill 201 would, when passed, enable the creation of a new barrier-free design and access council as part of the Safety Codes Council. It would also allow for the consultative development of a new regulation regarding a participative barrier-free design and access requirements relaxation process, allow for the potential development of a barrier-free design code, and provide for an overall substantial improvement in the voice of persons with disabilities with regard to safety code issues that directly impact them.

So, Mr. Chairman, the results of Bill 201, when it eventually passes, hopefully, will be that people with disabilities will have a voice in a position to effect positive change with regard to physical accessibility, any confusion over what is barrier-free design will be clarified, and barrier-free design and accessibility will no longer be just suggestions that can be easily dismissed.

It is important to remember, Mr. Chairman, that the amendments proposed by Bill 201 do not change the manner in which the Alberta building code applies to existing buildings and/or renovations.

Existing buildings are only required to be compliant with the code in effect at the time they were built unless undergoing a significant change or renovation. So only the actual renovations are required to comply with the current building code and then only to an extent determined by the specific nature of the renovations.

Mr. Chairman, as I mentioned, I was impressed by the fact that the Canadian Paraplegic Association was very supportive of this bill, and I would like to quote a little further from their press release.

Bill 201, which deals with barrier free access to buildings for persons with disabilities, was introduced by . . . MLA for Cloverbar/Ft Saskatchewan and Chairman of the Premier's Council on the Status of Persons with Disabilities. Our Association believes this bill is crucial to ensure that persons with disabilities finally have a voice in determining solutions aimed at making our province's buildings and public facilities more universally barrier free.

"Bill 201 will make Alberta a better place to live, work and visit for people with disabilities," says Marlin Styner, Public Relations Coordinator for the Canadian Paraplegic Association (Alberta). "Improvements have been made in recent years, but there's still a long way to go."

The Canadian Paraplegic Association (Alberta) believes that one of the biggest barriers wheelchair users face is a lack of accessibility awareness by architects, contractors, building inspectors, and the public at large. One or two steps, a narrow door, a tight corner in a hallway or an inaccessible washroom mean very little to an able-bodied person, but any one of these obstacles can be insurmountable to wheelchair users. Often, it's simply a matter of lack of education, and the Canadian Paraplegic Association (Alberta) believes that is what Bill 201 will change.

"Bill 201 will mean that all Albertans, regardless of their physical ability, will be able to enjoy the Alberta Advantage," says Styner, who will be among Canadian Paraplegic Association (Alberta) staff on hand to answer media questions.

Of course, that was back on February 23.

Quoting further from Mr. Styner, the press release goes on to say:

"When I came home from the hospital in 1982 after my spinal cord injury, I was determined that my wheelchair wouldn't stop me from doing whatever I set my mind to. I soon realized that, in fact, my wheelchair gave me freedom and independence, but that lack of accessibility in the community could stop me in my tracks. Bill 201 will allow people with disabilities, and experts in barrier free design, to clearly demonstrate how a few minor, often inexpensive changes will make an incredible quality-of-life difference for a rapidly growing segment of our society."

Mr. Chairman, I don't think I could have expressed that any better than Mr. Styner from the Canadian Paraplegic Association (Alberta) on behalf of himself and all those represented by that association.

So as I mentioned at the outset, I too echo the support of other members of this Assembly who have given unqualified support for the passage of this bill.

With that, I take my seat.

The Chair: The hon. Member for Dunvegan.

Mr. Goudreau: Good afternoon, and thank you, Mr. Chairman. I'm pleased to also rise and join the Committee of the Whole debate on Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004, sponsored by the hon. Member for Clover Bar-Fort Saskatchewan.

Aristotle once said: "If liberty and equality, as is thought by some, are chiefly to be found in democracy, they will be best attained when all persons alike share in the government to the utmost." This was true in the fourth century BC, and it is also true now. I find these words quite appropriate for the discussions taking place concerning Bill 201. After all, the main theme within this legislation is, in fact, equality, the equality of one in every six Albertans who is affected

by a disability. This equates to over half a million Albertans whose lives are affected by a disability and who should be full partners in our society.

Mr. Chairman, the purpose of Bill 201 is to amend the Safety Codes Act in order to provide the proper voice in the appropriate forum for the disabled community to effect positive change in the built environment. Currently, section 16(3) of the Safety Codes Act states that

among the persons appointed to the Council the Minister and the Committee shall include persons who are experts in fire protection, buildings, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems or pressure equipment.

The amendments proposed to the Safety Code Act through Bill 201 include the term "barrier-free building design" added to the list of those persons appointed to the council.

Mr. Chairman, section 16(4) currently reads: "The Minister and the Committee shall ensure that representatives of municipalities, business and labour are appointed to the Council from among the persons described in subsection (3)." Bill 201 proposes that this section be amended to include persons with disabilities as representatives appointed to the council.

Mr. Chairman, it is these two proposed amendments that I wish to further discuss this afternoon. I find the inclusion of persons with disabilities on the council to comment on barrier-free design and access of Alberta building regulations is critical to the equality of all Albertans. As Aristotle alluded to during the fourth century BC, equality will be best achieved when all persons share in the process to the utmost. I use this quote because I believe that it describes exactly what Bill 201 is attempting to do.

The proposed amendments to the Safety Codes Act, specifically the amendments proposed for section 16, ask that provisions be added to require the Safety Codes Council to include representation from the disabled community. Also, Mr. Chairman, the promotion of the principles of barrier-free design and access would be designated as one of the Safety Codes Council's specific duties. In accepting the proposed amendments, members of this Assembly would be accepting an equal voice in the proper forum for the disabled community, ensuring that future changes to Alberta's built environment include the consideration of over half a million Albertans.

Mr. Chairman, not only are these amendments necessary on the fundamental basis of equality, but they also follow the principles of universal accessibility and full citizenship put forth by the Alberta Disability Strategy, which was released in December of 2002 by the Premier's Council on the Status of Persons with Disabilities. It is the hon. Member for Clover Bar-Fort Saskatchewan who chairs this council. I know that it was brought up during the second reading debate of Bill 201, but I wish to refer to it again as it is directly related to the proposed 16 amendments. The strategy was devised in anticipation that its recommendations, if adopted in legislation, would enable persons with disabilities to participate more fully in all aspects of Alberta society. Mr. Chairman, the time has come to move on the goals and aspirations of the strategy to ensure universal accessibility and full citizenship.

