

Legislative Assembly of Alberta

Title: Monday, February 27, 2006

1:30 p.m.

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[The Speaker in the chair]

head:

Prayers

The Speaker: Good afternoon. Welcome back.

Let us pray. We confidently ask for strength and encouragement in our service to others. We ask for wisdom to guide us in making good laws and good decisions for the present and the future of Alberta. Amen.

Hon. members and ladies and gentlemen, I'm now going to invite Mr. Paul Lorieau to lead us in the singing of our national anthem, and I would invite all to participate in the language of your choice.

Hon. Members:

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

The Speaker: Please be seated.

head:

Introduction of Guests

The Speaker: The hon. Minister of Energy.

Mr. Melchin: Thank you, Mr. Speaker. It's my privilege today to be able to stand and introduce to you and to members of this Assembly 23 employees of Alberta Energy that are here touring through the public service orientation tour. I am delighted that they could be able to join us and see how we are preserving democracy and are hard at work here in the Legislature. They're in the members' gallery. If they'd stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Solicitor General.

Mr. Cernaiko: Thank you very much, Mr. Speaker. It's with great pleasure that I rise today to introduce to you and through you to all Members of the Legislative Assembly two exceptional staff members from Solicitor General and Public Security. Laurie Hryciuk and Sue McCoy work in the human resources division of the Department of Solicitor General and Public Security and have been a tremendous asset to our department. They are here today to tour the Legislative Building and the ministerial office. I invite both Laurie and Sue to please stand and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Lacombe-Ponoka.

Mr. Prins: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of this Assembly a number of my constituents: first of all, the Rimbey elementary school grade 6 class. They are accompanied by their teacher, Mr. Jim Moore, and parent helpers Jody Woodliffe, Rodney Clark, Margaret Tanasiuk, Kathy Davies, Rick Pankiw, Emily Breton, and Grace Allemand.

They are seated in the public gallery. I will ask them to rise in a minute.

In addition, I have my constituency assistant, Mrs. Cheryl Christie, and her two daughters, Lorena and Kathy. Cheryl worked for many years for Judy Gordon prior to working for me. She's a very valued person to our constituency in this province. They're also seated in the public gallery.

In addition to that, I would like to introduce Mr. Klaas Klooster. Mr. Klooster is a former constituent and is executive director of the Champion's Centre, an Alberta housing project for mentally ill, marginalized, homeless, or at-risk men and women in Alberta. The Champion's Centre operates in Ponoka and is currently expanding to Medicine Hat. They also are looking to expand to the Edmonton area. With Mr. Klooster is Dr. Austin Mardon, a noted Albertan working with people with schizophrenia. They are seated in the members' gallery.

I'd like to ask all these people to rise and receive the warm welcome of this Assembly.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you to all hon. Members of this Legislative Assembly a group that is visiting the Legislative Assembly today from the Native Counselling Services of Alberta. This group is led by an elder from the Cree-Sioux. Her name is Taz Johnson-McGillis, and she is accompanied today by Sheena McCart, Kevin Chille, Irleen Omeasoo, Wesley Haineault, and Carlene Weber. The Native Counselling Services of Alberta provides personal development skills to many people across the province. Their good work does not go unnoticed nor unappreciated. This delegation is in the public gallery, and I would now ask them to rise and receive the warm traditional welcome of this House.

Thank you.

The Speaker: The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you my guest, Mr. Rob Warden, sitting in the public gallery. Mr. Warden's mother, Jean, died in unfortunate circumstances while in continuing care, and he is championing all of those that remain in continuing care. I would ask that he rise and receive the traditional warm welcome of this House.

Thank you.

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

Mr. Martin: Thank you, Mr. Speaker. I am pleased today to introduce to you and members of the Assembly Lynda and Ron Jonson. Lynda and Ron are tireless advocates for seniors' issues and improving conditions in Alberta's long-term care facilities. Lynda is a former registered nurse and Ron a former engineer living in Hinton. I would now ask them to rise and receive the traditional warm welcome of this Assembly.

head:

Ministerial Statements

The Speaker: The hon. the Premier.

Winter Olympics

Mr. Klein: Thank you, Mr. Speaker. Every four years all Canadians get to feel part of a bigger team when we come together as a nation to stand behind our Olympic athletes. At this year's Olympic Winter

Games in Torino, Italy, the 196 members of Team Canada made all Canadians stand up and cheer. Our athletes competed with pride, talent, and guts, bringing home a record 24 medals. Many others achieved personal bests, and every effort was worthy of recognition.

The theme for the Olympics in Torino was Passion Lives Here. Well, Mr. Speaker, passion also lives here in Alberta because many of Team Canada's medalists are Alberta athletes, and I would like to recognize them today by name. The list of Alberta's medalists is long, and I ask for everyone's patience.

We start with, of course, Spruce Grove's Jennifer Heil. She started Team Canada off on the right foot on day one, winning gold in moguls.

Canmore's Chandra Crawford powered her way to an unexpected gold in cross-country skiing sprints.

Calgary firefighter Duff Gibson took home the gold in skeleton. He shared the podium with silver medalist and fellow Calgarian Jeff Pain. The pride and joy of Eckville, Mellisa Hollingsworth-Richards, cemented Canada's strength in skeleton by winning a bronze.

Can any victory be more dominating than what we saw in women's hockey? Calgary residents Carla MacLeod and Hayley Wickenheiser were big parts of the gold medal team.

Vermilion's Beckie Scott. Well, she shared a silver medal with Canmore teammate Sara Renner in the cross-country team sprint. Beckie was also voted by her peers around the world to represent athletes on the International Olympic Committee. She is the third Canadian ever to have this opportunity.

1:40

Arne Dankers of Calgary and Steven Elm of Red Deer collected silver in the speed skating pursuit event.

Now, Edmonton and Calgary came together for silver in the two-man bobsleigh thanks to Olympic veteran Pierre Lueders and our new Canadian, Lascelles Brown.

What would Olympics be without curling success? Okotoks' Shannon Kleibrink skipped her Calgary teammates Amy Nixon, Glenys Bakker, and Christine Keshen to bronze. Of course, Newfoundland won the men's curling.

I would also note, Mr. Speaker, that many Canadian athletes train out of Alberta at our world-class facilities at Canada Olympic Park, the Olympic Oval, and the Canmore Nordic Centre. These are all legacies of the 1988 Olympic Winter Games in Calgary, and they continue to inspire the next generation and had much to do with our athletes' success in 2006.

Mr. Speaker, I ask all members of this House to join me in congratulating all of Team Canada for their tremendous efforts at the 2006 Olympic Winter Games in Torino, Italy. [applause]

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

Mr. Agnihotri: Thank you, Mr. Speaker. It's an honour for me to rise today to respond to the Premier's sentiments on the recent Olympic Games in Turin, Italy. These games were a great success for Canadian as well as Alberta athletes. I was especially pleased to see so many Canadian women athletes standing on the podiums. Each of these athletes just mentioned by the Premier deserves our thanks and our respect for their hard work and sacrifice, their commitment, their sense of fair play and service. Please give them a big round of applause. [applause]

We should also pause to thank the families, friends, coaches, and trainers of those athletes for their sacrifice and dedication. It was especially inspiring to see that so many family members made the trip to cheer on their loved ones. These values – hard work,

sacrifice, commitment, fair play, and service – are also the values that so many Albertans share. They are the values that we see every day in our teachers, in our doctors, nurses, our health care workers, in social workers, in religious and other community leaders, in businesspeople, coaches, parents, and so many others. It is so often these individuals that help pass these values on to the next generation. With their help I expect that Canadian and Alberta athletes may win even more medals at the Vancouver games in the year 2010.

However, 24 medals don't tell us the whole story. The Olympic Games, while celebrating the victors, also celebrate the human spirit and the human family. The Olympics provide us with an opportunity to celebrate diversity amidst our common humanity, to highlight their play. There's no better example of this than a coach from an opposing team providing a pole to a Canadian skier whose pole had broken during the race.

I sincerely hope that the performances by all of Canada's athletes at these games will inspire the next generation to participate more actively in sporting activities. This is an area where our province could play an even greater leadership role. There are wonderful opportunities to help families, especially needy families, with the resources required to enrol their children in sporting activities, to invest in the facilities needed, from rural ice rinks to world-class training centres, and to implement and fund a world-class Alberta sports plan. With this kind of commitment, sir, Albertans and Canadians will continue to excel.

Thank you.

The Speaker: I suspect that the hon. Member for Edmonton-Beverly-Clareview is rising to seek unanimous consent so that his leader might be able to participate, so why don't I just ask the question.

[Unanimous consent granted]

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. I'll be brief. I would like to thank the House for this opportunity to add my congratulations to the Canadian team at this year's Olympic Winter Games in Torino, Italy. Our Canadian athletes competed with grit and determination and as a result came home with a record 24 medals, seven of them gold. Nowhere was the grit more evident than in Clara Hughes' final three laps in the gruelling 5,000 metre long-track speed skating race. Clara had literally nothing left in the tank at the end of the race, collapsing to the ice in pure joy and sheer exhaustion.

I wish to add the NDP opposition's congratulations to each and every one of these outstanding athletes. Whether it was the pure joy of Chandra Crawford's unexpected win in the 1.1 kilometre cross-country pursuit or Pierre Lueders' and Lascelles Brown's sheer determination in winning the silver in the two-person bobsleigh, our Alberta athletes did us all proud.

On Friday the Member for Edmonton-Beverly-Clareview and I attended the northeast Rotary club lunch, and we sat with Jennifer Heil's extremely proud grandpa. It was really a nice opportunity to talk to him. He was on cloud nine, and I don't think he's come down yet.

Hopefully, Mr. Speaker, even greater success will be achieved at the Vancouver/Whistler Olympics in 2010.

In closing, I want to once again on behalf of all Alberta New Democrats thank the athletes, coaches, families, and all of those on

the Canadian team that did us so proud in Torino over the last 16 days.

Thank you, Mr. Speaker.

head: **Oral Question Period**

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

1:50 **Long-term Care**

Dr. Taft: Thank you, Mr. Speaker. This government continues to fail the people in our province's long-term care system. Another tragic death of a senior at an Edmonton continuing care facility over the weekend is proof that the system is facing a crisis. Last week's announcement for seniors failed to address a range of problems, including the need for legislated standards of care. My questions are to the Premier. When will this government develop a solid plan that will ensure that all Albertans in continuing care can expect to live under province-wide standards?

Mr. Klein: Mr. Speaker, first of all, we've put I think about \$36 million – is that correct? – into operations for long-term care. That's over and above the \$140 million we have committed for capital. We feel that we are tackling the most urgent recommendations right now. I can tell you that long-term standards are being developed and will be implemented this year. I'll have the hon. minister elaborate further.

The Speaker: The hon. minister.

Mrs. Fritz: Thank you, Mr. Speaker. As the Premier has mentioned, we did dedicate \$150 million through to the continuing care system over the past year. Actually, it's over the past 12 weeks. That's \$100 million for new spaces in the system, over 4,000 spaces that will be either built or enhanced in the rural areas, and also it's \$15 million to enhance lodges. The \$36 million are being used, as the Premier mentioned, to implement urgent needs immediately.

I'd be pleased to comment on the standards that the member had mentioned in the next question.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Thirty-six million dollars aren't even what this government gives to the racehorses.

Again to the Premier. The money described in the announcement is less than half of what this government itself admitted is needed for seniors. When are you going to come through with province-wide standards and sufficient funding to meet the needs of people in long-term care facilities?

Mr. Klein: Just as a matter of clarification, we give absolutely nothing to horse racing. We give nothing to horse racing. This person is telling a big fib. He's not a liar, Mr. Speaker, but he's fibbing. That money is generated through slot machines at race-tracks, and it has nothing to do with the government or government funding or taxpayers' dollars.

Mr. Speaker, the government has accepted the MLA task force's final report. We are committed to ensuring the safety and well-being of Albertans in continuing care. As I pointed out, we have given \$140 million plus \$36 million in operating over the past three months. That's just to cover the last three months and to look after emergency situations. I believe, notwithstanding what the opposition says, that this is a significant step forward on behalf of seniors

in continuing care. There's more to be done and more will be done, as the hon. minister elaborated.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Again to the Premier: will the government listen to calls from stakeholders across the province and institute an independent continuing care commissioner to monitor and enforce standards?

Mr. Klein: Mr. Speaker, we had a complete study by MLAs, including one from the opposition, and they came up with recommendations. The opposition does a credible job of monitoring the situation. I will give them credit. If we had a commissioner, then they would have even less reason for justifying their existence.

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

Budget Surplus

Dr. Taft: Thank you, Mr. Speaker. By failing to properly plan for long-term care, this government is failing Alberta's seniors. By failing to plan for Alberta's future, this government is failing Alberta's children. If history has taught us anything, we need to put money aside in times of boom to prepare for the inevitable decline of nonrenewable resource revenues. Again to the Premier: will this government table legislation immediately that will bring an end to nonemergency, unbudgeted spending?

Mr. Klein: Mr. Speaker, I'll have the hon. Minister of Finance and Provincial Treasurer respond in detail. But there are problems. You know, the opposition leader can talk about all the things that he wants to talk about, but he isn't accountable, thank God. For every good idea or what is perceived to be a good idea, there is a downside. For every action there is an equal and opposite and often negative reaction.

Now, as we generate huge surplus dollars, an emergency might occur outside of a natural disaster which can be accounted for in the sustainability fund. An emergency might occur, and all of a sudden people are saying to this Liberal opposition: "Well, my God, you proposed this. You're sitting on these billions of dollars, and you can't spend any to alleviate this emergency."

Mr. Taylor: Are you just making this up?

Mr. Klein: No, I'm not making it up. You know, yip, yip, yip. Why don't you stick to radio? Lips don't sweat.

Mr. Speaker, you know, an emergency can evolve or develop, and the Liberals would be left there hanging out if they ever, God forbid, became the government.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. Again to the Premier. A math question: when this government puts a billion dollars into the heritage fund and then subtracts a billion dollars from the fund for spending, how much is this government investing in the heritage fund?

Mrs. McClellan: Mr. Speaker, I've heard repeatedly from the opposition that we should be putting money away and saving it. Today it seems to be an issue. The fact is that we are saving and we

are investing, and the heritage fund is one way. Yes, while we draw the investment income from the heritage savings trust fund, we have not increased until this budget year the actual amount in the fund. We inflation-proofed it this year. We'll be debating a billion dollars for the base of the fund, to grow the real value of that fund. Therefore, the investment income that is available for programs that are important to Albertans will grow. I think the opposition understands that. It's very difficult to make bad news out of a good-news story, and this is an attempt.

The Speaker: The hon. leader.

Dr. Taft: Thank you, Mr. Speaker. My final question to the Premier: why doesn't this government adopt our surplus policy that would put 35 per cent of surpluses into the heritage fund?

Mr. Klein: Well, Mr. Speaker, the policy that we have adopted is a good policy. We had this discussion today about, well, 30 per cent, not 35 per cent. It grows and grows. You know, I can recall that back in the early '80s this province was in a depression, and 35 per cent of nothing is nothing. We weren't able to grow the heritage savings trust fund for years and years. When you commit 35 per cent, you commit it when you have surpluses. I would rather stick with the \$1 billion. At least it's growing.

As I said, for every upside there's a downside. You know, there are many, many people out there – and the Liberals hear from some of them; certainly the NDs do – who say: "Why are you sitting on this rainy day fund? Why not dissolve it? Why not spend it? You're sitting on something like \$14 billion. Why not do something with it?" So for every upside there's a downside. A billion dollars seems to be reasonable.

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

Electricity Deregulation

Mr. MacDonald: Thank you, Mr. Speaker. Last November Mr. Kellan Fluckiger, this government's hired hand from California on electricity matters, issued a policy paper proposing more refinements to electricity deregulation. This document is a clear indication of the failure of electricity deregulation after 10 years of trying to make it work to the benefit of the consumers. In fact, consumers have always been ignored in any consultations regarding electricity deregulation. Now we find out that the EUB has been cut out of the loop as well. My first question is to the Minister of Energy. Why was the EUB not given an opportunity to provide input to the Department of Energy on the matters dealt with in this very paper before it was circulated to stakeholders across Alberta?

2:00

Mr. Melchin: Mr. Speaker, the document put out by the Department of Energy in December on roles and responsibilities, looking at the work of the various boards, the Energy and Utilities Board being one of those boards, was put out for consultation so that they could have it so that they could provide feedback. It was literally in that context that we've acted. We've provided no recommendations yet on it. It's been in discussion among all the boards, including the Alberta Energy and Utilities Board.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Given that this discussion paper that has been responded to by the EUB expresses

their deep disappointment that they have not been consulted, has the minister on behalf of the government instructed Mr. Fluckiger not to consult with the EUB in regard to these further deregulation refinements?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. The whole process has been about consultation. It has been about: how do we actively engage people about improving what is already a very good system? We want to make sure that among the various boards they've have the opportunity to reflect upon their roles and if there are ways that we can improve it to avoid overlap, duplication, those kinds of things. So it has been very strong and open, and it has engaged some very good public comment back, so I compliment our department very much on being quite open on that consultation.

Mr. MacDonald: Again, Mr. Speaker, to the same minister: this government is not open. Now, will the Alberta government fire Mr. Fluckiger for failing to consult with the EUB and other stakeholders in Alberta in this latest attempt to try to convince Albertans that electricity deregulation will and can work?

Mr. Melchin: Mr. Speaker, I will absolutely compliment and encourage our department and certainly the individuals that he has mentioned to continue the work that they've been doing in a very open, very transparent – that document has been circulated to all of the parties involved, and we've had quite a bit of comment from all of those parties, a good discussion ongoing. So it has been very much an open dialogue. We will continue to ensure that we have the best system for all Albertans.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by the hon. Member for Vermilion-Lloydminster.

