

## Legislative Assembly of Alberta

**Title: Monday, April 3, 2006**

**1:30 p.m.**

Date: 06/04/03

[The Speaker in the chair]

head:

### Prayers

**The Speaker:** Good afternoon.

Let us pray. As we begin our deliberations in this sitting of the Legislature, we ask for the insight we need to do our work to the benefit of our province and its people and to the benefit of our country. Amen.

Hon. members and the people in the gallery, we'll now be led in the singing of our national anthem by Mr. Paul Lorieau, and I would invite everyone to participate in the language of their 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. I'd like to introduce to you and through you to the members of the Assembly today two special guests that are with us. First, Deb Young, who works in my office, is recovering from a severe accident she had at Christmas. She's barely got out of the hospital, is still recovering, and will be back, we anticipate, in June. We're delighted to see that her health has recovered from the severe injuries that she endured. Accompanying her today is Fred Dancey, her father, who worked for Alberta Treasury for 10 years back in Premier Peter Lougheed's term. We'd like to ask the two if they'd stand and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Member for Vermilion-Lloydminster.

**Mr. Snelgrove:** Thank you, Mr. Speaker. It's my honour today to introduce to you and through you to members of the Assembly some very special children from the School of Hope, which is centred in Vermilion. It truly is a huge school in that they teach students all across Alberta. They are accompanied today by teachers Kelly Collver and Shirley and Eugene Kramps and parent helpers Gerri Davidson, David Thompson, Christine Johnson, and Janice Johnson. I would ask all of them to rise and receive the warm welcome of this Assembly.

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

**Mr. Webber:** Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to all members of the Assembly a group of grandparents who have come here today in support of Motion 505, grandparents' access to grandchildren, which will be debated in the Assembly this evening. Grandparents' access and

custodial rights is an issue that is not going to go away. There are some very human faces of people who care passionately for the love of their grandchildren. I ask that these individuals stand when I introduce their names. In the members' gallery we have Annette and Gordon Bruce of Legal, Alberta. Annette is the president of the Orphaned Grandparents Association. For some grandchildren the relationship between themselves and their grandparents is on a full-time basis because there are no parents present. Annette and Gordon and the Orphaned Grandparents Association are there for those children.

Mr. Speaker, we also have Marilyn and Barry Marks, who drove up here this morning from Calgary. Marilyn is the president of the Alberta Grandparents Association, an association not only committed to the rights of grandparents but also committed to the rights of grandchildren having access to their grandparents. Marilyn is also a recent recipient of the 2005 Alberta centennial medal for her outstanding work in the community, presented to her by the hon. Member for Calgary-Varsity.

Finally, Mr. Speaker, we have Florence Knight, the national director of the Canadian Grandparents Rights Association. She has been involved with grandparent issues as a volunteer and stakeholder for over 16 years. I don't know if she's here today, due to an illness.

I do ask that these committed grandparents stand proud and receive the traditional warm welcome of the Assembly.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly a really engaged, lively, vital, dynamic, interesting group of seniors that live in my fabulous constituency of Edmonton-Centre. They live in the Churchill Retirement Community. They are here with Ms Brenda Edmonds, who is their leader and gets them into the most trouble, I think. She does a wonderful weekly program of current events. I would ask Brenda and all members of the Churchill Retirement Community to please rise and accept the warm welcome of the Assembly.

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

**Mr. Martin:** Thank you, Mr. Speaker. It's indeed my pleasure to introduce to you and members of the Assembly 12 members from the Abbottsfield Stop-In Centre, the seniors centre. The leader of the NDP and myself have spent some very enjoyable time over there with these active seniors, and we look forward to going back. There are 12 of them. I'd ask them to stand as I read their names: Mrs. Dumont, Jean Kisilevich, Tina Stifora, Peggy Baker, Martha Ehnes, John McFadyen, Nick Karpinski, Mrs. Joyce McFadyen, Mrs. Jo Elkow, and Mrs. Elizabeth Elkow. I'd like them to stand and receive the warm welcome of the Assembly.