4:00

The first recommendation deals with awareness and states that "Albertans should be made more aware of the rights, needs and aspirations of persons with disabilities." Mr. Chairman, the amendments proposed for section 16 are in line with this recommendation. By providing the appropriate stage within the Safety Codes Council for persons with disabilities, we would allow their voice to be heard. The same point can be made for the majority of the recommendations in the Alberta Disability Strategy.

The third recommendation deals with physical access and states that

a commitment should be made to embrace the principles of universal accessibility and a process put in place to remove physical barriers from public spaces so that all Albertans can fully participate in all community, employment and business activities.

Again, Mr. Chairman, providing over half a million Albertans with a voice that directly effects change in Alberta's building environment would ensure that these needs are met.

Mr. Chairman, by supporting Bill 201 we are making part of the commitment recommended by the Alberta Disability Strategy. We would be embracing the principles of universal accessibility, and by giving Alberta's disabled community a voice on the Safety Codes Council, we would also be putting a proper process in place to help remove physical barriers for 1 in every 6 Albertans.

As a result of Bill 201 I am certain that many public spaces will have physical barriers removed should there be any in place, and in accepting the amendments to section 16 of the Safety Codes Act, we are vastly reducing the possibility for any future barriers to exist.

Mr. Chairman, as I had mentioned earlier and many other members have also stressed, Bill 201 deals with equality. By ensuring this equality, we would be providing Alberta's disabled community with the opportunity of full citizenship and universal accessibility. I ask that all members voice their support to ensure that Alberta's disabled community has the opportunity of full citizenship and a universally acceptable province.

I again thank you, Mr. Chairman.

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

Mr. Hutton: Thank you very much, Mr. Chairman. I am pleased to join in the debate on Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004, in Committee of the Whole. It is without a doubt that one of the major trends affecting the population of our country and our province is a steady increase in the number of Canadians and Albertans who are approaching the age of 65. While this is a perfectly natural development, considering the fact that our birth rates have been on a steady decline, it does, however, present a number of issues that will have to be addressed sooner rather than later.

In anticipation of this development, I believe that we as a government need to take all the steps necessary to ensure that the growing number of disabled and mobility-impaired members of our society are extended the same or similar opportunities and advantages that are available to able-bodied Albertans. This, Mr. Chairman, is not only a fair and just approach but also a fiscally prudent method to deal with the fact that more and more Albertans may suffer from some form of disability.

Consequently, Bill 201 provides a prudent way of dealing with physical barriers faced by disabled and handicapped Albertans at the present time and in the future. By amending the Safety Codes Act, Bill 201 would not only allow us to modernize the provisions of universal access outlined in the Alberta building code, but it would also permit us to accomplish this task well in advance of the fiscal costs becoming too high.

In my view, Bill 201 first and foremost reinforces the ideas of fairness and inclusion. It aims to accomplish this by amending section 16(4) of the Safety Codes Act and adding a new clause that would provide members of the disabled community with a permanent seat and voice on the Safety Codes Council, the agency that reviews the Alberta building code's rules and regulations. By creating a new entity, the barrier-free council, the expertise and experience of the disabled community would be brought to bear on

the work and mandate of the Safety Codes Council. Furthermore, by being members of the council, it is quite conceivable that the barrier-free council would be able to offer new and innovative ideas of how to improve these codes in order that they better reflect the needs and aspirations of the disabled community as well as all Albertans.

I firmly believe, Mr. Chairman, that this is truly an enlightened approach to dealing with this matter. Who else but members of the handicapped community themselves could provide the Safety Codes Council with the most relevant, first-hand accounts of everyday physical challenges faced by those who cannot move around as easily as others? Their input and participation will not only provide solutions to the problems associated with barrier-free design, but it will also send a clear message that our province is serious about ensuring that all individuals have the opportunity to participate in all walks of life. Furthermore, their input will help ensure that they remain active contributors to and beneficiaries of the Alberta advantage.

It is important to clarify that Bill 201 does not look to update existing or establish new barrier-free standards in the Alberta building code. This would remain the responsibility of the Safety Codes Council. However, it is my hope that by being represented on the council, its recommendations and changes will reflect the needs and concerns of all Albertans both today and in the coming years. I also hope that at the same time any updated barrier-free regulations will remain realistic and flexible to circumstances when relaxation grants are deemed appropriate.

As I already mentioned, Mr. Chairman, Bill 201 is consistent with the principles of fairness and inclusion. Furthermore, Bill 201 is consistent with a number of government goals, objectives, and legislation already in place. By this I am referring to such initiatives as the Alberta Disability Strategy. The Alberta Disability Strategy report released in late 2002 represents a genuine effort by the government to create an environment where disabled individuals would be able to participate more fully in all facets of life within our province and enjoy a greater sense of independence, self-sufficiency, and self-reliance.

The strategy recognizes and justly points out the fact that disabled and handicapped Albertans still face a number of hurdles including not having ready access to buildings, offices, or public facilities. In order to rectify these inequities, Mr. Chairman, the strategy developed eight major recommendations, four of which are directly related to the objectives outlined in Bill 201.

The report's third major recommendation is particularly relevant to Bill 201 as it recognizes the fact that for many disabled individuals it is very hard and in some cases impossible to gain access to certain buildings or move inside them because they are not designed to accommodate such specific requirements as wider doors and hallways. Furthermore, the report cites that the current building codes and regulations are not always adequate to guard against those seeking unwarranted building exclusions and exemptions.

While the report recognizes the fact that not all environments can be made barrier-free, it does not recommend that the Alberta government could easily recommend some of the existing accessibility problems by ensuring that principles of barrier-free design are clearly defined and implemented. One of the ways this could be accomplished is by amending the Safety Codes Act and promoting greater representation on the Safety Codes Council, something that Bill 201 is suggesting. Such a measure would give disabled Albertans far greater input into how our society chooses to approach the problems and issues of universal accessibility.

If you read the remaining three major recommendations presented by the Alberta Disability Strategy, Mr. Chairman, you would find that the common theme covered in all of them is access. The idea of

accessibility maintains that free and unrestricted physical access in buildings, offices, and other structures is absolutely necessary if we are serious about maintaining the strategy of universal access for all.

While Bill 201 does not aim to introduce new barrier-free rules and regulations to the Alberta building code, it does however aim to create an environment where existing regulations, especially those concerning exemptions and relaxations, can be amended and made more rigorous. This, Mr. Chairman, will undoubtedly cause concern among some Albertans, especially those working in the hospitality and construction industries, because stricter building codes usually result in increased building costs. However, I would like to point out that sooner or later we will be compelled to modernize our building codes as the greater portion of Albertans reach the age of 65. If we wait until a later date, the costs associated with incorporating barrier-free design into existing and new buildings are bound to be far greater than they would be at the present time.

