

## Legislative Assembly of Alberta

Title: **Tuesday, April 12, 2005** **1:30 p.m.**  
 Date: 05/04/12  
 [The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon. Welcome.

Let us pray. Grant that we the members of our province's Legislature fulfill our office with honesty and integrity. May our first concern be for the good of all of the people. Let us be guided by our deliberations this day. Amen.

Please be seated.

head: **Introduction of Visitors**

**The Speaker:** The hon. Member for Stony Plain.

**Mr. Lindsay:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you a long-time friend, a resident of the Stony Plain constituency, and a guest of this Assembly today, someone who needs very little introduction, a progressive Albertan who has served Albertans most of his life as an educator in our public school system and for the past 15 years as a member of this Assembly.

As an MLA Mr. Stan Woloshyn served Albertans as a private member, as the minister of public works, supply and services, as Minister of Community Development, and until his retirement in 2004 as minister of seniors. Mr. Woloshyn was an integral part of the Progressive Conservative government that positioned Alberta to enter our next hundred years debt free. Mr. Woloshyn is seated in the Speaker's gallery, and I ask that this outstanding Albertan stand and receive the traditional warm welcome of this Assembly.

head: **Introduction of Guests**

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

**Ms Evans:** Thank you, Mr. Speaker. Today I am just delighted to introduce a young man, his class, his parents, and his teachers. His name is Levi Dibben, and his father works as the executive assistant for the Minister of Innovation and Science. He is accompanying today his teachers Mrs. Mair and Mr. Robertson and parent helpers Mrs. Sonnenberg; Mrs. Dibben, his mother; Mrs. Wells; Mr. Nowelselsky; Mr. Van Camp; Mrs. Robinson; Mrs. Chorney; and Mrs. Jamieson. They are members of the Lakeland Ridge public school community. They are two grade 6 classes, teachers, and parent helpers, and if they would rise now, please, and be given the warm welcome they so richly deserve.

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

**Mr. Liepert:** Thank you, Mr. Speaker. It is my pleasure today to introduce to you and through you a class of 43 students from the Calgary French & International School. They are accompanied today by six adults: Grégoire Belland, Judi Poole, Marlene Wilson, Cecile Trigg, Robert Ward, Natasha Wosnock. They are seated, I believe, in both the members' and public galleries, and I would ask that they stand and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Minister of Infrastructure and Transportation.

**Dr. Oberg:** Thank you very much, Mr. Speaker. It's an honour and

privilege to be able to introduce to you 24 people from Rosemary, Alberta. There are 17 grade 7 kids who are here with seven adults: Mr. David Blumell, Mr. Richard Hall, Don Plett, Brian Plett, Carol Reid, Phyllis King, and Chad Fika. I do want to bring attention to two things. First of all, these kids, who are actually just walking into the Assembly right now, two weeks ago shaved their heads and raised \$10,000 for one of their classmates who has cancer. The second point of interest: I talked to them and asked them how many of them I delivered as a family doctor, and I delivered eight of the 17. I would ask that they all rise and receive the warm welcome of the Legislative Assembly.

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

**Mrs. Mather:** Thank you, Mr. Speaker. It is my pleasure and pride to introduce to you and through you to the Assembly an instructor and students from Grant MacEwan's south campus in Edmonton-Mill Woods. Mr. David Kincade is a political science instructor and a fine researcher for the Official Opposition. He is accompanied by students Miss Andrea Pipke, Mr. Thomas Barr, and Mr. Marcus Durante. Would you please stand as I ask the Assembly to give you a warm welcome?

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Speaker. I am pleased to introduce to you and through you to the Assembly Marcel and Bernice Desaulniers. Marcel and Bernice are the grandparents of Justin Laverty-Harrigan, who is one of our many hard-working pages. Among their many accomplishments Marcel and Bernice have been married for 52 years. I might point out that their grandson Justin did a great job of writing this out for me. I would ask them now to rise and receive the traditional warm welcome of the Assembly.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to rise to introduce to you and through you to members of the Assembly two gentlemen who are seated in the members' gallery. They were here last month and enjoyed the proceedings so much that they're back again today to observe the proceedings once more. Mr. Joe Anglin is a resident of Rimbey, Alberta, and with him is Mr. Jim Graves, who was the NDP candidate in Lacombe-Ponoka in the last provincial election. I would ask them both to please rise and receive the traditional warm welcome of this Assembly.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I'm pleased to rise and introduce to you and through you to all hon. members of the Assembly three graduate students from the University of Alberta. They're currently engaged in a campaign to save Pembina Hall as a student residence. Some of you may have stayed in Pembina residence in your own student days. It's the third-oldest building on campus. The U of A is considering converting Pembina, a thriving academic and social community, from a residence into office space. This conversion would displace about 130 students, who were not consulted about the change and only informed about the impending decision just before final exams. They are Andrea Dalton, Meredith Kenzie, Bryan McKelvie. They are seated in the public gallery. I'll ask them to please rise and receive the warm welcome of the Assembly.

**Dr. B. Miller:** It is an honour for me, Mr. Speaker, to introduce to you and through you to the House Bill Daly, a resident of the Edmonton-Glenora constituency. He calls himself a senior activist, but for me he is an important and valued researcher, providing statistical analyses of seniors' programs and health care in Alberta. I invite Bill, who I believe is in the members' gallery, to stand and receive the traditional welcome of the House.

head:

### Oral Question Period

**The Speaker:** First Official Opposition main question. The hon. Leader of the Official Opposition.

### Smoke-free Places Legislation

**Dr. Taft:** Thank you, Mr. Speaker. At the Tory convention last weekend the huge majority of delegates voted for a province-wide workplace smoking ban. This contrasts dramatically with what we saw last week when this Tory government waded into private members' business to bring in watered-down amendments to the nonsmoking bill. What remains to be seen is whether this government's change of heart has anything to do with chief of staff Rod Love's former position as a paid lobbyist for the tobacco industry. To the Premier: given that Rod Love has strong ties to the tobacco industry, how can the Premier guarantee that the choice to water down this bill was not affected by financial concerns of big tobacco?

1:40

**Mr. Klein:** Mr. Speaker, I can tell the hon. Leader of the Official Opposition that I have never, never, never been lobbied by tobacco companies or Rod Love on this particular issue.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you. Again to the Premier: given that the majority of the Tory caucus itself voted to support the smoking ban after the second reading of Bill 201, will the Premier explain why, upon Rod Love's return to the Legislature after a month's absence, there was a sudden reversal on this vote on the smoking ban?

**The Speaker:** I'm not sure that, given the rules, that would be an appropriate question. An individual in this Assembly will vote his or her way or conscience, and I don't know how any member can control that.

The hon. leader. Third question.

**Dr. Taft:** Okay. Again to the Premier: given that members of the public have shown overwhelming support for a workplace smoking ban, will the Premier reconsider the decision to allow smoking in bars, casinos, and bingo halls and let the will of Albertans prevail?

**Mr. Klein:** Mr. Speaker, this bill is before the Assembly, and it's entirely up to the members of the Progressive Conservative caucus and members of the Liberal caucus and members of the ND caucus to debate the issue. I understand that it's at third reading now. It is before the Legislature, and it would be entirely inappropriate for me to address the issue at this particular time.

**The Speaker:** Second Official Opposition main question. The hon. Leader of the Official Opposition.

### Securities Commission

**Dr. Taft:** Thank you, Mr. Speaker. The list of people raising serious

concerns about the operation of the Alberta Securities Commission has been joined by a prominent investor advocate from Ontario, Diane Urquhart, who raises worries about the blurring of policing functions and adjudicating functions at the commission. This controversy is becoming a national issue, and Alberta's role in Canada's capital markets is being tarnished. This is an opportunity for decisive leadership from this minister, not for dithering. To the Minister of Finance: given the information the minister now has, does she have full confidence that all is well in the Alberta Securities Commission?

**Mrs. McClellan:** Mr. Speaker, I have not said at any point that all was well. In fact, I did suggest that there are some human resource issues at the commission, and they are being addressed. I have had word from the independent commissioners to say that they have engaged an external management company to deal with those issues.

I've received a copy of the letter from Ms Urquhart. I would agree fully with her that if a member has a conflict or information about enforcement proceedings, they should not be participating in hearings on the matter. I will also, when I reply to Ms Urquhart, make her aware that when this does occur, members excuse themselves from those hearings. Mr. Speaker, we also have a provision in our legislation that if there are a large number of our part-time commission members that may have a conflict in an issue, we have the ability to appoint people from the outside to sit on a particular matter, and I can assure the House that that would happen.

**The Speaker:** The hon. leader.

**Dr. Taft:** Thank you, Mr. Speaker. To the same minister, then: why does this minister continue to accept the word of the commission's part-time commissioners that there were no regulatory problems at the commission?

**Mrs. McClellan:** Mr. Speaker, I want to remind the House and the hon. Leader of the Opposition that the part-time commissioners derived their report from two separate reports provided to them by Mr. Mack. One was from the persons who brought forward complaints; the second was the review of those complaints. From those two reports the independent, part-time commissioners brought forward their findings to me. They did comment on some issues, human resource issues, and those are being dealt with, but they also stated very clearly that they believed the enforcement part of it was being handled even-handedly and fairly.

**Dr. Taft:** Mr. Speaker, I don't think she gets it.

To the same minister: given the growing voices of concern across the country, will the minister now follow the example set in Ontario when their Securities Commission faced controversy and call a full, genuinely independent inquiry into the Alberta Securities Commission?

**Mrs. McClellan:** Well, Mr. Speaker, if you have actual examples of enforcement issues, I would certainly deal with those. I don't mean one or two, given the number of files that are handled, because I think everyone understands that you can have those concerns. What I would be most concerned about is if people brought concerns forward and they were not dealt with.

Mr. Speaker, I think the person who doesn't get it is the hon. Leader of the Official Opposition.

**The Speaker:** Third Official Opposition main question. The hon. Member for Lethbridge-East.

### Travel by Elected Senators

**Ms Pastoor:** Thank you, Mr. Speaker. Electoral reform is a personal passion, but without any guarantee that the federal government would appoint Alberta's elected nominees to the Senate, this government wasted \$3 million on a senatorial election. Albertans responded to this ineffectual exercise by spoiling or declining 169,000 ballots. Now the government is planning to spend \$28,000 to reward the four nominees by sending them on an eastern Canada junket. To the Minister of Restructuring and Government Efficiency: given that the \$3 million Senate elections have not forced the federal government into Senate reform, how is sinking even more dollars into this issue an efficient use of tax dollars?

**Mr. Ouellette:** Mr. Speaker, it's important for Albertans to understand that my ministry is dealing with efficiencies and restructuring inside itself, including corporate services and completing the build of the SuperNet. I have said from my first day as minister that my priority is to find efficiencies in my own department first and foremost, and as time goes by and we begin to assemble necessary resources, I will be happy to work with other ministries in these areas.

I actually believe that our Premier could answer this question.

**Ms Pastoor:** I think he's been cheating because my next question is to the Premier. Mr. Premier, if I may, will this government institute a citizens' assembly for electoral reform as they have in B.C.?

**Mr. Klein:** There are no plans to do that, Mr. Speaker.

In response to the hon. member's first question and preamble \$28,000 is a drop in the bucket compared to the amount that was spent by the Senators-in-waiting back in 1990 or 1989, I believe, when they travelled. So \$28,000 is reasonable.

What they want to do is to explain to the rest of Canada that the government of Alberta remains committed to the democratic – democratic – ideals even though the Prime Minister has chosen to act undemocratically by not appointing Alberta's Senators-in-waiting, including Mr. Mitchell and, of course, one former member of this cabinet and another person: all good people. Well, sort of. But, Mr. Speaker, we will not abandon our support for democracy.

**The Speaker:** The hon. member.

**Ms Pastoor:** Thank you, Mr. Speaker. Again to the Premier: based on what you've just said, sir, if this government really wants meaningful, democratic reform, why does it keep stonewalling the Liberal opposition's great ideas like a lobbyist registry and fixed election dates?

**Mr. Klein:** Mr. Speaker, a lobbyist registry. I would remind the hon. member that her leader has no problems whatsoever finding out who's lobbying government. He asks a question every single day, so why would we need a registry?

**The Speaker:** The hon. leader of the ND opposition, followed by the hon. Member for Calgary-Lougheed.

### 1:50 Government Chartered Air Travel

**Mr. Mason:** Thank you very much. Mr. Speaker, Albertans know that this is a government of high fliers who like to flit across the country on the public dime. During the question periods of March 7 and 8 the Minister of Infrastructure and Transportation committed to quickly making public the information dealing with this govern-

ment's chartering of private jets and aircraft. Over five weeks have passed, and guess what? The minister has yet to make good on this commitment. My question is to the Minister of Infrastructure and Transportation. Why is it taking so long to massage the chartered aircraft records, resulting in these records still not being tabled more than five weeks after the minister promised to do so?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Well, thank you very much, Mr. Speaker. I'd like to say thank you to the hon. member for asking me a question when my students from Rosemary are here. I do very much appreciate that. The reason for this is that we actually do a lot of charters, and what we are doing is going through and taking out all of the personal phone numbers and personal information. I would anticipate that that will be done very quickly. The point of the question at the particular time had to do with seven or eight charters, but in reality the number of charters that we have is very, very extensive, whether it's for firefighting, whether it's for whatever. So all of these things will be tabled in the Legislature as promised as soon as the private information has been taken out consistent with the FOIP legislation.

**Mr. Mason:** The minister knows we're dealing with government use of aircraft.

When will the minister stop stonewalling by making public the promised information detailing the cost, frequency, and who flew where and when on government chartered jets and planes? What are you hiding?

**Dr. Oberg:** Actually, Mr. Speaker, we're hiding nothing. I would remind the hon. member that firefighters and members of government as well as the staff of government are the government of Alberta. It's critical to the running of the province of Alberta.

**Mr. Mason:** Mr. Speaker, can the minister specify exactly when this information will be brought forward given that the last time we asked him, five weeks ago, he said then that it would be quickly?

**Dr. Oberg:** Actually, Mr. Speaker, the hon. member's researcher has been calling our office about each and every day, maybe every other day, to get this information, and we have told them essentially the same answers. This certainly will be brought forward as soon as we can do it. I would certainly hope that it would be within the next one or two weeks, and that's the time frame that we're aiming for. As soon as it's here, though, Mr. Speaker, through to the hon. member, it will be passed on and tabled in this Legislature.

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

### Chiropractic and Physiotherapy Insurance Fees

**Mr. Rodney:** Thank you, Mr. Speaker. Last October the government brought in reforms to the private passenger auto insurance system that included a streamlined approach to treating injuries. In the context of these reforms the government has set the fees that physical therapists and chiropractors can charge insurers for treating people injured in collisions. My questions are to the Minister of Finance. Why has the government set treatment fees for these practitioners?

**Mrs. McClellan:** Well, Mr. Speaker, the process for setting those fees was consultation between the auto industry and the professional

organizations, but they were unable to come to an agreement or a conclusion, so government did in this case set those fees.

**Mr. Rodney:** Supplementary again to the same minister: does this action reduce the treatment available to Albertans who are injured in automobile collisions?

**Mrs. McClellan:** Mr. Speaker, it absolutely does not reduce the treatment available. There is some reduction in the fees paid, but I would say that those fees are still very much in line with the Workers' Compensation Board fees, with the fees that the health authorities pay, and they are among the highest in Canada.

**Mr. Rodney:** My final question is again to the same minister. Will the savings that result from these fee reductions pad the profits of big insurance companies?

**Mrs. McClellan:** Well, no, Mr. Speaker. Actually, when you reduce the costs, you reduce the fees. At least, that is the way the marketplace works. So we expect that these savings will be passed on directly to the consumer.

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

#### Arts Funding

**Mr. Agnihotri:** Thank you, Mr. Speaker. Recently in the arts community there have been rumours that there is a real risk of funding cuts from the Alberta government. The implication for Visual Arts Alberta is evident: without a sufficient budget this organization will be unable to support the flourishing Alberta arts community. My question is to the Minister of Community Development. Given that Visual Arts Alberta was created by this government to respond to the needs of individual artists, is this government planning to eliminate Visual Arts Alberta and bring funding for artists back under the direction of this government?

**Mr. Mar:** Mr. Speaker, I say this with the greatest respect to the hon. member, who is new to this House. He knows or ought to know that matters such as the budget are properly dealt with on budget day, which will be tomorrow.

With respect to the balance of his question, however, Mr. Speaker, the arts: I'm glad that he acknowledges that they are a flourishing and important part of the province of Alberta, and this government places a great deal of emphasis on supporting them. With respect to the specifics of his question about the quantum that will be in the budget for the Alberta Foundation for the Arts, I leave that till tomorrow.

**Mr. Agnihotri:** To the same minister: given that the government created these organizations, why after five years are they dismantling this one?

**Mr. Mar:** Mr. Speaker, there have been examples over the years where there has been an evolution with respect to the umbrella organizations that deal with the arts. At one time there were groups set up by the government to deal with the performing arts, the visual arts, the literary arts, and so on. Generally speaking, now they are all under the umbrella of the Alberta Foundation for the Arts. That was a decision that was taken some number of years ago, I believe back in about 1994. The reason for that is because we wished to protect the funding in support of the arts, but we wanted to reduce

the administration costs. Obviously, there were administration costs associated with running three or four organizations as opposed to one. That's the reason why it was done, sir.