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

**Mr. Eggen:** Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members of this Assembly Mr. Greg McAteer. Greg is an amazing Alberta citizen who has endured a number of illnesses and disabilities. He has been handicapped for eight years. He was diagnosed with peripheral vascular disease. He's very grateful to the many charitable organizations like Easter Seals that provided him with the tools for living, including his scooter, wheelchair, and lifting device. Greg is seated in the public gallery, and I would now like to ask that he receive the warm traditional welcome of the Assembly.

**The Speaker:** The hon. Minister of Environment.

**Mr. Boutilier:** Thank you very much, Mr. Speaker. Through you to members of the Assembly it is my pleasure to introduce a constituent of mine, a youth and also a leader in our community from the oil sands capital of the world, Fort McMurray, Blake Robert. I'd ask Blake to rise. With him – he's not aware of this – we have 24 guests from the ministry of the mother ship, the Ministry of Environment. I'd like them to all rise and receive the warm welcome of the members of the Assembly.

Thank you very much.

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

**Mr. VanderBurg:** Thank you, Mr. Speaker. It's with great pleasure that I rise today and introduce a guest that we have visiting us all the way from Stockholm, Sweden. Jonas Tornblom just arrived in Edmonton last night from Vancouver, where he was attending the Globe Conference and Trade Fair, that hosted more than 2,000 environmental leaders from more than 75 countries. I'd ask Jonas to rise and receive the warm welcome of this Assembly.

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### Oral Question Period

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

#### Progressive Conservative Leadership

**Dr. Taft:** Thank you, Mr. Speaker. At a time when this province desperately needs strong, steady management to deal with challenges such as infrastructure and housing in Fort McMurray, severe hospital bed shortages in Calgary and Edmonton, and a school building crisis across the province, this government is now more than ever without such leadership. This government is no longer just on autopilot; it is adrift without a captain. Mr. Speaker, my question is to the Premier. Who is in charge of this government?

1:40

**Mrs. McClellan:** Mr. Speaker, there's absolutely no question that this government is in charge of running the affairs of the province.

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

**Dr. Taft:** Thank you, Mr. Speaker. Given that the last time this House met, the Premier was so distracted by infighting within his caucus that he was unable to answer my questions, will the Deputy Premier clarify how this government plans to ensure that the Progressive Conservative caucus infighting will not interfere with the business of running this province effectively?

**Mrs. McClellan:** Mr. Speaker, with the greatest respect to the hon. Leader of the Opposition, I don't think that the caucus affairs of the Progressive Conservative Party of Alberta are really any of his affair in this Legislature. This Legislature is about governing. It is about a mandate that was given by the people of this province to this government, to our leader, and that has not changed.

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

**Dr. Taft:** Thank you, Mr. Speaker. Again to the Deputy Premier: given that as of 1 p.m. today the Alberta government's website indicates that the Member for Strathmore-Brooks is a sitting member for Treasury Board and for the Standing Policy Committee on

Agriculture and Municipal Affairs, will the government consider adding other nongovernment members to sit on Treasury Board and SPCs?

**Mrs. McClellan:** Mr. Speaker, I think that talent, abilities, availabilities are probably part of the determination.

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

#### Unbudgeted Spending

**Dr. Taft:** Thank you, Mr. Speaker. We are blessed in Alberta to have tremendous resource revenue and wealth. Unfortunately, we have a government that is incapable of managing it. It is just the second day of session since Budget 2006 was tabled by the Progressive Conservative government, and we have the Minister of Education already talking about spending outside of the budget. My question is to the Minister of Finance. Given that Albertans had a budget for the week of March 22, 2006, when can Albertans expect a new budget for the week of April 3, 2006? Where is the fiscal plan for this week?

**Mrs. McClellan:** Mr. Speaker, I thought that on the day of the budget speech all members were in the House. Actually, I thought they were mostly attentive. However, I would be quite pleased to go through the speech again if you give me that latitude. It was very clear in the speech and in speeches I've given since in answering questions that there will be opportunities for spending in capital areas. We outlined very carefully that the Minister of Education has met with 62 school boards, that as of April 1 the responsibility for all areas of education funding go to that minister, and that he would be bringing forth a plan.

The last thing, if I might, is that I heard a lot about in-year spending, and then I heard a lot about no spending for schools in the budget. Well, you could have taken the \$207 million that we allocated to new school and school spending in-year last year, held it until the budget day, and would have satisfied him more, but children would have been the losers.