4:10

I say this for two reasons, Mr. Chairman. First, if we wait to modernize our building codes until a later date, the future retrofitting costs will be much greater because of the sheer volume of buildings that would have to be constructed by that time and which would require design improvements. Second, as more and more Albertans reach the age of 65, there will be less time to modernize the existing buildings because the demand for barrier-free design will be high. Consequently, it would be much cheaper to address the issue now rather than wait and pay more in the long run.

There's no doubt that addressing this issue of barrier-free design is going to have its fiscal costs. However, I would also like to highlight the fact that providing disabled people with barrier-free access and presenting them with opportunities to realize their full dreams and goals will produce great benefits to our society and will outweigh any initial financial costs.

It has always been said, Mr. Chairman, that the secret behind Alberta's success story is not embedded in our abundant natural resources or vast geography but, rather, our spirit, our ingenuity, independence, entrepreneurship, and people. I firmly believe that having a disability should not preclude one from utilizing his or her resourcefulness, ambition, and hard work no matter what the cost may be. Furthermore, it should never prevent one from contributing to Alberta's future prosperity and success.

Bill 201, Mr. Chairman, is definitely a step in the right direction and provides us with a solid foundation to build on. I therefore invite all my colleagues present today to vote in favour. Thank you.

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

Mr. Lord: Thank you, Mr. Chairman. It is my great pleasure to rise today in support of Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. I believe that the changes contained in this bill are significant and necessary, and I believe that this is an important and appropriate step that will help create a more inclusive society in Alberta.

Mr. Chairman, I actually have a few personal experiences to relate in this regard that I'd like to just mention as to why I'm interested in this bill. Some years ago when I was still a teenager, my older brother, who was a University of Alberta law student at the time, was out riding horses at my dad's farm one weekend, and he was thrown from the horse into a corner post. If you know how large corner posts usually are, you can imagine the force he had to hit with in order to break it in half, which is what happened. Unfortunately, he also broke his back at the same time. It was a terrible ordeal for the family. In fact, he finished his last year of law school in a wheelchair.

I remembered all of that, and when I first became an alderman on Calgary city council, I received an invitation from the Calgary disabled community to spend a day in a wheelchair. Mindful of my brother's experiences I accepted that invitation to spend an entire day in a chair. Needless to say, it was quite an experience. It was a long, difficult, and challenging day for me, and I certainly learned a lot about the difficulties that disabled people often face in navigating around in a wheelchair and trying to actually keep up a job. So that's why I have a personal interest in this bill.

I'd like focus my comments on two of the main objectives of Bill 201. First, I'd like to explain how amending section 16(4) would provide the important representation the disabled community should be afforded on the Safety Codes Council and why that representation will become increasingly important, I believe, in the future. Second, I'd like to also address how designating the responsibility of barrier-free design to the Safety Codes Council's specific duties will improve the number of buildings in the province which are accessible to all Albertans.

I'd like to start my first point by addressing the changes that would occur in section 16(4) of the Safety Codes Act. Now, it is difficult to speak on behalf of a certain group of people, a demographic, when one is not really affiliated or involved a lot with the community in question. Even though I did spend a day in a chair myself and I do think I learned a great deal from that, the fact is that I only spent one day in a chair, and that doesn't even begin to start to teach you the full challenges of such a situation. Therefore, I believe that an able-bodied person simply cannot accurately represent the wishes, needs, and directions of Alberta's disability community despite his or her best efforts.

So in order to provide the disabled a proper voice, I believe we must allow disabled Albertans to have a place at the table where decisions are made. It is not enough to simply ask for an opinion or take actions that able-bodied people might think or might assume would be appropriate. Bill 201 will allow the disabled community an opportunity to have direct input on decisions made that affect them on a day-to-day basis. Members representing the disabled community will be able to put forward ideas relating to solving the problems of barriers attached to Alberta's public buildings.

It will also give the disabled community an opportunity to debate the merits of legislation and procedures and to be able to comment directly as to how these procedures would be applied to the disabled community. Establishing a voice for the disabled at a level where decisions are made has a lot of potential to do a lot of good. I truly believe that if this bill is passed and proclaimed, the disabled community will be able to take this opportunity and make great strides forward in creating a more inclusive society. In my mind, the potential of the good that can be achieved is enormous. For example, who would know more about the problems associated with wheelchair ramps in the wintertime than an individual who is confined to such a chair?

I did find it interesting to hear Members of the Legislative Assembly, colleagues, talk during second reading of this bill about getting into a wheelchair to learn about the barriers that disabled people face. As I mentioned, I did it myself and gained a whole new perspective of how difficult it actually is to do simple things that all of us take for granted. For example, just crossing a street becomes a challenge if you don't have the proper curbs and everything else formed there. So I believe that this truly points to the need to ensure that the disabled have a voice when dealing with issues involving the disabled population.

Now, in coming years it will become even more apparent why it is important to get a head start towards removing barriers in our current built environment and infrastructure because as our popula-

tion ages, more Albertans will have trouble tackling staircases, more trouble accessing poorly designed bathroom stalls, more trouble reading traffic signs, and so on. Obviously, this means more people will be affected when trying to navigate a building that was designed with only the able-bodied person in mind.

Just some statistics here. As of April 2003 there were about 323,000 seniors in Alberta. By the year 2016 it is expected that that number will have risen to 493,000 people, and by 2026 Alberta will be home to more than 700,000 seniors. Now, that's more than double our current seniors population. So while these increases are not alarming per se, it does behoove us to start preparing for that future now. If we don't, we will be doing a large segment of the population a huge disservice, and we should remember that that segment will include many of us, in fact. So as the old adage goes, if we fail to plan, we plan to fail.

With that in mind, the monies will be spent on upgrading Alberta's buildings. It won't be so much a burden on our business owners, but rather we should look at it as an investment for the future. This trend may also speak to a need to have seniors represented in these types of issues either through the means that will be established by passing Bill 201 or through representation of their own.

Now, on my second point, Mr. Chairman, bestowing upon the Safety Codes Council the responsibility of promoting the importance of barrier-free design is an important step in ensuring that progress continues to be made in regard to removing barriers from our buildings. Currently the Alberta building code contains provisions for barrier-free design and accessibility. Section 3.8 of the code addresses matters of barrier-free design. Under this provision it is mandated that when a building to which the general public has access is renovated significantly, then changes must be made to remove existing barriers to the building. An example of that is if a storefront is renovated and there is not wheelchair access, necessary changes under 3.8 must be made at the time when that renovation is being made, and that only makes sense.