**Mr. Agnihotri:** To the same minister: given that Alberta is celebrating the contributions of the artistic community this centennial, will this government commit to continued support for these dedicated organizations?

**Mr. Mar:** Oh, indeed, Mr. Speaker, there is much to celebrate. The hon. member and members of the House should know that, for example, on the 28th of April some 600 performing artists, culinary artists, visual artists, and writers are all going to Ottawa as part of a national arts celebration called Alberta Scene. The provincial government in collaboration with the federal government has supported this program. It will be Alberta's gift of culture to the rest of the nation at the venue of the National Arts Centre among others.

Overall, Mr. Speaker, I'm glad that the hon. member acknowledges that during the centennial year celebration of the arts is an important part of the centennial celebration, that the centennial is in part about understanding where we've come from, where we are, and what we aspire to be as expressed through our arts and culture.

**The Speaker:** The hon. Member for Calgary-Montrose, followed by the hon. Member for St. Albert.

#### Emergency Hospital Services

**Mr. Pham:** Thank you, Mr. Speaker. The health care budget has increased significantly over the last 10 years, far exceeding the inflation and growth rates during that same period. By and large our health care system is a good one, but one common complaint that we hear from Albertans is that they are not entirely happy with the service provided in emergency departments. My first question is to the hon. Minister of Health and Wellness. Have there been any studies conducted regarding the amount of funding that is spent on emergency service and the level of service that is provided?

2:00

**Ms Evans:** Mr. Speaker, in December the Health Quality Council did in fact identify the services in emergency rooms as being something that we should look at, but I'm not aware of any other studies that were conducted on this.

However, I'd like to make a comment. Last year the Capital health authority treated over 435,000 patients, and in Calgary over 360,000 patients were treated during the same period. At least half of the patients in either location waited two to three hours for a bed. So we are improving, but we still have work to do.

**The Speaker:** The hon. member.

**Mr. Pham:** Thank you, Mr. Speaker. My supplementary question is also to the same minister. Would the minister encourage regional health authorities to deploy additional staff to assist patients in emergency waiting areas?

**Ms Evans:** Mr. Speaker, one of the programs that we're doing is a program that's done in conjunction with St. John Ambulance, and that is work with volunteers that are talked about or identified as Friends of the Emergency Room. In both Calgary and Edmonton these volunteers in this project, assisted by Alberta Health and Wellness, are trained to help families receive support while they're in the emergency room. The volunteers are giving extra comforting

presence in the emergency rooms in centres like the Royal Alex and in the Foothills medical centre in Calgary. I've been in emergency rooms in my tenure as minister, and I can see the benefit that they're bringing today, for example, at the University of Alberta. These volunteers are guiding people and giving them a sense of calmness, and I think it is providing additional support for the patients.

**The Speaker:** The hon. member.

**Mr. Pham:** Thank you. My last question is also directed to the same minister. Could the minister ask the regional health authorities to provide more non-emergency clinics during holidays and after hours to reduce stress on emergency departments?

**Ms Evans:** Mr. Speaker, the first solution that I'd like to raise is the Health Link in Alberta, which is providing some service relief. Some 800,000 calls a year are being alleviated from the emergency rooms because they are going straight through to Health Link, and qualified nurses are providing them with advice.

Beyond that, our new local primary care initiatives are having great success in identifying ways for patients to access the system earlier. Health teams there are providing support, and we hope by the end of this year to have at a minimum at least a dozen of these types of services available to give non-urgent service, thereby alleviating the congestion in wait rooms in emergency departments.

**The Speaker:** The hon. Member for St. Albert, followed by the hon. Member for Leduc-Beaumont-Devon.

#### School Closures

**Mr. Flaherty:** Thank you, Mr. Speaker. The government continues to fail Alberta parents and students who require sustainable public education. Its actions demonstrate that it cares more about the bottom line than students, parents, and the communities they live in. Given that the Valhalla school in Peace River and the Sangudo high school and the Bruderheim school have avoided closures, my question to the Minister of Education: will the minister support a moratorium on public school closures until such time as the new utilization formula, one that could save these schools, is developed?

**Mr. Zwozdesky:** Well, Mr. Speaker, I really have to take some exception to the preamble in that sentence because I don't think the school system or the government funding for the school system is failing anyone in this province. I'm very surprised to hear the hon. member opposite suggest that there is something wrong with the fact that we provide the highest per capita funding, the highest per student funding, and have on average the highest paid teachers in the whole country. I don't think that's failing the system at all.

Now, that having been said, with respect to the second part of the question, there were reasons why the school boards in the case of Sangudo and Bruderheim and Valhalla and perhaps other places made the decisions they did, and there are equally so reasons why, I believe, the Edmonton public school board is pursuing its options with regard to the cluster studies that they are studying, and that includes the school that you've referenced.

**Mr. Flaherty:** The highest dropout rate.

To the same minister: is the plan to give school boards more flexibility in these decisions, and are these decisions an attempt to off-load responsibility for closures onto school boards rather than the government?

**Mr. Zwozdesky:** Mr. Speaker, as the new member will come to learn very soon, these school trustees are elected and have that responsibility. They have that authority, and they're exercising that.

Now, specific to the utilization rate that was asked about earlier, it's true that from time to time you have to evaluate the particular guidelines and policies that we as a government pass on to our trustees to follow and adhere to. To my knowledge that has been done in this particular case, and it will continue to be done. Those are local decisions, up to the local boards to make.

**The Speaker:** The hon. member.

**Mr. Flaherty:** Thank you, Mr. Speaker. To the same minister: given that the government's current policy will almost certainly force additional Edmonton schools to close, can the minister tell us today how many additional schools he's prepared to see close in the name of the bottom line?

**Mr. Zwozdesky:** Well, Mr. Speaker, again I won't fault the hon. member for his newness to the system, but what I would like to point out to him is that the government of Alberta does not make decisions to close schools. Those are decisions made by locally elected trustees, who have the responsibility to be responsible to their particular electors. The point is that as you come to learn how that system works, perhaps the questions could be pointed in the proper direction.

**The Speaker:** The hon. Member for Leduc-Beaumont-Devon, followed by the hon. Member for Edmonton-Gold Bar.

#### Snowmobile Use on Public Lands

**Mr. Rogers:** Thank you, Mr. Speaker. My first question is to the Minister of Sustainable Resource Development. Mr. Minister, with regard to the Petty Trespass Act could you please clarify what public use is allowed for snowmobiles on public lands?

**Mr. Coutts:** First of all, we need to advise the hon. member that the Petty Trespass Act focuses on private land and not public land. Holders of agricultural dispositions must provide reasonable access to recreation users under the recreation access regulation, Mr. Speaker, and this legislation allows for penalizing or removing of people who violate that, up to \$2,000 if they're on an agricultural lease without permission. The department expects our agricultural leaseholders and our recreation users to work together to enjoy public lands in a way that does not interfere with the use that has already been decided upon for that land. For unoccupied public lands the department supports responsible motorized recreation use of public lands, including recreational snowmobiling.

**The Speaker:** As there was an interjection when the hon. Leader of the Official Opposition asked his second question today, there will be one now as well. I refer hon. members to *Beauchesne*, section 408: "Questions should . . . not require an answer involving a legal opinion."

Proceed, hon. member.

**Mr. Rogers:** Thank you, Mr. Speaker. My first supplemental to the minister: how does this apply to lands under FMAs, or forest management agreements?

**The Speaker:** The hon. minister.

**Mr. Coutts:** Thank you very much. This is an important question. And thank you for the guidance, Mr. Speaker. Recreational users, including snowmobilers, can access forest management agreement areas and lands where there are trails that are integrated with a forestry use. In fact, this is a condition, Mr. Speaker, that every forest management agreement holder must have. I'd like to add that a number of our forest management agreement holders are already working with recreational trail users to make sure that that integrated trail system that I mentioned is in operation and for the enjoyment of everyone. That's what we expect under the department.

**The Speaker:** The hon. member.

**Mr. Rogers:** Thank you, Mr. Speaker. Again to the minister: can you share with the House any efforts your department is pursuing toward building a trail network on public lands that would assist this growing industry and popular outdoor pastime?

**Mr. Coutts:** A wide variety of recreational trails, of opportunities already exists in Alberta today, but we must look at the future. We manage high-traffic snowmobile trails on public lands through access management agreements and programs such as integrated management agreements as our approach to making clear guidelines on how trails should be managed and should be opened for snowmobiling and the recreation of all Albertans. This approach is working well, we feel, in Alberta, but as plans are being completed, it could work better, and as people want to leisure on the land, we will work with our off-highway vehicle community and with other stakeholders with an interest in public land to develop a framework for a trail management system, which will be part of our land legacy for the 21st century.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Calder.

2:10

### School Closures

*(continued)*

**Mr. MacDonald:** Thank you, Mr. Speaker. Responsibility for public school closures falls squarely on this Progressive Conservative government's shoulders. They have demonstrated poor planning and an unwillingness to provide the necessary resources needed to keep central Edmonton schools like Strathearn, Wellington, North Edmonton, and Terrace Heights open and vital. The threatened closures will undermine students' educational experiences and weaken mature and thriving communities. My first question is to the Minister of Education. Given that there are over 30 – 35 to be exact – public schools within the public school district of Edmonton that could be deemed eligible for closure, which Edmonton neighbourhoods are the next victims of this government's public school closure policy?

**Mr. Zwozdesky:** Mr. Speaker, what an awful way to look at the school system, as if to suggest that there are victims out there. My God. And to level that comment toward the Edmonton public school board is particularly ridiculous because here we have a school system that is revered and respected throughout North America for having some of the best delivery programs anywhere. I will not stand here and allow this member to belittle what so many excellent teachers and excellent administrators are doing so well to uphold. That is just ridiculous.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you, Mr. Speaker. My next question is also to the Minister of Education. Given that this Progressive Conservative government recently spent \$3.2 million renovating Terrace Heights public school, why is this government now forcing that school to be closed? It's a waste of money.

**Mr. Zwozdesky:** Well, Mr. Speaker, let me explain this again very slowly. We have a group of individuals out in the community who are elected to serve as trustees. They comprise what we refer to as a school board. In fact, we have two members in the gallery today from Calgary public. Mr. Gordon Dirks, welcome, and Dr. Brendan Croskery, welcome as well. I'm sure they're following with great interest this false line of questioning.

It's not the government of Alberta who initiates school closures. In fact, one of the most difficult decisions that any school board has is to look at declining enrolments, to look at increasing costs, and to try to balance and manage the two. It's been going on in this province for almost a hundred years, and I suspect that that particular style and that particular formula will need to continue because there has to be a way to rejuvenate and at the same time refresh. That's part of the process.

**The Speaker:** The hon. member.

**Mr. MacDonald:** Thank you. Again to the same minister: given that shifting students to other schools may drive utilization rates at the receiving schools, including Kenilworth junior high, beyond 100 per cent of capacity, is it this Progressive Conservative government's policy that increased use of portable trailers as permanent classrooms is part of the Alberta education system and policy?

**Mr. Zwozdesky:** Well, Mr. Speaker, portables, add-ons, and now modules are all part of the education system, part of the capital infrastructure of the education system. I think it has to be remembered that tens of millions of dollars have been put forward in capital infrastructure over the last many years. I'm sure there will be more money coming as those needs arise. Portables work extremely well in some areas.

But now as you look at new school construction and you look at the type of life that a school would have after its normal life expectancy is over or the use for which it was initially created is over, it's important to look at what kind of new modules and modular systems are going to be designed for maximizing the use of that building after its life expectancy as a school, and that's what's happening, in fact.

**The Speaker:** The hon. Member for Edmonton-Calder, followed by the hon. Member for Lac La Biche-St. Paul.

### Travel by Elected Senators

*(continued)*

**Mr. Eggen:** Thank you, Mr. Speaker. This Conservative government, no doubt to placate the firewall crowd, has decided to send its four Senators-in-waiting on a taxpayer-funded junket across the country. The purpose is apparently to sell the people of Canada on the dubious merits of electing people until age 75 rather than appointing them until age 75 to an otherwise unreformed Canadian Senate. My question is to the Minister of Restructuring and Government Efficiency. After spending millions of dollars in last November's election farce, tens of thousands more sending wannabe Senators on a cross-country junket, can't the government at least try to find more efficient ways to waste taxpayers' dollars than that?

**Mr. Ouellette:** Mr. Speaker, I think the appropriate minister should answer that question. If the intergovernmental affairs minister would like to take that, it's all up to him.

**The Speaker:** The hon. minister.

**Mr. Stelmach:** Thank you, Mr. Speaker. It was in 1905 when the province of Alberta was incorporated. It wasn't until 1929 that Alberta finally wrestled control of its natural resources from Ottawa. This is a just cause. We will continue on what we feel are the best interests to pursue on behalf of Albertans, and we're not going to roll over and surrender to Ottawa on this issue.

**Mr. Eggen:** Back to the Minister of Restructuring and Government Efficiency, please: in the interests of improving government efficiency and saving taxpayers' money, why doesn't the minister undertake to fully recover from the provincial PC and Alliance parties the cost of these cross-country trips since only those parties even bothered to contest the election farce last November?

**Mr. Ouellette:** Mr. Speaker, I have said this time and time again: what my ministry is all about right now is about finding efficiencies, what's happening within this government, not chasing around the countryside after other people.

**Mr. Eggen:** To the same minister: will he please try to explain to the Assembly whether funding a cross-country junket by wannabe Senators will make the Conservative government more efficient by filling up government planes, or will it make the Conservative government less efficient by wasting taxpayers' money?

**The Speaker:** The hon. minister.

**Mr. Ouellette:** Thank you, Mr. Speaker. Once again I'm going to say that I think this belongs to a different ministry. If he would like to stand up and answer the question, he may.

**Mr. Stelmach:** Mr. Speaker, the four Senators-in-waiting, the nominees, met with myself and our people in the department, and also working along on the file is our Member for Foothills-Rocky View. One of the tasks of the Senators-in-waiting is to not only talk to other provinces but also to travel to those provinces where they have been invited to speak with respect to Senate reform, to bring that information back to the Premier. One of the major tasks of the Council of the Federation, at the meeting that will be held here in Banff and hosted by the Premier, will be this whole issue of institutional reform.

Again, Mr. Speaker, we're not going to roll over and die on a very important issue, because this is in the best interests of the province of Alberta.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul, followed by the hon. Member for Edmonton-Glenora.

### Crop Production Insurance Changes

**Mr. Danyluk:** Thank you, Mr. Speaker. Two years later and the fallout from BSE continues to affect Alberta's agriculture industry. The impact has not only been felt in the livestock industry but by Alberta crop producers. I understand that some of the Alberta crop producers are really contemplating and challenged by how they're going to seed their crops this year let alone have enough money for insurance to protect themselves against low prices and/or weather

conditions. My question is to the minister of agriculture, if I may. What is the minister doing to help producers with these skyrocketing costs?

**The Speaker:** The hon. Minister of Agriculture, Food and Rural Development.

**Mr. Horner:** Thank you, Mr. Speaker. The hon. member brings up a very important point. Our producers are experiencing some very difficult times, the perfect storm, if you will, of low commodity prices, high input costs, a difficulty that is going to be difficult to overcome. But we've announced today that we're lowering the producers' share of one of the production insurance options, and that's the spring price endorsement option. We're lowering that from 50 per cent to 30 per cent, and I think that's a valuable tool for our producers to enter into and participate in risk management. Aside from that, we've had a lot of questions about CAIS in this House. We have fast-tracked a number of those payments, and I expect that many of those payments are going to be out before the end of this month for sure on the 2003.

We've dealt with the snowed-under crops, Mr. Speaker, which was another issue that was hurting our crop industry up in the north, and we're working on making some changes. We're making some changes to the CAIS program and will continue.

2:20

**The Speaker:** The hon. member.

**Mr. Danyluk:** Thank you, Mr. Speaker. The deadline is two weeks away. Is the minister going to be able to put the program in place in time for this crop year?

**Mr. Horner:** Well, Mr. Speaker, the answer is yes. The program is effective immediately, and we do encourage the producers to make their election. As the hon. member mentioned, the deadline is April 30 for them to do so, but the program which we've instituted and I've announced today is effective immediately.

**The Speaker:** The hon. member.

**Mr. Danyluk:** Thank you very much, Mr. Speaker. My final supplemental is to the same minister. Given that production insurance is not the only input cost that producers face, what is the minister going to do to reduce other costs such as fuel?

**Mr. Horner:** Well, Mr. Speaker, in addition to all of the other things that we just spoke about, we recognize that fuel is an input cost, and it's a very high input cost given the price of oil and fuel in the marketplace today. We do have the Alberta farm fuel distribution allowance, which is a credit to producers of 6 cents per litre discount on diesel in Alberta.

Alberta farmers and their counterparts in every province in Canada continue to pay a federal fuel tax of 10 cents per litre on gas and 4 cents per litre on diesel. As short a period ago as yesterday I was impressing upon the federal minister of agriculture that, really, perhaps they should follow suit with what Alberta has done and give those tax dollars back to producers.