Health Care Privatization

Mr. Mason: Thank you very much, Mr. Speaker. The Premier continues to hide his plans for private, two-tier health care from the Alberta people. Yesterday he falsely claimed that the NDP had not contributed any ideas to improve health care or control costs. This is all the more outrageous given that just last fall the Tory caucus voted down an NDP bill that would have cut drug costs by a minimum of \$75 million a year. My question is to the Premier. Why did the Premier tell the House that he was open to innovative ideas to save money in the public system when his government has already rejected a proposal based on a proven New Zealand plan that has dramatically cut the growth in prescription drug expenditures in their health system?

Mr. Klein: I'm going to give the hon. member a lesson in, well, geography and political jurisdiction.

Mr. Mason: We're all ears.

Mr. Klein: Right. He's all ears.

First of all, New Zealand is a country. It's a country, not a province. It's a country. Now, the national government in New Zealand can do things. Here we have to seek the consensus of all the Premiers and the territorial leaders, and we're trying to do that. It's not to say that the NDs' idea is a bad idea. As a matter of fact, we will pursue if we can do it provincially. But in order to do it nationally, you have to get the ND Premiers from Saskatchewan and Winnipeg onside. Or Manitoba.

Mr. Mason: Winnipeg is a city.

Mr. Klein: I stand corrected. Although Winnipeg represents the largest part of Manitoba, it is a city.

Mr. Speaker, if we could get all of the Premiers onside, including the ND Premiers, I would like to do that not only as it affects pharmaceuticals but as it affects uniforms. We've done a protocol on if there is something that Alberta is doing well in the hospitals, then rather than building another centre of excellence in, say, Winnipeg or Toronto, all the patients would come here.

So we are trying to come to grips with these kinds of things, and I would ask the hon. member to put pressure on his ND cousins in Manitoba and Saskatchewan to move on this particular issue.

Mr. Mason: Mr. Speaker, why doesn't the Premier just admit that he's not so interested in controlling costs as he is in finding an excuse to privatize our public health care system?

Mr. Klein: Mr. Speaker, first of all, I'm going to make it clear what the proposed legislation accommodates, and it's only one part. The hon. leader of the third party brought up another part; that is, a national consensus that we should have common purchasing. That is one way to achieve savings. Another way is to look at all the administrative costs connected with health authorities. That is another way. The high cost of drugs generally, an aging population: all of these things are problems and need to be addressed.

We're looking at one solution to one component of the problem, and that component is: first of all, no one, absolutely no one, not even this individual will have to suffer. If he is sick or if he is in a car accident, he will be treated. He will be treated under the publicly funded system. Now, if he has a hernia, like Jack Layton had, then he might have the opportunity to move out of the line and pay for it like he would at the Shouldice clinic. But if the doctor says, "Lookit, it might be causing you some discomfort and pain, but I can't do anything for another year," if he wants to wait, he will get treated. So he will get treated under any circumstance.

Mr. Mason: Mr. Speaker, I do have a pain, but it's sitting over there.

Why doesn't the Premier admit that any solution that improves the public health care system is of no interest to him because he's looking for excuses to privatize, privatize, privatize?

The Speaker: I'm not so sure that that's a question.

Mr. Klein: Mr. Speaker, I'll tell you what I'm trying to do: bring costs down in line with the rate of inflation – that's one thing that I would seek the hon. leader of the third party's co-operation on – and improve access. Now, that is one component of the whole situation relative to bringing those costs in line, one component. Yes, it involves perhaps using the private system to move out of the line, but I repeat: anyone who needs treatment will get that treatment.

The Speaker: The hon. Member for Vermilion-Lloydminster, followed by the hon. Member for Edmonton-Decore.

Assistance for the Grains and Oilseeds Sector

Mr. Snelgrove: Thank you, Mr. Speaker. I think everyone in this Assembly would agree that our grains and oilseed producers have become among the best and most efficient in the world, yet they face a very, very bleak future. Whether it is the trade distorting subsidies, whether it's high input costs or low commodity prices, whether it's

the weather or a combination of everything, their industry is on the verge of collapse. Many producers feel that the CAIS program in its current form doesn't address their particular circumstance. My question is to the Minister of Agriculture, Food and Rural Development. Given these circumstances, what is the government doing to assist our grains and oilseeds producers for the 2006 crop year?

The Speaker: The hon. minister.

Mr. Horner: Well, thank you, Mr. Speaker. A very good question because this is an area that is of grave concern. Our Premier and our caucus are all very aware of the crisis that we see in the grains and oilseeds sector today: the high input costs, the low commodity prices.

What we've done is moved fairly quickly on production insurance changes that will help producers with their 2006 growing season. We reduced the cost of the premium on the spring price endorsement from 50 per cent to 30 per cent. We announced that just recently. As well, we moved early on the commodity price front too by boosting the floor price under the revenue insurance coverages, effectively setting a floor price for many of these cereals. When you add up all of the programs – and it's a package of programs that's available to all of our producers today – there's over half a billion dollars available to producers this spring between the federal government's programs and our programs. We encourage the producers to visit one of the 52 AFSC offices around the province so that they can get the information they need.

Can we do more, Mr. Speaker? Yes, I believe we can do more, but this is a Canadian problem, and all of the provinces are talking to our new federal minister. We hope to get some more information out to producers very soon.

2:10

The Speaker: The hon. member.

Mr. Snelgrove: Thank you, Mr. Speaker. To the same minister: while every little bit helps, in the short term that addresses some of the problems. Can our grains and oilseed producers expect a future without the subsidies? What is our industry looking at in the future?

Mr. Horner: Well, Mr. Speaker, it is a good question. Really, what we're talking about is: is the grains and oilseed sector viable long term? Is it sustainable without government support? My answer to that is: yes, it is. But we need to deal with the WTO. We need to deal with new markets and new products for those cereals, which we are working on in co-operation with not only the other provinces but with our federal minister. We're talking to the industry. We just announced a three-point plan.

You know, when BSE hit this province, we came up with a BSE recovery strategy. We are working on a grains and oilseeds recovery strategy, and we'll be moving with that fairly quickly in March, Mr. Speaker, and hope to map out that future for the grains and oilseeds sector.

The Speaker: The hon. member.

Mr. Snelgrove: Thank you, Mr. Speaker. To the same minister: does the minister know when the Alberta producers can expect payments from the federal government from the \$755 million program announced last year?

The Speaker: The hon. minister.

Mr. Horner: Yes, Mr. Speaker. I can tell you that some of those payments are coming out right away. The federal government has tied these payments of the \$755 million, actually, to the CAIS program, and for those producers who have submitted their 2004 CAIS claim, those cheques are moving fairly quickly. They're based on 7 and a half per cent of a five-year average of net sales of eligible grains with the possibility of a top-up later this year although the federal minister assures me that the majority of funds are going to come out fairly quickly. If the producers have not filed their '04, I again encourage them to get to one of those 52 AFSC offices or get those applications in because it also enables them to apply for the 50 per cent advance on their '05 year, which again will put dollars into producers' hands this spring. Roughly \$200 million out of that \$750 million we believe will land in Alberta.

Chronic Wasting Disease

Mr. Bonko: Mr. Speaker, last year this spring this government continued to deny that chronic wasting disease posed a threat to human health or wild deer populations. While this government is in denial, the problem is spreading. Fish and wildlife have no answers, yet the minister of agriculture has accused us of fearmongering, and this is the second cull in two years. To the Minister of Agriculture, Food and Rural Development: is the government continuing to take the same stance as last year, that chronic wasting disease is not a problem?

Mr. Horner: Well, Mr. Speaker, I never said that chronic wasting disease was not a problem. What I said was that we have a surveillance system that works very well. What I said was that we support our elk industry and our deer industry because they, too, have a future. We've never said that CWD wasn't a problem.

Mr. Bonko: To the same minister: is this minister willing to give guarantees that chronic wasting disease will not enter the human food chain? It's a simple question: yes or no?

The Speaker: Nobody can give guarantees, hon. member. The next question.

Mr. Bonko: Thank you. Is the minister willing to apologize to Albertans for waiting so long to act on the threat of chronic wasting disease?

Mr. Horner: Mr. Speaker, that's a ridiculous question. Really, the hon. member needs to do a little more research. This industry has been around for quite some time. The CWD surveillance has been around for quite some time and, in fact, is viewed around the world as a model which some other jurisdictions should be following. To follow his logic, when we were hit with BSE in the beef industry, we should have shut it down. We didn't do that. We're supporting our producers. We're doing what's right based on science, and we're doing what's right for our consumers.

The Speaker: The hon. Member for West Yellowhead, followed by the hon. Member for Calgary-Mountain View.

Environmental Initiatives

Mr. Strang: Thank you very much, Mr. Speaker. Alberta has long placed a priority on finding sustainable ways to develop its natural resources to benefit all Albertans. One of these resources is coal, and the province's reserves are estimated to be twice the energy of Alberta's oil sands resources. In the Premier's address on Tuesday

night he emphasized this government's continued commitment to clean-coal research. He referred to the ingenuity it took to make oil sands resources a long-term prosperity and that Alberta's best minds and industry leaders have the knowledge and innovation needed to unlock coal's massive potential. My question is to the Minister of Innovation and Science. Can the minister tell the House about the research taking place to develop clean-coal technology?

Mr. Doerksen: Mr. Speaker, notwithstanding the tremendous fiscal success that we are having in this province from energy resources, it is now time to continue to focus on the long-term problems that we have, and clean-coal technology is one of those opportunities. The goal, quite simply, of our clean-coal research is to find technologies that use our coal – and I'll call it Alberta coal – more efficiently, with a minimal impact on our environment. I say Alberta coal because Alberta coal is primarily subbituminous, which means it has a lower sulphur content and a lower mercury content, which has characteristics that have to be used in a different variety than other coal sources. Not only electricity generation but the importance of this research into other areas that can offset the use of natural gas are important.

Specifically to the member's question, together with industry the Alberta Energy Research Institute is currently working on 10 projects that are assessing clean-coal technologies for Alberta's needs. These include coal gasification with reduced emissions and the capture, storage, and usage of carbon dioxide.

The Speaker: The hon. member.

Mr. Strang: Thank you very much, Mr. Speaker. My first supplementary question is to the same minister. What is the government doing to encourage development of renewable energy resources?

Mr. Doerksen: Mr. Speaker, notwithstanding the importance of clean-coal technologies, we also recognize that there has to be a mix of energy technologies. The Alberta Energy Research Institute is really focused on six priority areas that we're working on: one of those I've talked about, of course, with clean coal, clean carbon; a second area is CO₂ management; bitumen upgrading; improved recovery of oil and gas; alternative and renewable energy; and water management.

Just one example that I will give to the members would be a project that we have on biomass through the Alberta Research Council at a feedlot in Vegreville. This project generates about 1 megawatt of power from agricultural waste. That's enough electricity to power their complete operation or a 2,000-person village.

Mr. Speaker, we recognize that a mix is important and are working on a number of different fronts.

The Speaker: The hon. member.

Mr. Strang: Thank you, Mr. Speaker. My second supplementary question is to the Minister of Environment. Can the minister explain what actions are being taken to make sure Alberta continues to have clean air to breathe, free of emissions such as mercury and sulphur dioxide?

Mr. Boutilier: Mr. Speaker, if you can imagine this province as being the leader of environmental initiatives across North America, imagine this: this province sharing our technology with the rest of the world. Albertans can do it because we're investing in technology such as clean-burning coal.

What have we done in the last week, you ask? Well, let me tell

you what we've done. Our standing policy committee, our cabinet, our caucus all supported new regulations that, in fact, are reducing mercury by 2010 by 50 per cent. How much did you say? Fifty per cent. That's 1,200 kilograms to 600 kilograms. That's just the beginning of more to come.

The Speaker: The hon. Member for Calgary-Mountain View, followed by the hon. Member for Peace River.

2:20 Coal-bed Methane Drilling

Dr. Swann: Thank you, Mr. Speaker. This government has actively encouraged coal-bed methane drilling, assuring Albertans that it's safe. Thousands of coal-bed methane wells have been drilled in the past few years. The farmers and municipalities in proximity to these wells are experiencing dramatic change in their drinking water. High levels of methane, caustic skin burns, loss of safe drinking water have been reported, and they're serious health and safety issues with no consistent process for investigation and management. To the Minister of Energy: how is it that CBM drilling is full speed ahead when we're still awaiting recommendations from the advisory committee and protective legislation is not in place?

Mr. Melchin: Mr. Speaker, last fall there was a draft report, as you may be aware, from the Multi-stakeholder Advisory Committee on coal-bed methane, and that went through public feedback at that stage. That final report has now been prepared. We have just been in receipt of it. We are hopeful to have that report out in the not-too-distant future.

That said, I must re-emphasize, though, that the Energy and Utilities Board does still act on all of those issues that you've raised, very fact-, science-based information, to ensure that our water is protected. One of the recommendations coming out will be to ensure that we continue to gather and have the research on the protection of those aquifers so that we can continue to let all Albertans be reassured that their water will be protected as the coal-bed methane drilling continues.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. That is precisely the question. You're continuing drilling before the regulations are in place. Why has there, for example, not been a regulation that all water in an area should be tested before the drilling?

Mr. Melchin: Mr. Speaker, there are regulations in place. This is another report, the Multi-stakeholder Advisory Committee, to help improve the regulatory framework that we have, a very good and one of the best, reputable standards throughout the world. The Energy and Utilities Board does act upon ensuring that when these issues come forward in any application, those things such as that water quality are preserved on every application, not just those going forward but those that have happened in the past.

The Speaker: The hon. member.

Dr. Swann: Thank you, Mr. Speaker. To the Minister of Environment: do you support coal-bed methane development without adequate legislative protection of groundwater?

Mr. Boutilier: Mr. Speaker, unequivocally I do not. In fact, as I was just sharing with the Minister of Energy, some industries have come forward, looking under the Water Act, legislation that was

passed in this Assembly. The answer to them at this point, until the report is complete, has been n-o. That's two letters. No.

The Speaker: The hon. Member for Peace River, followed by the hon. Member for Calgary-Currie.

Aboriginal Training and Employment

Mr. Oberle: Thank you, Mr. Speaker. We're hearing more and more about the growing need for skilled labour in Alberta, and we know that aboriginal Albertans aren't nearly as represented in the labour force as other Albertans. Clearly, we need to provide more opportunities to aboriginal people so they can develop the skills they need for a career in the trades. This morning the Minister of Advanced Education announced that the province has now over 1,100 aboriginal apprentices, compared to just 238 in 2002. My first question to that minister: can he give us a reason for this increase?

Mr. Hancock: Well, Mr. Speaker, our government has made it a priority to increase the number of aboriginal people in the workforce and the number of aboriginal people who have access to postsecondary educational opportunities. To achieve that goal, in the last few years there have been a number of initiatives that have been launched to encourage young aboriginal people to consider a career in the trades. We've introduced promotional materials in all schools encouraging young aboriginal people to consider a career in the trades, we've sent youth ambassadors to speak to young aboriginal people around the province about career planning, we've worked to connect aboriginal apprentices with employers, and we've provided scholarships for aboriginal apprentices.

Reaching the 1,100 number, which is what we have now registered, is a significant milestone that all members of this Assembly and all Albertans should be pleased about. As a province we need to ensure that all Albertans, including those of aboriginal descent, have the learning opportunities available to them so that they can be part of Alberta's future.

The Speaker: The hon. member.

Mr. Oberle: Thank you, Mr. Speaker. My first supplemental to the same minister: has the minister set a target for further increasing the number of aboriginal apprentices and a method to achieve it?

Mr. Hancock: Mr. Speaker, we'd like to achieve 1,500 aboriginal apprentices by 2008-2009. I think that's very achievable. In fact, it's probably a low target. My hope is that we'll surpass it quickly and achieve even higher numbers of aboriginal apprentices than that. We plan to continue the efforts under way to facilitate aboriginal people becoming involved as apprentices. We want to expand efforts to promote the trades as a good career choice not just to aboriginal people but to all Albertans.

We're working closely with the postsecondary institutions to strengthen the programs and services to ensure that aboriginal people, particularly, can be successful in preapprenticeship programs and can have that type of success. We're planning to do more to link industry with aboriginal organizations and First Nation groups to discuss training and employment opportunities not just in urban institutions, Mr. Speaker, but distributed learning opportunities in the community across the province. It's very exciting that NAIT had their first graduating class of their mobile classroom in Conklin in September of last year. Programs like that are very important to provide access.

The Speaker: The hon. member.

Mr. Oberle: Thank you, Mr. Speaker. Final supplemental to the Minister of Aboriginal Affairs and Northern Development: I'm wondering if the minister can inform us what her department is doing to increase the number of aboriginal Albertans participating in other sectors of the job market beyond trades.

Ms Calahasen: Well, Mr. Speaker, first of all, because my department is not a service provider, we actually rely upon partnerships, and those partnerships are indicative of what happened this morning with Advanced Education. That's just one example.

Within the various departments that we do have, we encourage them to ensure that there are training components and some employment opportunities as well as economic opportunities. As an example, under Human Resources and Employment we have the aboriginal labour strategy that's going on. Mr. Speaker, in the health area we have bursaries that will help ensure that careers do occur for aboriginal people in the health sector. With the federal government we have what we call the aboriginal workforce participation initiative, and that initiative is an agreement between us to be able to see how we can improve the employment opportunities for the First Nations and Métis people of this province.

We've done some really good things with the municipalities. As an example, the city of Grande Prairie signed an agreement with us under the AWPI to ensure that their departments within the city work with the city's industry to see what opportunities will be available beyond the trades. So, Mr. Speaker, partnerships are what we live on, and industry is certainly part of that.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Edmonton-Calder.