The code does not provide direction as to how buildings are to be made accessible to those who face mobility challenges, though. This leaves it open to interpretation. It also allows for flexibility. There can be and often is more than one solution to a problem. Giving the Safety Codes Council the opportunity to put forward solutions to problems like these may lead to solutions that work better for all parties involved. The council could help establish how, where, and in what manner section 3.8 is to be applied during upgrades or even during new construction.

4:20

This process is further strengthened by the disabled community's representation on the Safety Codes Council. Their voice would be critical in bringing clarity as to how the Alberta building code should be applied to Alberta's public buildings.

This is especially true when we look at the issue of relaxations. It was pointed out during second reading of this bill that relaxations are granted in special circumstances. That exempts a builder from having to conform to section 3.8 of the Alberta building code. But disabled representation should be part of that process when it comes to the issue of relaxations because they are the best people to speak to whether or not a relaxation is warranted. They are the ones in the best position to decide whether or not they would be significantly and adversely affected by a relaxation in the requirements.

Mr. Chairman, we could convey stories of the disabled's plight and the importance of removing barriers they face on a day-to-day basis. Dwelling on these stories, however, paints an unbalanced picture of this community. These people are full of ability. Stephen

Hawking, Terry Fox, Rick Hansen, Christopher Reeve, Stevie Wonder, Helen Keller, and many others have proven on a world stage that a certain disability does not and will not limit them or define them as people.

I personally know of many people with varying degrees of disabilities who hold down jobs. They still provide for their families and for themselves, they are self-reliant, and they've put the skills they have to work for them. These people have ability, and our focus on an inclusive society should allow us to recognize this. I believe Bill 201 is a good first step toward making this so.

Mr. Chairman, I am supporting this initiative fully. Putting decision-making power regarding barriers faced by the disabled into the hands of the disabled will go a long way towards creating meaningful solutions and progress. I am urging all Members of this Legislative Assembly to vote for this progressive initiative.

Thank you, Mr. Chairman.

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

Mr. Lukaszuk: Thank you, Mr. Chairman. First of all, I'd like to commend and thank the hon. Member for Clover Bar-Fort Saskatchewan for bringing such a valuable bill before this Legislature. It's difficult for us to speak on a bill when actually we can't personally relate to some of the difficulties that people with disabilities, particularly with physical disabilities, must face on a daily basis. Nonetheless, it is our responsibility as legislators to create an environment in which those individuals can flourish best to their maximum potential.

Mr. Chairman, the bill is drafted in such a manner that not only will it require any new construction to take into consideration any and all engineering amendments that would make the new building accessible to an individual with disabilities, but what it also does is breathe life into the legislation whereas it allows for ongoing consultation with the disabled community on further and ongoing improvements. As our understanding of disabilities, our adaptive attitudes towards disabilities, and our technology improve, the bill will allow for changes in regulations to reflect that and enhance the construction of the building, making Alberta's buildings more accessible to those individuals.

Mr. Chairman, very often when we talk about legislation that requires modifications to buildings or new building code adjustments, we think about the cost. What will the actual cost be to the proprietor that may be building the building or perhaps to our government if we're building schools or offices? But what we very often neglect to mention is how much actual economic benefit there is from doing that.

Imagine, Mr. Chairman, how many people simply a decade or two decades ago were not able to be productive members of our economy, of our society simply because of the fact that they couldn't leave their home, board a bus, or perhaps enter an office building and work. We had very well educated individuals with skills incapable of contributing to our economy simply because they were not mobile. They couldn't do that. They couldn't live their life to their maximum potential. Now, keeping those barriers in mind as we construct our new buildings, we will be able to allow more and more individuals in our society to contribute to our economy and to further evolve in their lives and have much more fulfilling personal lives.

Another aspect, Mr. Chairman, is education. I'm sure that still out there in this province and definitely in the world there are school facilities that are not fully accessible to individuals with disabilities. We don't have to go far. Let's enter some of our older schools here in Edmonton, and we'll notice that even though adaptive measures have been taken and ramps of some sort or perhaps an elevator has

been installed, still those schools are not as accessible to individuals with disabilities as they perhaps could be. Now, it only stands to reason that if we're going to build new buildings, from now on we should be able to implement our newest, most recent understanding of disabilities into the design of the building and then adapt the legislation as time goes on.

Now, who is the best person to consult with us on what needs there really are, physical needs, if you're a disabled person? Mr. Chairman, you and I probably can discuss that at some level. However, we don't have the personal understanding, the actual experience of what it is like to experience the world with disabilities, and it is impossible to acquire that understanding unless you actually live in the body of a disabled person. So it only stands to reason that the Member for Clover Bar-Fort Saskatchewan would advocate that the people with disabilities be the ones actually consulted on future amendments and future development of the legislation governing our building codes.

Mr. Chairman, another realm of life that very often is hindering to individuals with disabilities is simply their participation in our social life. Again, as government and municipal governments and other societies and associations who manage public facilities try to be adaptive, very often we fail, and very often we don't do everything that possibly is in our power to make our buildings more accessible. Buildings like community halls and swimming pools are very often not accessible to individuals with disabilities. Now, this type of legislation would definitely encourage and require new proprietors to take those issues into consideration when they're developing these new buildings.

On the cost side it's important to note that this bill only addresses new construction and nonresidential construction. So it won't affect an average Albertan building his own home, obviously, unless he or she does have disabilities, but it addresses buildings that are nonresidential, nonprivate residential, and buildings which are being retrofitted to a large degree. It will not affect small renovations of a building that doesn't perhaps meet the new standards when there are minor renovations being made, but it does address buildings when a large-scale retrofit takes place.

That plays a very important role here in Edmonton, Mr. Chairman, and in Calgary as well as we're going through a phase right now of retrofitting old structures in the core of the city and trying to revitalize our downtown and encouraging seniors particularly and others to move into the core of the city. It doesn't take much to drive through our downtown and take a look around where old warehouses are being turned into condominiums. Well, those warehouses, as they stand right now, definitely would not meet any requirements for access for individuals with disabilities, but with the advent of this legislation, when those buildings are being gutted and now turned into residential complexes, definitely a developer would have to take into consideration the needs of their potential residents or visitors who may have disabilities.

Mr. Chairman, it would be difficult not to endorse this bill. Obviously, it's a good bill. Obviously, it promotes full participation of individuals with disabilities in the economic, educational, and social life of the province. It's obviously very futuristic. As our technology develops and as we are able to deal positively with more and more medical conditions which right now render individuals home- or hospital-ridden and allow them to be mobile, the more there will be a need for buildings and modes of transportation and all other public facilities to be conducive to those individuals' ability to participate in our province's life.