**The Speaker:** The hon. Member for Edmonton-Glenora, followed by the hon. Member for Calgary-Bow.

### Edmonton Remand Centre

**Dr. B. Miller:** Thank you, Mr. Speaker. It is not a new revelation that the Edmonton Remand Centre is hopelessly overcrowded. The

government knows this, yet they refuse to solve the problem. This negligence has led to the terrible incident of two men being raped by the same inmate while under the care of this government. My questions are to the Solicitor General. Given that the remand centre was built for 288 inmates but now houses at least twice that, what is the government doing to address the serious overcrowding that has led to the practice of double-bunking?

**The Speaker:** The hon. minister.

**Mr. Cernaiko:** Thank you very much, Mr. Speaker. Indeed, that is a very good question. The first incident happened in April of 2003, the second happening in February of 2004, where the Edmonton Police Service investigated the incident and an inmate was charged with sexual assault. The safety of inmates is our top priority, and it's our policy to segregate known sexual predators. The second incident happened as a result of human error, and disciplinary action was taken against one of the staff members.

Mr. Speaker, double-bunking in correctional facilities is not unique in Alberta. In fact, it's not unique throughout all of North America, where double bunks are placed into the rooms. These are not hotels. These are corrections facilities for criminals.

**Dr. B. Miller:** Mr. Speaker, again to the same minister: given the victimization of two men under the government's care in a remand centre waiting for trial, will the government live up to its responsibilities and provide long-term financial and emotional assistance to these two people?

**Mr. Cernaiko:** Mr. Speaker, while inmates are in custody, they are provided with rehabilitative programs to provide them with the assistance they may need to get back on the street again once their sentence is completed. As well, our ministry is looking at long-term capital funding programs in order to look at a new facility for the Edmonton Remand Centre as well as an extension to the Calgary Remand Centre.

**Dr. B. Miller:** Again to the same minister: why has this government not addressed these Third World conditions that threaten the health and safety of not only inmates but the guards who work there as well?

**Mr. Cernaiko:** Mr. Speaker, with the rise in gang activity and organized crime within our own facilities, we are reaching maximum capacity, but the issue is, again, that double-bunking is the norm in North America both throughout Canada and the United States. We want to ensure that our inmates are safe but, as well, that the guards are provided with the security they need to ensure their safety.

**The Speaker:** The hon. Member for Calgary-Bow, followed by the hon. Member for Calgary-Currie.

#### Energy Efficiency at the University of Calgary

**Ms DeLong:** Thank you very much, Mr. Speaker. The University of Calgary announced a partnership with Direct Energy Business Services that will yield \$38 million in student and research support and energy savings. As the single largest user of energy in the city the U of C is showing tremendous leadership by combining support for students with energy-saving initiatives. My first question is to the Minister of Infrastructure and Transportation. Can the minister tell this Assembly what his department is doing with regard to energy savings in government facilities?

**The Speaker:** The hon. minister.

**Dr. Oberg:** Thank you very much, Mr. Speaker. Yesterday I had the opportunity of attending the announcement that was made with the University of Calgary and Direct Energy, and it was very, very exciting. In essence, what is going to be occurring is that over the next seven years there are going to be savings of roughly \$30 million in energy costs. The University of Calgary is going to be taking all of their business to the LEED silver level, which is leadership in energy and environmental design. They will be taking their buildings to that particular level. That will allow them to receive \$30 million in savings that they can put into student activities. They've done a tremendous amount of work on the LED light bulb, and they will be utilizing that to a large degree in their research.

Mr. Speaker, in our own facilities we are also stressing energy saving, and it's been said in this particular Assembly numerous times that 90 per cent of our energy right now is green energy. We're working with buildings to ensure that we can also get to the LEED silver level.

**The Speaker:** The hon. member.

**Ms DeLong:** Thank you. To the same minister: what is your department doing to address the long-term challenges of energy consumption in public buildings?

**Ms Blakeman:** A point of order, Mr. Speaker.

**The Speaker:** A point of order on this question.  
The hon. minister.

**Dr. Oberg:** Well, thank you, Mr. Speaker. With regard to the public buildings there's an awful lot that can be done. We did have some programs with regard to schools which showed that energy savings could be occurring within the next seven to 10 years. We're currently looking at all of our government buildings to ensure that the energy utilized is at the lowest amount possible.

Mr. Speaker, quite simply, what we're talking about here is the word that's on everyone's mind these days, which is sustainability. We're talking about sustainability and energy utilization for our buildings. This is incredibly important for the environment, and that's why we're doing it.

**The Speaker:** The hon. member.

**Ms DeLong:** Thank you. My second supplemental is to the Minister of Advanced Education. Is there a scholarship component to this partnership between Direct Energy and the University of Calgary?

**The Speaker:** The hon. minister.

**Mr. Hancock:** Thank you, Mr. Speaker. Yes, indeed, there is a part of the agreement which involves a \$3.5 million scholarship fund which Direct Energy will provide. It's to be used across the University of Calgary faculties to enhance student access over the next several years. This is a good addition to the \$45 million in scholarships and research grants that the University of Calgary already gives out each year, \$8 million of which comes from the Alberta government. I'd also note that about \$1.75 million will be directed toward a chair in sustainable energy.

Mr. Speaker, this is a great example of how the private sector can work together with our postsecondary institutions to ensure that we have enhanced access and enhanced quality. Direct Energy, like so



many other Alberta companies, is looking ahead to the future and seeing the importance of investing in postsecondary education in this province.

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

### Student Finance System

**Mr. Taylor:** Thank you, Mr. Speaker. Yesterday in question period the Minister of Advanced Education indicated that it's okay for a students' union to provide supplementary financial assistance for students for emergencies. This year 693 U of A students have received over \$1.1 million in aid from their students' union, or on average \$1,800 each. That's some emergency. To the minister: what kind of so-called great student finance system, as he referred to it yesterday, requires hundreds of students a year to rely on the charity of their fellow students like something out of a Dickens novel?

2:30

**Mr. Hancock:** Mr. Speaker, I would ask that the hon. member talk to his colleague from Lethbridge-East about the great student finance system that she and I served on with the Students Finance Board a number of years ago. We served on a Students Finance Board that helped to develop and continue the finest student finance system in this country.

The student finance system that we have provides assistance, and it provides maintenance assistance grants for those students who need supplementary assistance over and above what loans might logically provide. In a first year students going to university who need more assistance than the Canada student loan and who reach the threshold level get a student loan benefit, which is essentially a grant. Then we provide loans for the following three years of the first degree that a student might take. Then, Mr. Speaker, upon completion of the program a remission program, where virtually all of the money that's provided by the provincial student finance from Alberta coffers gets remitted, doesn't have to be paid back, and Alberta students end up with the lowest – the lowest – debt of any students across this country. It is a great student finance system.

**Mr. Taylor:** Eighteen hundred dollars each, Mr. Speaker.

To the same minister: if, as he claimed yesterday, the amount given out . . . [interjections]

**An Hon. Member:** We're cheering for you.

**Mr. Taylor:** Thank you. Thank you. Try the veal.

If as he claimed yesterday . . .

**The Speaker:** Hon. member, the television camera is on the Speaker, not on the hon. member. Proceed.

**Mr. Taylor:** This wasn't done with the TV cameras in mind, Mr. Speaker.

If, as he claimed yesterday, the amount given out by the loan program takes into account tuition fees and is adjusted annually, why does tuition now eat up about twice as much of the maximum allowable loan as it did when the Conservatives last went through a leadership change?

**Mr. Hancock:** Well, Mr. Speaker, the time reference that the hon. member used is totally irrelevant, as he knows. The question really is: are there sufficient resources available to ensure that finances are

not a barrier to a student getting an education in this province? We've committed to an affordability review to make sure that finances are not a barrier to a student getting an education.

In fact, we have a very good student finance system, but that does not mean that more work does not need to be done to ensure that people understand how they can access resources, that they know that the cost of getting an education, as much as it might be perceived to be, is still the best investment they could possibly make, and that the resources are there for them to finance that cost at whatever level it is.

**Mr. Taylor:** So, Mr. Speaker, I take it the minister admits that as good as he says that the student finance system is, it can be made better than it is today.

**Mr. Hancock:** Absolutely, Mr. Speaker. Of course it can be made better than it is today. We always strive to improve, to look to make this province a better place, to make sure that all Albertans have the opportunity to be the best they can be and that that opportunity is there and is seized by Albertans.

**The Speaker:** Hon. members, in a few seconds from now I will call upon the first of six hon. members to participate. In the interim might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**  
(reversion)

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

**Ms DeLong:** Thank you very much, Mr. Speaker. It's my great pleasure to introduce to you and through you to the House two very honourable visitors that we have here today. First of all, we have the chief superintendent of the Calgary public school board, Dr. Brendan Croskery. Accompanying him is actually a former MLA and minister of social services from the Saskatchewan government, a trustee and chair of the Calgary board of education, Gordon Dirks. If they could stand and we could show our appreciation.

head: **Members' Statements**

### Protection of Children Abusing Drugs Legislation

**Mrs. Jablonski:** Mr. Speaker, I have a bill before this Assembly, Bill 202, a private member's bill, that can be addressed only on Mondays according to our procedures and only after written questions and motions for returns are dealt with. There are 50 written questions and motions for returns on the Order Paper sponsored by opposition members. I am issuing an invitation to the opposition today to help me realize the good work of Bill 202, to help me help the desperate families and teen addicts of this province, by responding positively to my request for unanimous consent each and every one of the remaining four Mondays between now and the end of the spring sitting, if needed, at 4 or 4:30 p.m. to ensure that my Bill 202 is addressed and has a fair chance of becoming one of the best, most helpful laws we could possibly pass this spring.

Mr. Speaker, today I received this photo album and a note from a parent who dropped off a petition, that I will table later this week. I have changed the names, but I would like to read this note to all my colleagues.

Dear Mary Anne,

This is my daughter Sara, my love. She is my heart. I want to thank you with all I am for helping us with Bill 202.

Along with the petitions, I would like you to have this little

album. It shows my daughter's progression with crystal meth. If you were here in front of me now, I would get on my knees and I would beg you: please don't give up. Please help us. I miss her so much. I love her so much. What would I do without my Sara, my love? Please don't give up.

Mr. Speaker, I would ask all my colleagues in this House on both sides of the floor not to give up on Sara and the many others.

Thank you.

**The Speaker:** The hon. Member for Peace River.

### Crop Production Insurance Changes

**Mr. Oberle:** Thank you, Mr. Speaker. I rise today to recognize some important changes to Alberta's production insurance programs that were announced today. Alberta producers continue to face hard times stemming from the BSE crisis and drought. Crop producers are dealing with both low commodity prices and high input costs this year. Many are struggling to even put seed in the ground this spring. It's around this time that producers make their risk management and seeding decisions for 2005, and the Department of Agriculture, Food and Rural Development has taken steps to make price-risk programs more affordable for Alberta farmers.

To encourage as many producers as possible to participate in production insurance programs, the producer's share of the spring price endorsement, SPE, premium has dropped from 50 to 30 per cent. By enrolling in the SPE program, producers are automatically eligible for revenue insurance coverage at no additional cost. Benefits available under revenue insurance coverage increased today from 50 to 70 per cent. Both of these programs are designed to specifically address price risk, an important factor for producers facing increased costs.

Alberta's Agriculture Financial Services Corporation offers the most comprehensive suite of risk management tools in Canada. With these changes Alberta producers can protect themselves more affordably. The deadline for Alberta producers to purchase coverage is April 30. I encourage all Alberta producers to consider their risk management options and take the initiative to protect themselves.

Thank you, Mr. Speaker.

### Definition of Marriage

**Dr. Morton:** Mr. Speaker, it's a sad day for political freedom in Alberta and in Canada when a person is threatened with prosecution for criticizing government policy. I'm referring to the human rights complaint brought against Bishop Fred Henry for his public criticism of the federal Liberal's bill to authorize homosexual marriage. Rather than being charged with a hate speech crime, Bishop Henry should be celebrated for defending an institution that is essential to the well-being of children and, therefore, the very future of our society.

Traditional marriage is above all a child-rearing institution. Institutionalizing homosexual marriage would mean the deliberate creation of motherless children and fatherless children. Mr. Speaker, children have a right to both parents. Parents have a duty to meet that right, and if the Liberals legislate homosexual marriage, the law of Canada will be sending a false and destructive message: kids don't need both a mother and a father.

Mr. Speaker, opposition to homosexual marriage is not just based on religious belief. Abandoning the traditional institution of marriage would be contrary to the findings of an entire decade of social science research. This research shows that everything bad that can happen to a child in the 21st century – and we all know, as Mary Anne just alluded to, that there are a lot of bad things that can

happen – is statistically more likely to happen if both biological parents are not present.

2:40

Mr. Speaker, why would Canadians want to embark on such a massive social experiment, the consequences of which are unknown? The answer of course is: we don't. Two-thirds of Canadians oppose homosexual marriage.

No right is more fundamental to democracy than the right of the people to criticize government. I would like to congratulate our Premier for defending Bishop Henry despite the fact that Bishop Henry has not always been an outspoken defender of the Premier. The Premier did not say that he agreed with everything Bishop Henry said, but he defended the bishop's right to say it. This affirms the Anglo-Canadian tradition of liberty through full and public debate, and I urge all members of this House to spring to its defence.

Thank you.

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

### Loretta Van Brabant

**Mr. R. Miller:** Thank you very much, Mr. Speaker. I rise today to recognize a truly outstanding individual who teaches at St. Teresa Catholic school in the wonderful constituency of Edmonton-Rutherford. On March 22 of this year at a ceremony held in Ottawa Miss Loretta Van Brabant received the Prime Minister's award for teaching excellence. Teachers are selected for this award on the basis of achieving outstanding results with students, inspiring students to learn and to continue learning, and providing students with the skills and attitudes to succeed in a changing society and knowledge-based economy.

It is quite apparent upon reviewing the application package which was put forward on Miss Van Brabant's behalf that she not only meets but indeed exceeds all of these criteria. Now in her 34th year of a stellar career with the Edmonton Catholic school district, she continues to exhibit genuine love for, belief in, and respect for each child she teaches. Parents, colleagues, and students alike constantly applaud her efforts in exploring and embracing new approaches to teaching and learning. Like so many in her profession, Miss Van Brabant also somehow finds time to volunteer with the YMCA, her church, and various community and school endeavours, including running with and encouraging participation in St. Teresa's Running Club.

Mr. Speaker, I believe that Jessica, a former grade 3 student of Miss Van Brabant, sums it up best when she says, "I know when I look back on my life, you will be one of the people that I will remember, who believed in me when I didn't believe in myself."

Mr. Speaker, I would ask all Members of the Legislative Assembly to join me in congratulating Loretta Van Brabant on her wonderful achievement.

Thank you.

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

### Terry Fox

**Mr. Johnston:** Thank you, Mr. Speaker. I rise today to recognize a great Canadian. Once or twice in our lives someone special comes along who touches our heart, deepens our faith in people, and forever changes our perspective on life. Twenty-five years ago today Terry Fox dipped his foot into the Atlantic Ocean and began his marathon into Canadian history.

Mr. Speaker, it goes without saying that Terry Fox was and

remains a special person to all of us. He touched many of us individually as he battled cancer during his run across Canada to raise funds for cancer research. The groundswell of financial and emotional support he gained has become legendary in our province, in our country, and around the world. Terry exhibited courage, selflessness, and compassion beyond his years, and his memory lives on in the hearts and minds of all Albertans and Canadians.

Mr. Speaker, on this very special occasion I would remind and encourage all members of this Assembly that the Terry Fox Marathon of Hope is not over. In fact, it has just begun as we continue to run for tomorrow, to run for hope, and to run for Terry.

Thank you.

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

### Political Reform

**Mr. Mason:** Thank you very much, Mr. Speaker. Canadians are rightfully appalled at the conduct of the Ottawa Liberals: kickbacks, threats, fraud, and of course massive campaign donations to the Liberal Party from corporations that received the money from the taxpayers.

Yesterday the Premier suggested that we have a higher ethical standard in Alberta. He offered no proof. Adscam was not uncovered by accident. It was uncovered by an Auditor General who is empowered by Parliament to co-operate with the Public Accounts Committee. Alberta's Auditor General is not similarly empowered by this Legislature. What we do have in Alberta is evidence of untendered contracts, ministers hiring their friends to produce no work, politicians and their friends jetting around in private planes on taxpayers' dimes, and Tory insiders moving around the political, corporate, and lobbyist worlds like a revolving door.

Ottawa's Adscam was also investigated by a Public Accounts Committee with real teeth and a full staff. We do not have that in Alberta. The chair of the federal Public Accounts Committee, Conservative MP John Williams, has criticized the way the Alberta Conservatives have weakened Alberta's public accounts process on several occasions. Alberta needs an all-party committee to closely examine how we can prevent scandal and corruption in our province. We need to look at a lobbyist registry so that Albertans know who is bending politicians' ears. We need to strengthen our Public Accounts Committee and its independence.

We also need real campaign finance reform. Since the sponsorship scandal, Ottawa has put a stop to corporations funnelling big money to their chums in political parties, but corporate money still funds Conservative and Liberal campaigns in this province. We need to follow the lead of the NDP government in Manitoba, where they have eliminated corporate and union donations to political parties. Alberta will not have a higher ethical standard until we eliminate big money from politics.