Postsecondary Education Policy

Mr. Taylor: Thank you, Mr. Speaker. This past weekend the Minister of Advanced Education and I both attended Public Interest Alberta's At the Crossroads summit on postsecondary education, and I want to commend the minister for not only being there but rolling up his sleeves and getting involved. Nevertheless, it seems that advanced education has gone from the penthouse to the doghouse on this government's priority list in the past year. Not one piece of legislation is scheduled from Advanced Education yet this session. To the minister: does this mean that the starvation diet is over and that there's money enough and space enough and professors enough and a fair tuition policy for all postsecondary students in Alberta?

Mr. Hancock: Mr. Speaker, legislation is not the only way to create a priority. In fact, if you don't need more laws, you ought not to make more laws.

Our Premier, in sponsoring Bill 1 last year, the Access to the Future Act, brought into this House, and this House passed, legislation which is very broad in scope which allows us and compels us to make postsecondary education a priority in this province. It sets out the access to the future fund, a \$3 billion fund which encourages investment not only from the government but from the community, from individuals, from good corporate citizens to make postsecondary learning a priority. It committed to putting a billion dollars into the heritage scholarship fund to make sure that finances are available for students to get an education.

It highlighted some areas like a common application process so that students can have access to all the public postsecondary institutions, easy access through one-stop shopping, so to speak. I

can report to the House that there's a committee consisting of the colleges and universities in the province, which are actively engaged in designing that system as we speak.

It set out the procedure for a searchable inventory for scholarships and bursaries, and that process is well under way. No more legislation is needed for that. It talked about plans to increase participation in the advanced education of individuals who are disadvantaged due to socioeconomic, geographic, or cultural barriers. This morning we announced that there are now 1,100 aboriginal apprentices in the province. We're being very successful on that. So it's not a matter of more legislation, Mr. Speaker; it's a matter of keeping doing the very successful things we're doing.

2:30

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Given that tuition fees are governed by the Post-secondary Learning Act, section 61, does the absence of an amending bill in this session of the Legislature mean that students and their institutions will have to wait for a tuition policy until this time next year or beyond?

Mr. Hancock: Mr. Speaker, it's been clear since the beginning of February of 2005 that we were going to bring in a new tuition policy. In fact, I've been calling it a new affordability policy because it's more than just tuition. It's not just the cost of paying tuition, but it's also the cost for rural Albertans of getting to school and the cost of living when they get to school or for urban Albertans who have to move to another place to go to school, so tuition and affordability.

The Premier indicated last February in his speech to the province that we would have that policy in place by the fall of 2006. We've reiterated that. We indicated this fall during the learning forum that we had that we would be bringing out a policy this spring so that people would be able to see it and that policy would be in place by the fall of 2006 so that students and institutions could plan on it.

The Speaker: The hon. member.

Mr. Taylor: Thank you, Mr. Speaker. Could the minister assure us that there will be the appropriate legislation that enables that new tuition policy in place in time for a new tuition policy to be in place for next fall so that students don't have to wait yet another year and we don't need another year of rebates? The Learning Alberta review seems to be dealing with just about every issue but tuition policy.

Mr. Hancock: Well, given that the hon. member and I both sat in the same session at the forum yesterday in talking about tuition policy and he heard some of the things that we were talking about, he knows that there's an incredible interest in how tuition policy and affordability is crafted and that there are many options available. It's prudent – and I'm sure he would agree that it's prudent – to explore those opportunities and come to a consensus of the best way forward for Alberta students.

We've promised that that policy will be in place. It will come out this spring. It'll be available for discussion. It'll be in place in the fall, and if there's need for legislation, we'll be bringing forward the legislation, and I'm sure the hon. member will help us expedite any legislation that's necessary to put that policy in place for students when they've had a thorough and complete opportunity.

This is not a short-term fix, Mr. Speaker. This is a long-term issue. Advancing education is important for all Albertans, and it's important for the future of Albertans in a knowledge economy.

Tuition is one element that's extremely important, and it's important that we do it right.

The Speaker: The hon. Member for Edmonton-Calder, followed by the hon. Member for Red Deer-North.

Coal-fired Power Production

Mr. Eggen: Thank you, Mr. Speaker. Old King Cole was a merry old soul, and when he called for his fiddlers three here in Alberta, I'm sure he was surprised to see the Premier, the Environment minister, and the Energy minister tripping over themselves to sing his praises. Expanding coal plants in Alberta is a huge step backwards. It's more about burning coal here in Alberta to sell electricity to the United States than it is to benefit Alberta consumers. My question is to the Minister of Energy. Given the huge untapped potential of cogeneration and renewables, why won't the minister admit that this great coal burning scheme is about expanding energy exports and not providing Albertans with affordable energy and a sustainable future?

Mr. Melchin: Mr. Speaker, we'd be delighted to bring him into the clean, environmental, economic solution of energy of the future, and that's why we're reintroducing him to that clean coal opportunity. He talks about coal plants, but he forgets about the technologies of gasification of coal to liquids, the capturing of emissions. A tremendous amount of opportunity can be under a more economic platform even for an environmental solution for coal of the future.

The Speaker: The hon. member.

Mr. Eggen: Thank you. My supplemental is to the Minister of Environment. When jurisdictions like Ontario are phasing out coal generation due to its harmful health effects and significant environmental damage, why is this government promoting a large-scale expansion of coal-fired generation here in Alberta?

Mr. Boutilier: Mr. Speaker, there is such an insatiable appetite for energy around the world, and as the world continues to grow from 6 billion to more, they're going to require more energy. What type of energy? Renewable energy, which is very important and which Alberta is leading the way on. I repeat: renewable energy is one. Fossil fuel energy is very important as well.

Mr. Speaker, let me reassure all Albertans. When Ontario will be in the dark because they will not have any electricity 10 or 15 years from now, they'll be calling to Alberta to look for help, and Alberta will tell them that we'll take your electricity and we'll send it to them, based on your ideas.

Mr. Eggen: Perhaps Alberta will look like Sudbury with the acid rain.

To the same minister: will the government, then, please guarantee that any new coal-fired generating units in Alberta will meet zero emission standards and will not be built using the weak-kneed standards that were just announced for existing coal-fired plants?

Mr. Boutilier: Mr. Speaker, the hon. member has just insulted all Albertans. How has he insulted them? This is how he's insulted them. CASA, the Clean Air Strategic Alliance – an alliance made up of NGOs, made up of environmentalists, made up of industry, made up of the public at large in Alberta – has received national awards, and this hon. member just came up and said that their recommendations sucked. Well, I want to say that nothing could be

further from the truth, in fact, with our technologies, with our initiatives to reduce the mercury emissions by half. I can only tell you that Albertans will never settle for that type of attitude as we go forward.

The Speaker: The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Mill Woods.

Trade Certification

Mrs. Jablonski: Thank you. Mr. Speaker, many Albertans are concerned about the labour shortage in this booming economy. I have a constituent that tells me that there is an inequity in the way journeymen welders are treated if they want to come from another province to work in Alberta. I'm told, for example, that a welder from B.C. or Saskatchewan with a journeyman ticket that isn't red seal certified can't come to Alberta without first paying money and writing tests to have their trades credits recognized. However, an Alberta welder with a ticket that is not red seal certified can still travel to B.C. or Saskatchewan and work without having to get their credentials certified. My questions are to the Minister of Advanced Education. Can you explain what the red seal program is and why this inequitable treatment of journeymen welders exists?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. One of the challenges that we have in the trades is that there is a different set of processes and standards in place in every province. Attaining a welding certificate in one province might not involve the same level of training as we have here in Alberta. In fact, Alberta is acknowledged as being a leader of training in the country, and our apprenticeship program is held up as a model in North America. In fact, even from outside of North America people come to look at our apprenticeship training model.

That differing set of standards is precisely why the red seal was created. That was an agreement across the country as to a set of standards so that people could apply in their own jurisdiction for a red seal, which would certify them for the ability to move, labour mobility, right across the country. By adhering to the red seal standard, Alberta isn't doing something unique. In fact, we're upholding the exact same standards that every province has agreed to. If an Albertan wants to hire a journeyperson from another province who doesn't have red seal certification, they can do so. That journeyperson can come here immediately, begin working, and then they can apply for the necessary certification once they're here. The cost is exactly \$60 for the necessary exam.

In terms of Alberta welders being able to work in other provinces without having to obtain a red seal, I can't speak to the standards for other provinces, but I can say that Alberta has led the way in making sure that there's a national certification process so that the labour mobility can happen without diluting the standards of care.

Mrs. Jablonski: My last question, Mr. Speaker: rather than putting up barriers for workers coming here from other provinces in the interests of maintaining high standards, can we not relax the red seal testing requirement to allow those experienced welders who have their tickets from other provinces to come to Alberta to work?

2:40

Mr. Hancock: Well, Mr. Speaker, first of all, we're not creating barriers. We're making sure that there's an appropriate standard so that credentials mean something and that employers know what they're getting. It doesn't pose a barrier to people moving across

jurisdictions. They can apply easily for a red seal in their own jurisdiction, or they can apply for a red seal here, or they can apply to take the test here.

Relaxing standards is not the way for us to move forward in making sure we have appropriate labour in the province. We make it possible for experienced workers to challenge exams. There's an easy process in place to make sure that workers are credentialled, and in fact workers who got their credentials in other jurisdictions prior to the advent of the red seal program – and I think that in welding that probably was 1979 – can come and work without a red seal, but if they got their credentials post the red seal program coming in, it's very easy for them to apply and to get the certification in this jurisdiction, and they can work while that process is under way.

The Speaker: Hon. members, in a moment I will call upon the first of six hon. members to participate, but first of all I would like to draw to the attention of the members the presence of a former Member of the Legislative Assembly of the province of Alberta in the members' gallery. Broyce Jacobs served the constituency of Cardston-Taber-Warner in the 25th Legislature of Alberta.

Vignettes from the Assembly's History

The Speaker: Hon. members may wish to know that in the 1909 provincial election 82 candidates were nominated in Alberta's 41 constituencies. For the one and only time in the history of the province of Alberta a representative of the Socialist Party was elected. The constituency was Rocky Mountain, and the new MLA was Charles M.W. O'Brien, who was elected with 555 votes. I give you this quote which was found in a journal called the *Edmonton Capitol*, a statement made in this Assembly on March 2, 1910, by Mr. O'Brien: "I am proud to be the first political representative in this House, the embodiment of a new order of things. I am here to voice the interests of the slaves of society." Mr. O'Brien was defeated in the 1913 election, moved to the United States, and became a founding member of the American Communist Party.

head:

Members' Statements

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

Alberta Olympians

Mrs. Tarchuk: Thank you, Mr. Speaker. I would also like to offer a few words in commemoration of the very special group of men and women who have once again shown Alberta to be at the forefront of athletic excellence. In recent weeks, as the eyes of the world focused on Torino, Italy, we watched our team put in its best winter Olympic performance to date, with Albertans making a significant contribution to this incredible success.

As a result of our world-class training facilities, whether the Olympic Oval, Calgary's Olympic Park, our alpine skiing resorts, or Canmore's Nordic Centre, Alberta has long been a destination of choice for athletes seeking a competitive edge. When combined with traditional Alberta dedication and drive, our athletes, both native and honorary, have a potential as great as any in the world.

As our Premier earlier mentioned, we are proud. We are all proud of their achievements, and I can tell you that the residents of Banff-Cochrane are especially proud of Chandra Crawford of Canmore, who won an astonishing gold medal in the women's cross-country sprint, and Canmore's Sara Renner and her teammate, Beckie Scott from Vermilion, who brought home silver medals in the women's team sprint event. In addition to these incredible results, Albertans

received, as we heard earlier, medals in men's bobsled, women's curling, women's moguls, women's hockey, and men's and women's skeleton.

Without a doubt we are developing and attracting some of the finest athletes the world has ever seen, athletes with unmatched determination and incredible sportsmanship. These extraordinary Albertans who ascended the medal podium and all those who honoured us by competing brought a great sense of pride to every citizen of this province. Please join me in once again extending congratulations to our Canadian athletes for representing this country so successfully and pay special tribute to those Albertans whose contributions were so vital in representing our nation to the rest of the world.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Leduc-Beaumont-Devon.

Black History Month

Mr. Rogers: Thank you, Mr. Speaker. It's with great pleasure and pride that I rise today to acknowledge the celebration of Black History Month. February is celebrated in Canada and many parts of the world as a time to honour the many contributions of members of the black community.

Mr. Speaker, black Canadians can be found contributing at a very high level in many disciplines, including medicine; the arts; music; the trades; community, provincial, and national leadership; and have also served with great pride and ability in our military. I think of Corporal Ainsworth Dyer, who lost his life in the famous friendly fire incident in Afghanistan. On a brighter note we can't forget Lascelles Brown, our silver medallist bobsledder at Torino.

Mr. Speaker, my role as the first black to sit in this Assembly is one that I'm very proud to carry out with the knowledge that the road for me was paved with the determination of blood, sweat, and tears of many people who travelled long and difficult roads literally and figuratively.

Black farmers came to Alberta at the turn of the last century from many parts of the U.S.A., including Oklahoma, and settled in places like Breton, Amber Valley, Wildwood, and Campsie. While these were very thriving communities in their day, now only a few isolated farms remain as the new generation has migrated to our cities. Another wave arrived between the 1950s and '70s from the Caribbean. This group included my parents, who heeded Alberta's call for teachers. Worsley was nothing like they had ever experienced in Jamaica, but they persevered.

Mr. Speaker, Black History Month is not only a time to celebrate the contributions of black Canadians; it is an opportunity to remind us that we are all greater because of the sum of our parts. We are a multicultural nation, and we have so much to learn from each other and so much to share. I'm proud to be a member of Alberta's black community, proud to live in a country where we celebrate our diversity with such exuberance, proud to be Albertan, and a proud Canadian.

Thank you.

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

Freedom to Read Week

Mr. Agnihotri: Thank you, Mr. Speaker. I'm very happy to speak today in recognition of Freedom to Read Week. This important event takes place during the final week of February and is recognized by the Freedom of Expression Committee in Canada. Freedom to Read Week is intended to remind us all that freedom of

expression is an important liberty that we all enjoy in Canada. However, even in Alberta and across the country freedom of expression must not be taken for granted.

Although we as a nation are regarded internationally as a leader in protecting civil liberties, books continue to be removed from Canadian libraries, schools, and bookstores every day. Censorship represents an attack on our intellectual freedom, which is protected under the Canadian Charter of Rights and Freedoms. Freedom To Read Week encourages us all to defend our rights to read what we choose. It is an educational opportunity to teach others to respect and understand this right and to express ourselves openly.

I would like to take this opportunity to urge all Albertans to take part in Freedom to Read Week, ending March 4. There are numerous events taking place in the province during this period. Please visit the Freedom to Read website and show your support for this important event in any way that you can, and in doing so ensure that our freedom of expression continues to be defended with vigilance.

Thank you.

The Speaker: The hon. Member for Stony Plain.

Jennifer Heil

Mr. Lindsay: Thank you, Mr. Speaker. It gives me great pleasure along with my colleague the hon. Member for Spruce Grove-Sturgeon-St. Albert to acknowledge a very special Albertan and Canadian: Jennifer Heil from Spruce Grove, Alberta, the Winter Olympics' winner of the gold medal for freestyle skiing, women's moguls. On February 11, 2006, I am sure you could almost hear the cheering from Torino when 23-year-old Jennifer brought home the gold.

2:50

Skiing since age two with her sister Amie and father, Randy, Jennifer is no stranger to winning titles. At age 17 Jennifer Heil was named the World Cup rookie of the year for the 2000-2001 season. In 2004 she became the first Canadian woman to win a World Cup mogul title in the Canadian Freestyle Ski Association event. You could say that her family is very proud of how far she has come.

No stranger to achievement, Jennifer used to run cross country, where she set records in junior high school. She is currently pursuing her commerce degree at McGill University in Montreal.

Mr. Speaker, I am honoured to have the opportunity to recognize an outstanding Albertan, one we are all very proud of, Jennifer Heil, gold medal winner for women's moguls at the 2006 Winter Olympics.

The Speaker: The hon. Member for Lac La Biche-St. Paul.

Aboriginal Apprenticeships

Mr. Danyluk: Thank you very much, Mr. Speaker. I rise today in support of the announcement by Advanced Education that more than 1,100 aboriginal apprentices are working in Alberta in 54 trades. This is truly a milestone achievement and one that is worth celebrating because, as we all know, Alberta's economy is strong and the demand for skilled tradespeople is high. This figure represents a home-grown solution.

It's a fantastic start, but more needs to be done. We need to be aggressively promoting the trades and apprenticeship to all youth as a valuable and worthwhile career. As the chair of NADC and the Youth Secretariat I know only too well about the challenges facing young people, especially those who live in rural and remote parts of the country. The key to building on this apprenticeship success is

educating our talented youth about opportunities and options available to them.

We need to do a much better job at getting good information into their hands and inspiring them about how promising their future is and that they can make certain career and employment choices. One way to address the labour challenges we face is to engage young people in discussion to find out what their challenges are, what they think is working, and how we can do a better job. The Youth Advisory Panel does just that, and apprenticeship has been a hot topic at meetings and has resulted in some very forward-thinking ideas.

There have been many great suggestions like how employers can support youth and how guidance counsellors in high schools can be the students' first step towards a career in the trades. So when students walk into a counsellor's office and say that they want to be a welder or an electrician or, as a matter of fact, any trade, they will get the information and the support they need to proceed down the path. The whole idea is to be responsive to the students' initial inquiry.

I hope that this celebration of over 1,100 aboriginal apprentices will encourage even more young Albertans to see apprenticeship as a rewarding career pathway.

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

Labour Legislation

Mr. Martin: Thank you, Mr. Speaker. Last November I rose in this Assembly to congratulate the workers of UFCW 401 who had just won a first contract after years of struggle ending in a bitter strike. The Lakeside dispute should have made it clear even to this government and to the minister responsible that important changes were long overdue. The strike proved that Alberta's labour laws – frankly, the worst in the country – give employers every advantage in a dispute.