So, again, I'd like to commend the member for bringing forward such a fabulous piece of legislation. I'm sure that all members of this House will support this bill in passage into law. Thank you.

4:30

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

Mr. Maskell: Thank you, Mr. Chairman. I welcome the opportunity to speak to the committee today and join discussion in committee stage on Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. I believe the merits of this bill speak for themselves. I believe that the importance of this legislation and section 4 is fundamental to addressing the needs of those persons with physical and sensory disabilities in Alberta.

Therefore, I would like to address this committee on section 4 of the recommended Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. Section 4 states that "the Minister shall, in accordance with this Act, co-ordinate and encourage the principles of barrier-free design and access for any thing, process or activity to which this Act applies." Mr. Chairman, Bill 201 offers the opportunity to the minister responsible for barrier-free design and access principles for physically and sensory disabled Albertans to ensure their full access to all buildings in Alberta. The structural barrier-free design principles recommended in Bill 201 will afford persons with physical and sensory disabilities the capacity of accessing and excelling in their respective fields and communities.

Doing so would in turn result in further enhancement of disabled individuals with a greater sense of esteem and independence, ultimately strengthening their pride as being an active and contributing member of Alberta's society. Together with the physical self-sufficiency that physically and sensory disabled individuals will gain from Bill 201, the potential of creating a barrier-free mentality among Albertans of the predisposed limits of physically and sensory disabled persons is also heightened.

For decades, Mr. Chairman, people with physical and sensory disabilities have too often been pitied for their differences and categorized as a fringe of society rather than simply being seen as contributing to society and seeking inclusion on a level playing field. The potential for including these so-called fringe groups would increase dramatically given the opportunities that would be within their realm by way of the barrier-free design and access principles stipulated in Bill 201. The probability of breaking down disabled barriers would eventually be inevitable either in our schools, our workplace, or common social gathering places. This social commonality would offer disabled Albertans the opportunity of inclusion rather than the fear of exclusion in their respective communities.

Mr. Chairman, the community employment equity positive measures program offers workshops called Improving the Effectiveness of your Workplace: Universal Accessibility to effective employment co-ordinators and all managers and employees. This workshop is designed to raise awareness in the Canadian marketplace and to offer practical how-to suggestions on accommodating persons with disabilities in the workplace.

The community employment equity program has focused on the correlation between barrier-free design workplaces and the beneficial rewards of a productive employment environment where persons with physical and sensory disabilities can flourish and succeed. The study has also shown that if a workplace is designed to include people with physical and sensory limitations and makes them feel comfortable and part of a team, that's a significant competitive edge. This gives employers access to a larger pool of potential employees and embraces the principles of universal accessibility for all Albertans.

The benefits, Mr. Chairman, of ensuring that the structure of Alberta work areas and facilities is accessible for all Albertans will further limit the societal prejudice associated with persons with physical and sensory disabilities. Bill 201 will optimistically result

in Alberta being a place of tolerance, inclusion, and forward thinking regarding those with disabilities.

The long-term effects of the implementation of barrier-free design will resonate to all facets of Alberta society and instill in our society that all individuals in Alberta shall be afforded the opportunity to succeed. Barrier-free designs and concepts, if taken as the norm in construction in Alberta, will offer those with disabilities greater opportunities to participate actively in community and cultural affairs in Alberta as full participants.

Mr. Chairman, from my own personal experience of suffering a stroke some months ago, coupled with my chair position with the Health Facilities Review Committee, I have witnessed and have come to understand and empathize with Albertans who feel that their loss of dignity is a double-edged sword when having to rely on the charity of others. For example, minor things require help. I need to use a handrail to go up or down a staircase now. I used to take them two at a time. I can no longer leap over a curbside snowbank. An individual's self-esteem and dignity can be quickly crushed with the inability for self-sufficiency.

From personal experience I can assure this committee that an individual loss of independence can be humiliating and emotionally unsettling. Having to cope with mobility issues myself, I have a newfound understanding with regard to persons who have lost their independence coupled with their dignity, having once been an able-bodied individual. I believe that Bill 201 will give those who have relied on assistance for a shorter or longer period to become more self-sufficient and improve their sense of self. With my own affliction I have now become increasingly aware of the plight of disabled individuals and what they have to gain, psychologically and physically, from regaining their independence and self-esteem.

Bill 201 offers a new lease on life for many of those who are disabled. I believe those with short- or long-term disabilities, regardless of age, will be afforded the opportunity of a level playing field because of the amendments brought forth in Bill 201 in amending the Alberta Safety Codes Act. Through the removal of barriers that may hinder the educational, social, and financial advancement of Albertans with physical and sensory abilities, Bill 201 would have a dramatic impact on the potential for opportunities available to Albertans with disabilities.

Opportunities afforded to disabled persons in a barrier-free workplace would encompass the ability to return to work more quickly after injuries or ill health resulting in disability. It would address accessibility needs that may be associated with an aging workforce and allow employers to retain the services of employees with disabilities over the long term, thereby potentially eliminating the societal stigma associated with disabled persons' limits in contributing to society.

Mr. Chairman, with barrier-free design implemented in the current construction of public buildings, those with disabilities would be given the opportunity to contribute as equals among nondisabled Albertans. I strongly believe that the intent and purpose of Bill 201 is consistent with the Alberta government's strategy to protect and nurture human rights and equal citizenship, to ensure accessibility and awareness for all Albertans.

For example, the Alberta Ministry of Children Services' strategy is to develop legislation and policies to refocus resources for children with disabilities on abilities rather than disabilities as this approach advocates a proactive rather than a reactive approach to issues of mobility and disability, as brought forth in Bill 201. Section 4 of Bill 201 will enable the minister responsible, in accordance with this act, the ability to co-ordinate and encourage the principles of barrier-free design and access for the greater good of all Albertans.

Finally, Mr. Chairman, Bill 201 is a step forward for safety code regulation in Alberta. I wholeheartedly believe that Bill 201 would instill a sense of confidence and self-esteem in those physically and sensory challenged individuals, ensuring all Albertans the opportunity to succeed and belong to the Albertan mosaic as contributing, independent, dignified individuals.

I would like to urge all the hon. members in attendance to vote in favour of Bill 201 at this committee stage. Thank you.

4:40

The Chair: The hon. Member for Calgary-West, followed by the hon. Member for Lacombe-Stettler.