### Vignettes from Alberta's History

**The Speaker:** Hon. members, today is a very important day in our history. Recognizing that it was in 1917 that Alberta became one of the first jurisdictions in the world to provide the franchise, the ballot, to women, it was some 48 years later on this day in 1965 that an act to amend the Election Act was assented to and came into force, allowing aboriginal people the right to vote in provincial elections.

head:

### Presenting Petitions

**The Speaker:** The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you, Mr. Speaker. I'd like to present a petition by 102 Albertans that says:

We . . . urge the Government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. I'm presenting a petition from 102 residents of Alberta asking the government of Alberta to prohibit the importation of temporary foreign workers to work on the construction and/or maintenance of oil sands facilities and/or pipelines until the following groups have been accessed and/or trained: Unemployed Albertans and Canadians; Aboriginals; unemployed youth under 25; under-employed landed immigrants; and displaced farmers.

Thank you.

head:

### Tabling Returns and Reports

**The Speaker:** The hon. Member for Whitecourt-Ste. Anne.

**Mr. VanderBurg:** Thank you, Mr. Speaker. On your behalf I rise today to table five copies of documents signed by 147 of your residents living in the Barrhead-Morinville-Westlock constituency. These citizens are requesting that the government implement changes to the Alberta Aids to Daily Living benefits schedule and have a custom-made breast prosthesis added to the schedule.

Thank you.

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

**Mr. Chase:** Thank you, Mr. Speaker. I have two letters to table today from Calgaryans who express considerable dissatisfaction with the government's stance on the Métis interim harvesting agreement. Mr. Kevin Klockow strongly questions the government's definition of subsistence and considers its position on the agreement "excessive and irresponsible."

Mr. Schwanky in his letter similarly labels the agreement "a disaster for wildlife management in Alberta."

Thank you.

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

**Mrs. Mather:** Thank you, Mr. Speaker. I would like to table the appropriate number of copies of six letters I have received from constituencies throughout the province expressing deep concern about our province's position on possibly opting out of the national child care strategy.

**The Speaker:** The hon. Member for Edmonton-Calder.

**Mr. Eggen:** Thank you, Mr. Speaker. I would like to table two open letters protesting the dismissal of Don Hill, former host of the Wildrose Forum on CBC. First is a letter from Ted Woyillowicz, dated March 21 of this year, and it's addressed to Mr. Orchard, regional director for CBC.

The second is from Brian Staples, who writes on behalf of the Seniors' Action and Liaison Team, who has requested an in-person meeting with the CBC VP of communications.

Thank you.

2:50

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I have two tablings today. The first is from Nellie Samek, and she notes that she frequently hears the Premier saying that “our health care is very good and that he hears much praise and little complaint.” She begs to differ and outlines an episode that happened to her 79-year-old neighbour, in which she was sent home from the hospital with no support at home.

The second tabling is from a constituent, David Cournoyer, who is a student in a postsecondary education institution. He wishes to counteract the Premier’s notion that postsecondary education is well funded and gives a number of statistics and some personal notations to support that.

Thank you.

### Point of Order

#### Urgency of Questions

**The Speaker:** On a point of order the hon. Member for Edmonton-Centre, the Official Opposition House Leader.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Earlier this afternoon during question period, during a question from the Member for Calgary-Bow directed at the minister of infrastructure around an announcement of a partnership between the University of Calgary and Direct Energy Business Services, I believe that the information that was being sought from the minister is readily available on websites and media releases.

I would argue, as I look at *Beauchesne* 409(5), that the question offered by the Member for Calgary-Bow does not meet the criteria of 409(5). That is:

The matter ought to be of some urgency. There must be some present value in seeking the information during the Question Period rather than through the Order Paper or through correspondence with the Minister or the department.

I would argue that the question today did not meet the bar that is set by 409(5). Thank you.

**The Speaker:** The hon. Government House Leader on the point of order.

**Mr. Hancock:** Thank you, Mr. Speaker. I’m absolutely delighted to rise and respond to the allegations raised because, first of all, based on that standard, if that standard were to be applied, I would argue that virtually every question raised by the opposition today and every day would fall into it.

This particular question I’m delighted to respond to, and maybe the member herself would like to respond to it as well because it asks for information which is surely in the best interests of the public to know and is certainly current. As I understand the question that was asked, as I heard it, the question asked about what this government was doing about energy savings with respect to government facilities. By implication it asked how the announcement made with respect to the agreement between an energy-providing company and the University of Calgary, an institution which is obviously funded by public funds to a great extent, how it was able to save money and save energy and create – I heard in the answer talk about the LEED program. I don’t remember what the acronym stood for, but the hon. minister outlined that. Clearly, leadership and energy in environmental design – I guess that’s what it stands for – is certainly something of urgent and pressing necessity in this province and, indeed, across the country.

In fact, I’ve heard the members opposite on a day-to-day basis, not in this session but in other sessions, talk about issues such as Kyoto and how we can reduce greenhouse gases. Surely it’s important for Albertans to know when somebody makes a bold step forward by making an agreement between a private corporation and a public institution to reduce energy utilization. Surely that’s important to draw out and to say by implication how that sort of technology, how that sort of agreement could be extrapolated and provided further to other government buildings or facilities.

Mr. Speaker, I could go on at length about how important that question was today, but I think I’ll stop there and afford us the opportunity to get on to the debate on other issues of importance to the public.

**The Speaker:** Are there other participants on this point of order?

Well, hon. members, I’m going to refer hon. members to *Beauchesne* 408, *Beauchesne* 409, all items within 409, actually – the hon. Member for Edmonton-Centre, in raising a point of order, referred to 409(5); there are, in fact, 12 subsections in there – *Beauchesne* 410, *Beauchesne* 411. Quite frankly, if the chair would have enforced all the direct rules in here, I don’t think we’d have had a question period today.

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### Orders of the Day

head:

### Government Bills and Orders Second Reading

#### Bill 24

#### Fatality Inquiries Amendment Act, 2005

[Adjourned debate April 11: Ms Pastoor]

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

**Mr. Chase:** Yes. I have concerns about the fatalities information act. My concern has to do with the availability of information that this act attempts to basically cover or hide. My concerns, that I brought out throughout my time here, have had to do with FOIP. I can understand the need to protect the privacy of victims of fatalities, but my concern has to do with how we protect that privacy. Is the protection of that privacy such that legitimate public inquiries from the press or from legal institutions are being prevented from occurring given these amendments? It seems to me that rather than creating greater transparency and accountability, we’re trying to once more cloak information.

I don’t believe in the notion of the term “ambulance chasing,” whereby a person gets access to a fatality file so that they can potentially gain money from the pursuit of that file. Like in *The Shipping News* I don’t believe either that the information should be graphically represented on the front pages of a publication or on TV. But there is a legitimacy to know how the fatality occurred, and if the fatality inquiry is behind closed doors, and either the public or the press, which is one of the instruments by which the public is provided with information, is prevented from having all the details of the inquiry, then justice is not being done.

Fatalities can be as a result of neglect. An example of a fatality and neglect might be the condition of roadways. I’ve had the misfortune of having to drive along a number of highways, typically the back-and-forth route that I take each week on highway 2, and the state of decline of these road surfaces is unbelievable given the fact that we’re Canada’s wealthiest per capita province. The government goes on at length about saying how we have the best health care system, the best education system. I question whether they’d be able to make those same statements about our roadways.

The inquiries are necessary. If you hide information or you withhold information, which is just another form of hiding it, then justice is not served. We need to know why people were killed. We need to know if the conditions of the roads were part of that fatality.

We need to know if signage was part of that fatality. A number of constituents of Calgary-Varsity have brought up the business of signage on semitrailers and their close proximity to the road and the distracting quality of these signs. They also question the safety and the enforcement by the government in terms of allowing these signs to be as close to the roadway as they are. We have examples of modern electronic signage where basically you're seeing large video screens on the edges of roadways, which are terrifically distracting. Later on I'll be proposing a motion with regard to cellphone use. All these things potentially contribute to fatalities, and if we don't know what all the contributing factors are when an inquiry is held, if that information is kept and it is not made public, then the public is not being served.

3:00

With regard to FOIP I have no trouble with the notion of FOIP being used to protect legitimate privacy, but when FOIP is used to just prevent information from being revealed, whether it be through the Public Accounts when we ask a particular minister to provide evidence of their travel credit card arrangements or we ask various members of that particular minister's entourage to provide that information. That is the type of information that should be available. When we ask, similarly, for information on flights and the reasons why certain members or nonmembers, as the case would be, were on that flight, that is no reason for the legitimacy of FOIP being used.

I have great concern that this fatality inquiry and the limiting of information in inquiries can potentially let people off the hook for their degree of contribution to the actual inquiry. My concern, again, is that without transparent availability of information in a timely manner following a fatality inquiry, information that is critical, that might be preventative in nature, will simply be swept under the rug because it will not be allowed to see the light of day.

I speak against this amendment. Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview, but prior to that we do have Standing Order 29(2)(a) if anybody wants to participate.

Then, hon. member, proceed, please.

**Mr. Martin:** Thank you, Mr. Speaker. I guess the question that has to be asked when we deal with legislation and this particular bill is: why is it coming forward? I've heard many times from the government and other people: we don't bring in legislation, unless we need it, for the sake of legislation. So there has to be an overriding reason for bringing in this legislation.

I think there was a quote – and I'm sure the minister will tell us if it's incorrect or not – that the goal of Bill 24 is to make fatality inquiries as efficient and effective as possible. But when we start dealing with issues dealing with the public, I sometimes worry about this idea of being efficient. There's a time for being efficient: when we're dealing with dollars and cents. I suppose being efficient would be not having Senators-in-waiting trotting all over the province, wasting taxpayers' money.

The point that I'm trying to make is that when you're dealing with a fatality inquiry, certainly the FOIP issues are there, but generally it's the public's right to know when we're dealing with these sorts of issues. I'm not sure that this is an area that we need to be particularly efficient at. What is more important is getting to the

truth, and when we get to the truth of a fatality inquiry, perhaps then that leads to changes that could be made so these types of circumstances don't happen in the future.

I'm not sure that our fatality inquiry process was that open to begin with, but it seems to be a move now to hide more, if I can put it that way, Mr. Speaker. Certainly, this bill is going to make it not as open as fatality inquiries are now, and I don't believe it's going to be as open as it needs to be to protect the public's interests. This is the key: the public's interest. It seems that the minister wants to restrict the evidence that the media can see on behalf of the public and also take steps to make sure that the media are not present at closed portions of the hearings.

Now, there may be times when this is necessary, but already judges could do this without having to bring this into legislation. So we should be in a democratic society erring on the side of openness. We don't need this sort of legislation. If a judge in his opinion decides that we should go behind closed doors or that there are things that the public should not know, that judge can make that decision then. Why do we need to bring in legislation and close the process more than it is already?

The first amendment would put all documents filed at the inquiry off limits to the press unless a judge rules otherwise. Well, it seems to me that it should be the other way around. It should be open to the media and through the media to the public unless a judge determines otherwise, Mr. Speaker. It seems to me that that's an assumption, that the media should have access unless a judge specifically rules against it. That makes more sense to me than closing the process and forcing the judge to go the other way for the public interest.

I think the minister's argument that a fatality inquiry often deals with sensitive documents such as medical records – fair enough. If that's the case, then FOIP. And a judge can do that. We don't need to set up legislation. It's just common sense. If there's something personal there that should not be out in an inquiry, they already have the authority to do this, Mr. Speaker.

The second amendment, to go on, Mr. Speaker, is aimed at restricting who can be named as interested persons. Well, I guess this is pretty obvious. In this case this is what I'd call the media legislation; we don't want the media there. Now, I know and we all know that sometimes we'd all rather deal behind closed doors. It's more comfortable not having the media there. But in a free society, in a democratic society that's the price we pay, and the media is a way that the public can be involved. Again, there should be a very good reason – a very good reason – and I haven't heard it yet, why the media should not be involved in this particular process.

I think that under the changes it says that only people with direct and substantial personal, legal, or business interest in the death investigation inquiry would get standing in the closed portions of a hearing. Again, Mr. Speaker, I would leave this discretion with a judge. If there's a good reason, again, why there should be only certain people there and not the media, they can do that now. Why create legislation that seems to go against the idea of openness and the public's right to know? I would say that public access to fatality inquiries is only weakly protected now because a judge can already decide to go behind closed doors at his discretion. So why do we have to even make it worse? The judge already has that authority.

Now, Mr. Speaker, the third amendment, again along the same way, I guess, to control information, says that a fatality inquiry will no longer be mandatory in the death of someone in care unless the death relates to government care. Again, how do we know? There's an area there that we would not know whether it's government care or not.

I guess, you know, we can go through the whole bill amendment

by amendment, but I'm really, Mr. Speaker, at a loss to know why we need this legislation when I believe that we should always err on the side of openness, always err on the side of the right of the public to know, always err on the side of a free press. As I say, we already, I believe, have the protection. If a judge believes there's something that should not be public, should be behind closed doors, they already have that right.

I guess my question is – and I'd hope the minister would answer it. Efficiency is not a good reason here when we're dealing with the public's right to know. I mean, Mussolini made the trains run on time, but that didn't make him right, Mr. Speaker. He was very efficient. I think we have to be very, very careful if under the guise of efficiency we're taking away the right of the public to know.

3:10

Mr. Speaker, I guess, just in conclusion, I would hope that the minister would tell us in a little more forceful way than the bill why he thinks it is necessary to bring this in and to take away some of the rights that we expect. I think there has to be a better reason than at least I've been able to think of because we are, I think, going against democratic principles here to some degree. I honestly believe that there was protection before for the things that the minister was worried about without having this legislation. So I'd be interested if the minister somewhere along the way could at least give us some indication why he thinks this is so necessary, other than what we're dealing with in the bill.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. The hon. Member for Vermilion-Lloydminster.

**Mr. Snelgrove:** Mr. Speaker, I would ask the hon. member if he thinks it would be prudent to have such time-honoured media institutions like the *National Enquirer* or Jerry Springer attend and ask questions at fatality inquiries.

**Mr. Martin:** Mr. Speaker, I haven't really seen a keen interest for them to come to Alberta to check on our fatality inquiries. The point that I've made is that already we have the authority. If the judge says that because of the circumstances, FOIP or whatever – he can ban any media, whether it's Jerry Springer. Jerry Springer is running for the Democrats. You don't need to worry about him. He's gone. And I haven't seen the *National Enquirer* really jumping up and down to get to public inquiries here. I think that's irrelevant.

What I'm saying is that judges already have the authority to close on sensitive things. We do not need legislation. As a Conservative I wouldn't have thought you'd want all this extra legislation if it's unnecessary.

Thank you, Mr. Speaker.

**The Speaker:** Hon. members, additional participants?  
The hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Thank you, Mr. Speaker. Today in my participation in this debate I am going to take a slightly different approach to this bill. I think one of the main reasons why we would have and why we would need a fatality inquiry is to assure the public that the government and the authorities are doing all they can and all that's in their power to protect human life. I don't think we're really talking about fatality investigations in cases which are not suspicious or for deaths which appear natural. What we are really discussing here is when the circumstances surrounding the death of a person are unnatural or extraordinary.

[Mr. Shariff in the chair]

The legislation we're discussing is trying to limit access to, supposedly, public hearings. So why are we doing this again? It really puzzles me. Why is the government concerned, or what information might it be uncomfortable with if revealed? I can probably understand that if it's a situation like that unfortunate young person who fell down the elevator shaft, then maybe an investigation would reveal information that might make the government uncomfortable because he was in their custody or care. But like the hon. Member for Calgary-Varsity said, we have fatality inquiries on highways and roads. So, I mean, the situation is totally different there.

I view fatality inquiries as almost a learning tool. They're almost educational, in a way, because they offer information that might prevent similar occurrences from happening again. They might be useful in allowing us to study our protocols. It might actually allow us to modify some of our practices to prevent similar situations from happening.

I don't support this bill, Mr. Speaker, because it clearly interferes with the level of transparency and accountability that we as the Official Opposition are advocating and fighting for. I don't think the government is only proposing to exclude media and news outlets. I think it's just a step amongst many to hinder or to interrupt the dissemination of information. It's also allowing a single judge to have enormous powers, and I don't think that that's the direction we should be going in this day and age.

Again I emphasize that information that is obtained from fatality inquiries is useful and usually timely because we can actually use this to study and look at our own practices and protocols and modify them, with the utmost goal being to prevent such occurrences from happening again.

In closing, I think I share the sentiments that were voiced and expressed by my hon. colleague for Calgary-Varsity and similar ones which were previously expressed by the hon. Member for Edmonton-Glenora, who is the Official Opposition Justice critic. I think that as it is currently worded, I cannot support this bill.

Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Is there anybody else who wishes to participate in the debate?  
The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you, Mr. Speaker. There are three particular pieces within this legislation that I'm somewhat concerned with. Again, some of them have been mentioned by previous speakers.

Transparency. The bottom line with a public inquiry is to examine the circumstances around a fatality to increase the public awareness about the factors that put the public or those lives at risk. Our society places a high value on human life and death. The investigation with regard to the legislation does provide a mechanism whereby the categories or the deaths that appear to be unusual may be investigated as well as explained.