**Dr. Taft:** My question, Mr. Speaker, is to the Minister of Education. Given that the minister has publicly stated that, quote, I think there is some urgency with respect to certain health and safety concerns at some schools, end quote, why didn't the minister commit to addressing these concerns in his budget and this government's budget instead of relying on unbudgeted surpluses?

**Mr. Zwodzesky:** Mr. Speaker, the health and safety of students across this province are obviously of great concern not just to the Minister of Education but to all the government caucus members, and that's one reason why we are spending \$5.3 billion this year to augment, in many cases, our budget. Now, as of Saturday I've inherited formally the infrastructure components relative to schools. We have about \$258 million now that will be coming through Education and going out there for school construction projects, including modernizations, upgrades, and portables. We have about \$81 million that will be going out by way of infrastructure maintenance renewal funding. That alone represents a 68 per cent increase. Finally, we have about \$395 million going out in plant operations and maintenance. So there are considerable monies going out there already.

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

**Dr. Taft:** Thank you, Mr. Speaker. That's no reassurance to the 40 neighbourhoods in Calgary without schools.

My final question is to the Minister of Finance. Were there cabinet or Treasury Board discussions about off-budget spending before the budget was introduced?

**Mrs. McClellan:** Mr. Speaker, I'm going to refer again to the budget speech, and I'll just quote. It's very short.

This year's surplus will be earmarked to three key priorities: saving for Alberta's future, responding to capital and infrastructure needs, and increasing the Sustainability Fund to provide added protection against any sudden declines

and so on.

I want to make a couple of things very clear. Under the parliamentary system that we operate and under the fiscal framework that is approved in this government, in-year spending is allowed in certain areas. But I do not want to hear people go out and say that this government is spending money without the authority of the Legislature because, Mr. Speaker, you know and I know that that is not possible. In fact, if we make a recommendation on schools, it will come to this Legislative Assembly floor before any money will flow. All I ask is honesty with people on such an important subject.

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

### Health Care Reform

**Ms Blakeman:** Thank you, Mr. Speaker. Just last week the Minister of Health showed a blatant disregard for the values and opinions of Albertans by indicating that nothing heard during the brief consultation period would stop legislation from being forced through this spring. My questions are to the Minister of Health and Wellness. Is it the minister's position that none of the 100 groups she met with provided any ideas that could be used to improve Alberta's health system?

**Ms Evans:** Mr. Speaker, we met with many groups, individuals, received a tremendous amount of feedback through e-mail and letters, and at no time did I state that nothing that had been said or written or done would influence or would not influence this government. This government has a track record of listening. I said that I was hopeful that we would be able to introduce legislation this session, but I was very clear in all conversations in every group that I met with that it was our hope that we would bring it back, show caucus what we'd heard, and then from that point onward make a determination about how the government would respond. I clearly stressed that it was imperative that we listen to Albertans first. The very last day I was actually asked by somebody if we had already made a predetermination about what we were going to do. I said that we had not.

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

**Ms Blakeman:** Thank you. Again to the same minister: given that a former cabinet minister who's also a medical doctor admitted that most government members don't understand the third way, will the minister clearly outline for this Assembly exactly how allowing doctors to work in both the public and the private systems will reduce spending and cut waiting times?

1:50

**Ms Evans:** Mr. Speaker, we know that the American system is unacceptable. We know that the Canadian system is unsustainable.

In our attempts to find a better way for your health, a new way in Alberta, we looked at having doctors work in that middle ground of both a public and private situation. Our view – and it is shared, fortunately, by a Liberal Senator, Michael Kirby – is that in fact the Alberta way of allowing doctors to work in both under a private, regulated, and controlled system of delivery might well be the very best way of assuring that we don't contradict the Canada Health Act. I should clarify if I misspoke. I mean, in allowing them to work in both the private and the public, we would protect the public health care system.

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

**Ms Blakeman:** Thank you very much. Again to the same minister: given that the Premier, the architect of the third way, may not be around to push these reforms, will the minister continue to go against the wishes of Albertans and force through the third way?