Ms Kryczka: Thank you very much, Mr. Chairman. It's an honour to join debate in Committee of the Whole on Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004, sponsored by the hon. Member for Clover Bar-Fort Saskatchewan. Speakers in second reading talked about the importance of barrier-free design for Alberta's growing aging and disabled population. One of the biggest reasons to pass Bill 201 is the idea that the input and insight provided by the disabled community today will save time and money for Albertans in the future.

Mr. Chairman, everyone agrees with the idea of improving the quality of life of the disabled. Developing this idea into a workable plan is the hard part. I believe that the Member for Clover Bar-Fort Saskatchewan has designed an excellent piece of legislation that will provide the proper voice for addressing some of the physical challenges facing the disabled community. Bill 201 is a relatively inexpensive but very sensible and effective way to remove some of the physical barriers that stand in the way of thousands of Albertans. It's easy to say: let's help the disabled lead normal lives. The real challenge is finding solutions that work for everyone involved.

I would like to talk about three specific sections in Bill 201 that will help connect the needs of the disabled with other aspects of building design. In second reading the Member for Highwood described a situation where input from the disabled could have improved the location and layout of barrier-free bathrooms. We all agree that the needs of people living with disabilities related to day-to-day living must be improved. One way to increase accessibility is changing the way we look at safety codes. We should also consider the possibility of a small number of contractors looking for a way around barrier-free designs in an attempt to save time and money.

Currently, section 2(2) of the Safety Codes Act states: "The Minister may, by order, exempt any person or municipality or any thing, process or activity from any or all provisions of this Act and attach terms and conditions to the exemption." This section helps builders avoid certain safety codes that do not apply to their construction project. These exemptions also help municipalities when a project simply runs over budget. The point to remember regarding exemptions is that they are only granted after the applicant has been turned down at every other stage of the process.

However, section 2 of Bill 201 reminds builders that the Safety Codes Act must be applied "with the principles of barrier-free design and access." Exemptions will still be granted under the right conditions, but exemptions will not be granted for projects if people with sensory and physical disabilities are unable to access buildings to which the act applies. It's important to keep the exemption in the Safety Codes Act for unforeseen circumstances. The exemption cannot be used as a loophole for a small number of builders who may try to avoid barrier-free designs.

As I mentioned before, Bill 201 creates a voice for the disabled without damaging the purpose and mandate of the Safety Codes

Council. For example, section 4 sets the rules for membership in the Safety Codes Council. I think that this is one of the most important parts of Bill 201. Adding the term barrier-free design to section 16(3) of the act expressly creates the seat at the table for the disabled.

The people sitting on the Safety Codes Council have extensive knowledge in specific areas, including fire protection, buildings, electrical systems, elevating devices, and plumbing systems. Each of these technical experts contributes important elements of building design. Section 4(a) of Bill 201 includes experts in barrier-free building design. I cannot think of a better group to devise practical, common-sense changes to the safety codes than the disabled community. In other words, empower them to be a key part of the solution. As the bill states in section 4, there is already a list of experts who use their specific skills and knowledge to improve building designs. The disabled representation on the council will add another important element to the construction of safe and accessible public buildings.

Previous speakers have talked about the social advantages of barrier-free access. I think one point that needs to be repeated is the valuable technical expertise that disabled Albertans can offer the council.

Section 5 of Bill 201 also discusses the Safety Codes Council. This part of the bill legislates the mandate to include barrier-free design in all relevant building construction projects. Section 5 provides direction for the council to always consider barrier-free designs in addition to other areas defined in the act.

I believe that the process created through section 4 and section 5 will add value to public buildings. Some would argue that retrofitting buildings to accommodate disabilities will become a major industry in the next two decades. Barrier-free design ideas provided by the disabled community will certainly improve the accessibility for more people. As Alberta's population ages, there will have to be significant changes made to accommodate their decreasing mobility. Making the changes to the Safety Codes Council in sections 4 and 5 will save this government money in the future.

Finally, Mr. Chairman, I would like to talk about the concerns from people who believe that Bill 201 also applies to their homes. Although I encourage people to consider barrier-free designs when building or renovating, section 3.8.1.1 of the Alberta building code clearly states what kinds of buildings are exempt. At the top of the list are houses, including semidetached houses, duplexes, triplexes, townhouses, and row houses. Boarding houses are also exempt unless they are used for social programs such as group homes, halfway houses, and shelters. The owner of a private dwelling is not compelled to follow barrier-free designs. If someone wants to renovate their home, they do not need to comply with any barrier-free designs unless they want to.

Other people may think of hypothetical situations of buildings that would have to needlessly follow barrier-free designs if Bill 201 were to pass. However, there are three other categories of buildings that are not forced to comply with barrier-free access. Relocatable industrial accommodations or mobile trailers, high-hazard buildings such as chemical plants, and buildings not intended to be used on a daily or full-time basis are also exempt. The structures listed in 3.8.1.1 should address the what-if scenarios on the minds of homeowners and the industrial sector.

Mr. Chairman, Bill 201 will help us achieve the goal of guaranteeing full access by all Albertans to all public buildings. Clarifying the exemption clause in section 2 reduces the chances of unethical builders looking for a way to skip barrier-free designs. Adding another set of experts to the Safety Codes Council in section 4 will add value for the owners of buildings and improve accessibility for

the disabled using these buildings. Promoting the principles of barrier-free design as stated in section 5(a)(e.1) recognizes the importance to improve access for the growing number of seniors as well as disabled Albertans.

Mr. Chairman, these sections in Bill 201 will help create an important position for the disabled, allowing them to provide their insight and improve their quality of life. I commend the Member for Clover Bar-Fort Saskatchewan for bringing this very important legislation forward, and I strongly encourage all members to vote in favour of Bill 201.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Lacombe-Stettler.

Mrs. Gordon: Thank you very much, Mr. Chairman. I'm going to be very brief. I again would like to thank the hon. Member for Clover Bar-Fort Saskatchewan for bringing this piece of legislation forward. I think it was time that we talked about this issue, and I'm very pleased that through the committee that he chairs, they had the initiative to bring it forward so that we could have a full discussion.

I have listened with great interest this afternoon to the discussion and the debate, and I'm very, very encouraged by what I hear. I'm not going to get into the logistics or the detail, how much needs to be changed in this bill at committee stage, but I just wanted to say that since we last spoke on this, I have talked to a number of people that are very pleased that it is coming forward. The disabled community want a hand up, not a handout, and they want to be part and parcel of the decision-making. What better way than to have another voice at the table with a full understanding of what is needed and how it can be achieved?