Currently, on page 10 of this bill it reads:

49(2) The following persons may appear at a public fatality inquiry either personally or through their legal counsel and may cross-examine witnesses and present arguments and submissions . . .

(d) any person who applies to the judge before or during the inquiry and is declared by the judge to be an interested person.

Right now, the proposed amendment to section 49 is designated to redefine the meaning of an interested party. Essentially, under the

new amendment judges may grant interested person status only if those parties have a direct and substantial personal, legal, or business interest in the death or the investigation or the inquiry. The amendment will severely limit the participation of people or groups in a fatality inquiry unless they can show a direct relationship that the judge will accept in this particular case. That's concerning there.

Other references such as a jury have been struck by the amendment. There no longer are any provisions for a jury of six people to sit at a public inquiry that gives the recommendations to the minister. This provision is contrary to the principles of the fundamental justice of Canada. The provision of a jury has always been an integral part of the justice system. In this instance, a jury, the public, can listen to all the evidence presented and make recommendations as to what action could be taken in the future to prevent similar incidents. Why is this government not allowing the participation of a jury at public inquiries? That would be a first question. The second one would be: why does this government want to limit the participation of the public in a supposedly public inquiry?

If I move to page 7, the amendment in section 38 changes the powers of a single judge in a public fatality inquiry. Previously the judge had "all the powers of a commissioner appointed under the Public Inquiries Act." This has changed now in the amended section 38(1). A judge can only "engage the services of clerks, reporters and assistants to assist him or her in the inquiry." Previously under the Public Inquiries Act a judge could have had "[legal] counsel . . . experts, persons having special technical or other knowledge or any other qualified person to assist them in the inquiry." This change will severely impair the ability of a judge to obtain specific expertise to advise him or her. The new amendment will only allow for clerical support.

3:20

Another section also says that it's taking away the powers of a commissioner under the Public Inquiries Act, which changes the scope of the judge's power as well. Previously under the Public Inquiries Act in regard to evidence the commissioner could order the summoning of witnesses and documents that the commissioner considered "to be required for the full investigation of the matters into which the commissioner or commissioners are appointed to inquire." The new amendment changes the wording to "that the judge considers to be required for the purposes of the inquiry." It appears that this change in the wording from "full investigation" to "the purposes of the inquiry" limits the scope as to what can be investigated in the context of the inquiry. Again, there seems to be the necessary substantial and direct relationship to the inquiry that is driving the evidence that's being sought after.

The entire reason for the death investigations is to investigate and explain how deaths occurred if they're involving government or care incurred. How can it be prevented in the future? It is absolutely critical that the preservation of human life and a full understanding of how the death occurred is determined and what actions could be taken in the future to ensure that a similar incident does not occur. That was stated by the previous couple of members as well.

Additionally, there are elements of public accountability by the government that can be determined through a full, open, and transparent scrutiny of the operations of public institutions and agencies when a sudden or suspicious death occurs. We have already mentioned one with regard to where the young individual was in care awaiting trial and fell down the elevator shaft.

Bill 24 severely limits the scope of these investigations and is contrary to the principles of openness and accountability of the government. In the end, if the goal of the fatality inquiry is the prevention of future deaths, then why would there be any limits

placed on the scrutiny of the events leading up to and including the death?

The goal, again, of the fatality inquiry should not be to achieve efficiency, as the Justice minister has stated, but rather should be a full public debate on the evidence with full participation not only from the media but nongovernmental agencies who may be able to contribute to the process. That, in fact, would save lives in the future.

The Justice minister also stated that one group intended to be affected generally by this proposal is the media, and there were expressions as to why or why not that should be allowed. The role of the media is to report news. In our society, under the Charter of Rights and Freedoms a fundamental freedom under section 2(b) includes "freedom of the press and other media of communication." The statement of the intent of the bill to exclude the media from participation in fatality inquiries appears to run contrary to the fundamental freedoms. Oftentimes it's complained that the media is the one that drives the story instead of merely reports it, but again I would revert back to my last statement there, that it's a transparency that we seek to be able to provide and contribute to the process that would save lives and prevent future catastrophes from happening.

Thank you, Mr. Speaker.

**The Acting Speaker:** Under Standing Order 29(2)(a), any questions or comments?

There being none, the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thanks very much, Mr. Speaker. I'm pleased to rise and speak on second reading of Bill 24, the Fatality Inquiries Amendment Act, 2005. A couple of points I'd like to raise – and perhaps I could ask the minister to respond in Committee of the Whole to the questions that I will raise – and some observations as well.

I think part of what's being discussed by the other speakers today is the fact that democracy is not efficient. It is a cumbersome, noisy, time-consuming, awkward process. Nonetheless, all of us in this Assembly profess to support it, uphold it, and try to perpetuate it. I think that a fatality inquiry is part of that process. So if I may, I believe that an attempt on behalf of the government to make a fatality inquiry efficient runs contrary to its position in our democracy. It is there to investigate the circumstances and to make recommendations, and part of that is to give it a public airing.

I'm reminded of the situation that is being raised repeatedly around police commissions and investigation of incidents involving police officers. What we're hearing increasingly from the public is that that needs to be a process where people outside of the affected police department are conducting the investigation, and there is some suggestion that, in fact, it be civilian oversight.

The reason for that, I think, is that when you get the final commentary on the investigation, what's needed is for everyone to feel that the questions were asked and answered and that whatever decision is reached, the individual is cleared or condemned, frankly. The situation we're experiencing with those investigations right now is that there's no satisfactory ending to it at all. Even if an officer's name is cleared, the public is tending not to believe that they're truly cleared, which is very unfair to the officer. Likewise, if they're not cleared, nobody quite knows what to do with that one either and wonders if it wasn't swept under the rug.

I think the same requirements of the public regarding those kinds of investigations and inquiries also need to be reflected here. I'm arguing that the government should not be attempting to make this more efficient. I think what's needed and the primary principle

under government support for a fatality inquiry is that it is an opportunity to examine all of the facts of the case and to make recommendations so that that incident does not ever happen again.

One of the issues that is most concerning me is this phrase that I keep seeing, that participation is prohibited unless they can show a direct and substantial personal, legal, or business interest. My question to the minister is: where does the nonprofit advocacy sector fall in these categories? I will be very concerned if they are not allowed to participate in these inquiries, organizations like Elizabeth Fry or John Howard or Bosco Homes or any number of other agencies that work out in the community and are very aware of the circumstances and, in fact, can appear and shed light on what has happened or what's the norm or the standard or all kinds of other bits of information. I don't see them included in what is proposed here by the government.

If that is the case, then, Mr. Speaker, we have a situation where the business sector gets standing but the nonprofit sector does not. I would ask the government to defend that because I think it's flat-out wrong, and I think it would be very wrong to be cutting out the nonprofit advocacy sector, the social service sector. I mean, there are a number of ones that potentially can be involved in a fatality inquiry. I would be very concerned if I see the government elevating the business sector above that of the nonprofit sector in being able to influence or participate in these fatality inquiries. I don't see why the business sector would be entitled to paramouncy in being able to participate here, and I would like to hear a full reasoning from the minister if that is the case.

Frankly, I'd like to hear from the minister why the business sector is included at all. I don't understand why they're in there. If you're going to have the business sector in there, then why don't you have, you know, religious institutions or faith communities? It's very suspicious to me that we have personal, legal, or business interests, but nothing else. I'm deeply suspicious about what's going on here, and I'd like to hear from the minister during Committee of the Whole on that.

The other issue is that an inquiry would not automatically be called if someone dies in care that is not directly government care. Well, that's interesting, Mr. Speaker, because what we've seen in this province in the last dozen years is a devolution and designation. Probably 50 per cent of the government programs that used to be run directly by the government have now been designated or contracted out to a number of agencies, public and private sector, in the community. They're still offering what is government service.

3:30

Let's take foster care. Well, the government doesn't really run foster care directly anymore. It contracts out to a variety of other agencies, which then in turn provide the foster care. They are expected to meet certain criteria, in fact all of the criteria that the government meets and in some cases even more. But that foster care is being delivered because the government needs to be delivering foster care.

What I'm hearing is that the government is now going to go: well, if somebody died in care that was designated by us but not directly run by us, we're not going to have a fatality inquiry. I'm looking for clarification around that because it's not clear in the legislation if that's what's intended here. What about if someone dies on First Nations land or under care of a First Nations agency? Is that considered, you know, distant enough from the government that they would not require a fatality inquiry?

I'm questioning very much what the intention is behind that because I would argue that for the most part those services are

essentially government services. The government has entered into an agreement that somebody outside of government will be contracted to provide the service. Nonetheless, it's still a service that the government is responsible for and is responsible to the people for. So on the one hand we see the government devolving itself out of the business of doing anything. They don't offer anything themselves anymore. It's all subcontracted out to the whole community. On the flip side, they're willing to pass legislation that is very restrictive of people's personal lives at the same time as the government is devolving itself out of provision of services. So I'm looking for clarification on that.

I'm aware that there has been some preparation running up to this bill. It did not pop out of the minister's head on a whim. There has been a project, and it looks like it began almost three years ago with a committee involving the Chief Medical Examiner, the MLA for Calgary-McCall, and members of Alberta Justice to review this. Was that report tabled in the Assembly? No, that report wasn't tabled in the Assembly. Well, that's interesting too, Mr. Speaker, and I would ask that the report be tabled in the Assembly if that's the rationale that's behind this proposed bill.

That's something that we see this government doing a lot. You know, there's money put into developing a committee, a review, a report. It's taxpayer dollars that support it, but the public never gets to see the report. It remains in the murk, in the shadow behind the scenes. I would argue that they paid for that report; they should see it. In fact, they should see it before they see legislation that is midwived by it, that springs forth from it. You know, I find that the public is much more interested if they get an opportunity to find out what's actually going on. I believe in the good, common sense of Albertans, and I think that we need to listen much more carefully to what they're telling us.

Again, I see a trend where we don't tell the public anything, and we don't show them the reports, and then we just whistle through the legislation as fast as possible. For the most part it's only the opposition members that speak to it – very few government members speak – and it just whistles through this Legislature sometimes in a week. The public never gets enough time to know that it's up and being debated, and if they wanted to give input to their MLA, they should get on the phone or on the e-mail or letter or drop by their office and give them some feedback on it. Often by the time that happens, the bill's done. It's passed third reading, and it may have had Royal Assent by then. I think that's problematic.

The other question that I had. There's nothing in the current act that required the release of the report from the inquiry, and I'm wondering if that has been addressed here.

Those are some of the issues that I am most troubled about with this proposed Bill 24, the Fatality Inquiries Amendment Act, 2005, and I'm very cautious about supporting it in principle at second reading. I would like to have the responses to my questions before I would be more supportive of the bill.

Thank you for the opportunity to speak in second reading, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Does anybody else wish to participate in the debate?

The hon. Minister of Justice and Attorney General to close debate.

**Mr. Stevens:** Question, please.

[Motion carried; Bill 24 read a second time]



**Bill 36**  
**Police Amendment Act, 2005**

[Adjourned debate April 11: Ms Evans]

**The Acting Speaker:** The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much. I want to make it extremely clear, when I talk about this Police Act, that I am in total support of the variety of police forces that operate throughout Alberta whether they be the RCMP, the various city police, the municipality volunteers. I do believe that on the whole policing in this province is wonderful, and I promise my support to the hon. minister that should he wish to increase the size of funding for any of the police forces throughout this province, I will be a champion of that consideration.

However, I do take exception to something the minister spoke of when we were last discussing this bill. The minister suggested that the public lacked the skills to carry out an investigation. I would suggest that while the police receive a great deal of training at various wonderful institutions such as Mount Royal College, that we hope to soon become Mount Royal university, there are a number of public individuals who have a whole variety of skills that would lead them to be qualified to understand and oversee police investigations.

We trust the public to become jurors, as was mentioned by a previous member. We select jury members who are capable and who aren't prejudiced and who we believe have the sufficient skills to rule on a variety of court cases. I think that we can find sufficiently intelligent and capable public-representing individuals to be on civilian oversight committees.

Also, like any other profession police can make mistakes. I don't want to dredge up a whole series of mistakes that have occurred, but we've had the Edmonton circumstance where it appeared that a variety of police officers were involved with a sting that was set up to potentially entrap a local politician and a local media member for whatever reason. In the process we've lost that particular police chief, and the investigation basically, I gather, is still ongoing and continues.

3:40

There are a number of situations of similar concern that have happened in Calgary. There is a whole series of incidents where mistaken identity or a mistaken address has taken place. I think it was two weeks ago that we had a mistaken identity circumstance where the individual was wrestled to the ground and handcuffed. A great amount of force was used, although this individual didn't offer any resistance, to secure the individual, and it turned out later on that it was the wrong individual. This is where civilian oversight committees I think come into play.

The whole idea of investigating oneself we have difficulties with. I mean, we had the example – and we've debated this, and we've brought it up as members of the opposition – about the Securities Commission basically investigating themselves. Likewise when the police investigate themselves. There is a lack of public participation. No one is above the law, including the police officers whose job it is to enforce that law.

A situation in Calgary. Another example of, basically, mistaken identity having to do with an individual of Spanish background who was mistakenly thought to have committed a crime. The photographs of that individual following his arrest – although I will admit that he did resist arrest, as I think I would rather be doing as well, this individual ended up being portrayed in the news, and the various bruising that had occurred on this individual were in my mind overdone. Yes, if the police suspect somebody, they have to secure

that individual. They have to protect themselves in the securing of the individual, but shots to the head and so on are questionable.

There have been situations where the use of force, I believe, has been justified. There was an example in Calgary where an officer was stabbed and hadn't immediately realized the extent of the puncture wound. He was just coming back from the stabbing, and he was filling out the information. It turned out that he had approximately an eight-centimetre piercing in his chest. There wasn't use of a gun, and there wasn't use of a great deal of force. Potentially, in retrospect, he would have kept himself from injury had he used more force.

There have been other examples where people have been held. I think we had an example recently in Edmonton where a chap had stabbed his wife and stabbed his mother-in-law and was ordered by the police, justifiably, to put down his weapon. When he didn't do that, he was shot. He posed a definite threat.

Another example occurred in Calgary where an individual with an ethnic background, who had previously caused a great deal of difficulty in his community in the apartment that he was living, stabbed a police officer. The result of that stabbing was that he was shot, but not before he had created a life-threatening situation for the individual involved who was trying to make the arrest.

So we have situations where force has been justifiably used. We have other situations where police expecting that they were either going to grow up or to investigate a potential drug sale scared the heck out of families by busting through their front door and securing senior members of the family and so on. I truly believe that if you have a civilian oversight committee, you get rid of the perception of the potential of hiding information. We have examples from Saskatchewan where we had outside individuals doing the investigation where it occurred that people – again, in this case it was First Nations individuals who had had a history of alcoholism or other run-ins with the police – were basically driven out of town, in the one case the young man driven out in a T-shirt without shoes and basically left to die.

We must have independent organizations who are willing to oversee police matters, and police organizations and justice organizations should have the same type of faith in these external monitoring, oversight committees that the police organizations want the public to have in them. The idea of, basically, the fox, no matter how clever that fox is, guarding the chickens: we must think, under the best and the most quality hopes and wishes, that the person could succumb to a personal interest. Therefore, I believe that civilian oversight committees are necessary.

We want to increase the transparency, the same type of transparency that we talked about in terms of fatality inquiries. This needs to be there. Terms have been used in terms of dictatorships, have often been referred to in quotes as "police states." We don't want to take away the powers of the police force to carry out their duties, and that is not what I am suggesting, but in every single organization there has to be sort of an external conscience, a secondary review to ensure that procedures were followed and that the best interests of the public are being maintained.

For that reason, I cannot support Bill 36 at this time. Possibly when some of my concerns are brought out later in the Committee of the Whole, I'll be more understanding, but at this point I believe that civilians are capable of overseeing committees, and they would add a degree of transparency and legitimacy if they were allowed to do so.

Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments? The hon. Member for Calgary-Egmont.

**Mr. Herard:** Thank you, Mr. Speaker. I must admit feeling rather uncomfortable during that last speech, and I would ask your advice with regard to Standing Order 23(g) on sub judice perhaps for that hon. member and for some of us old-timers who might not remember exactly what we can comment on in this Chamber with respect to matters that might be, could be without our knowledge before the courts. So what I would request is that perhaps the chair consider providing us all with advice on sub judice because I must admit I felt very uncomfortable. I know that the hon. member is new, and I wouldn't want to see him get trapped into that sub judice thing either.

Thank you for that.

3:50

**The Acting Speaker:** Hon. Member for Edmonton-Centre, there's no point of order. He had a request that information be provided.

**Ms Blakeman:** Okay. But how do we discuss this act if everything is sub judice?

**The Acting Speaker:** Hon. member, under *Beauchesne* 508(3) "the convention applies to motions, references in debates, questions and supplementary questions, but does not apply to bills." So that's a clarification. However, if the hon. member wishes to have more discussion on this matter, the chair would be more than happy to arrange for one of the table officers to sit down and explain exactly what constitutes sub judice.