**Ms Evans:** Mr. Speaker, this government has been gathering information. It has not been shared with the public, or even the total cumulation of it with me yet, all of the things that we have heard, that we have . . . [interjections] If the other side would just listen for a moment, I could identify that throughout that consultation we said that we would gather information and then provide feedback to people about what we had heard. I am at a loss to understand how the hon. member opposite would be privy to that information and would know that people were in opposition to the health policy framework. Much of what was said was in direct support of that. This caucus has taken a position that this is an important initiative for sustainability and access, and we will continue to look at it through that lens.

**The Speaker:** The hon. leader of the third party.

**Mr. Mason:** Thank you very much, Mr. Speaker. Opposition to the third way keeps growing and growing. This past weekend Tory delegates sent this government a message about its arrogance and failure to listen to Albertans. Nowhere is this more apparent than in the misguided attempt to foist two-tier, private health care on an unsuspecting public. My question is to the minister. Given that the MLA for Strathmore-Brooks, who is a medical doctor and was in the cabinet and in the Tory caucus for nine years, says that he and other members of the Tory caucus don't understand the third way, will the minister now withdraw the so-called third way until someone in that government other than herself understands it?

**Ms Evans:** Well, Mr. Speaker, I would invite the hon. member of the third party to ask each member of the government caucus what they understand about the third way and then make his evaluation. But it is interesting that the third party has now listened to a newly independent Conservative.

**Mr. Mason:** Mr. Speaker, only an independent Conservative can be relied on to be able to speak freely in this House.

I want to ask the minister whether or not she is prepared to tell the people of Alberta right now what the third way is and when they're going to go forward with the proposals once we even know what they are.

**Ms Evans:** Mr. Speaker, I think the people that we consulted with challenged us to take a look at a number of those policies and come back with a revision that would reflect some of their opinions and points of view. What the third way is, as obviously I've expressed

earlier: a better way to be innovative, to look at new ways of doing things, and to find ways to increase access. We have a wonderful opportunity to look at the successes of the hip and knee replacement project and to model things that are part of it.

Mr. Speaker, the other policies that we defined, many of which have been totally acceptable to many of the people that have come forward, are things that I think would be very advantageous to bring forward. So I would invite the hon. member opposite to stay tuned. As we bring this information forward, I'm sure it will become abundantly clear that we've listened to Albertans and that we're proceeding in a way to make our system just that.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. How can the minister ignore the expressed wishes of not only Albertans in general, including the large majority of people who made presentations to her, according to her own staff, but even those of PC Party convention delegates through her stubborn refusal and keep going ahead with the third way, the solution to a problem that doesn't exist, the solution to a problem that the government in fact . . .

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

**Ms Evans:** Mr. Speaker, last week at the AAMD and C I spoke to an audience that appreciated an explanation on the third way and later came forward and made a comment that we had to work to make sure that health was sustainable. Then I spoke in Calgary on Thursday afternoon to the Chamber of Commerce and received a standing ovation for the points that I made about health care sustainability. Finally, on Saturday, in front of hundreds of delegates at our convention – and I would guesstimate that there were at least 200 delegates in the room – I identified some of the critical points of the third way in response to many of the questions.

In short, Mr. Speaker, there was not a word of declamation or refusal to accept that we have to find ways to change, that we have to find ways to make the health care system more sustainable, that we have to work to improve access. Overall, from those particular groups I take heart that Albertans are paying attention to the fact that at the rate of \$735 million more this year, or almost 8 per cent more this year, if we keep going in this direction, we will simply not be able to provide health care in the future.

So, Mr. Speaker, the accusations of not doing the right thing are misguided at best.

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

#### Forestry Industry Sustainability

**Mr. Danyluk:** Thank you very much, Mr. Speaker. Ninety per cent of Alberta's forests are in the Northern Alberta Development Council region. Alberta's forests are well supported by the valuable work being done by the sustainable resources department. There have been many concerns raised, however, not about the sustainability of Alberta forests but regarding the sustainability of the industry according to Alberta's 20-year strategic business plan. Forestry is an economic cornerstone. My question is to the minister of sustainable resources. What is being done to ensure that the forestry industry will continue to be one of the pillars of Alberta's economy?

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

**Mr. Coutts:** Well, thank you very much, Mr. Speaker. This government, including our department and the minister responsible for northern development and the chair of northern development, certainly is aware of the important role that forestry plays in our economy here in Alberta. We are aware also of the many challenges that that industry sector faces in a world marketplace. I've discussed in this Legislature many times our partnership with the Alberta Forest Products Association and the things that we're doing to address competitiveness in the province and trying to involve them with our industry as well.