In January of this year I got a phone call from the executive director for the Multiple Sclerosis Society of Canada, the national chapter, and they asked me whether I would consider sitting on the Alberta provincial board, and I have agreed to do so. Though we have not had a meeting where I can discuss this particular piece of legislation, I'm sure that they would very much want me to support it and tell you that they are in favour of it.

Again, thank you very much hon. member, and thank you to all the members of this Assembly that have been talking about the good things involved in this bill. It sounds like it will pass committee, and I look forward to discussing it again at the next reading. Thank you.

4:50

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

Mrs. Tarchuk: Thank you, Mr. Chairman. It is a pleasure to rise and speak to Bill 201, the Safety Codes (Barrier-free Design and Access) Amendment Act, 2004. I feel that this is a piece of legislation that coincides with not only the goals and intentions of the government but also Albertans.

The safety codes amendment act, sponsored by the hon. Member for Clover Bar-Fort Saskatchewan, is a bill that supports a very simple theory. This theory is that those persons most affected by a decision should have input into that decision. After all, changes to the regulations governing medical practices would not be made without consulting doctors or nurses, nor should decisions regarding issues of accessibility be made without input from persons living with restricted mobility.

This idea is simple, well thought out, and, in my opinion, long overdue. However, as in many other cases while the idea itself is without complications, the legislation and the regulations surrounding the idea are fraught with complexity. In the midst of technical jargon, lengthy discourses on the exact width of doorways, and

regulations regarding the thickness of floor beams it is easy to lose sight of exactly what Bill 201 will achieve. There has been some confusion surrounding the issue. I know that I didn't understand exactly what was intended the very first time I read it, but now that I have reread it, I would like to try to clear up some of the areas that have proven somewhat complex.

Mr. Chairman, one misconception surrounding the bill is that universal accessibility will be applicable to all buildings including private residences. This is simply not true. Section 5(a) amends section 18 of the Safety Codes Act. There another subsection is added that promotes "the principles of barrier-free design to any thing, process or activity to which this Act applies." It does not expand the processes, activities, or things to which the current act applies. Universal accessibility is not required for all buildings in the current situation, and this will not be modified.

Section 3.8.1.1 of the code outlines the types of buildings that are not affected by universal accessibility standards. This list is very long, and there are some building types in there that I've never heard of. In the interest of brevity I will not attempt a reading of every building type; instead, I will merely list the four major types of buildings that will not be affected. These buildings are housing, relocatable industrial accommodations, high-hazard industrial occupancies, and buildings not intended to be occupied on a daily basis. These groupings are somewhat vague so a little explaining might be helpful.

The first type, housing, is fairly self-explanatory. Personal residences are not affected under the current version of the Safety Codes Act, nor will they be affected under the amended version. If a private-home owner wishes to make their home universally accessible, this is entirely their choice. They're under no obligation to do so.

The second type of buildings is relocatable industrial accommodations. An example of these are the trailers used as offices on construction sites that can be seen at any number of locations throughout the city.

The third type of buildings is classified as high-hazard industrial occupancies. They are heavy industrial plants such as chemical and fertilizer plants or a steel mill.

The final group of buildings that are not required to be universally accessible is buildings that are not intended to be occupied on a daily basis. Telephone exchanges, pumphouses, and electrical transformer stations would fall under this category.

The types of buildings that do not fall under the umbrella of universal accessibility are really just common sense. No one expects every private home to be accessible universally, and many of the other building types require the employees in the building to be fully mobile to be able to carry out the duties of their job.

Mr. Chairman, the second point that has attracted a good deal of attention is the granting of exemptions for buildings from the principles of barrier-free design. Section 2(2) of the current Safety Codes Act outlines the powers of the minister with regard to exemptions. In essence, the minister is empowered to grant an exemption to "any person or municipality or any thing, process or activity" from any of the provisions of the act. In the amended version of the act sponsored by the hon. member, this section reads exactly the same. The ultimate responsibility for this act lies with the minister, including the power to grant exemptions.

In addition, the procedure for contractors wishing to apply for an exemption remains the same. A builder can speak to the local safety codes officer regarding an exemption. The officer can recommend that the contractor make a formal application to the head office for consideration. It is during this phase that the amended act could be of added assistance. While the procedure remains the same, the

expansion of the Safety Codes Council to include an expert in barrier-free design would allow for a new insight into the situation. In these instances the expert would be able to offer input that could lead to a compromise regarding the granting of an exemption.

Using real-world experience, the newest member of the council would be able to offer various solutions to difficulties encountered by contractors in fulfilling the requirement to ensure that a building is universally accessible. There can often be multiple solutions to a problem, and having a person with a wealth of experience in dealing with issues of accessibility would open the door to multiple possible solutions.

Mr. Chairman, those are two main areas of confusion that I experienced and witnessed some of my colleagues experience when considering the pros and cons of Bill 201.

I would like to turn my attention to other issues that the bill raises. Section 2(2.1) of the amended bill draws attention to the expanded goals of the act. The Safety Codes Council and through them the Alberta building code will no longer be responsible solely for safety issues with regard to construction. While safety will remain the highest priority, they will now incorporate the ideals of universal access into their duties.

This joining of safety and accessibility embodies the best ideals of the government. The government of Alberta is committed to protecting the safety of Albertans, all Albertans, and also ensuring that all Albertans are able to have meaningful participation in their communities.

Goal 10 of the 2003-2004 government business plan states that "Alberta will be a fair and safe place to work, live and raise families." The passing of Bill 201 will do much toward securing fairness and equality for all Albertans, including those who live with physical or sensory disability.

This bill will help to ensure that those members of our community requiring assistance in getting around are not excluded from places of work or recreation. This same logic can be applied to fulfilling goal 12 of the 2003-2004 government business plan: "Albertans will have the opportunity to participate in community and cultural activities and enjoy the province's historical resources and parks and protected areas."

Mr. Chairman, Alberta has a long and proud history of being an inclusive society, not an exclusive one. The safety codes amendment act will help ensure that all Albertans feel included in their communities and recognized for the valuable contributions that they make.

As was mentioned during the previous debate, this bill will affect a great number of people as many seniors find their mobility becoming limited as they age. The fact is that the seniors' population is growing at a rate that is outstripping other age groups. People are living longer, but their bodies are not holding up to the rigours of daily living, and they are finding themselves needing assistance to get around. By acting now, this Assembly will be preparing society for the not-too-distant future when 20 per cent of Albertans are age 65 or older.

There are already studies completed on the effect that the aging population will have on the health system and pensions, but the concept of universal accessibility cannot be overlooked. By acting now, plans will be laid for the future that will serve Albertans well as we look into the future.