**Mr. Herard:** Thank you.

**The Acting Speaker:** Anybody else wish to participate in the questions or comments?

The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Well, thank you, Mr. Speaker. Just as I didn't see the need for the last bill that we debated, I think there was great anticipation for this particular bill to be brought forward. It's been talked about for a long time. I think it goes without saying that there has been some disappointment expressed by most people about the bill. I think the terms I've heard are window dressing or not dealing with the problem.

It's a difficult issue, Mr. Speaker. Whether it be the RCMP or city police or police in smaller towns in Alberta, we know and especially were reminded very dramatically in Mayerthorpe what a difficult job they have. But I would say that this whole concept of the police investigating themselves does not do a service to the rank and file policeman because there is a perception and there is the idea that with the police investigating themselves – whether this is true or not, and probably in most cases it isn't true, but that perception is there – they're not going to get a fair hearing.

So Bill 36 has done, I think, what I'd call some minor tinkering, but we really haven't dealt with the crux of the matter, and that is: on certain investigations should it be done by the police or not? Now, I think Bill 36 opens the door slightly – and the minister, if it's not the case, will I'm sure let us know – to independent investigation of serious police wrongdoing. But – and this is a big but – it would be entirely at the discretion of the Solicitor General. Now, I know he's wise and all-knowing, Mr. Speaker, but it seems to me that that's too much power in the hands of the Solicitor General. Given that there's no agency being established to conduct such investigations, it seems like the status quo of the police investigating the police will continue.

Now, I know the minister says – there's probably some truth to

this, and I'm not quoting him directly – that the rationale is that some things are so complicated that have to do with police matters that civilians could not begin to do a lot of the investigations that they need to do. Well, Mr. Speaker, the minister sort of defeats that logic though. If the minister says that that's the case, that we need to have police investigating police because of the complications and they need the knowledge of what was going on, why then would we open the door to independent investigations of serious police misconduct in instances involving civilian death or injury? The Solicitor General still has authority. He's given himself authority to do that.

Well, it seems to me, Mr. Speaker, that if it's too complicated to do routine matters, on the one hand, but the public can do it when called upon by the minister, there seems to be a leap of logic there. It seems to me that if we wanted to ensure independent inquiries in the serious cases that he's talking about, he should make them mandatory, not just an option for the minister, who from time to time may be facing his own political pressures.

Now, Mr. Speaker, we don't always have to reinvent the wheel. I know that in Alberta we think that everything here is done the best and that we can never learn from anybody else, but there are cases, and I would like to refer the minister – and I'm sure he's aware, but just for the Assembly – to an example we have, especially in Ontario, where they do have the commission, the Ontario Civilian Commission on Police Services. That is not the police; it's civilians that do this.

What is the role of that commission? Well, they say, Mr. Speaker, that it's an "independent quasi-judicial agency," and it carries out a number of duties which are primarily . . . decision-making in nature.

These are things they do, Mr. Speaker, and this is civilians.

These include . . . appeals of police disciplinary penalties; adjudicating disputes between municipal councils and police service boards involving budget matters; conducting hearings into requests for the reduction, abolition, creation or amalgamation of police services; conducting investigations and inquiries into the conduct of chiefs of police, police officers and members of police services boards; determining the status of police service members; conducting reviews of local decisions relating to public complaints at the request of complainants; and, general enforcement relating to the adequacy and effectiveness of policing services.

In Ontario, police services and police services boards are ultimately accountable to the public through the Commission. The mandate and duties of the Ontario Civilian Commission on Police Services are set out in the Police Services Act. The Commission reports to the Solicitor General.

Now, I'd say, Mr. Speaker: there it is. It seems to work well in Ontario. There's not a perception that the police are investigating the police. The police live under it. Things go along. They still have the ultimate authority. They report to the Solicitor General.

What can they investigate?

The SIU is a civilian law enforcement agency with a consequence-based jurisdiction to conduct criminal investigations. The SIU investigates incidents involving the police and civilians that have resulted in a serious injury or death.

Complaints involving the conduct of police that do not involve a serious injury or death must be referred to the appropriate police services and other agencies.

So they've got a combination of ways to come at it. They still have control. The Solicitor General still has control. They also have a director and 40 civilian investigators, nonpolice officers.

The point I'd make is that there may be a time when both groups, the police investigating the police and this group of civilians investigating – probably 9 times out of 10 they might come to the same conclusions. But to the public – and this is an important point,

Mr. Speaker – if it's not the police investigating the police but an independent board, are you going to accept the results of that investigation more than you would if it's the police investigating the police?

4:00

As I said, Mr. Speaker, I don't think we're doing our police officers a favour by putting them in this position, where they're always being second-guessed when they're investigating themselves. I've never seen a case where people necessarily believed them. But if it's an independent board, like in Ontario, then it is seen to be independent. For the life of me I can't see why we didn't go in that direction. I thought for sure that discussions and this whole Overtime bar situation in Edmonton – and I know the minister had some quotes at the time about it. That would have been handled by this group. [interjections] Sure it would have. They have the broad powers to do that. It says that right in here. I'll show them across the way.

The point is: this is still going on. We don't know what happened there, and again with the police investigating the police, it's going to be suspect. I think the minister would agree that no matter what comes out of this, it's probably going to be suspect when that comes down anyhow.

The only reason, I understand, that the minister – and correct me; I'm sure he will in closing debate or in Committee of the Whole. Why are we afraid to go that extra route? The minister has allowed the option that he can appoint a civilian board if necessary on a serious matter. Why don't we just do it? Why don't we just do it, Mr. Speaker? We could get some civilians, and the police can be in an advisory role to them if it's something that has to do with investigations or whatever. I honestly say to the minister that this would be better for the police. It would enhance their reputation for the vast, vast majority of police, that are honest, hard-working people under very difficult circumstances. We are not doing them a favour by having them investigate themselves.

There's only one other point, Mr. Speaker, in the bill where we have some concerns, and that has to do with the constitutionality of the one-year proposal. I don't know. I don't pretend to be an expert in this whole area, but I'm sure the minister has had some advice. There have been some thoughts that the proposed amendments to the province's Police Act that put a one-year time limit on filing complaints against police, including possible indictable offences, violate the Constitution.

Now, this has come from, as I'm sure the minister is aware, a U of A law professor. That's a major concern. He makes the point that if there were some rogue police, if I can use that term, they could very easily intimidate somebody so that they wouldn't come forward in that year. I don't know how often that would happen. But the more important point – and I'm sure the minister would want this to be bulletproof constitutionally. Mr. Stribopoulos – I think that's the way it's said – has indicated that he believes that this probably violates the Constitution. I would like the minister to indicate if he has some concerns about that. If it is, then we don't want to bring in a bill that would cost us extra money going into a constitutional challenge.

Mr. Speaker, let me just conclude by saying that I just don't understand the reluctance. The minister has allowed himself the ability to appoint independent civilians to do this. Why don't we just do it and get it out of the way, like other provinces are doing, so that the police are not investigating the police?

Again, I stress that it is not good for the rank and file police when people do not believe that they're being treated fairly, and I think you'd be doing a favour by taking this and going the way the public

wants and almost everybody demands in saying that this should not be the case, that we should have civilian oversight.

Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

There being none, the chair recognizes the hon. Member for Edmonton-Mill Woods.

**Mrs. Mather:** Thank you, Mr. Speaker. The purpose of Bill 36 is to bring in greater public accountability and civilian oversight of investigations into complaints against police officers in serious incidents involving police. In October 2000 the Minister of Justice and Attorney General appointed an MLA committee to conduct a public review of policing in Alberta. I am impressed with the process established by this committee in an effort to meet its purpose. The committee chose a three-pronged approach to the review: to solicit public and stakeholder submissions in response to a discussion paper, to review the findings of the police strategic vision project, and to consult with experts on issues arising from these submissions.

The police strategic vision project organized a police strategic vision project that brought a wide variety of stakeholders together to develop a long-range and strategic vision of policing. The findings of this project have proven a valuable resource to the review committee, and in fact its main themes form the structure of this report. The vision project identified three themes for the future of policing in Alberta: equitable policing, provincial leadership, and public oversight of policing.

The concern about oversight of policing, including responsiveness to provincial and local priorities as well as the investigation of complaints against the police, is also my concern. Public oversight is a huge thing. The major principles of public oversight can be summarized by the following. Police must be governed by transparent, objective public oversight free of undue political influence. This means they must have well-defined roles and responsibilities undertaken by informed citizens. That is essential for effective public oversight. Local police oversight must be by locally appointed and suitably trained citizenry. Credible internal investigations by police are a prerequisite to public trust and confidence.

In looking at local public oversight, three issues arise in relation to providing effective local oversight: the structure of local police commissions and the relationship to the municipal council, the provision of local public oversight in communities contracting for police service, and the provision of local citizen involvement in areas that do not provide their own policing.

The government policing plan and response to the MLA policing committee board was released March 26, 2004. One of the core themes of this report was the need for public oversight. Police must be governed by transparent, objective police oversight free of undue political influences.

I realize that civilian oversight already exists through various mechanisms, but the problem is that they are rather loose; specifically, commission selection, political interference at the municipal level, and so on. We need a visible component that would ensure public scrutiny. The idea of having a police committee everywhere there is an RCMP detachment is great, but I wonder about the cost and who would pay.

The new amendment fails to give teeth to civilian agencies in complaints against the police. It fails to provide the level of public oversight that has been called for in the wake of several incidents involving serious police misconduct and the messages that they got in all of the process that they have undertaken to determine what is needed.

Incidents such as these serious police misconduct allegations have seriously eroded the public's confidence in the Edmonton Police Service as well as police services across Alberta. In the wake of these high-profile incidents, there have been serious concerns about the effectiveness of the police conducting investigations into the misconduct of their members. These investigations are conducted without any public oversight and without any disclosure of all relevant information. Essentially, we are supposed to trust that the police are conducting themselves professionally and without bias, and I do believe that that is probably the case most of the time.

#### 4:10

However, in order to restore the public's faith and confidence in the police, investigations and prosecutions of allegations of police wrongdoing should be conducted by a body with no connections to either the individual officer or officers who are at the heart of the complaint or to the police service of which those individuals are members. This is the only way to restore public confidence.

It is entirely appropriate that some aspects of police disciplinary action can be handled internally. The concern that I have is the investigation and handling of allegations of more serious forms of police misconduct which by their nature directly engage or have clear implications of a broader public interest. This will involve complaints and allegations which suggest criminal behaviour and those which, while not criminal in nature, nonetheless are more serious than the purely internal. These middle-ground concerns, falling between criminal and internal on a spectrum of seriousness, will most often involve public interest and concerns about police misconduct.

The investigation of complaints requires two crucial elements to be addressed. The first is the need for an actual independence and impartiality in order to ensure that the matter is being dealt with in accordance with established procedures and values. The second is the need to preserve the appearance of impartiality and objectivity so that the members of the public maintain confidence in the system and will not be left with the impression that bias, favouritism, or prejudice had an influence in the outcome.

Mr. Speaker, it is essential that more serious allegations of police misconduct ought not to be left to the police themselves but conducted by a separate public body not connected to or part of the service being scrutinized. This is crucial to ensuring that there is neither actual nor the appearance of bias in reaching the appropriate concerns.

Mr. Speaker, I am reminded of a line in a book on ethics by Joseph Fletcher, that sometimes you have to go against your principles to do the right thing. I believe that this is one of those times. I and my colleagues do support greater police accountability and civilian oversight of complaints involving the police. We support them so much that we are opposing this amendment, which provides neither.

Our vote against this bill is a voice that can be heard in three ways. To the government, we are not prepared to dignify window-dressing measures with the support of this side of the Assembly. We would like to see substantive oversight measures, and if they had been included in this bill, we would have supported them.

To those who have experienced incidents that call for greater supervision of police, I want it known that our opposition to this bill is not because we were opposed to the original principles behind it. In its present form it fails to meet up to those principles.

Thirdly, to the members of our law enforcement agencies, I want to assure you that our misgivings about this bill do not translate into general misgivings about our police forces. On the contrary, our belief that greater safeguards are needed grows out of a belief and

conviction that our police forces can meet a standard set by raising the bar higher than this bill does. The police, too, need the level of protection that effective civilian oversight can provide.

Finally, Mr. Speaker, I want to assure members of the policing community and of the public at large that I believe that it is possible to address the concerns of both without sacrificing the essential well-being of either. I and my colleagues are convinced that such substantial measures are possible. Until they are included, our support of token responses will be denied.

Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Does anybody else wish to participate in the debate? The hon. Member for Edmonton-Decore.

**Mr. Bonko:** Thank you, Mr. Speaker. Just a bit of history. Sir Robert Peel is the founder of modern policing. Sir Robert Peel served as the British Home Secretary during the 1820s. It was an act for improving police in a nearby metropolis that passed through the British Parliament that resulted in the creation of the first law enforcement agency in modern history. The beliefs and principles of Sir Robert Peel are just as relevant and viable today as when they were first authored. In particular, of the two principles applied today, the first bullet would be that "the ability of the police to perform their duties is dependent upon public approval of police actions." That certainly speaks today as it did in the 1820s.

The second one of the beliefs was that "police, at all times, should maintain a relationship with the public that gives reality to the historic tradition that the police are the public and the public are the police." In saying that, the police are "only members of the public who are paid to give full-time attention to duties which are incumbent on every citizen in the interests of community welfare and existence."

These two principles, which should be at all times guidelines to the police in the process, seem to be that the focus of the police services has shifted from the intentions as outlined in the founding principles to becoming adversarial with the public. The only way to restore the public's faith and confidence in the police is to realize that the best way to police the effectiveness of their job was to work with them and through the public and not perpetuate the perception that the police are a separate entity and do not have any scrutiny to investigate the procedures, which was stated in Peel's principles. The police are dependent upon a public approval of the Police Act to perform their duties, as I stated earlier.

These are just a couple of quick sections I would highlight there. I think it is, in fact, pertinent that one of the ways to restore public confidence is to have an independent public body. We had a couple of highlight incidents, where there would be the police chief's son involved or where a high-speed chase involved the death of a young individual due to the police car racing through the intersection without the use of emergency lights or sirens – and that was on Yellowhead Trail and 124th Street – and the incident where a young man armed with a knife was shot, and I think the member from Calgary mentioned that as well. I think it's of interest here that the same officer was involved in both these incidents yet is still on active duty, I believe.

Again, these are certain questions that are raised in the mind of the public. Just exactly how impartial are these investigators when, in fact, they are investigating their own? I myself, if I had to investigate the integrity of someone I worked with for 18 years, known him to be a fine, upstanding citizen above all, holding the law in the utmost degree – suddenly I'm asked to investigate their whole

principles. I've worked alongside them 18 years. I certainly would have a hard time maybe being impartial.

Those are, again, some of the questions raised by the community. I think that just begs the reason even further as to why there need to be impartial, independent bodies to review and watch over on occasion the goings-on and the investigations into police matters.

Thank you for that, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

**Mr. Bonko:** I would move that we adjourn debate, then, too.

**The Acting Speaker:** I guess, hon. member, your time had run out, so somebody else may have to move that. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much. At this point I would like to move that we adjourn debate on second reading of Bill 36, Police Amendment Act, 2005.

[Motion to adjourn debate carried]

### Bill 34 Insurance Amendment Act, 2005

[Adjourned debate April 6: Dr. Miller]

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

**Dr. B. Miller:** Thank you, Mr. Speaker. This Bill 34, Insurance Amendment Act, 2005, I haven't spoken on, and it does a number of different things. It allows public insurers from neighbouring provinces to enter Alberta's competitive market, so Crown insurance companies from across the prairies are able now to move into Alberta. It outlines that insurance companies and Albertans are not entitled to sue the government for costs incurred from the government's auto insurance reforms. It outlines a three-step consumer dispute mechanism.

4:20

So these matters – and there are others in the bill – my colleagues have addressed from their perspective of expertise. But from my perspective as an Albertan, listening to my constituents, regardless of what our opinion is on allowing Crown insurers into Alberta from other provinces, this added competition does not deal with the fundamental problem, which is that the insurance industry is making a huge windfall in profits at our expense. I believe in extravagant generosity, especially when it is directed towards the poor and the needy. Why we're being so generous and allowing private insurance companies to make so much money at Albertans' expense I have no idea.

**Ms Blakeman:** They think they're needy.

**Dr. B. Miller:** They think they're needy.

Well, this is a huge issue for all Albertans. I remind us that in other provinces this single issue has almost brought down other provincial governments, especially in New Brunswick. I think that it's an issue that needs far more attention as we move along. This bill, of course, is trying to repair aspects of the whole policy of the Conservative government, and it doesn't basically deal with the fundamental issues.

I think that in Alberta all of us are concerned about the situation

of having to drive in this province. The expression "driving scared" comes to mind. We all take risks every day, but especially we take risks when we drive our cars. Automobile insurance is one part of a vast social security infrastructure that helps us to deal with the risks that we take, but more and more we're realizing how costly those risks are. I just refer to a definition which I came across by the Insurance Bureau of Canada in defining the risks that we face, that "insurance replaces uncertainty with a degree of certainty, providing financial peace of mind in a world filled with risk." But what consumers are beginning to realize more and more and beginning to wonder about is: how much security can we afford as our insurance rates keep going up and up?