This government failed hard-working Albertans. It forced workers to take strike action when it should have forced the employer into arbitration. It allowed replacement workers into the plant when it should have respected the integrity of the union's picket line. But the real failure came earlier this month when the Minister of Human Resources and Employment revealed that he had no intention of pursuing first contract legislation. The president of the Alberta Federation of Labour called the news perplexing and disappointing. I have other words that I would use, but they would be unparliamentary.

Alberta is one of only three provinces that do not provide this basic protection for newly organized workers. First contract legislation could have prevented strikes at the Shaw Conference Centre in Edmonton and at the *Calgary Herald*. Alberta's employers face serious problems of worker shortages across this province. Well, if you want to attract more workers to Alberta and promote healthy labour relations, the NDP would like to offer some suggestions: stop bringing in foreign temporary workers who take non-unionized jobs from unionized Albertans, stop supporting CLAC's efforts to undermine real unions in Fort McMurray, take measures to end the use of replacement workers during strikes and lockouts, and legislate first contract arbitration. In short, Mr. Speaker, show respect for the hard work Albertans do.

Calendar of Special Events

The Speaker: In today's recognitions one hon. member referred to February as a certain designation month, and another hon. member referred to a week as a certain designation. Just so that the phones

in my office do not start ringing, I'm going to bring you up to date about all the other events that are celebrated in the month of February so that it can never be said that the Legislative Assembly of Alberta does not acknowledge all of them.

First of all, this year, 2006, is the International Year of Deserts and Desertification, meaning the certification of deserts. February is Black History Month. It's also Heart Month, Potato Month, Junior Achievement Month, Low Vision Month.

February 2 was Ground Hog Day. February 5 to 11 was International Development Week as it was also White Cane Week. It was also Burn Awareness Week. It was also Eating Disorder Awareness Week. February 7 to 14 was Congenital Heart Defect Awareness Week. February 12 to 18 was National Children of Alcoholics Week. February 13 to 17 was National Antibiotic Awareness Week as it also was Random Acts of Kindness Week. February 14, as we all know, was Valentine's Day. It also was Read to Your Child Day. February 14 to 21 was Take It To Heart Week. It also was the Heart Fund Campaign week.

February 15 was National Flag of Canada Day. February 19 to 25 was Brotherhood/Sisterhood Week as it also was Scout-Guide Week. February 20 was Family Day in Alberta. It was also Heritage Day in some parts of the country. February 20 to 26 was Heritage Week. February 21 was International Mother Language Day. February 22 was World Thinking Day.

February 25 to March 5 is National Engineering Week. February 26 to March 4 is Freedom to Read Week, and February 27 to March 5 is Canadian Landmine Awareness Week. Tomorrow, February 28, is Shrove Tuesday.

Now, at the conclusion, before we begin Orders of the Day today, we're also going to have two points of order, one from the hon. Member for Edmonton-Centre and the other from the hon. Member for Edmonton-Beverly-Clareview.

head: **Tabling Returns and Reports**

The Speaker: The hon. Minister of Justice.

Mr. Stevens: Thank you, Mr. Speaker. On behalf of the Minister of Finance I wish to make a tabling. The Minister of Finance provided the government's 2005-2006 quarterly budget report for the third quarter to all MLAs this morning. At the same time, she also made this report public as required by section 9 of the Government Accountability Act. On behalf of the minister I'm now tabling the quarterly budget report as the amended fiscal plan. I'm also tabling the third-quarter activity report describing the major achievements of our government during that period. Likewise, I am tabling the third-quarter update for the Alberta heritage savings trust fund.

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

Mr. Eggen: Thank you, Mr. Speaker. I would like to table two documents. One is from Greenpeace, and the other one is from the David Suzuki Foundation. Both are outlining the health and environmental dangers of relying on coal for electricity and address some of the myths around so-called clean-coal technologies.

Thanks.

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

Mr. Martin: Thank you, Mr. Speaker. On behalf of the leader of the NDP opposition I'd like to table copies of a release he issued today. The release shows that the NDP has accepted the Premier's challenge to propose solutions and improvements to our health care

system. As the release points out, we've been making proposals for some time, including legislation introduced last session to reduce the cost of pharmaceuticals.

Thank you.

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

Ms Blakeman: Thank you, Mr. Speaker. Three tablings today. The first is page 189 from the supply estimates from the spring sitting for the lottery fund, which clearly shows under vote 3.0.7, racing industry renewal, that an amount of some \$42 million is being allocated to the racing initiative, to the horses.

Secondly, a letter received by my office from a constituent, John Zyp, in which he outlines a number of recent experiences with the health system and comments on a rather chaotic runaround regarding trying to get some kind of assistance for a ministroke on the weekend.

Finally, Mr. Speaker, an e-mail received, again by my office, from Dennis Loughlin in which he was referred to a physical therapy centre and was told they had a waiting list unless he wanted to pay extra and get help immediately.

Thank you, Mr. Speaker.

3:00

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have two tablings today. The first is a letter that was delivered to our constituency office in Edmonton-Gold Bar from Helen Vermeulen. This letter is addressed to myself and also to the hon. Premier, and it is regarding cuts to services and supports for adults with developmental disabilities. Both Helen and her husband, Henry Vermeulen, indicate that they would like to see an increase in PDD funding.

The second tabling that I have, Mr. Speaker, is documents regarding my question earlier in question period today. This is a letter dated November 28, 2005, to the Electric Utilities Act Advisory Committee members. It's in regard to the paper Role and Mandate Refinements for Alberta Electric Industry Implementing Agencies, and it's signed by the executive director of Alberta Energy, Kellan Fluckiger. I have the response to this nine-page document from Alberta Energy and Utilities Board, the AEUB, and that letter is dated January 13, 2006, and it is signed by R.D. Heggie, executive manager, utilities branch.

Thank you.

head: **Tablings to the Clerk**

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk: on behalf of the hon. Ms Evans, Minister of Health and Wellness, return to order of the Assembly MR 35, asked for by Mr. Martin on behalf of Dr. Pannu on May 2, 2005.

The Speaker: The hon. Member for Edmonton-Centre on a point of order.

**Point of Order
Parliamentary Language**

Ms Blakeman: Thank you very much, Mr. Speaker. I raised a point of order in response to comments from the Premier in an exchange with the Leader of the Official Opposition in which he stated that the Leader of the Official Opposition was telling a fib. The citations that I'm quoting to support my point of order include 23(j), *Beauchesne's* 488 and 489, and *Beauchesne's* 492, the question being: is

it appropriate to use either that terminology of “fib” or to indicate that someone is fibbing?

I thought: well, fibbing is a colloquialism. I checked in the dictionary to see what that is, and in fact in the Random House Dictionary, concise edition, it notes that a fib and the derivatives, fibbed and fibbing, are a “trivial lie”. So it’s a lie. Saying that someone has told a fib is the same thing as saying that they told a lie, even if it’s a trivial one.

I would argue that there is a significant amount of documentation, including that which has been circulated to all members through the Speaker’s notes, that indicates that falsehoods and lies and not telling the truth and deliberately misleading are all indications of unparliamentary language and have been ruled and deemed to be unparliamentary.

Under Standing Order 23(j), which talks about using “abusive or insulting language,” that is certainly what was, I believe, the tone of what the Premier was delivering and was his intent, that he meant to be insulting, that he meant to indicate and to disparage the character of the Leader of the Opposition.

I have already referred to 488 and 489, which also includes a long list of prohibited language. Although I do note that “fib” is not specifically included in the language that I was able to review in the edition of *Beauchesne* that I have, I also note that the language is deemed to be parliamentary or not parliamentary as the Speaker sees fit. In this case, I’m asking the Speaker to rule that particular language as unacceptable in this House. I think it also conveys a tone that I’m seeing increasingly and particularly put forward by the Premier that brings all of the members of this Assembly into disrepute.

The second part of the issue here, the first being if it is appropriate to say that a member is telling a lie, is: is the information correct? In this case, I have already tabled page 189 of the supplementary supply estimates from the fall, which was the most recent update to our current budget. So when the Leader of the Opposition was saying that the government allocated or gave more money to horse racing than it did to seniors in its most recent announcement, that in fact is correct, and it’s backed up by the documentation here. If you note, on page 189 it says: reference/element, also called a vote, 3.0.7. It’s clearly listed in the budget documents under the lottery-funded programs.

Now, to try an argument that somehow the lottery-funded programs are not controlled by the government or not allocated by the program is purely specious. I mean, on this one page alone it’s allocating money to a number of different initiatives. Now, whether that money is collected directly in and run through general revenue and then issued by way of a cheque or a grant or some other means back out to a group or whether the government says, “We would normally take that money in, and we’re going to account for all of it, but you, in fact, can keep it at the source,” it’s still running through the government books, and the government is still allocating that amount of money for the group to use. So to try and pretend that somehow money is not being allocated to the racing renewal initiative by this government for the benefit of horse racing truly is a specious argument.

The point of order, I believe, is well founded against the Premier in attempting to use language that’s unparliamentary and also under 23(h) and (i), casting aspersions upon the character of the Leader of the Official Opposition.

Thank you, Mr. Speaker.

The Speaker: The hon. Deputy Government House Leader on this point.

Mr. Stevens: Yes. Thanks, Mr. Speaker. At the outset I think it’s important to recognize that the Premier was responding to a preamble by the Leader of the Official Opposition. It was not necessarily a comment relative to the question that was being posed. What the hon. member said was that this government gives money to horse racing, and that was the point that the Premier was addressing in his comments. I think it’s fair to say that in the context of that comment it was a mischaracterization. Given the fact that that statement has been made numerous times in this House and has been responded to numerous times in this House, I would say that it was probably an intentional mischaracterization.

There’s absolutely no doubt that there are monies that are distributed to horse racing, but they are not given to horse racing. There’s a contract between this government and Horse Racing Alberta pursuant to which those monies are earned. If Horse Racing Alberta did not do anything pursuant to that contract, no monies would flow. No monies are given in the context of giving, and in the context of the statement, we are talking about monies that are provided by a particular department to the operations of that department in the true sense of the word “given.” So that is the context in which the Premier was making his statements.

I would agree with the hon. Member for Edmonton-Centre that the definition of fibbing or fib as outlined in the Oxford Dictionary, 10th edition, does say that it’s “a trivial lie.” I would point out, however, that the Premier was very, very clear that he was not calling the hon. Leader of the Official Opposition a liar. He made that clear on more than one occasion.

So what we are left with, Mr. Speaker, is a situation where we have a trivial mischaracterization by the hon. member, the Leader of the Official Opposition, but the Premier made it very clear that he in no way was calling the hon. member a liar.

3:10

The Speaker: Others?

Well, hon. members, we’ve just spent about 10 or 12 or 15 minutes talking about horse racing, and the subject of the question led off by the Leader of the Official Opposition today had to do with the subject of long-term care.

Now, the chair sends nice letters to hon. members, including one he sent to all Members of the Legislative Assembly on February 15, 2006. Actually, it’s very clearly written. Under section 6, Question Period, it says, and I quote from *Beauchesne* 409(2): “The question must be brief. A preamble need not exceed one carefully drawn sentence. A long preamble on a long question takes an unfair share of time and provokes the same sort of reply.” Then it says, “A supplementary question should need no preamble.”

We’re on the business of long-term care today, the second question, the Leader of the Official Opposition. Where this came from the chair doesn’t know, but I quote: “The \$36 million isn’t even what this government gives to the race horses.” Then “again to the Premier,” and then there’s a question. So then the Premier: “Just as a matter of clarification.” We’re not talking about the question here; we’re talking about the preamble, which shouldn’t have been issued.

Just as a matter of clarification, we give absolutely nothing to horse racing. We give nothing to horse racing. This person is telling a big fib. He’s not a liar, Mr. Speaker, but he’s fibbing. That money is generated through slot machines at racetracks, and it has nothing to do with the government or government funding or taxpayers’ dollars.

Then, “Mr. Speaker, the government has accepted the MLA task force’s final report,” and he goes on to answer the question.

Look, it’s only day 2. There’s absolutely no doubt in the chair’s mind that the usage of the term “fibbing” – although the Premier did

say, "He's not a liar . . . but he's fibbing." I don't like that language. I don't think that language is appropriate, and I think that even the use of the word "fibbing" in the context it is – it can be used according to the *Oxford English Dictionary*. It says, "Often used as a jocular euphemism for 'a lie' . . . one who tells 'fibs'; a fibber, a liar." They're interchangeable words. They're not the kinds of words that we need in our Assembly. If there's going to be an interjection of the chair, the chair is going to start interjecting with the first violation so that we never get to the second violation.

I'm going to ask the Deputy Government House Leader to withdraw the words on behalf of his leader, and then we'll move on with this one, please.

Mr. Stevens: Mr. Speaker, I would be pleased to follow your instruction. Thank you.

The Speaker: Thank you very much.

Now, hon. Member for Edmonton-Beverly-Clareview, please proceed with your point of order.

Point of Order

Factual Accuracy

Mr. Martin: Thank you, Mr. Speaker. This one shouldn't take very long, but again it comes back to the Premier's statements, to something he said in the House. I think that before he says things, he should be a little clearer that he's correct, especially when we're dealing with another parliamentarian. I'm talking about the Canadian Parliament, and I'm talking about Jack Layton. He was trying to justify – and again it had nothing to do with the questions. He insinuated that Jack Layton sort of jumped the queue and went to a private clinic to have a hernia operation. He did not. I will get the record straight right here that this is definitely not true. There's a grandfathered private hospital called the Shouldice Hospital. It does hernia surgeries as a contract to the public system in Ontario.

An Hon. Member: Good idea.

Mr. Martin: We're not arguing whether that's good or bad. It should be part of the public, but it was grandfathered, and Jack Layton had no choice but to go there [interjections] – Oh, aren't they sensitive; aren't they sensitive – for his publicly paid hernia operation as that is where he was referred by a physician. The point is that he did not jump the queue. It was part of the public system. The Premier should not be standing in this House talking about other parliamentarians when he doesn't know the facts, Mr. Speaker. It's not good policy.

Thank you.

The Speaker: On the point of order the hon. Deputy Government House Leader.

Sorry. Go ahead, please, hon. member.

Mr. Martin: The point of order, Mr. Speaker, is that this was – I'm careful about how I say this – a mistruth about another parliamentarian, and it should not happen in this Assembly.

Mr. Stevens: Mr. Speaker, I was going to say just a couple of things. First of all, I missed the point of order completely, and I still miss it because I don't see where in our rules it would fit in. It also seems to me that what the Premier said relative to this matter, while I haven't followed it closely, pretty much accords with my understanding of it; that is, the individual that was the subject of the comment did in fact go to a private clinic which has been around for some time and which does wonderful work in the area of hernias as

a result of the expertise that they have been developing over a number of years. You know, I think it was a comment on simply the perhaps irony of the situation where a particular party rails against a particular public policy and at the same time takes advantage of it. I think that in our Legislature we have an opportunity for that type of fair comment. [interjection]

The Speaker: Well, just once, hon. member, okay? So we can have a ruling on it.

Mr. Martin: We might have a debate.

The Speaker: But then what would I do? I wouldn't be able to rule, would I?

Mr. Martin: Well, go ahead.

The Speaker: Well, thanks. I appreciate that.

One would have thought or at least the chair would have assumed that the hon. Member for Edmonton-Beverly-Clareview might have risen and given a citation from something. The conclusion of the chair would be that the member would have made the argument that it violated *Beauchesne* 493 for protected persons. Unfortunately, fellow parliamentarians in the current mode do not fall under that category of protected persons.

I'll quote what was said. This is the Premier of the province.

If he is sick, or if he is in a car accident, he will be treated. He will be treated under the publicly funded system. Now if he has a hernia, like Jack Layton had, then he might have the opportunity to move out of the line and pay for it like he would in the Shouldice clinic. But if he wants to wait, and if the doctor says, "Lookit, it might be causing you some discomfort and pain, but I can't do anything for another year," if he wants to wait, he will get treated.

There was a fair amount of jocular activity, as the chair recalls, in this exchange, going back and forth, and it was not, you know, that civilization was going to come to an end as a result of the answer to the question. So one would take it in the spirit of it all.

One also has to recognize that sometimes in question period members get involved in debating instead of asking, dealing with government policy, and every time we move into that thing, we sort of tend to fall into other kinds of responses. As an example, during this particular series of questions the leader of the third party used these kinds of statements, which certainly could have promoted a response from somebody else. The leader of the ND opposition basically referred to the Premier, and the reference was "hide," you know, you're hiding something, and used the phrase "falsely claimed" in the same sentence, and then said, "I do have a pain but it's sitting over there," at which point it didn't really bring responses other than to get us to the hernia situation.

At this point in time let's all use this and recognize this as only day 2. If we can smile and have a bit of humour, that might be helpful too.

Now we'll move on.

head: **Orders of the Day**

head: **Written Questions**

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Speaker. Proper notice having been given on Thursday, February 23, it's my pleasure to move that written questions appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head: 3:20

Motions for Returns

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thanks, Mr. Speaker. Proper notice having been given on Thursday, February 23, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places.

[Motion carried]

head:

Public Bills and Orders Other than Government Bills and Orders Second Reading

Bill 201 Human Tissue Gift (Notification Procedure) Amendment Act, 2006

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

Mr. Liepert: Thank you, Mr. Speaker. It gives me great pleasure today to move second reading of Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006.

As I said on introduction, the bill is designed to increase the number of Albertans who consent to tissue and organ donation, which will help save and improve the lives of others. This bill will improve the co-ordination of organ and tissue donation throughout the province. While some excellent work is taking place currently in various health regions, we can always do better to ensure that the maximum number of organs and tissue is available for potential recipients.