In addition to that part of cross-ministry, we're going on a fibre roadmap that will take a look at getting more economic value out of the fibre that is available not only from the forest but also from agriculture and also synthetic fibre that may be out there. We work with Forintek and we work with the Alberta Forestry Research Institute to make sure that we can head off the challenges in the forest industry.

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

**Mr. Danyluk:** Thank you very much, Mr. Speaker. A supplemental to the same minister: what is being done to ensure that value-added facilities have reliable access to the high-quality fibre they need?

**Mr. Coutts:** Mr. Speaker, for manufacturers to remain viable, they must form business alliances with primary operators to ensure that they have a wood supply with which to operate. Those alliances are business-to-business opportunities, and we do not enter into those business-to-business arrangements. What we have done is tried to provide some incentives for those alliances as we go through in renewing forest management practices and agreements that are in place. The value-added component is also key for wood in the northwest part of Alberta.

So, Mr. Speaker, we want to make sure that we get the proper wood to the proper mill in the proper time and the proper access to the marketplace as well.

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

2:00

**Mr. Danyluk:** Thank you very much, Mr. Speaker. My final supplemental is to the Minister of Agriculture, Food and Rural Development. Increasing amounts of wood are coming from private woodlots. Are there any incentives being looked at to encourage reforestation on private land?

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

**Mr. Horner:** Well, thank you, Mr. Speaker. That's a very good question, but we really need to be clear. Alberta Agriculture doesn't have any programs for encouraging reforestation on private land. Our focus is to encourage producers to invest in agroforestry on private land by building that value chain that would focus on growing specific trees for specific wood products. For example, growing spruce or aspen to make custom furniture would be one of the programs that we would focus on. Our involvement is really through a public/private partnership, the Alberta woodlot extension program. That program provides awareness for forested land retention and for the sustainable management of woodlands. Awareness activities in this group are targeted at farmers, ranchers, and other landowners to improve their use and their land practices and to invest in that agro industry that we talked about.

**The Speaker:** The hon. Member for Calgary-Currie, followed by the hon. Member for Red Deer-North.

### Hospital Bed Capacity in Calgary

**Mr. Taylor:** Thank you, Mr. Speaker. The Calgary health region has issued 29 code burgundies in the first three months of this year, compared to 33 in all of 2005. These bed shortages have even resulted in a 10-year-old cancer patient being temporarily denied chemotherapy. The health system in Calgary is hurting, people are hurting, and it's time that this government stopped hiding behind vague, misguided reforms and started taking action to improve the situation. To the Minister of Health and Wellness: given that new hospital beds won't be ready for at least two years and physicians are only expecting the situation to get worse, when will this minister have a plan in place to resolve this crisis?

**Ms Evans:** Mr. Speaker, clearly, it was a very regrettable situation where a young boy with cancer had to wait. In fact, he was due to be in the hospital on Thursday, and it wasn't until Saturday that there was a treatment bed found. There's an unusual and unprecedented pressure of oncology patients, children that need supports in Calgary. By this fall, in September, when the new Alberta Children's hospital opens up, we will be able to relieve this pressure with an additional 10 beds. So this year we will have more beds in place. In the meantime it is our hope that Calgary will continue to accommodate these pressures by alternative arrangements.

Unfortunately, because of the pediatric capacity the only place this child could be was in that particular facility. So that was why, Mr. Speaker, we couldn't transfer him elsewhere or do anything else as a temporary measure. I know that the staff worked very hard to make sure that we could accommodate him.

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

**Mr. Taylor:** Thank you, Mr. Speaker. Given that this government has blown up and sold off hospitals in Calgary and hasn't yet built a new one to replace them, will the minister apologize for allowing this situation to reach such a critical point that small children suffering from cancer are having essential chemo treatments postponed?

**Ms Evans:** Well, Mr. Speaker, as I recall, in my television comment last Friday evening I did just that. I said how very sorry I was that a child and his family had to wait and that we had certainly put every effort into trying to resolve the situation. No minister wants children to have to wait, particularly if there are other options available. On this occasion, regrettably, what was planned was not workable for at least 24 hours, but I'm very pleased that there was an adjustment that was able to be made, that there was a bed available for Saturday. I know that the hon. member opposite joins me in the hope that we don't have that pressure again before the beds open this fall.