Mr. Chairman, the hon. Member for Clover Bar-Fort Saskatchewan has brought forward a piece of legislation that will better equip Alberta for the challenges that lie ahead. The safety codes amendment act will ensure that Alberta will be open and accessible for all of those who live in this province regardless of any physical or sensory disability that a person may live with. Passing this bill will

make Alberta a leader in rights for those persons with a disability and help to secure the Alberta advantage for everyone in the province.

I would ask all of my colleagues to stand with me and support Bill 201. Thank you.

The Chair: The hon. Member for Wainwright.

Mr. Griffiths: Thank you, Mr. Chairman, for the opportunity to rise today to speak to Bill 201 in committee. I want to focus my comments today on the reasonableness of this bill and how it fits into the government's overall approach to these sorts of issues.

First, as other members have mentioned during this afternoon's discussion, Bill 201 does not affect the status of private residences throughout this province. We should all be clear by now on that point. Through section 3.8.1.1 of the building code Bill 201 cannot impose itself on private homes. When we are discussing the impact of this bill, we are talking primarily about public buildings and facilities that the public access on a regular basis. Albertans need not fear that the status of their homes is somehow changed by this legislation. Every section of this bill speaks to that fact.

The purpose of this act is quite clear. It is an attempt to change the way we think about public access, Mr. Chairman. Many Albertans have difficulties accessing public buildings, and we must ensure that their voice is heard in the development of these facilities. Up to this point I don't believe that this community has been ignored. In many regards those that build public buildings make a great effort to accommodate a wide variety and range of needs to facilitate access to as many Albertans as possible. But it is a unique voice and perspective that only the disabled community and those Albertans who cope with these difficulties on a daily basis can bring to a discussion on development of our public facilities.

All members heard the hon. Member for Clover Bar-Fort Saskatchewan discuss the wheelchair ramp here at the Legislature. That unique perspective of a person who uses a wheelchair could have further helped solve some of the difficulties of that ramp. Bill 201 would formalize that viewpoint for the entire province through section 4 of this bill. It is a subtle change, where an expert on barrier-free design would be appointed to the Safety Codes Council.

5:00

That is the really good thing about this bill, Mr. Chairman. It is a bill that is practical in its application. Albertans won't see a dramatic shift or change if this bill were to pass third reading and come into force on June 1 of this year, as outlined in section 7. No. What will happen is that the Safety Codes Council, when debating and developing new standards for our public buildings, will have to consider a new perspective and ensure that the principles of barrier-free design are considered. Over time these principles will become the new standard, and in many regards the changes that we hope to enact today will constitute a quiet shift in how we build buildings. They will become the norm and just in time too.

As many of my hon. colleagues have pointed out, Alberta's population is aging, and the difficulties that some seniors face with regard to mobility will continue to present themselves well into the future. They will become more and more prevalent as a greater proportion of our population ages. These issues will not go away, and it is important that we put ourselves in the position to respond to these sorts of issues now instead of being forced to do so when it's critical and expensive to do so in the future. With the gradual and common-sense application of this bill potential concerns regarding this bill should be alleviated.

Albertans who own or construct buildings will not have to fear massive new expenditures because of Bill 201. Quite simply, there

is nothing in this bill to fear. When designing a new building from scratch or undertaking a renovation, architects and engineers will simply have to accommodate the principles of barrier-free design that will be incorporated practically into the standards of the code itself.

These new standards will be developed in time, and they will not be developed in isolation of other voices, Mr. Chairman. Under section 16 of the act experts in fire protection, buildings, barrier-free design, electrical systems, elevating devices, gas systems, plumbing systems, private sewage disposal systems, and pressure equipment will evolve the code together. All voices will equally discuss and develop new standards together. No one voice will be more prominent than another, but the key will be to ensure that all voices and all perspectives are heard.

We should be clear, Mr. Chairman, that the government retains the power to provide specific exemptions to the application of the code. So in instances where it would be detrimental to apply portions of the code to new construction, exemptions can be applied for, and if they are reasonable and they make sense, they will continue to be granted in a judicious and fair manner. In many regards Bill 201 can be seen in the broader scope of where the government and Albertans are moving.

For many years now the government through the Premier's Council on the Status of Persons with Disabilities has encouraged individuals in different aspects of our society to consider the needs and aspirations of the disabled community. For instance, it is part of the vision of the council and the government as a whole that all persons with disabilities are valued as full citizens in all aspects of society, with full participation in the social, economic, and political life of communities. Bill 201 will further this vision by removing barriers to buildings and facilities where the social, economic, and political life of our communities takes place. Furthermore, the principles of Bill 201 can be seen in this year's throne speech in the announcement of a new office for disability issues.

Mr. Chairman, I sincerely believe that Bill 201 is a step in the right direction for this province. Thank you.

The Chair: Thank you. The time for consideration of this item of business has now been completed.

[The clauses of Bill 201 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report Bill 201.

[Motion carried]

[The Deputy Speaker in the chair]

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

Ms Graham: Yes. Thank you, Mr. Speaker. The Committee of the Whole has had under consideration and reports Bill 201.

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

Hon. Members: Agreed.

The Deputy Speaker: Opposed? So ordered.

Mr. Hancock: Mr. Speaker, in light of the hour I would move, I believe with the concurrence of the members of the opposition, that we call it 5:15 in order to deal with Government Motion 10.

[Unanimous consent granted]

The Deputy Speaker: Accordingly, it being 5:15, under Standing Order 19(1)(c) I now must put the question on the motion for consideration of Her Honour the Lieutenant Governor's speech.

head: **Consideration of Her Honour
the Lieutenant Governor's Speech**

Mr. Griffiths moved that an humble address be presented to Her Honour the Honourable the Lieutenant Governor as follows.

To Her Honour the Honourable Lois E. Hole, CM, AOE, Lieutenant Governor of the province of Alberta:

We, Her Majesty's most dutiful and loyal subjects, the Legislative Assembly, now assembled, beg leave to thank you, Your Honour, for

the gracious speech Your Honour has been pleased to address to us at the opening of the present session.

[Adjourned debate February 24: Mr. Hancock]

[Motion carried]

head:

Government Motions

Address in Reply to Speech from the Throne

10. Mr. Hancock moved on behalf of Mr. Klein:
Be it resolved that the Address in Reply to the Speech from the Throne be engrossed and presented to Her Honour the Honourable the Lieutenant Governor by such members of the Assembly as are members of Executive Council.

[Government Motion 10 carried]

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I would move that we call it 5:30 and adjourn until 8 this evening.

[Motion carried; at 5:10 p.m. the Assembly adjourned]