This bill will require the designated health facility to notify the gift agencies when a person dies, when death is imminent, or when a dead body is received, and the gift agency will then use all reasonable efforts as outlined in the legislation to ensure that the appropriate steps are taken.

The human organ procurement and exchange program, which is more commonly known as HOPE, and the Comprehensive Tissue Centre operate in Edmonton and Calgary in co-operation, as I mentioned, with the local health regions. These agencies have trained staff to handle the delicate and emotional discussions that take place with family members at the time of this distress. Hon. members should be comfortable in the fact that no organ or tissue decisions currently, nor is it contemplated in the future, will be made without the consent of the family.

It goes without saying that the ability to receive a new organ or tissue can mean the difference between life or death. Over 400 Albertans are on waiting lists for various organ transplants, and 15 to 20 persons die every year in Alberta waiting for transplants. That is a number that none of us should be satisfied with until it reaches zero.

This bill incorporates a number of the provisions adopted several years ago in Manitoba. The difficulty that that province at the time was encountering is not unlike what is happening in Alberta today. While the number of deaths that were being reported in Winnipeg continued to increase, the same could not be said for outlying regions. Since similar legislation to this bill was introduced in Manitoba, in Brandon, as an example, the number of deaths January to November last year was 143, of which 124 were reported and 28 donors were attained. This compares to only five donors in 2004, three in 2003, and none in 2002.

The second part of the bill will compel the minister of health to table with this Assembly within one year of the legislation taking

effect a report which will include recommendations for a more co-ordinated government response to encourage donations. This review would examine how government forms and documents could be improved to include questions regarding a person's willingness to be a donor. As an example, there might be a provision on all drivers' licences or health care cards that are issued where a person is required to make a choice before receiving that new licence or card. The second example might be a simple question posed by a registry agent at the time of issuing a new driver's licence, and if agreed to, the donor card is signed at the time and then carried by that person.

This bill will also ask the minister to investigate the feasibility of establishing an online registry. This could be co-ordinated either with the human tissue gift agencies' websites or an enhanced Alberta Health website.

Statistically it has been proven that when someone has signed a donor card, family consent follows almost 100 per cent of the time. On the other hand, when a person does not make his or her wishes known, the consent rate by family is significantly lower. Therefore, we must simply do a better job of raising the awareness on this issue and not leave it to chance. I don't have the statistics, but I would guess that especially among young Albertans the number of signed donor cards is not very high. We must do whatever is possible to encourage family members to have that discussion and, hopefully, to take the next step of signing a donor card.

Now, our government could also do a much better job of leading that discussion. If one goes to the Alberta Health and Wellness website, there is no direct link to organ and tissue donation. Furthermore, when one types in the word "organ" and does a search under this website, the first thing that pops up is a survey form to fill out. The information that is being asked for will be compiled "for the Honourable Gary Mar" and must be completed by "October 31, 2000." Simply put, we as government must do a better job in this area.

One of the things that is not being asked for in this bill is the cost saving involved. When a person, for example, receives a new kidney, what is the cost saving versus the cost of dialysis? While that wasn't asked for, it would be valuable information to have because one can only assume that it would be significant.

There was a lot of good work done several years ago by the advisory committee on organ and tissue donation, that was chaired by the Member for Calgary-Fish Creek. This report, A Framework for Action, was submitted in April 2000, and there are many good recommendations in this report. I'd strongly advise the minister and her department to re-review this document. My assessment is that little has changed or improved since that report was submitted more than five years ago.

Currently before the Ontario Legislature are two private members' bills seeking that the law in that province be changed to one of presumed consent. Under this model an individual is deemed to have given consent simply by doing nothing. This is a model to which a lot of consideration was given. However, I have not been convinced that Albertans are there yet. This model could face legal challenges. There are moral implications, and in general Albertans are opposed to a so-called negative option.

I want this bill to be successful. In order to do so, I feel that it's important to take several steps outlined in this legislation which could greatly increase the number of donors. It would be my hope that as a result of this legislation our donor rate continues to increase and a presumed consent model would not be required.

I ask all members of the House for support on this legislation and look forward to the comments. Thank you very much.

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm pleased to have this opportunity to speak in second reading to Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. This is a very interesting bill, and as the sponsoring member laid out, it does raise a number of issues that I hope we are able to spend some significant debate time on and, more to that, take back into our communities and try to get the debate happening there.

I think the issue that we have is that we are now able to very successfully transplant organs. With the development of antirejection drugs this has now become a viable procedure for us. It does enhance the lives of people and also saves their lives literally. Where we have an option between, for example, dialysis and an organ transplant, you actually can save a significant amount of money. P. Keown from *Transplantation Proceedings* in 1999 noted that one year after transplantation the annual cost of supporting a person with a kidney transplant is 40 per cent less than dialysis. So it is a good idea for us. The problem is that we can't get enough people signed up to do it.

I think that there is a real willingness on behalf of Albertans and, beyond that, of Canadians to make a choice to assist people and to do that in a volunteer way. We have a different system in Canada than they do in the States. Here we volunteer. We make a choice to donate willingly to the organ transplant and also the blood systems. In the States you can get paid to donate your blood, and you would also get paid for donating various organs, and that leads you down a whole different road. I think my colleague from Edmonton-McClung is going to speak on that after me. But in Canada we have a long and, I think, noble history of donating because we believe it's a good thing to do.

[Mr. Webber in the chair]

3:30

The problem is that there are really two tests before you can harvest an organ from someone. One, they need to have signed a donor card, and the last time I thought about this I couldn't think of where it was I was supposed to sign. I kept looking at my driver's licence because somehow it was in my head that it was on the driver's licence. I finally located it on the back of my Alberta health care insurance card. So if anybody who's reading this *Hansard* wonders, please go to the back of your Alberta health care insurance card, and that's where you can note that you would like to donate and sign the card. So there's the active participation of signing the card.

We also take the additional precaution here of the consent of the family. That's where it starts to get a bit difficult because people can be reluctant in an initial time of grief. Perhaps there's a certain amount of – I'm searching for a word here, and this won't be the right one – abhorrence or squeamishness about discussing an issue like that when you have a loved one who is about to die or has just recently died. The result of that is that we're not able to harvest and to transplant as many organs as we need. So this bill is trying to find some ways to convince more people to donate.

I have a couple of questions off the bat. This is the second time that I've debated an organ donation bill in this Assembly, and I note that the previous one was never proclaimed. The 1998 Human Tissue Donation Procedures Statutes Amendment Act was in fact passed in this Assembly and is still awaiting proclamation, and my question is: why? We spent the time on it. What was so wrong, and is that being addressed in this bill and somehow being fixed? That's happened before, that something was overlooked or mistaken or whatever, and the subsequent bill addresses it all or even in one case takes the whole pre-existing bill inside of it, and the whole thing gets

passed. So I'm wondering why this 1998 bill is still not passed some eight years later.

Now, I note that the minister did follow up in 1999 and established the Alberta Advisory Committee on Organ and Tissue Donation and Transplantation, and that committee developed a series of recommendations for a framework for a provincial system of organ and tissue donation.

Then there's another one. In 2003 Alberta Health and Wellness established the Organ and Tissue Donation and Transplantation Interim Implementation Committee. You know, Mr. Speaker, sometimes I think the only thing different here is that the titles are getting longer. This one was to provide guidance on development, implementation, co-ordination, and evaluation of existing donation transplantation efforts, I guess. Again, the good recommendations that came out of this committee haven't been implemented, and I don't really see them in the legislation either.

So maybe if this passes second, we can hear from the sponsoring member as to what happened to the 1998 bill, the 1999 recommendations, and the follow-up committee in 2003. It seems we're getting an awful lot of attempts at this without a lot to show for it. So what is the real problem here? Let's get that out in the open and talk about it.

We in the Liberal caucus do support organ harvesting and transplantation. We're very interested in the debate around the idea of – how does it go? There are a couple of different ways of looking at it. One is the presumed consent, which is the sort of negative billing option that was referred to by the previous speaker, and then there's a sort of mandatory declaration bill that's also been brought forward by a backbencher in Ontario. Actually, I think they're both from Ontario. They're sort of competing Ontario MPPs with different ideas on this.

I would like to see a wider public debate on this because, in fact, we're assuming that Albertans wouldn't go for that presumed consent, but maybe they would. If that was the case, that would save us all a lot of time and grief because mostly what this bill is doing is tiptoeing around trying to get at people in time to bring up the subject and see if they can get their consent before the person actually dies or get to them fairly quickly within the reasonable window that's open for them.

So I'm interested in the rest of the debate around this bill. I'm speaking in favour of the principle of what has been proposed here. I note that between 15 and 20 per cent of all people on waiting lists die before a suitable organ is found for them. Two years ago, in 2004, there were 313 transplants performed in Alberta and 534 people waiting for transplants, so almost 200 people more waiting for a transplant than actually got one, and 42 people who died while waiting. That's in that 15 to 20 per cent range of people who die. They don't need to. We've got the organs there if we can just make arrangements to harvest them appropriately and do the transplants.

We do have 93 per cent of Albertans who indicated that they are in favour of organ donations, so maybe we need to push the envelope on this and try for something like a presumed consent effort. That's a bit more aggressive than what's being contemplated in this bill, but certainly I'm willing to support what is essentially in the bill.

A few questions that I might add on and ask if the sponsor can answer them. What are the goals and targets for increasing the number of organ and tissue donations? Is the government pursuing any other initiatives to increase the amount of organs and tissues that are available for transplantation?

I've already talked about the recommendations from the '99-2000 report. I'm wondering when those would be implemented. I'm also wondering about the government taking direction from its own 2003

consultation paper to implement a policy where the expressed wishes of a deceased individual take precedence over the wishes of the family, which is part of what we're struggling with here. The deceased individual may well say, "Yeah, I'm up for it; I've signed my donor card," but when they're actually on life support, the family that's on hand won't allow it to go forward.

Thanks for the opportunity to speak to this, and I look forward to the rest of the debate.

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

Mr. Lukaszuk: Thank you, Mr. Speaker. It's a pleasure to be speaking to this bill. When the Member for Calgary-West advised me that he would be drafting a bill on organ and tissue donation, I definitely took an interest in it. Let me tell you why.

About two years ago a dear friend and also a constituent of mine called me late in the evening to advise me that his son was dying in hospital and to come and visit within hours. A portion of the liver that the father had donated to his son had been rejected, and the child was in a dire state in one of our hospitals. After the family had the ability to say their goodbyes to the child, in the last minute, literally the last minute, a child's liver was located in a different part of Canada, flown in, and the child's life was saved. Recently that very same child, young Tyler, was recognized by our Lieutenant Governor as an outstanding community member for his scouting and other achievements in the community. A life, a great life, has been saved. To any parent any child's life is precious, to say the least.

Mr. Speaker, I wish that this bill could go further. I do agree with the Member for Calgary-West that perhaps the public would not be supportive if we instituted a presumed consent for donation of tissue and organs. That is too bad because perhaps sometimes we tend to dilute our legislation or our initiatives to satisfy a select few in our society who would perhaps become overly vocal on the issue of presumed consent with a clear outline allowing Albertans to opt out of this particular program if they chose to do so.

This idea wouldn't be novel because there are jurisdictions throughout the world that are not only considering, like Ontario is, presumed consent on organ and tissue donation but actually have instituted it and have shown it to work very well. One jurisdiction that I know of, Mr. Speaker, is Spain. In Spain they have presumed consent on organ and tissue donation, which is working very well and is satisfying that country's need for organs and tissues.

3:40

However, what makes me really happy about this bill is that this bill has adopted the best practices from other jurisdictions, including that of Spain, and it is proposing a central co-ordination of organs for our province and our country as a whole if it is adopted by other jurisdictions. That's very important, Mr. Speaker, because as young Tyler was suffering in the hospital, the organ was actually found, I believe, in another province. Now, this was a matter of co-ordination between doctors, but overall in this country we don't have a good network of sharing information on what organs are available, what organs are about to become available, and what lists of waiting patients there may be to draw from. It's a bit of a disjointed process that we have right now. If we could have a well co-ordinated process, I guess a greater number of lives would be saved.

The Member for Edmonton-Centre has indicated that a prior bill has not been instituted. I'm not familiar with the prior bill, so I can't speak to whether it should or shouldn't have been instituted. However, the benefit of the fact that we're discussing the issue here in the Legislature and the benefit of the fact that this debate,

hopefully, will be covered by the media throughout the province is that Albertans will start thinking about the importance of donating organs.

If this debate encourages one extra person to sign their card and, hopefully, donate their organs and allow another person to benefit and save a life, then I think a great mission has been accomplished already. I believe that more than one Albertan will be encouraged to do so, having heard the debate. Nonetheless, if we as government can show leadership and promote among Albertans a donation of organs, I think it is incumbent upon us to do that.

The bill also asks the minister to examine the feasibility of an online donor registry. I think that with our current technology, with the advent of high-speed Internet and its accessibility to every community in this province, again that would make organ donation even easier throughout the province.

Mr. Speaker, I must support Bill 201 put forward by the Calgary-West MLA, and I hope that every member in this Assembly will support Bill 201 as it will definitely save lives. Thank you.

The Acting Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you. I must apologize for the way my voice sounds. I have laryngitis, and you can imagine what kind of apprehension I have about the third way and privatization. Anyway, it's good to see you in the chair, Mr. Speaker.

What we're discussing today is Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, and I am happy to be responding in second reading. I must say at the beginning that I'm generally in support of this bill as I realize the need to facilitate tissue and organ donations, and I can also appreciate the fact that 15 to 20 per cent of those people on waiting lists die before a suitable tissue or organ is located for them.

Now, I have some general comments and questions, and I'm really interested in hearing all the points of view being discussed from both sides of the floor. I'm also under the impression that similar pieces of legislation are currently being discussed in the Ontario Legislature, so I'll be paying attention to that as well. I heard the comment that was made about presumed or implied consent, and I know that this is something that they're, as I said, discussing in Ontario. I'm not sure where I stand on this issue because it really poses some questions for me.

Thinking about it, I tried to maybe reach my own decision, and I started thinking about something else. How about a mandatory declaration of intent? Instead of asking people to voluntarily tell us whether they agree with an organ or tissue donation, or if they leave it blank and then we have to ask later, I figure that maybe everyone over a certain age, let's just say 18 years of age or so, would be required to declare what their wishes are with respect to organ and tissue donation. Are they for it? Do they support it? Do they support certain organs but not others? Or are they totally against it? Maybe if they're undecided, then we can ask on-site basically, at the hospital. So presumed or implied consent is one issue. Mandatory declaration is another. That's something I can probably find easier to live with.

Now, reading through the bill, I'm interested in receiving some assurance, especially when no family members or next of kin are identified. For this person that we're approaching now and asking to agree to donating tissue or an organ, how can we guarantee that this person has full command of their faculties? How can we ascertain that this person has a sound mind and can make that decision?

Further to this, maybe it doesn't happen in Alberta, but you certainly hear stories about cases where that person who is on their

deathbed is or has been harassed. How can we ensure that utmost respect and consideration are afforded the dying patient or his or her family? We don't want them to be harassed; we don't want them to be pressured. They have to make that decision willingly. The family may be suffering or trying to come to terms with this tragic situation. The patient himself or herself might not be able to make that decision or might not actually like the pressure.

Also you hear some stories from other jurisdictions, certainly from south of the border or from other places in Europe, for example, that there sometimes are situations of deceit or misinformation, or the person is not told in accurate terms what his case is, or the extent of their illness or injury is exaggerated, or whether there exists a treatment or a cure for his case. This is definitely driven by certain situations where tissue and organ banks were sort of low on inventory, and then they figured that these are prime donors. It really alters the quality of care that these guys receive. We don't want to see cases where care is reduced or, you know, somebody is mistreated because he or she has a quality organ or two to donate.

Now, my next point would be on the issue of organ or tissue banks. It's a question of procedure. Are we going to scan everybody on their deathbeds, seeing who is available and who is willing to be identified as a donor, or are we going to do it just based on need? As an example, someone on a waiting list is in need of a compatible kidney. Are we going to examine those who are terminally ill looking for a compatible donor for this case at this time, or will we have the required kidney available as part of a ready-to-go stock or inventory? Are the banks accumulating inventory, or are they doing it just on the spot so the supply is fresh?

The banks, as I understand it – and I hope it continues to be like this – operate in Alberta as not-for-profit centres. Will there come a day when this government would allow for-profit tissue and organ banks to operate in this province? Again, you hear all these grumbings about the third way and privatization. Will this be yet another thing that this government privatizes?

Will people have to pay any fees at any stage? Will there be any charges for harvesting, storage, release, or disposal at any one point in the procedure?

Furthermore, how do we ensure that harvested tissues and organs are used first and foremost for Albertans who need them, then possibly allowing other Canadians to access our banks? I guess what I'm really trying to say here is that priority has to be given to Albertans and Canadians before we contemplate exporting to other jurisdictions.

3:50

Lastly, a technical question as to how the obtained consent will be recorded. As you may be aware, Mr. Speaker, I am the critic responsible for privacy and FOIP and all that stuff, and this raises a flag in my mind. Will there be a requirement, for example, to have witnesses present to ascertain that this consent was duly given? I think that would be fair because sometimes in certain situations a family member might contest the validity of a consent, and we're opening the floodgates to litigation and lawsuits. Maybe a witness or two would be a simple way to confirm that the person had command of their faculties and knew what they were doing and really did in fact intend to provide that consent.

As well, will there be an allowance for a donor or his or her family member to allow one form of donation but not another? As an example here, what if that person agrees to donate tissue or an organ to be used in medical research but doesn't want it to be transferred to a recipient or vice versa? Will there be an allowance for one form of donation versus another, or is it all or none?

With that, Mr. Speaker, I appreciate your time, and I appreciate

the chance to speak in second reading, and I will follow the discussion.

Thank you very much.

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

Mr. Griffiths: Thank you, Mr. Speaker. It's an honour today to have the opportunity to join in the discussion of Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. I sincerely thank the Member for Calgary-West for bringing this legislation forward.