**Mr. Taylor:** You know, Mr. Speaker, how long does the minister expect Calgarians to put up with this unacceptable state of affairs?

**Ms Evans:** Mr. Speaker, the \$1.4 billion worth of funding last fall will go a long way to making sure that we have increased bed capacity. There will be at least 2,000 beds built in the next three years, 700 of which will go in Calgary. So if we had not made those kinds of moves, I could be more understanding of the questions from the hon. member opposite.

I think we're particularly advantaged right now in our history to

be able to move forward to build more capacity, and in the meantime as an alternative approach to some of the pressure of day surgeries the Calgary health region is looking at the subacute region, the other hospitals in the region to absorb some of the brunt of the pressures that are being faced in Calgary.

**The Speaker:** The hon. Member for Red Deer-North, followed by the hon. Member for St. Albert.

### Protection of Children Abusing Drugs and Alcohol

**Mrs. Jablonski:** Thank you, Mr. Speaker. Concerned parents in Red Deer and throughout Alberta have contacted me to ask me about treatment and healing programs for their drug and alcohol addicted children. By July 1, 2006, the Protection of Children Abusing Drugs Act will be in force. My question is to the Minister of Health and Wellness. Could the minister explain how this new legislation will help children and families who are struggling with drug addiction?

**Ms Evans:** Mr. Speaker, I cannot resist congratulating the hon. member for the work that she has done on this legislation and the work she continues to do on the Crystal Meth Task Force. Many times youth will not voluntarily admit themselves to a treatment program, and this particular legislation enables the parents to go to the court and obtain an order for a nonvoluntary admission, enabling that child to have at least five days of treatment and of assessment and enabling the AADAC workers and the workers that are in touch with the child to develop a care plan and a proposal for ensuring that they get further treatment.

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

**Mrs. Jablonski:** Thank you. To the same minister: how will the Alberta Alcohol and Drug Abuse Commission be assisting children who urgently need treatment for drug abuse?

**Ms Evans:** Mr. Speaker, last fall we introduced another 24 voluntary youth detoxification and residential treatment beds with a considerable addition of staff and supports in AADAC. Any child who urgently requires help can either contact AADAC through the 24-hour help line or, in fact, voluntarily stop in at any one of the facilities and look to AADAC in any one of its locations for access to treatment.

We believe the new legislation is an important tool in the province because it recognizes that there's an extensive continuum of services required for children who are addicted to either alcohol or drugs. This legislation, which is in support of the child, is not for everyone, but obviously it's a particular avenue of accessing these services, Mr. Speaker, when other relevant treatment options have failed.

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. I can't resist asking this question. Are there plans to provide residential treatment beds outside the two major urban centres, possibly in Red Deer?

**Ms Evans:** Mr. Speaker, we're examining right now the locations. A decision, a final determination hasn't been made, but there's a very good case for a northern and a southern facility. Obviously, Red Deer has done a considerable amount of planning for this. We will be adding 24 voluntary detoxification beds, and it's certainly very high on the list of priorities that we're addressing.

**The Speaker:** The hon. Member for St. Albert, followed by the hon. Member for Stony Plain.

### Kindergarten Programs

**Mr. Flaherty:** Thank you, Mr. Speaker. The value of teaching during the first eight years of life has been well documented in educational, psychological, and medical research, yet the Education minister announced last week that early childhood learning through full-day and junior kindergarten will not be supported by this government. How can the minister justify ignoring what the chair of Alberta's Commission on Learning describes as the two highest priority recommendations: full-day and junior kindergarten? How can the minister justify his decision?

**Mr. Zwozdesky:** Mr. Speaker, the Alberta Learning Commission made 95 recommendations. We acted as quickly as we could and accepted 87 or 88 of them, and we have allocated well over half a billion dollars to see them through. That's going very well. There were three recommendations that weren't yet responded to, and we did respond to them a week or a week and a half ago. The fact is that the majority of people who contacted this minister and, I'm sure, perhaps other colleagues simply said that they did not want junior kindergarten forced onto four-year-olds. But they did say: try and do something, however, to help with earlier identification. They did say: try and do something with respect to earlier developmental screening. That is exactly what we plan to look at doing.