Nothing in this bill addresses this fundamental issue of the high costs of insurance, not the allowing in of Crown insurers from other provinces, not the increasing of competition that will not address obscene profits that the insurance industry has developed and will not alleviate the anxieties of so many Albertans who are now driving scared.

So, Mr. Speaker, I would not support this. I hope that in the future we can move in a completely, totally different direction as our Alberta Liberal platform suggests, and that is to put into place public auto insurance, which provides the kind of stability, the kind of security that Albertans want.

Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

There being none, the hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Speaker. Interesting on Bill 34: instead of dealing with it, this is almost the triumph of ideology over common sense. We're trying to keep fixing little problems here because we refuse to take it seriously. This is an issue where people that drive need to have insurance. It's compulsory. So it's not sort of at the whims of the market. The reality is that that price can keep going up and up and up, and the working person driving the car is finding it harder and harder to be able to drive.

Mr. Speaker, I quote Larry Phillips from the Alberta Consumers' Association. He says that for some auto insurance is beyond reach. If the market cannot deliver a product that is needed, then there should be a public system. It's that simple. There should be a public system. The reality is that now we're trying to put all the leaks out. [interjection] If you want 29(2)(a), please get up; I'd love to have the debate with you after.

But the reality is simply this: now we're trying to fix all the problems. We froze it at the top levels, and now there are supposed to be rollbacks. I got a cheque for a dollar for my insurance. That makes no sense at all. This particular bill might create more problems because now we have Kingsway insurance, that's going to sue the government – we don't know where that's going to go – because of the freezes and the rollbacks and all the rest of it.

So it's just a terrible mess that has been created, Mr. Speaker. We can argue about the public insurance, and I'm glad that the Alberta Liberals have now adopted NDP policy positions because it's been brought in by NDP governments in Manitoba, Saskatchewan, British Columbia. In almost all those cases the Liberals fought against it. That's a reality of what happened, and now here in Alberta they've decided that it's worth doing. But if you check the records, Liberal governments have fought against it. In fact, Dave Barrett, who brought it in, said that they brought it in and the Liberals there were deathly against it, and that's been true in every case.

But the reality is that it makes sense, Mr. Speaker. It makes sense,

and what makes sense should occur, but unfortunately with this government we get into this particular thing where: public has got to be bad; private is good. It's just that sort of simple-minded ideology that leads us to these particular problems. Having worked in it probably longer than some people here did, the private sector works well in the economic area where there's legitimate competition. It doesn't work well when we're dealing with human needs and when it's in a monopoly situation. That's why the public systems in the other three provinces are able to be significantly lower in most cases, and that's a reality. The government can't turn off their ideological blinders and get there, Mr. Speaker, and that's a reality.

All this is basically a smokescreen. How many public insurers operating in a different system care about coming into Alberta to sell insurance? Somehow that's going to create competition? They're not going to bother, Mr. Speaker. They have better things to do. This is just for the government to pretend – just to pretend – that there's competition. That's a reality. Then because of this bill, I worry about – and I don't know; I'm not a lawyer; the hon. Minister of Justice is and the House leader is – how serious the challenge by Kingsway insurance is. Is that going to cost us an arm and a leg of taxpayers' money defending that? I mean, this whole insurance thing by the government has been sort of a calamity of errors, Keystone Kops. We keep doing it back and back and back and keep getting in deeper and deeper and deeper.

The public knows. In going door to door, the people were angry about the insurance. They still are, and this doesn't solve anything at all. It's just, as I say, a smokescreen to pretend that there's some competition.

I want to stress, Mr. Speaker, that the more dangerous part of this is that the insurance was frozen at the top levels, and the rollbacks are a joke, frankly. There are many people that are working people that have been finding it very difficult to go to work with insurance rates the way they are, and when that becomes a serious problem to people, it's time this government should do something about it. At the very minimum, the insurance profits, I believe, are up 12 and a half per cent. Even if they don't want to go to public insurance, they could have mandatorily rolled it back to that level. But then, of course, you get caught into rollbacks and insurance companies and Kingsway insurance and the rest of it.

4:30

There'll be a day, even in Alberta, when there will be public insurance because it is common sense, Mr. Speaker. It works well in three other provinces, and it would work well here. But we'll continue to try to throw the finger into the dyke and change it. We'll have another bill, I'm sure, next year to try to do something else with the insurance. So we'll wait and see what happens.

Thank you, Mr. Speaker.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

There being none, the chair recognizes the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thanks very much, Mr. Speaker. I'm pleased to have the opportunity to rise and speak in second reading to Bill 34, the Insurance Amendment Act, 2005. I was quickly trying to review what my colleagues had said on the record so as not to repeat what they'd said. Obviously, there are some key themes that are coming forward that everybody shares a concern in.

One that I'm seeing coming forward around this bill is the rather unprecedented step, I think, that the government has taken to prohibit a particular company, obviously, from taking any kind of

legal action against the government. I'm really interested that the government would actually write that into legislation and is making such an effort and has really made this quite a big deal, put it on the marquee, so to speak. So they must be pretty worried about this case if they're now trying to make it impossible for this particular company to proceed.

I do join with others that have expressed concerns that this bill is not doing anything to address what the public have asked us to address around problems in the automobile insurance area. People, certainly during the election, made it very clear that they felt that the government had not acted as a good steward and in their best interests around provision of automobile insurance given that we have the government insisting and through laws saying that you must have certain kinds of automobile insurance. Well, if that's a law and everybody must have insurance, then it's also incumbent upon the government to make sure that that is accessible insurance and that it's reasonable and that the benefits that flow from it are reasonable. What people are feeling is that it's not accessible anymore and that the government through its insurance board, the one that reviewed all the applications and allowed increase after increase after increase after increase – I think there was an astonishing number, 34 of them or something, in a fairly restricted period of time that just made the automobile insurance rate go up and up and up and up.

Finally, people started to revolt, and the government had to do something. People argue that they didn't really do anything. The rates have not gone down. I mean, basically they froze the rates at the highest possible point. Now we have some sort of tinkering that's being done to flesh out and firm up that original Insurance Act, that came out in the fall of 2003.

They didn't address the major concerns that the public have with insurance in Alberta and are not looking at incorporating best practices from other places, so the very worst of all possible worlds in that they are allowing Crown insurers and other insurers into the province but not using any of the best practices that flow from that public insurance. A number of people have alluded to that. I mean, the whole point and why those are viewed as better systems than what we have is that, you know, it is stable, it is a lower price, and any savings that are realized are reinvested because it's a public system, publicly administered, and the public benefits from it. So we have the government inviting public insurers in to compete in a free market without using any of the best practices that are in fact embodied by the public insurers. I don't know what to call it. I'm reminded occasionally of – no, I'm not going there.

There are issues around the government removing accountability for its actions from these reforms. That in particular, I think, is addressing the issues around not allowing anyone to sue them over this, removing the ability to sue the government. That's very problematic.

I'm also noticing in here that once again we are devolving a serious chunk of the bill to decision-making through regulations or by the minister through an order in council. I always object to that because it makes it very difficult for the public or the business sector or the NGO sector or the media to follow what is happening. It also takes away the ability of constituents to get involved in the discussion. They come to their MLAs, they want their MLAs to bring their voice into this Assembly and make sure that their voices are heard here, and then they can read and see what their MLA said.

The process that the government favours is one of operating behind closed doors. We have government members saying: well, you know, I spoke to this. Really? Where's the *Hansard*? Where are the minutes? Your constituents can't tell. You may well have spoken to it behind closed doors, but there's no way to tell that, and there's no way for constituents to find what their MLA said and hold

them to account or hold them on their record. So whenever something is moved out of legislation or a choice made not to put it in legislation but to put it in regulations or designate the decision-making power to the minister, I have real problems.

Mr. Speaker, let me be clear. I'm not talking about micromanaging these things. That's not what I'm talking about. But I am talking about transparency and accountability in this overall decision-making. You know, I have no interest in having it in legislation as to whether it's 50 cents or 55 cents. That's not what I'm talking about, and people should be careful not to try and misconstrue that. But where we have decisions of an import that they're going to affect people's lives in a significant way, that should come before this Assembly and be debated. We should all be held accountable by people watching us and being able to review what we're doing through *Hansard* or the online audio or the video streaming.

I did have one question. I did specifically read the mover's comments, and he did not touch upon this. I'm wondering what the purpose is to section 8, which is allowing the government to impose terms or conditions on licences at any time it considers appropriate? What is being envisioned here? What are the circumstances that the government anticipates needing this section for? If I could get a couple of examples, because it's just not clear to me why you need it. If it can be explained why you need it, I may well be fine with it, but I'd like to know what's being anticipated here. So I'll leave that for the mover of the bill to answer at some point, I guess in committee.

Now, the other thing I notice is that a different section is making it mandatory that all Alberta insurers, whether that's for home or auto, public liability for the public sector, whatever, must be members of the General Insurance OmbudService. This is supposed to be part of the government's process to make consumers more able to access a dispute resolution process. That's very interesting for me because I've been noticing something else happening here.

My ties are very close with the nonprofit sector, also sometimes called public administration, and increasingly the rates have gone up as much or more for those agencies with their required insurance or insurance that they really have to have to operate. I mean, often you can't get a grant unless you can prove that you have adequate insurance, and, you know, if you're running a children's service in any way, you've got to have a certain kind of liability insurance. Anybody pretty much has to have public liability: if somebody trips on your sidewalk, you know, that sort of thing.

But the rates there have been going up at an astonishing amount, and increasingly this is becoming a major factor in operating expenses for the charitable/volunteer/public sectors. I am really concerned about that.

4:40

Now, it's not regulated specifically by this government, and this is the first time I've ever seen direct reference to it. So in now requiring that it come under this, I'm wondering if there will be any further requirements around nonautomobile insurance. Ultimately, the public looks to the government for consumer protection. We can all think of disasters that have happened. You know, the person is interviewed on the street by the television crew, and the person goes: "Where was the government? Why didn't the government have a rule that would have saved us from this?" Ultimately, people go: "I can't make this happen. I can't protect myself from this. My boss can't, my company can't, and my family can't. We look to the government to have consumer protection laws in place."

My concern is that the government has done nothing to regulate the amounts that are being charged to that nonprofit sector for their

liability insurance. Although they're not required by law to have it, they pretty much have to have it to operate. Let's not kid ourselves. In some cases the government itself is requiring that they have adequate insurance; to apply for grants, for example.

I'd like to see what the government is going to offer and what consumer protection is going to be negotiated or limits by the government around the insurance to the nonprofit sector. This is as simple as community leagues. I just saw an e-mail go by where somebody is going around and giving little talks to community leagues about, you know, how much insurance they've got to have. I remember that was a whole deal that happened last year, where the community leagues went to renew their insurance and they were all told: "Sorry. Your \$800 policy is now five grand." That's an astonishing amount of money for a little community league, that has a budget of \$3,000, to come up with. I mean, literally, their insurance premiums were larger than the money that they usually dealt with in an entire year. The \$800 had seemed reasonable for a building that's used infrequently in many cases. In other cases it's used very frequently, and their insurance would have been higher. That is a huge issue for those community leagues.

I'm wondering where that whole scenario is going to shake out. Now that the government is insisting through this section 18 that all kinds of insurance be included, what's the next step? And will the government consider that?

Those are the issues that I wanted to raise during second reading. I don't know that there's anything really bad in this bill, Mr. Speaker, but there's nothing really good in this bill either. The thing that's really bad is the prohibition against the opportunity to use the courts against being able to sue the government.

I know that in many cases the government needs to be protected so that it can move on. You often see in legislation that the minister, as long as he's doing his or her job, is protected from being sued. But that's not what's happening here. This appears to be a deliberate attempt to stymie a legitimate court proceeding. And it's retroactive, which is even more chilling, in my opinion, and seems to be staking a claim to be farther reaching in that nobody would be allowed to sue the government under any circumstances. I'm thinking that there's an echo of this coming up in that WCB bill, Bill 15. So that's starting to look like a theme.

Thank you for allowing me to speak to Bill 34 in second reading. I look forward to some answers back from the sponsoring member, and I look forward to continued debate in Committee of the Whole. Thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

There being none, the chair recognizes the hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Speaker. A common element in this afternoon's bill discussions is self-regulation over public protection. Possibly a new insurance theme or an election slogan of the government members might be: trust us, you're in good hands within Alberta state. Unfortunately, that trust has to be earned, and just saying "trust us" isn't sufficient.

Basically, the insurance board was given a licence to print money by continuing to allow a whole series of insurance increases rolling one after the other. It's interesting that members of the insurance board, while there was no public representation on that insurance board – it was an in-house, self-regulated, we know best, and you can pay the highest kind of circumstance. Again, there was no internal watchdog. This government believes in the free-enterprise principle, and yet free enterprise is no longer free. It's becoming extremely costly for the average Albertan.

What we have in Alberta is a forced demand but a limited supply, and now the government is basically dictating or picking off which insurance companies they favour and threatening to remove the ability for others to sue the government over limiting their market share. So in one sense we've got free enterprise, and then we have slightly free enterprise.

Also, with this idea of increasing the number of potential insurance companies operating within the province and the suggestion of a limited degree of public insurance participation, this is an extremely false premise. Public insurance depends on a large market share in order to spread out the liability costs and the cost of the insurance to the user. It's interesting.

An hon. member next brought out the fact that in Saskatchewan, Manitoba, and B.C. the notion of public insurance was first brought out, and to his, I guess, principled party members who had that public insurance foresight, where it had been introduced in these provinces despite government changeovers, they kept the principle. So regardless of whether it was an NDP invention originally or not, it was well received. This was a good example of wisdom that I would invite into this province regardless of who had the creative idea to come up with an umbrella that protects people. I guess that's a different insurance logo, so I won't go in that direction.

In terms of questions that I would have for Committee of the Whole answers, I believe that in this morning's discussion it was suggested that chiropractors were not necessarily consulted on the soft-tissue injury situation. I'm just wondering, again, if physiotherapists were consulted. There is a dentist who shares my constituency office professional building in Calgary-Varsity, who basically has found that he has been driven out of business because it appears that when it comes to soft-tissue injuries, dental associations haven't been consulted either.

4:50

I personally believe that this soft-tissue, basically, trade-off, which, in order to try and meet the superior rates of public insurance companies, traded off a person's right for compensation and a court challenge – I don't believe this will stand up to a constitutional challenge. I don't think any government has the right to limit a person's ability to seek proper remuneration in the event of an injury suffered at a second party's causing.

It was interesting this past weekend, on the soft-tissue concerns, Licia Corbella, an editor with the *Calgary Sun*, talked about a situation whereby she was forced to be off two months from her position with the *Sun* based on what appeared at first sight to be a soft-tissue injury. Basically what happened was that she was pushed off the road and ended up hitting a large pole and suffered great damage. At first it wasn't physically apparent, I guess, in the same way that some AISH recipients don't physically appear to be having difficulties. With soft-tissue injuries at the beginning you see a bruising, but you don't necessarily see the structural damage below that bruising.

What Licia pointed out was that this whole idea of capping insurance at \$4,000 doesn't begin to address the needs. Again, this is the government sort of interfering with the process, saying that we know best and that we'll determine what is an acceptable compensation. To the best of my knowledge, I don't believe that what constitutes a medical soft-tissue injury has even been determined by the college of physicians. They were involved in coming up with some kind of a definition; whereas, as I mentioned earlier, I don't believe chiropractors, physiotherapists, or dentists received the opportunity for input. Hopefully, the sponsor of this bill can tell me to what extent these other medical practitioners – their worth is recognized, but they don't appear to have had their advice sought.

If we're going to have a fair and just insurance system that Albertans can afford, then we have to either roll back the current exorbitant costs that were allowed to proceed without any supervision, or we have to truly have a public insurance system, not one that is, you know, sort of a contrivance, an appearance of extending competition but with the reality that public insurance is dependent on a large share of the market.

It wasn't just New Brunswick, where Bernard Lord had a great deal of difficulty. The same concern over public insurance affordability happened in Nova Scotia as well. It seems that the Maritimers realized that the public good was more important than any particular party's interpretation of what the public good was, and I'm hoping that within the next two years that same sort of realization will become more pervasive in this province.

With that, I thank you.

**The Acting Speaker:** Standing Order 29(2)(a). Any questions or comments?

Does anybody else wish to participate in the debate?

The hon. Member for Peace River to close debate.

**Mr. Oberle:** Thank you, Mr. Speaker. I'm pleased to rise and provide concluding remarks on the motion for second reading. During the discussion we've heard some pretty interesting comments here, much ado, I suppose, about public insurance. I'd like to point out to hon. members of the opposition that, in fact, public insurers from other provinces are interested in participating in Alberta and have indicated that, certainly Saskatchewan has.

I don't object to the discussion, though, because it provides some fascinating and occasionally amusing insight. I've learned some new terms, like competitive monopolies, for example, Mr. Speaker, and I'm going to apologize right now to my economics professor because apparently I missed that day in university. We've also had an interesting discussion on just what is and what isn't Liberal Party policy, and perhaps we can get that clarified later on in the debate.