Mr. Speaker, it's an important bill because it's an important issue. The reason why the issue is so important is that it is imperative that we increase the organ and tissue donation rates in Alberta. This can be most effectively accomplished through the creation of awareness, education, and a strong and efficient referral system. I believe that this bill, Bill 201, is the best start.

I believe that the meagre rates Alberta currently bodes in donations, Mr. Speaker, is symptomatic of the lack of knowledge and understanding that Albertans have about the importance of tissue and organ donation and the ability to do it. Albertans are giving and compassionate, yet for some reason our rates of organ and tissue donation are very low. As I said, this is not symptomatic of the quality of Albertans but symptomatic of the amount of knowledge and understanding they have.

Mr. Speaker, according to the Kidney Foundation of Canada, suitable organ donors represent only 5 per cent of all hospital deaths. Now, to put this into perspective, this means that 5 per cent of all hospital deaths allow for suitable organ and tissue donation. If 50 per cent of those hospital deaths, the people who died, had registered to donate their tissues, it's still plausible and possible that that 5 per cent of viable organs that could be donated would come from half the population that never registered, never considered the option, had no information or inappropriate information to become organ donors. So this means that maximizing donor rates is extremely important and can only be done by increasing awareness.

As a result, it's clear that our duty as legislators is to ensure that Alberta's citizens become informed on this issue. It's necessary for all Albertans to receive educational information on organ and tissue donation. It's important for all Albertans to see how easy it is to become an organ donor. It's important for all Albertans to see how important it is to become an organ donor. It's important for all Albertans to see how much good they can do to save another's life or improve their quality of life. It's important, Mr. Speaker, to caring and compassionate Albertans that they have the chance to make appropriate decisions.

There are always fallacies around organ and tissue donation, Mr. Speaker. In fact, I've heard some myself. One fallacy that needs to be addressed is the idea that doctors and physicians will not work as hard to save a person's life if they know that that person is a willing organ or tissue donor. When you give it appropriate consideration and appropriate information, it's easy to realize that that notion is absurd. It almost sounds like a skit out of *Monty Python's The Meaning of Life*, where they actually go and harvest a live person's liver because he signed a donor card. All doctors sign an oath to save lives. No doctor would ever make the choice that one life is worth more than another and that one person can die so another can live.

Not all tissues and organs either, Mr. Speaker, are donated just to save another's life. A lot of them are donated to improve quality of life. Oftentimes donating a kidney is not for the sake of life or death but to improve the quality of a person's life so that they don't have

to have constant medical attention. Cornea transplant donations that come from people who are deceased also improve quality of life. Now, people need to understand that it's only through the administration of the best possible health care as a person passes away that organs will be in the best condition and conducive to donation. So that's one fallacy that I hope will have been solved for Albertans right now.

Now, typically, Mr. Speaker, fear arises from the lack of knowledge. In fact, we fear what we don't understand and we don't have knowledge about. That's where all fear arises. With knowledge the fear of the unknown can dissipate, and with more knowledge, education, and information . . . [interjection] That's not a crock. Appropriate education, information, and knowledge would allow Albertans to fulfill their true giving nature and kind spirit, let their citizenship shine through, and help their fellow man.

Research has shown that a family's prior knowledge of donation and the donation process is one of the most important factors in determining a person's decision to donate. Another critical factor is how the family is asked or questioned about donation. In fact, imagine knowing the situation when a person is passing away: not only just asking the person or their family members if they're willing to donate but the method that the request is made is critical to determining whether or not a donation will be made.

Bill 201 has provisions to create an effective system for referral. Under this proposal the human organ procurement and exchange program, HOPE, and the Comprehensive Tissue Centre, CTC, existing agencies, would be notified by a physician or their hospital staff that a potential donor is available. The professional agencies would then use their existing resources, Mr. Speaker, to determine if the person had declared their wishes for organ and/or tissue donation. If so, there's no prolonged issue, but if not, the agency staff would use their expertise and training to assess whether the circumstances were appropriate to approach the person or their nearest relative and, if so, respectfully discuss their decision to make a donation.

Again I reiterate, Mr. Speaker, that though it's a sensitive situation and some people may consider it callous, only 5 per cent of hospital deaths lead to suitable organs and tissues for donation. So imagining that, again, half the population had registered for tissue and organ donation, that's another half of the population that may provide suitable organs for donation that had never considered it and need to be approached at the time when the issue is most critical. It is critical that suitable donors be approached even though it's a delicate situation in order to save lives and improve the quality of life of other Albertans.

The spreading of awareness among Albertans in our health care facilities is such a simple concept. What this concept needs, however, is direction. What this concept needs is leadership. What this concept needs is legislation in the form of Bill 201. The very fact that I've spoken to you about organ and tissue donation today and the fact that you are thinking about the issue now from all of the speeches that have gone on so far has led to an increased awareness and caused the message to go further for all Albertans. If one of us here today signs our donor form, which I did just today and which is found on the back of your Alberta Health card, if 10 of us express our wish to donate to our families, which I did this morning to my wife, if 20 of our friends and associates do so because we brought up the topic with them, if 100 Albertans because they hear about Bill 201 in the news tomorrow or read it in *Hansard* . . .

Mr. Martin: That's what a lot of people do.

Mr. Griffiths: Yeah. It might be a few more.

. . . then we can rest assured that we have been successful and spread the message to more. The steps may be small as we try to achieve our donation goals; however, any step forward is better than standing still. We can measure the success of this bill not simply by the statistics it creates but by the momentum of public opinion and degree of public knowledge it brings.

4:00

The methods behind Bill 201 are not rocket science, Mr. Speaker; they're quite simple. As we all know, simple ideas are often the most effective. Through the spreading of these ideas and explaining the opportunities of organ and tissue transplant, we can and will increase our levels of donation.

On that note, I call on all of you to help expand our provincial organ and tissue donation program. Let us show the rest of Canada and the entire world that we are leaders in this regard as well as many others. The first step, Mr. Speaker, personally I took today by signing my card, speaking to my wife and family about my intention to be a donor. I will be an organ donor if it works out to be such, hopefully not for a long time, but I will be eventually. The second step is in making this happen by passing Bill 201.

Thank you very much.

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

Mr. Martin: Thank you, Mr. Speaker. The bill is generally a very good bill. It moves in the right direction. We can certainly support the principle that other speakers have talked about for deathbed consent, next of kin consent being given to human tissue gift agencies in absence of organ donor cards. Clearly, I think, as the mover of the bill brought forward, we have a problem in Alberta, and anything that we can do to save lives in the long run, I think in principle is very good.

I'm not going to go into the act specifically. I just want to wonder if there's been any thought given because of the privacy part of this particular act, and I'll be a little more specific. Under the act – it's in 8.4, I believe – it says,

a human tissue gift agency may share information it receives under this Act, including confidential personal information, with another human tissue gift agency if doing so is reasonably necessary to facilitate a transplant of human tissue.

Mr. Speaker, I can understand the need for this. I'm not sure if the member is aware of this, and I'll come to it, the implications that were drawn up in British Columbia. What if the agency in question is part of an American company that can then be obligated to submit Canadians' personal health records to American authorities under the USA PATRIOT Act? I don't know if the member is aware, but this was a major issue. It went to the law courts in British Columbia, and the Information and Privacy Commissioner in October 2004 talked about it. It had to do with health records, and this is an expansion of this particular part. Especially if we talk about privatization, there are going to be American companies more and more involved here if the government gets their way.

Regardless of that, this came up as a result of the B.C. Government and Service Employees' Union taking the British Columbia government to court. As a result of that, it went to the Privacy Commissioner. They asked the Privacy Commissioner there in British Columbia two questions.

1. Does the USA PATRIOT Act permit US authorities to access personal information of British Columbians that is, through the outsourcing of public services, in the custody or under the control of US-linked private sector service providers? If it does, under what conditions . . .

2. If it does, what are the implications for public body compliance with the personal privacy protections in FOIPPA?

I think this is a point that we have to make. I don't know how much discussion has gone into that.

Just as a general thing – and this is across Canada too – there is general consensus that U.S. authorities could at least under some circumstances use powers enacted by the USA PATRIOT Act to make orders for access to personal information located in Canada that is involved in the outsourcing of public body functions to a U.S. linked contractor.

Now, the point is: some people think that's more serious than others, but I think that there is a great deal of worry about privacy, and I think we have an act coming up in this session dealing with the PATRIOT Act in other ways. I think this is something that we should consider in terms of going through this particular bill.

Now, they came back with a number of recommendations. I won't go through all of them, but a couple of them, I think, are important in terms of our debate here. It says:

The government of British Columbia should amend the Freedom of Information and Protection of Privacy Act . . .

- (a) pending nation-to-nation agreement, as contemplated by Recommendation 16, prohibit personal information in the custody or under the control of a public body from being temporarily or permanently sent outside of Canada.

That was their number one recommendation there. Of course, they go on to say that it would be much better if we did this province by province and across the country and also work with other countries – the United States and Mexico they mention in it – down the way.

I just wanted to bring this to the attention of the mover of the motion, and I guess the question is at some point: has there been any thought that has gone into this? I think this could be a serious matter in terms of the privacy of an individual if American companies have access to our information. This is true of all health care records, but certainly this would be health care records.

As I say, generally we certainly support the principles of what the bill's trying to do, but I think there should be some thought about looking at the privacy. Perhaps we could take a look at what they did say in B.C. and see if there's any way that we can, if not eliminate, mitigate against the thought of some of these private records getting out where they shouldn't be.

Thank you, Mr. Speaker.

The Acting Speaker: The hon. Member for Dunvegan-Central Peace.

Mr. Goudreau: Thank you very much, Mr. Speaker. It gives me great pleasure to also rise and join debate on Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. I also want to acknowledge the hard work that the Member for Calgary-West has done to bring this forward today.

I think, Mr. Speaker, I can safely say that I'm not alone in my enthusiasm towards the measures proposed in this act. I'm sure it is painfully obvious that something needs to be done in order to increase the rates of organ and tissue donation in this province. It is something that is supported, no doubt, by the majority of the residents of my constituency of Dunvegan-Central Peace.

As Albertans I think we are among the most generous and caring people in the world. The current lacklustre status of organ and tissue donation doesn't result from a lack of generosity. I believe it is a direct result of a general lack of awareness. Realistically, how many of us have given serious thought to organ and tissue donation? By the time we are in a position to actually donate, we're well past the point of decision-making. The choice often falls to our family, a difficult choice, which becomes even more stressful if there has been

no thought given to the subject ahead of time. Imagine being in a hospital, where you've just been informed that a family member is breathing but might be brain-dead. There's no chance of recovery. Suddenly you're posed the question of organ and tissue donation. As I mentioned before, it has to be a tough choice. Will you be saving a life by allowing it? But will you also be going against the wishes of your loved one? Will you be allowing someone on a waiting list to die or continue suffering by refusing?

Things would be much easier if we all made our final wishes known. Unfortunately, this is a subject that many people are hesitant to bring up. It is, quite frankly, something that we don't normally like to think about. Without a catalyst of some sort, without prompting, it's highly unlikely that the subjects of death and donation will work themselves into everyday conversation. People like to think of themselves as immortal. It's a simple fact. Consideration of final affairs is often not open for discussion because we think it applies only to other people. Thousands of people who are currently suffering, even dying, while waiting for a transplant are paying for this attitude. We need to encourage discussion on this subject.

Ultimately, Mr. Speaker, I think that this will be the most beneficial aspect of Bill 201. It will serve to open a dialogue between Albertans. It will get them talking. It will plant the seed in their minds that a decision regarding organ and tissue donation is best made now rather than later. I especially like the way this issue is addressed by the bill in a nonforceful and informational fashion. We all know what happens when a topic is introduced too forcefully. There is normally a backlash. Whether from a telemarketer or a car salesman, it's quite basic human nature to reject anything that is shoved down our throats.

4:10

Bill 201 takes a more subtle approach to raising awareness, that I believe will be very effective in spreading the message to all Albertans. One measure proposed by the bill is to have the Minister of Health and Wellness investigate the inclusion of a letter that will be added every time an Albertan is issued an Alberta health care card or invoice. Such a letter would explain the organ and tissue donation process, urge Albertans to discuss organ and tissue donation with their families, and have a form attached that they could fill out if they decide to donate. This idea is a good means of broaching the subject of organ and tissue donation. Receiving a health care card or invoice would put the recipient in the proper frame of mind to consider important health choices. It might also serve as the much-needed catalyst to prompt a decision being made.

I think that most people, especially those with families, that see a request to consider organ and tissue donation included with their health information will no doubt consider the two in light of each other. The inclusion of a letter will illustrate the importance of making a decision regarding organ donation and put it in perspective. It will show that this decision is an important health care choice and make people realize that they have the potential to positively affect the lives of those in need.

Another method for increasing awareness that might be considered is an inquiry posed by the Alberta Registries agents when a driver's licence is renewed. Albertans could be asked to consider the question of organ and tissue donation when they renew their drivers' licences every five years. This is another unique and beneficial opportunity to increase awareness. It takes advantage of an appropriate time to bring up the subject of donation. Renewing an operator's licence, while it might seem to be a rather mundane activity on the surface, is actually a fairly significant procedure. A driver's licence shows that its holder is capable of operating a motor vehicle that is probably driven virtually daily.

Motor vehicle accidents take a terrible toll in Alberta. Every day, statistically speaking, one Albertan will die, over 70 will be injured, and over 300 will experience some sort of collision on our province's roads. These are sobering facts, and they are facts that might be a little closer to the front of someone's mind as they navigate the legal requirements for driving.

How does this relate to organ and tissue donation? As I said before, I believe one of the biggest obstacles to opening a dialogue, Mr. Speaker, on donation is the commonly held perception of immortality. The age-old "I'm not going to die any time soon, so this doesn't apply to me" belief is a huge barrier to discussion. In a climate of silence it is easier to hear a pin drop. Once we begin to overcome the initial reluctance to talk about these matters, I believe that there will be a groundswell of general discussion and a more open and frank atmosphere of discussion. The end result will be a dramatic increase in donation rates and an increase in the quality of life for those who are so desperately in need of organs and tissues.

This increased dialogue and level of social awareness would be enhanced by another idea proposed by the bill: asking the minister to consider the creation of an online donor registry. This idea would serve to add legitimacy to the concept of consenting as the wishes of an individual would be recorded in a concrete and permanent fashion. As people begin to give more serious consideration to donating their organs and tissues, they will want assurances to guarantee that their wishes are also known. A signed card carried in the wallet is an indication of consent, but I'm sure that many people worry about the very real possibility that this card may be separated from them in the event of an accident and that their wishes to become an organ donor would go unfulfilled. Measures like the consideration of an online registry that records the wishes of potential organ donors in much the same fashion as we record vital statistics and other such data would go a long way to answering these concerns. It could also be a vital tool in increasing the donation rate due to the assurance it would offer that wishes would be followed.

In general, the ideas suggested in the dialogue opened by Bill 201 will be vital in increasing awareness of organ donation amongst Albertans. Even discussing this bill as we are doing now is increasing awareness. Every small bit helps. For this reason alone, this bill has great potential to increase the donations to an acceptable level. As long as there is a need, as long as there are people suffering as they wait for a donor to become available, we have not met our objectives. This bill is a vital first step towards alleviating the pain of these people.

By opening a dialogue and making information available to Albertans, by breaking down social barriers that prevent discussion on the subject, we will increase the quality of life for countless people. By enabling a consideration of the establishment of an orderly system of recording the wishes of potential organ donors, we can increase that potential to eliminate doubt and provide peace of mind for individuals and families. Fewer Albertans would be forced to make agonizing choices on behalf of their loved ones. Fewer Albertans would be forced to live with the doubt that follows such a decision.

In the end, Mr. Speaker, this bill will go a long way towards injecting a measure of clarity into the present situation, which can be somewhat confusing and quite indistinct at times. Albertans on all sides of the donation issue will benefit from the general increase in awareness and improved record keeping. For these reasons, I'm very, very pleased to give this bill my enthusiastic support.

Thank you, Mr. Speaker.

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

Dr. B. Miller: Thank you, Mr. Speaker. It's a privilege for me to make a few comments on Bill 201, Human Tissue Gift (Notification Procedure) Amendment Act, 2006. There's been, of course, long discussion amongst medical ethicists about this issue, so we are joining the discussion after some 30 years of looking at the whole issue of transplantation of organs and tissue gifts. Out of that discussion some have suggested, because of the huge need for tissue and for organs, that the removal of organs necessary to help people survive should be routine, and then people should be put in a position where if they don't want their bodies to be used for body parts harvesting for others, they should opt out in advance or veto in advance. Now, I'm totally against that kind of approach, and I'm glad that this bill focuses on the issue of consent. We're not in Siberia. Maybe I've seen a lot of science fiction movies, maybe too many, where we have the image of all kinds of bodies being kept alive for body parts in the future.

Actually, there is a real issue here about the definition of death. I think that over the years we've come to accept that the definition of death has to do with brain death, but you can keep a body alive hooked up to machines even after brain death has been determined. That puts that person in a very interesting status. I don't know what that status is.

An Hon. Member: Purgatory.

Dr. B. Miller: Purgatory. Right.

I think the issue of consent is really important, that a person be able to say in advance whether they want to donate their body for body parts or not.

One of the key moral questions is: to whom do body parts belong after you have died? To the state? Or do you still have some sort of connection to them? My definition of a human person is that a human person is an embodied person, so it's not the case that a person is a soul with a body that's attached; rather, the body is essential to one's identity. If a body is to be made available, it must be as a gift, so the person at some point in their life must be able to decide that they're going to donate their body. It must always be a question of giving, not the taking of body parts. Our language sometimes moves away from the notion of giving to the taking of body parts or the harvesting of body parts. Consent is really important, so I'm glad that this bill focuses on consent, asking people what they think.

4:20

I have real problems with the focus on going to a dying person for consent. I mean, the decision about donating your body should be made much, much earlier, and the suggestions about the use of drivers' licences or health cards is really important. When you come to the end of your life, it's enough that you have to be able to deal with your own pain and your own suffering and your own death, and that's extremely important.

There's a famous book – it's a classic – that was written by Leo Tolstoy called *The Death of Ivan Ilych*, which actually was published in the 19th century. It depicts the stages of death that people go through. Elisabeth Kübler Ross in recent years outlined those stages: rejection, anger, and finally acceptance. That book brings it out quite vividly. When you come to the end, you have to face all kinds of issues about your own pain and your own death. Most of the time that takes place in a hospital, and you're surrounded by professionals, and maybe you're hooked up to machines. In the midst of that somebody is going to come in and ask you for consent about your body after you've died. I mean, there are all kinds of problems with that.

I realize that there's a great need for more bodies, cadavers, being available, but to intrude at that point on a person's freedom to be able to deal with their own pain and their own suffering and their own death and ask them about – well, as one commentator puts it, it's a ghoulish request, and I think that it doesn't show a lot of sensitivity. So I have problems with that.

Also, the issue of relatives. If a person is not able to give consent as they are dying, then maybe relatives can give consent. I think there are some problems with that. I mean, surveys indicate – and this is an interesting one – that more people are willing to donate their relatives' organs than their own. That raises the issue of, well, the person having a kind of autonomy in giving their consent. I don't know if the relatives' consent is equal to the individual being able to give the consent themselves. So I have some problems with that. I think that the emphasis on asking the dying person for consent is, of course, way too late.

All of the emphasis should be on trying to strengthen the programs that raise awareness, as has been mentioned, and to also look at the use of health care cards and drivers' licences, to intervene when people actually have to get a particular licence and then be asked a question. Maybe we should have a required request of persons about whether they're willing to consent or not. For example, the question could be asked: are you willing to donate your organs after your death? The person could answer on the card yes or no or I don't know, and the I don't know should be respected.

One other point that I wanted to make which I thought was very good. I mean, we're dealing with a serious moral issue here about the nature of death. I like the proviso in terms of talking to people about their consent, that their religious beliefs would be acknowledged and recognized, because a lot of people have very definite religious beliefs about their death and about their bodies. I think that there is a kind of sacred aura that surrounds one's body. So that sacred aura has to be acknowledged, and that many people have specific religious beliefs that would lead them to refuse to sign a donor card has to be recognized. It means that it puts a lot of onus on those people who are going to go in and talk to dying people to seek their consent, that they have to have some sort of knowledge about the various religions and be sensitive about where a person is coming from in terms of their religious belief.

Those are the only comments I have, so in general I approve the principle and the direction of this bill, but I just have a few problems about how the issue of consent is handled. Thank you, Mr. Speaker.

[The Speaker in the chair]

The Speaker: The hon. Member for Cypress-Medicine Hat, followed by the hon. Member for Edmonton-Gold Bar.

Mr. Mitzel: Thank you, Mr. Speaker. I'm pleased to rise and join the debate today on Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006, sponsored by the hon. Member for Calgary-West. I believe that this bill addresses some very important issues that we as a society are faced with. This bill promotes a model of organ and tissue donation that respects the rights of families dealing with the tragic loss of a loved one while acknowledging the gift of life that donated organs and tissues can provide.

The decision to donate organs and tissues is not a decision that should be made lightly. Research has shown us that one of the contributing factors as to the willingness of families to donate a loved one's organs and tissues is the manner in which they are approached. Mr. Speaker, if you can imagine a situation where a young woman has just been informed by a doctor that she is now a

widow and will have to raise the couple's children on her own, it's very difficult for that same doctor to then approach the young lady and discuss the possibility of organ donation. Immediately following the loss of a loved one your thoughts are about them and what you need to do to help them, not necessarily on helping others.

Mr. Speaker, despite the best intentions of the attending physician they're placed in a very tenuous position. It's very hard to express sympathy for a family's loss while at the same time mentioning that the recently deceased person's organs would be of great benefit to others. It's hard for some families to believe that everything possible has been done to save their loved one while being told that their loved one's organs are being greatly needed to save several other lives. I believe that doctors may be too attached to the grief or loss to be able to effectively encourage the gift side of the organ and tissue donation equation.

As I mentioned earlier, how a family is approached is very important. An important component of how you are approached is who's approaching you. There are many things that I would do if my wife asked me to but would not do if someone else asked me. That's why I feel that Bill 201 is very important. The mandatory referral process outlined in Bill 201 I believe will help to ensure that people are approached professionally and that doctors are freed from the double burden of talking to a family about the loss and the potential organ donation.

Mr. Speaker, under Bill 201 when a patient dies or when death is imminent, the hospital would be responsible for contacting the human tissue gift agency and providing them with all of the patient's relevant medical information. After receiving the necessary medical information, the agency is responsible for determining whether or not the dying or recently deceased individual is an eligible donor. If the patient is an eligible donor, then the professionals at the agency, who are specifically trained to approach families in a respectful and considerate manner, will contact the family members. Professionals from the agency have the advantage of being at arm's length from the process. They do not have an emotional attachment to the situation. They're not associated with the loss side of the organ donation equation. They're well-trained professionals who will approach people in a manner which will likely increase organ and tissue donation.

Mr. Speaker, some critics have argued that creating a mandatory referral process for organ donation creates ethical concerns. These critics are worried that by reporting imminent deaths, doctors will alter their treatment of patients in order to secure their organs for transplant. Potential critics are worried that patients with a poor but not hopeless prognosis will undergo invasive and potentially painful procedures for the sole purpose of prolonging the patient's life for the purpose of organ donation.

4:30

Although I understand the reasons behind this concern with Bill 201, I do not believe that the mandatory referral process will create an ethical dilemma. The mandatory referral process allows the doctors to remain neutral in the organ donation process. Mr. Speaker, under the current system doctors are first and foremost charged with the responsibility of looking after the best interests of their patients. The new system proposed in Bill 201 ensures that the doctors' role of protecting the best interests of their patients is protected and enhanced. No longer is it the doctor who is responsible for talking to the family about organ donation. In the mandatory referral process the doctor makes a call to the human tissue gift agency. After making the call, the doctor's role in the organ donation process is complete. The doctor can now return to treating the patient in a manner that best reflects the interests of the patient and the patient's family.

I do not accept the argument that the mandatory referral process will change the type of medical treatment that a doctor provides his patient. Under the proposed system doctors are not directly involved in the organ donation decision. They are responsible first and foremost for the patient currently in their care. The only responsibility they have to the system is a phone call to a 1-800 number. The new system clearly enhances a doctor's ability to help their patient by ensuring that they represent the patient and the patient's family and their desires during the end of life.

Mr. Speaker, another criticism that has been raised relates to rural Alberta. Concerns have been raised that rural Alberta lacks the facilities to handle donations. That may very well be the case currently, but we can't forget that one of the primary goals of Bill 201 is to increase organ and tissue donation in our province. As organ and tissue donations increase, I believe that the capacity to collect donations possessed by the human gift agencies will also expand. If this government is committed to rural development, as part of rural development it is important that necessary health services are available to Albertans in all regions of the province. It's important that we don't overlook rural Alberta in our attempt to increase organ and tissue donation. Approximately one-third of Albertans live outside of the Calgary and capital regions. In our efforts to increase organ and tissue donation levels, I believe we'd be in error by automatically excluding rural Alberta.

Mr. Speaker, I'm not naive enough to assume that the necessary facilities for major organ donation will be available in every community; however, tissue donations do not require the same level of sophistication and could therefore more easily be accomplished in smaller more rural centres. Additionally, I do not believe that rural Alberta would have that many referrals to a human gift agency. I'm under the impression that most current referrals come from Calgary and Edmonton. Most cases of brain death end up occurring in the province's two major health regions because the most critical patients are transferred there from rural areas. I believe that most often direct referrals that come from rural Alberta physicians would be in regard to tissue donations. Building the capacity for tissue donations is much easier than building capacity for organ donation.

Mr. Speaker, a final concern with Bill 201 that has been noted relates to privacy. This bill does not require the sharing of personal health information between the hospitals and the tissue agencies. Any time that we're talking about someone's personal health information, even in death, it is important to ensure that this information is not used inappropriately. I believe that the information that will be shared under Bill 201 is not excessive, nor is it unjustifiable. The only information that will be shared is information that is pertinent to the potential donation. Use of this information is severely restricted and subject to our province's excellent privacy laws.

At the same time, I believe that the use of the personal information is also justifiable. We permit medical practitioners to share health information about their patients when the sharing of the information is in the best interests of the general public. This process is followed with several venereal and communicable diseases. The sharing of the medical information pertinent to organ donation, I believe, will help to save the lives of many Albertans. It is for this reason that I believe that the sharing of personal health information as proposed in Bill 201 is appropriate.

In closing, Mr. Speaker, I'd like to say that I believe this bill is one of the more important pieces of legislation that we will be asked to deal with this year. This legislation is necessary to help ensure the continuing health and well-being of Albertans. I believe that the mandatory referral system will increase organ donation and help to

ensure that Alberta's health care system remains among the best in the world.

Thank you.

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

Mr. MacDonald: Thank you, Mr. Speaker. It's a pleasure to have this opportunity to participate in the debate this afternoon on Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. I listened with interest to hon. members who spoke previously. Certainly, this is an issue that is sensitive to many people regardless of their religious views or their particular circumstances, and one has to be respectful of that. This bill, as I understand it, will certainly establish a systematic way of considering potential donors and approaching families of potential donors for consent, and how that consent is given or granted is very important.

Mr. Speaker, before I go any further, I think now would be an appropriate time to thank you and your office for providing to me and, I assume, to every other member information in regard to private members' public bills given royal assent between 1993 and 2005 as of December 1, 2005. I was looking at this one evening last week, and I was astonished to . . . [interjection] I'm sorry, hon. member? [interjection] Pardon me?

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

Mr. MacDonald: Mr. Speaker, yes. Certainly, there's not one of the bills that I proposed on this list, but interestingly enough, for the hon. Member for Drayton Valley-Calmar, there's one from 1998, the Human Tissue Donation Procedures Statutes Amendment Act, from the hon. Member for Calgary-Fish Creek, who is currently the hon. Minister of Children's Services. This bill, according to the document that I received from the Speaker's office, requires hospitals to establish policies and procedures governing the donation and transplant of human tissue, and this bill, according to what I received, is still awaiting proclamation.

During the course of the debate on Bill 201 I would appreciate an explanation from the hon. member who initially brought this bill before the House in 1998 as to why this never received proclamation. Certainly, the hon. Member for Cypress-Medicine Hat is absolutely correct when he indicates that this is an issue of importance, and it should be dealt with. So through the course of debate, Mr. Speaker, I would be very grateful for an explanation as to why this bill in 1998 was never proclaimed.

This bill, as I understand it, formalizes, again, a procedure requiring an agency to request consent for organ and tissue donation from an individual or family. We have to be very, very careful, Mr. Speaker, because we know that medical procedures and techniques are changing all the time while we debate this bill and, I'm certain, while this bill was being drafted. There is the case in France where a woman was mauled or disfigured by a dog, and she had part of her face removed and a transplant done. That certainly attracted a lot of media attention. We've seen in the last week a young man from Winnipeg, I believe, who was just days old and received a heart transplant. So the procedures are really becoming very advanced.

4:40

Hopefully, if we were to pass a bill like this, we wouldn't wait seven years for proclamation like the last time, but we would act on this. We always have to be very careful, Mr. Speaker, with these new, developing technologies that body parts or organs don't become a commodity. This, unfortunately, has happened in other parts of the world. There are certainly cases where there has been

exploitation of people with modest or no income who are looking at ways to support their family, where they sell a kidney. There are some areas of the world where this happens. There are some other areas of the world where people are kidnapped. They wake up, and there have been examples where a kidney, again, has been removed without anyone's consent. These individuals consider themselves lucky to still be alive.

So, certainly, we must ensure that those sorts of practices never, never occur here because, as previous speakers have indicated, it is a moral issue. We need to ensure, as we encourage people and families in very difficult times, that that is an option that they may wish to exercise; that is, to donate an organ or a body part to assist someone else.

This bill, Mr. Speaker, if it was to be passed and to become law, may help someone in the future. I'm not going to give a long list of the transplant procedures that are available or the waiting list that is occurring at this time in this province. Other speakers have certainly outlined that.

In conclusion, we have to be very, very careful about this. We do not want any human tissue to become a commodity. It should be up to the individual and the individual's family members whether or not they want to participate in any way in donation of a human tissue or an organ. We will wait, and we will see how all this develops, but I am anxious to hear why the previous bill from the hon. Member for Calgary-Fish Creek never was proclaimed.

Thank you.

The Speaker: Hon. members, at approximately 5:15 I'll call on the hon. Member for Calgary-West to conclude the debate on this, but just to advise members, we have about 31 minutes, and there are six or seven members who have advised me they wish to participate. So I just provide that as a point of interest.

The hon. Member for Red Deer-North.

Mrs. Jablonski: Thank you, Mr. Speaker, for the opportunity to rise and join in the debate on Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. I'd like to begin my remarks by congratulating the Member for Calgary-West on bringing forward such an intriguing piece of legislation. I say intriguing because Bill 201 opens debate on a topic which is not generally discussed. Organ and tissue donation is an issue which should be discussed openly in our province. Admittedly, the topic is somewhat morbid; however, ignoring the inevitability of one's death is a ludicrous idea. After all, there are only two certainties in life: death and taxes. While the government has been working at reducing the second, I don't believe there's much chance that we can reduce the first.

Mr. Speaker, the death of any individual is a sorrowful event, and this sorrow is heightened when the individual was healthy and in the prime of their life. However, from such tragic circumstances comes the opportunity for another person to live out a long and healthy life. Organ and tissue donation brings a new lease on life for individuals suffering from a myriad of ailments. From heart problems to liver failure to blindness the donation of tissues and organs can greatly help another person. Sadly, our rate of donation is extremely low. I believe this to be a direct product of a lack of discussion and planning surrounding this issue. I can't believe it's anything other than an oversight on the part of Albertans to make their wishes known because we in this Chamber have the privilege of living in one of the most philanthropic provinces in the country.

Albertans give their time, energy, and expertise to a variety of causes as volunteers. In fact, over 50 per cent of us donate our time in some way, more than any other province in the country. Alber-

tans have the third highest rate of charitable donations of any province in this country. Obviously, we are a province of people willing to help others. So why do we have such a low incidence of organ and tissue donation?

The only answer is a lack of awareness, and it is this lack of knowledge and awareness that Bill 201 addresses. It seeks to raise the awareness of Albertans of this issue and demonstrate the help that people can give. To be honest, I am one of the many Albertans who simply don't realize how much help they can give by addressing this issue with their family. Before this bill was brought to my attention, I wasn't aware of the difference between organ and tissue donation or the extent of the tissues which can be donated.

Bill 201 proposes simple measures which complement the programs currently in place to increase the rate of organ and tissue donation in our province. This is done by raising awareness in the public and by streamlining the process through which organ and tissue procurement and placement is achieved. Mr. Speaker, these are simple changes to our current system, but I believe that they have the opportunity to radically increase the level of donation in our province. The actions proposed would allow Alberta to catch up to the systems currently in place in other jurisdictions which helped them increase the rate of organ and tissue donation.

Now, in previous discussions there have been points raised that highlight obstacles which other jurisdictions have encountered when trying to implement new systems with respect to organ and tissue donation. In some instances these attempts in other jurisdictions have been held up as a reason to not implement change in our own system. I could not disagree more with this line of reasoning. Mr. Speaker, somebody somewhere has to be bold enough to be the first to attempt a new way of doing something, or systems and procedures become stagnant. This attempt may turn out to be a great success, and it may turn out to be a great disaster. However, the experiments of other jurisdictions provide us and others an opportunity to learn from the difficulties which they encountered and use that knowledge to ensure that we do not make the same mistakes.

Mr. Speaker, a few years ago a jurisdiction sought to make changes to their organ and tissue procurement and placement program. The implementation of a more streamlined and comprehensive system to allow more citizens to register themselves for organ and tissue donation had the potential to increase donor rates. Unfortunately, this was not the result, and donation rates remained at the same level as before.

The failure of these changes to increase organ and tissue donation rates provides us with the opportunity to examine why this happened. It is my understanding that the changes to the system were not accompanied by an aggressive public information campaign to increase awareness of the issue. By not raising awareness, the majority of the public would not know that any changes had even taken place, let alone what those changes were.

Mr. Speaker, this is an issue which plagues every government across the country. How to get a message out is something which communications personnel deal with every day. Governments can issue press releases on a subject, but there's not a large percentage of the population who read a government press release. If the release is not picked up by the media, then there are very few members of the public who will be aware of any changes. One way to ensure that the public is made aware of a government initiative is to put together an advertising campaign. Through radio, television, and print media a government could then convey changes which affect people. However, the drawback to this is that it is costly. The measure suggested in Bill 201 to raise public awareness strikes a balance between the two extremes described above.

One possibility aimed at increasing awareness about organ and

tissue donation is sending every Albertan an information letter. If Bill 201 is passed, the letter would potentially be sent to Albertans whenever they are issued an Alberta health care card or invoice. Additionally, this letter can be included in the Alberta driver's licence and Alberta vehicle registration renewal reminder notices.

4:50

If the sending of this letter comes to pass, it could explain the organ and tissue donation process, urge Albertans to discuss organ and tissue donation with their family, and have a form attached that Albertans could fill out if they decide to donate. The benefit of such a campaign is that there is time to have this program return results. It is not necessary that every Albertan instantly know about changes to the provincial organ and tissue procurement system. Also, by necessity, Alberta households would receive this letter several times on different dates if there is more than one person living in the household. This would provide more opportunities for discussion surrounding this issue and give families a greater number of opportunities to understand the wishes of their loved ones in this respect.