There were some serious questions that I would like to address. First of all, the all-comers rule not applying to commercial vehicles: that is true. The bill is designed so that the all-comers rule applies only to private passenger vehicles. The reason for that is: a commercial sector has access to the Facility Association, which is an insurer of last resort run by industry, and this allows insurance companies to specialize if they wish, increase their efficiencies.

With respect to section 8 – and I address specifically the question posed earlier by the Member for Edmonton-Centre – there was some confusion here on the opposition benches that the insurance contracts could be changed mid-term. That's not the case. The licence to operate could be changed mid-term. We do this with all sorts of companies, with pulp mills or any construction company, anybody that violates or demonstrates substandard performance with respect to regulations. Be they safety, environmental, reforestation, the government reserves the right to put restrictive terms upon their operating licences.

With respect to the insurance company, again, anybody that didn't meet the regulations, failing to have an amount of capital on hand or a failure to meet reporting requirements for example, could allow the government to put restrictive terms on their ability to operate mid-term. Previous to this act they were only allowed to do that upon renewal of the licence. So an insurance company that was demonstrating substandard performance, we couldn't modify their licence, so that was the intent of that clause.

There's a section in here that I'm fascinated that we got some negative comments from the opposition on, and that has to do with the unilateral right of the government to force rollbacks. First of all,



I don't think this government needs to take any lessons from the opposition on creating a business climate in this province. I think we've done a pretty good job on that. This is a consumer protection mechanism. It would come into effect when, in fact, there are excessive industry profits, and I don't know why the opposition would object to it.

I had a question at the back from the Member for Calgary-Varsity on who was consulted on the soft-tissue injury cap. I can't speak to that, Mr. Speaker, because that's not a part of this bill. It was dealt with in the last session of the Legislature.

Lastly, the questions with respect to clause 5. It was clearly the government's intention that any impacts of the insurance reform in the bill last session were tempered by decreased liability and injury caps, for example. The government's wisdom in this regard is borne out by the insurance industry profits and the further rollbacks that we're seeing now and will continue to see. Again, this was a consumer protection mechanism and, overall, has had the effect of lowering insurance rates, and we'll see rather more dramatic rates in the very near future. I would like to point out that this restriction proposed by clause 5 is not unprecedented and is not a violation of the rule of law.

So with that, Mr. Speaker, I'll conclude my comments, and I call the question.

[Motion carried; Bill 34 read a second time]

5:00 **Bill 38**  
**Pharmacy and Drug Amendment Act, 2005**

[Adjourned debate April 7: Ms Evans]

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

**Ms Blakeman:** Thanks very much, Mr. Speaker. I'm pleased as the Official Opposition critic on Health and Wellness to rise and respond to the minister's comments in second reading of Bill 38, the Pharmacy and Drug Amendment Act, 2005. Overall I'm supportive of this bill, in large part because it was arrived at as a negotiation, an open and respectful negotiation between the parties involved, specifically the Pharmacists Association, the College of Pharmacists, and the Department of Health and Wellness.

As the minister did point out, in fact, this is one of those things that this government gets into occasionally, where they pass an act, but then it doesn't get proclaimed, but then it gets rolled inside of the next one that comes along. In fact, the first version of this was in 1999, the Pharmacy and Drug Act, and it was not proclaimed because it needed to be reviewed. I'm not sure why that wasn't done before the bill came through the Assembly.

I've gone back and checked and, in fact, the Liberal caucus supported the original bill in 1999. We did raise a couple of issues. It was around the minister of health making regulations. Again, that making of regulations out of sight of public scrutiny always raises a problem with us. But this was specific to making regulations regarding designation of drugs not covered under the federal statutes in the various schedules. If I'm remembering correctly, that has to do with the government's delisting and the concerns around the government's increased delisting of drugs that would be covered under health care for Albertans.

We noted that it did not contemplate alternative medical practices at all. We noted that a number of the definitions were not in the bill. They were left to be defined by regulation. Again, concerns were raised there because that becomes a sort of movable target in how things progress. You know, if you can define it as a duck today but a bird tomorrow, that affects a fair amount, and that kind of

significant change should come back to the Assembly and be debated. That was what was in the '99 version, and we raised that concern at the time. I think a large concern for us was that the Alberta Pharmaceutical Association, as it was called then, was not completely satisfied with the bill.

[The Speaker in the chair]

So we move forward into 2005. We have jointly drafted amendments that are proposed in Bill 38 – happy, happy, joy, joy – and now we have a number of things that are involved in the 2005 version of the bill, which has got the '99 version rolled inside of it, specifically a broadening of the licence categories to include the facilities such as compounding and repackaging centres, mostly because although those existed in '99, not to the level that they do now. They're increasingly becoming a factor in distribution of pharmaceuticals, and there's a need to bring them in a little closer under the scrutiny and licensing requirements.

Creating an avenue of appeal and review if for some reason the registrar will not issue a licence to a pharmacy. Registering the drug wholesalers: very important. And a number of other clarifications and minor revisions that have arisen over the seven years, I guess, or six years.

Essentially, we're looking at Bill 38 aligning the Pharmacy and Drug Act with the Health Professions Act, and this whole thing, in my understanding, is a bit of a hand-in-hand endeavour. We've got the Pharmacy Act now, and the Health Professions Act will be coming along shortly, and then both will be proclaimed in the spring of 2006. That is my understanding from the minister.

My main reasons for supporting this are because it has the full support and knowledge and participation of the major stakeholders. Nothing is a significant shift away from what I would expect to see. It is giving pharmacists more ability to work with patients to modify drug therapy to meet the needs of the patients. This doesn't mean, you know, changing the prescription in major ways, from giving you an antidepressant to giving you a muscle relaxant, but indeed being able to work with the dosages.

I think many of us have experienced that, where we are given a drug, and it works, but it's more than we need or not enough, we think. It's all working fine, it's not enough to go back to the doctor about, but it just needs a minor adjustment. Before, what you'd have to do is go back to see the doctor and spend that time and, of course, another billing through, which is a cost to the health care system as a whole. So to be able to work with the pharmacist one on one is a good idea.

It leads into something that the Alberta Liberals have been promoting for some time and, in fact, is a major part of our health policy as developed by the previous critic for Health and Wellness, who's now the Leader of the Official Opposition. For those of you following along in *Hansard* or at home on live audio, this would be policy position 10, which is recommending that we "reshape the way we manage our health care workforce. This includes reducing doctors' roles as gatekeepers to the system, evaluating alternative systems of payment, and gathering better data to plan for future needs."

The way I've been putting that to explain it – and part of that is facilitated in this bill, Mr. Speaker – is that we need to move to the point where doctors are doing what only doctors can do. Right now we have doctors doing a number of other things that, in fact, other health professionals could be doing for them. The relationship between the pharmacist and the doctors is one where we require the doctor to do administrative paperwork kind of stuff. Someone else could be doing that. We spend all of this time and effort in years

and years of training for these doctors so that they can deal with these life-and-death situations and long-range health care and all of that, and then we have them involved in minutia, micromanagement that is not a good use of their time.

Since we've all just come out of an election, the obvious comparison is the candidate during an election. There are certain things that only the candidate can do, and everything else in the campaign is handled as much as possible by anyone else that can do the job, to save the candidate for what only they can do, which is those personal appearances and participation in forums and that kind of thing. That same principle needs to be applied to what we're doing with our health care professionals.

If one of our major problems is that we don't have enough doctors in the system to be able to deal with everybody, let's look carefully at what our doctors, in fact, are doing. If we've got them doing a whole bunch of other tasks that, in fact, could or should or already are being done by other health professionals, then let's take that off the doctors' plates so that they're freed up to do what only they can do.

I see here a facilitation in this bill of that concept, and I'm obviously approving and supportive of it, seeing as it's part of the Liberal opposition policy on health care overall. Specifically, how that's happening in this bill is that a prescription is being redefined to give those pharmacists the ability to work with the patients and modify the treatment.

What I'm interested in hearing from the mover of the bill or from the health minister is whether it is contemplated in this legislation or in legislation to come that there are more roles that the pharmacists could take on from doctors in order to free up the doctors' time and, therefore, improve patient access to doctors. In other words, is there more that could be done to empower or delegate to the pharmacists, who are also trained health professionals, and free up the doctors to do what only doctors can do? So I'm very supportive of what's happening there, and I think that's the direction that we need to be moving in as much as possible.

#### 5:10

A couple of other things that have arisen as I looked quickly at this bill are around the institutional pharmacies. Now, that's basically the pharmacies that are in the hospitals and nursing homes. Some of them, not many though. They're in an institution already. This act is clarifying that for the purposes of administering or prescribing the drugs to people that live in institutions, they're not required to be licensed. They're outside the purview of the College of Pharmacists. But if they are going to dispense pharmaceuticals in the way that we think of a pharmacist – they're selling them, or it's going to people outside of living in the institution – then they must be licensed and fall under all of the requirements of that.

I am interested – and I will put these questions on the record. Why are the institutional pharmacies not required to be licensed even though they're dealing with those patients in the institutions? What's wrong with having those pharmacists covered under the requirements of the college? We say that it's important enough for all those other pharmacists to have to be covered under this and to fall under those rules and regulations, and they must do it. They must adhere to it. Why are you not making all pharmacists do that? That's my query on that one.

I guess that by comparison I could say: well, are there any other self-regulated professions in Alberta that have some members exempted from the regulations of their college or their regulation-making association? I'm not aware of that, and if this is the only exception, then I'm really interested in why it's the exception. Is the government aware of any other provinces or any other jurisdictions

where, in fact, they're allowing some members of the pharmacy profession to not be subject to regulations?

Just in closing, Mr. Speaker, the final thing that I'm not happy about is that the institutional pharmacies are not required to be a licensed pharmacy. Sorry; that's in section 5, which I've already put on the record at some length.

I am really interested when I see the government start to align with the health care policy that's already been outlined by the Alberta Liberals; as I say, our policy position 10, which is talking about managing the health care workforce. And there are a couple of others that apply specifically. Policy 22 is that we would have a more extensive public pharmacare program. This is not talking about enlarging pharmacare, but it's coming close. I would invite anyone to check that out on our website, liberalopposition.com, to see what we're advising the government to do.

So, overall, I'm expecting that this bill will have a fairly swift passage through the Assembly. I am overall supportive of it. A couple of questions I wanted to put on the record. I am very lucky, Mr. Speaker, to be in a caucus where there are a number of people with a great deal of background in health care both from the nonprofit advocacy sector but also a professional pharmacist. I am going to recognize that they probably have more direct experience in some cases and also opinions that they would like to get on the record in this second reading debate, and I am going to cede the floor to my colleagues.

Thank you very much.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Edmonton-Beverly-Clareview.

**Mr. Chase:** Thank you very much, Mr. Speaker. I, too, support the intention of this bill based on the consultation that preceded the writing up of the bill. I also very much appreciate incorporating best practice and all-party input. I think that if we're all on the same side, then obviously this is going to be a successful bill.

I have a concern that was brought up by the Edmonton-Centre MLA in terms of the licensing for institutional pharmacists. It brings up a situation that, unfortunately, occurred at the Foothills hospital where off-site drug preparation and the accompanying mix-up resulted in two tragic deaths. I'm hoping that potentially through this bill before that medication makes it onto the tray and then is served to the patient, all the safety checks have taken place, the patient's history has been clearly read, and they will be receiving the appropriate medication.

I have an appeal to the creator of this bill, and that has to do with the affordability of drugs. We're, again, fortunate in this province to have such oil and gas and natural resources, and I would like to see the government providing a larger drug coverage for individuals.

I want to very briefly talk about an individual who is a diabetic whose business is found in my constituency. Basically, he was attempting to self-medicate in the sense that he was trying to reduce the amount of insulin he required because it was of a special type and it was extremely expensive. In order not to suffer financial hardship for his family, he was putting himself at risk. I would like to think that within this province we could potentially help or subsidize the cost of specific medications, especially those of almost an exotic nature, but ones that have been approved in Canada for use.

Another situation that I'd briefly like to discuss is a constituency association meeting that took place in Calgary-Buffalo. At that particular meeting a former health minister was present, and he talked about a situation that I would like to take almost out of his hands. He felt that he was put into the position of approving costly

drug treatments and having to almost put on a balance the value of a single life and the cost that it would be to maintain that particular single life versus the good of the whole. The notion of having to balance human life and those kind of values – I don't think we should be putting ministers in that position of having to play almost a godlike role, and that's why I would like to see the government support and underwrite the cost of expensive but required drugs.

The last situation that I'd like to briefly mention is that if it appears that one other level of government is failing, then I'm hoping that the province will come in and help out in the case of an Alberta resident. Very recently we heard the case of the young First Nations individual who required a rather expensive medication, and it wasn't sure, even though First Nations provisions come under the federal government's responsibility, whether that individual was going to have his needs met. I would just like to suggest that I'm hoping that within this bill or amendments to it at some point the needs of Albertans, whether they be exotic special medication needs or needs that other governments are not covering, that we'll rise to look after their well-being, to meet their needs.

So I support this bill in principle. I just encourage the government to provide the kind of coverage, the generosity of treatment that individuals find themselves in, where the cost of drugs is prohibitive and the quality of their life is diminished because of these costs.

Thank you very much.

5:20

**The Speaker:** Standing Order 29(2)(a) is available.

Then I'll recognize the hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you, Mr. Speaker. Certainly, as far as the bill goes, we will support it. I think there has been a discussion, and we recognize, as I'm sure the minister does, that this drug distribution process is extremely complex and includes far more than just pharmacies, and of course the wholesaling of drugs is a federal jurisdiction, and it's very difficult. In saying that, the bill goes in the right direction.

There are a couple of things from the bill that I'd like to say to the minister that perhaps could be looked at and may have to be worked out with the federal government. There are some things, provincially, that we can do. One bill coming up – I believe it's Bill 204 – is about controlling crystal meth, and of course the Member for Red Deer-North has talked about the other end of it, the treatment.

An interesting idea, Mr. Speaker, and perhaps the minister could comment on it, that the Canadian Council of Grocery Distributors has recommended a way to deal with this, and they say that striking at the source – that is, by regulating bulk shippers of crystal meth inputs – is an effective way of combatting the crystal meth epidemic. Now, it may be that that's an easier way to come at it with the same intent as I think it was the Member for West Yellowhead in his private member's bill, to try to deal with this at that level. That might be a much more effective way to get at it. At least that's the suggestion they're making, and I think it's one that, perhaps, might be worth looking at. It probably needs some co-operation, I don't know, with the federal government or not, but if we could do that, I think that might have a bigger impact. So I'd leave that with the minister.

The other suggestion I might make – and of course it's been alluded to – is that the cost of drugs is one of the biggest driving forces of the higher costs for health care. I think it behooves all of us to take a look at what we can do. I think we can look at other jurisdictions, and perhaps this is something that the minister might

take a look at in another bill very soon. I'm talking about setting up a couple of things: bulk purchasing of prescription medication sold at pharmacies and used by health authorities. There's some evidence that that can lower prices by 6 to 10 per cent in the first couple of years. That's a significant saving.

Along with that, as has been done in other places, is a reference-based pricing strategy so that we can use the lower-cost options with equal health care options. We don't often do this. Sometimes drug manufacturers are presenting the most expensive ones to pharmacies. It seems to me that there are some ideas that this has worked relatively well. B.C. introduced a version of reference-based pricing in 1995. They believe they saved \$200 million in the program in the first five years, and they save \$44 million a year. New Zealand has achieved big savings since creating the Pharmaceutical Management Agency. They believe that their pharmaceutical expenditures have I think gone up by 3 per cent as compared to the OECD average of 14 per cent. So I think that there are things that we can look at in dealing with the drugs.

The other area – and I don't know if the minister has had time or is aware of it – is the whole idea of education on how prescriptions are being used. There was, I think, last week a two-part series on CBC especially about seniors and being overdrugged – this was across Canada, but I expect it would be in Alberta – to the point where they've got one set of prescriptions fighting against the other one. Some doctors actually said that it was probably creating unnecessary deaths. So I don't know how we deal with this. It's not an easy matter. It seems to me that we have to start to focus on education, this whole idea of education, and what we do especially with seniors. If that's the case, one prescription fighting against itself, this is a serious problem. It's costly, lives are being put at risk, and all the rest of it.

So I think that beyond this bill, which we will support, I would really like the minister to take a look at some of these suggestions that are coming with crystal meth and ways that we can do bulk buying, reference basing, and how we begin to deal especially with seniors. It's not just the seniors at nursing homes and that. This was talking about right across the board that this was happening. So I think that we need to take a serious look at this issue.

Thank you, Mr. Speaker.

**The Speaker:** Standing Order 29(2)(a) is available.

The hon. Member for Edmonton-McClung. Hon. member, there's no conflict of interest with respect to this bill?

**Mr. Elsalhy:** No, I don't suppose there is, and I actually cleared it with the Ethics Commissioner, Mr. Speaker. We're not talking money. He clearly indicated that if it is a money bill, then I cannot contribute.

Mr. Speaker, I just need guidance. I want more than three minutes to talk about this, so can I move adjournment on the bill so it comes back later?

[Motion to adjourn debate carried]

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

**Mr. Hancock:** Well, thank you, Mr. Speaker. I guess that given, then, that we have two minutes left, I would move that we adjourn until 8 p.m.

[Motion carried; the Assembly adjourned at 5:27 p.m.]