Mr. Speaker, I believe that the public information section of Bill 201 will be the most beneficial in terms of raising the number of Albertans who choose to donate tissues and organs. I support the measures outlined in Bill 201 because it is necessary to raise awareness about organ and tissue donation in our province. Albertans are generous people, who are always more than willing to help out those in need. By raising awareness and understanding of the subject, I believe that we will see a marked increase in the number of Albertans who will take the time to fill out their organ donor cards and to make their wishes known to their families.

I would ask all members to stand with me in support of Bill 201, Human Tissue Gift (Notification Procedure) Amendment Act, 2006. Thank you.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Lac La Biche-St. Paul.

Mr. Hinman: Thank you, Mr. Speaker. I didn't realize I was up quite so quick, but I appreciate the time to stand up and to debate Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, as well. I've enjoyed the debate that has gone on so far and the many good points that have been brought forth. Because of the number of people that want to speak, I'll try and just speak to those issues that haven't been addressed yet.

I'd like to thank, though, the Member for Calgary-West for bringing this forward, and perhaps I'd like to start off by thanking the Member for Battle River-Wainwright for acting now and signing the back of his health care card. I've personally had two experiences in my own life back in the '70s and '80s concerning tissue and organ donation, so it's been near and dear to me for a long time and to many of those around me and my family. I hope that this awareness will go forward and that it will be a great benefit to Albertans.

I'd like to put a question, though, to the Member for Red Deer-North. I believe that not only taxes have been reduced in this province. Deaths have been reduced a great deal in the research that's been done through state-of-the-art facilities adopting new techniques and world-class research. Just today they're releasing some wonderful research from Calgary benefiting diabetics, being able to do tissue transplants into the liver in order for those with diabetes to be able to start producing insulin again. It's very encouraging.

One of the areas that I really would like to bring into the debate, though, is the question of the donor card, and there's been much

debate about that already. The province just recently put out \$400 cheques to every Albertan, and that was graciously received by almost every Albertan that I'm aware of. The problem is that we spent over \$10 million to distribute that, and there have been some sad cases, as we all know, of those who were wrongful recipients.

I would like to address the fact that perhaps with this Bill 201 and an ID card here in the province – and we know that they're talking about it in order to go through the States and to travel – we should maybe be putting some money towards a good ID program and that when people do receive their ID card, it is on there, and it is a question. One of the biggest problems that we have is awareness and the knowledge that this is wonderful and great and . . .

Rev. Abbott: Socialism.

Mr. Hinman: Socialism?

Well, if we have the ID cards, let's have it so that the question is on there. If my memory serves me, originally I signed my driver's licence and then a health care card. Now, what are we going to do in the future? Because of the problems in the health care system and the fact that we don't even know who has the health care cards, perhaps this is the time to look at changing and updating those and having an ID card that would serve the interests of all Albertans and help us to identify and reduce the fraud that's going on in the health care system at this current time.

Going back to reducing death or reducing taxes, it seems like the only excuse for reducing taxes is if this government is taking two steps forward and then half a step back. So I would, like I say, question the Member for Red Deer-North.

I am very much in favour of this bill and the intent of it. I appreciate the debate that assumed consent is not what we want, though it is being debated in other jurisdictions. I also agree with the Member for Edmonton-Gold Bar in that we want to make sure that this does not get into the money side and the business side of it. This is giving, as we do with blood here in the province.

In closing, I just hope that this bill will not only pass here in the House but will also receive royal assent. Thank you.

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

Mr. Danyluk: Thank you, Mr. Speaker. I'm pleased to be given the opportunity to join in the discussion on the human tissue gift amendment act. I support Bill 201 because I believe it will lead to greater numbers of organ and tissue donations by Albertans, therefore enhancing the quality of life for those waiting for organ or tissue transplants. This will be achieved mainly due to the bill's focus on enhancing people's awareness through debate and giving Albertans the opportunity to identify themselves as possible future donors.

Additionally, when a person passes away, Bill 201 proposes that all hospitals be required to notify the human gift tissue agencies, thus helping to enhance organ and tissue donation rates. This process would be referred to as the mandatory referral.

In the United States several states have already legislated such a process, known as the routine notification. In accordance with this act all hospital deaths or impending deaths must be reported to local organ procurement organizations, or OPOs, by hospital staff. Many hospitals in other states chose to participate in the system of routine notification even though it is not part of the states' laws. States where routine notification practices are in place, whether legislated or used voluntarily, have seen increases in donations. For example, in Pennsylvania they have seen great increases in the number of

tissue and organ donations since new donation laws were instituted in 1994. In the United States as a whole 50 states and the District of Columbia have chosen to legislate a process known as required request. This system requires hospitals to discuss donations with families once a doctor has diagnosed a patient as having brain death.

Many states have also looked at the idea of the mandated choice. This allows individuals to actually express their wishes regarding organ and tissue donation on paper while they're still living. Several states use the driver's licence renewal as the time to have people document their wishes. These programs have helped the United States increase the number of organ and tissue donations. Canadians have approximately 14 organ donors for every million people, whereas countries such as the United States, Spain, and Portugal have somewhere between 20 and 32 for every million people.

Here in Alberta in 2003, Mr. Speaker, there were approximately 12 organ donors per million people. These numbers indicate quite a significant difference in the number of donors in this province and the country as a whole compared to other countries with more successful programs for organ donation. Bill 201 hopes to improve Alberta's donation rates by implementing a system of mandatory referral. Mandatory referral would help to enhance donations within the province of tissues that one is able to donate, including eyes, cartilage, and tendons, just to name a few.

In the United States about 1 million tissue transplants are done annually. Here at home our rates are not nearly so good. In Alberta in 2003 there were approximately 19,000 deaths, resulting in only 91 tissue donors. This gives you some idea of how far behind we are in encouraging individuals to consider tissue donation and instituting effective programs to ensure that this occurs.

5:00

As Albertans we need to be concerned not only with how low tissue donation rates are, but also, as a result of these low rates, we are often required to buy tissues from the United States to address these shortages. This is quite costly, Mr. Speaker. Not only is it costly, but there have been many problems with these tissues in the past. For example, in January there were several reports of a New Jersey company who had not obtained the needed consent to remove tissues from those who had passed. These tissues were sold to Alberta facilities and given to Albertans who were waiting for tissue transplants. This case is quite frightening, and I believe that if we were able to get more tissue donors here at home, we would be more certain that these tissues were properly obtained and safe for recipients.

Transplants can also be cost-effective in certain cases, such as kidney transplants. Mr. Speaker, it costs approximately \$50,000 per year to have a person on dialysis. A kidney transplant costs around \$25,000 for the initial surgery and somewhere around \$6,000 per year following the transplant. Thus, kidney transplants are less expensive and generally improve the quality of life for the recipient.

Like the United States, Canadian provinces have also passed legislation to help improve donation rates and, although they are fairly new programs, are experiencing a good deal of success. In Ontario routine notification and requests have recently been legislated. All deaths in hospitals or inevitable deaths due to brain death must be reported to the Trillium Gift of Life Network, as legislated under the Trillium Gift of Life Network Act. The network is responsible for deciding whether or not to approach the family of a deceased individual to discuss donation. They are also responsible for co-ordinating donations in general. Although this program only began this year, it is based on a pilot concluded during the summer of 2005. This pilot program included seven hospitals, and the results of the trial were a 26 per cent increase in tissue and organ donation.

Manitoba has a similar system to ensure that those in need of donations receive them. Under the Human Tissue Gift Act hospitals are required to notify one of the human tissue gift agencies whenever the death of a patient is imminent, when a patient dies, or when the body of a deceased person is delivered to the facility. Once an agency has been notified, it is up to them to determine whether or not to approach the family regarding organ or tissue donation. This particular piece of legislation allows the agencies as a group to determine the amount of notification time to be given by hospitals to the agencies and which agency is to be given notice.

Therefore, although it is still early, Ontario and Manitoba are two Canadian jurisdictions where new legislation on organ and tissue donation appears to be working quite effectively.

Looking at these two examples and numerous states which have legislated either routine notification or require request, one can see that action of this type may be helpful in this province as well. Creating a dialogue to increase donation is a key aspect of this bill. If we can raise Albertans' awareness of the need for organ and tissue donations, we will hopefully be able to greatly improve the number of tissues and organs donated in this province and thus save and improve the lives of Albertans waiting for transplants.

I support Bill 201, Mr. Speaker, but I feel that the bill does not go quite far enough. This is a step in the right direction, but we need to do more to address the challenges of increasing organ and tissue donation.

Thank you very much for your indulgence, Mr. Speaker.

The Speaker: Hon. members, we have approximately 10 minutes left, and there are three speakers on the list. We'll go to the hon. Member for Calgary-East.

Mr. Amery: Thank you, Mr. Speaker. It gives me great pleasure to rise today and join the debate on Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. The subject this bill deals with is a difficult one for most people. Death is a topic that most people find rather hard to think about, especially when it involves themselves or a loved one. Death is a natural and inevitable part of life. It is something that everyone will have to face at some point. We can't avoid it. We can only hope for a long, healthy, and productive life.

For some of us, Mr. Speaker, this wish is granted, but for others it unfortunately is not. There are far too many people that because of accident or disease pass away too soon. There are far too many more that suffer terribly and needlessly because of medical problems that can be cured with donated organs or tissues. As we speak, there are Albertans who face the same situation of uncertainty. They wait and wait, often in an increasing state of pain and discomfort, for a donor to become available. For some the wait is too long, and another family has to bear the pain of a preventable loss.

Some losses are not preventable. This is also a fact of life. Sometimes our loved ones are taken away from us suddenly and without warning in the prime of their lives, and there is nothing we can do to stop it. In fact, Mr. Speaker, there are no guarantees for any of us. Sometimes there is nothing we can do to prevent death. Sometimes there is, however. Even in death there is the potential to give the gift of life, to ease the pain and suffering for someone on a transplant list and give hope back to their family. This is what Bill 201 is about: hope. For every Albertan who makes their wishes about organ donation known, there are a multitude who do not. This bill will be a vital tool in improving these figures. It will be an effective instrument to tap the natural generosity of our citizens.

Mr. Speaker, one function of Bill 201 will be to open a dialogue amongst Alberta families. It will get them talking about organ and

tissue donation, and with any luck we will see a dramatic increase in the number of people who address the subject and provide their consent before it is too late. Perhaps more importantly, however, Bill 201 will simplify the donation procedure by establishing a clear and distinct process for a doctor to initiate when an individual becomes a candidate for organ or tissue donation. Speed and efficiency are key in the donation procedure. The more quickly the process occurs, the more likely it is to succeed.

Mr. Speaker, what Bill 201 proposes is a single-point initiation approach, meaning that a physician would only need to make one phone call to put the procedure in motion.

Mr. Speaker, doctors have an incredible wealth of knowledge about a staggering variety of issues, but their primary focus is on treatment of patients and diseases. There are organizations such as the human organ procurement and exchange, that specializes in organ and tissue donation. As it is their primary focus, they are the ones that are equipped to efficiently, respectfully, and effectively deal with the donation process.

Mr. Speaker, under the system proposed by Bill 201, a hospital would be required to notify a human tissue agency when a patient dies or when death is imminent or inevitable or when the hospital receives the body of a deceased person. By making this contact a requirement, fewer opportunities for donation will be missed. Once a human tissue gift agency is contacted, a detailed assessment of the suitability of a donor would commence. The wishes of the individual in question would be examined. If the donor had previously given consent, the agency would determine this fact. If the patient is deemed medically suitable to be an organ or tissue donor, the harvesting process would begin.

Consultation, Mr. Speaker, between the agency and physicians would ensure that all medical requirements were met. In short, a greater degree of efficiency and co-operation would result. The involvement of an agency in cases where consent had not previously been obtained would also be valuable in dealing with the family members of potential donors.

Mr. Speaker, asking a family to give consent to organ and tissue donation immediately after learning that their loved one is either deceased or about to die is a hard and horrible process. At the worst time in their lives they are being faced with a decision that may have received no prior thought or consultation. People from these agencies are trained professionals. They are trained and qualified to broach the subject of organ and tissue donation in a respectful yet encouraging manner. Furthermore, they are extremely knowledgeable and able to answer any questions the family might have. A general lack of awareness is one of the root causes of low donation rates, so it is only natural that a professional with a high degree of knowledge should be present to give the information.

5:10

Mr. Speaker, I firmly believe that this lack of knowledge is a major factor in most decisions that are made against organ and tissue donation. People are inclined by nature to reject a process they don't understand. It is basic human nature. This is why it is vital to have these answers readily available when the situation presents itself. Families need to be aware of the importance of their decisions. They need to know exactly how their choice will affect the lives of those who are waiting on a transplant list. The choice will always be a difficult one, but the presence and guidance of a professional will ensure that making it becomes easier. If the guidance results in one new set of lungs for a person struggling to breathe or the gift of sight to one person who is waiting for a cornea, it will be well worth the effort.

Aside from providing information and counselling services to

families, the measures proposed by Bill 201 will increase organ and tissue donation rates by introducing an increased level of co-operation and efficiency into what can be at times a very confusing system. Mr. Speaker, Bill 201 will authorize and require hospitals to co-operate with agencies and share information about patient suitability. Furthermore, it would enable agencies to establish requirements to contact one another to maximize the potential amount of donations from a patient when appropriate. This level of communication and co-operation will greatly streamline the entire procedure. Bill 201 will not only enable the process to be started with a single contact; it will allow that contact to set in motion a process of highly co-ordinated interagency co-operation. The end result will be a maximized level of efficiency and a maximized increase in the quality of life for Albertans.

Everyone in the province is grateful for the prosperity we enjoy. Alberta is a place that presents its citizens with the best opportunities available anywhere. We have the best job market, the best economy, and the best record of leading the country in innovation. It is high time that our policies on organ and tissue donation caught up to this trend. Right now we are far from leading the country in donations, and Albertans are suffering, families are suffering, and children are suffering. Our current legislation, the Human Tissue Gift Act, dates back to 1973, 33 years ago. The world was a different place, technology was different, society was different, and medicine was different. It is high time we updated that legislation. It is time we join provinces like Manitoba and Ontario who have systems in place that are similar to those proposed by Bill 201. In short, Mr. Speaker, it's time we gave organ and tissue donation a shot in the arm.

When considering the benefits of this bill, I am thinking of every Albertan who is waiting and hoping for a donated organ or donated tissue. I am thinking of their families. I'm thinking of their children. I'm thinking that with this legislation we have a great opportunity to ease their pain because easing the pain and suffering that accompany a desperate situation should be the ultimate goal of organ and tissue donation.

Mr. Speaker, on that note, I would like to offer a few words of caution. While I am in favour of the principles of this bill and I believe that it represents a tremendous step for those in life-threatening or grave situations, I believe we also must discuss measures that would ensure that donated tissues are not used for procedures that are cosmetic in nature.

With Bill 201, Mr. Speaker, I believe that we can encourage the generosity of Albertans and make it easier for them to give the gift of life. In supporting this bill we have much to gain, and I encourage all my colleagues to vote on this. Thank you.

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

Dr. Brown: Thank you, Mr. Speaker. For many of the more than 500 Albertans awaiting a transplant in this province this is truly a matter of life and death. Citing statistics from the Canadian Institute for Health Information, in 2004 forty-two Albertans died waiting for a transplant. Even more discouraging is the fact that five of these individuals were young children. For others an organ transplant can mean a much improved quality of life, freeing many from long and stressful and costly ongoing treatments such as dialysis.

I note the remarks of the hon. Member for Calgary-West regarding the possibility of having some sort of notation on the driver's licence card. I believe this is a useful suggestion. With such a notation the family of the deceased person could see the wishes of the deceased person on the driver's licence and they're much more likely to understand the wishes of their loved ones.

The purpose of the bill is to create awareness about Alberta's

organ and tissue donation. I believe the act will increase organ and tissue donation rates within the province, and I ask all hon. members to support it.

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

Dr. Oberg: Thank you very much, Mr. Speaker. With the one minute that is left, I would quite simply say that I am in full support of this bill. This is a bill that I actually looked at in 1994, when I was a private member as well. At that particular point in time and that particular point in history, the whole idea of potential presumed consent was something that was a nonstarter.

I really commend the hon. member for bringing in presumed consent with a caveat, which, in essence, is a caveat that the next of kin can say yes or no, and I think that overall it's going to be wonderful.

I'd love to talk more on it, but quite simply, Mr. Speaker, what we have the potential for here, and to coin a couple of cliches, I know, is that we can give a gift of life out of the tragedy of death.

The Speaker: Well, I think, hon. members, that everyone on the list has had a chance to participate, so I'll invite the hon. Member for Calgary-West now to close the debate.

Mr. Liepert: Thank you very much. Thanks to all members who

participated in the debate today. I'm glad that the Minister of Infrastructure and Transportation had a chance to make a couple of comments because his experience as a medical doctor is important.

There were several questions raised during the debate. A couple are very easy to answer. One was: what are the goals of this legislation? Clearly, there's only one goal, and that would be that no one dies waiting for an organ donation.

There were other comments made relative to the privacy laws. We have checked with the office of the Information and Privacy Commissioner, and they find no problems with the particular legislation.

I guess the final comment, Mr. Speaker, would be that I can't comment on why previous initiatives weren't successful. However, if one looks at page 6 of the legislation, this act comes into effect on January 1, 2007, if passed.

With that, I would just like to again thank everyone. I'd move second reading of the bill, and that concludes my remarks.

[Motion carried; Bill 201 read a second time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Stevens: Thank you, Mr. Speaker. I move that we call it 5:30 and adjourn until 8 o'clock this evening.

[Motion carried; the Assembly adjourned at 5:19 p.m.]