With kindergarten, Mr. Speaker, it's almost the same thing. But let's remember that 95 per cent of eligible kids are already in a kindergarten program of one type or another.

2:10

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

**Mr. Flaherty:** Thank you, Mr. Speaker. While the minister talks about empowering school boards to be responsible for education, how does he expect school boards to pay for the kindergarten programs they are already offering? They're already doing it. Why don't you help them?

**Mr. Zwozdesky:** Mr. Speaker, it's unfortunate that the member opposite isn't as well informed as I'd hoped he would be. I'd be happy to sit down and explain this a little more to him because he may not realize that we provide \$241 million a year to help school boards make local decisions. Some of them offer full-day kindergarten programs, some offer three days a week kindergarten programming, others offer a half day, and so on. We provide as much money as we possibly can right now to ensure that those decisions at the local level are made. My final sentence, quickly, is just this: almost 50 per cent of the school boards surveyed also supported our position.

**Mr. Flaherty:** Well, Mr. Minister, given that 95 per cent of the parents send their children to optional kindergarten programs, it is clear that parents want these programs. Why does the minister continue to claim that parents are divided when the real issue here is a lack of funding?

**Mr. Zwozdesky:** Mr. Speaker, let me just say this again. We do have 95 per cent of the children going into optional kindergarten programs that suit the local area and that suit the local parents. I won't argue that it's important for children to have early start programs, and that's why we're augmenting the funding every year and giving school boards that additional capacity and that additional

flexibility to address those needs. The simple difference here is that we are not going to be forcing it on the system. We have locally elected school boards. We're going to support them making locally elected decisions.

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

### Hazardous Material Spill at Wabamun Lake

**Mr. Lindsay:** Thank you, Mr. Speaker. Now that spring is upon us, my constituents and those across the province are making plans for their well-deserved cottage vacations. A large number of Albertans are asking the same question, and that question is to the Minister of Environment. What is the Environment ministry doing to ensure a proper cleanup at Lake Wabamun after last summer's devastating oil spill?

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

**Mr. Boutilier:** Yes. Thank you very much, Mr. Speaker. I want to say as a cottage owner that this is very important as Albertans as a whole begin to enjoy the beautiful weather that Alberta Environment delivered today and the many days in the future. I would like to say that I'm very proud of the fact that Alberta Environment in the first 24 to 48 hours issued strong enforcement orders to Canadian National, and further to that our environmental commission formed a SWAT team relative to the approach we are taking and the expectation by Albertans. Finally, I can assure the hon. member and the residents in the Wabamun area that over the entire winter we have been doing sampling of water. We continue to do that, working with Alberta Health. I also might say that, as well, remaining with us are two specialists that we hired in the first 24 hours, Dr. David Schindler from the U of A – some members might have recognized his name – and Dr. Ron Goodman, who, of course, was in charge of the *Exxon Valdez* spill.

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

**Mr. Lindsay:** Thank you, Mr. Speaker. My first supplemental to the same minister: what is being done to help residents cope with this spill?

**Mr. Boutilier:** Well, first and foremost, Mr. Speaker, we have come forward with recommendations by the Environmental Protection Commission, chaired by Eric Newell, the chancellor of the University of Alberta. We are being not only out and down the road but around the corner in getting out in front of this issue. We remain committed in terms of how we're approaching this, and I can assure the hon. member that relative to the SWAT team that I spoke of, advertisements are in the newspaper today relative to searching together with this specialized environmental team that can travel to any lake anywhere in this province to protect.

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

**Mr. Lindsay:** Thank you, Mr. Speaker. My second supplemental is to the Minister of Municipal Affairs. What is his ministry doing to support the commission's recommendations?

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

**Mr. Renner:** Thanks, Mr. Speaker. As the Minister of Environment has already pointed out, the environmental commission made a number of recommendations, some of which fall under the responsi-

bility of the Minister of Environment, and he's outlined where his department is going in that direction.

The balance of the recommendations dealt with the Emergency Management Alberta agency. My ministry is at this point leading a cross-ministry initiative to implement and create the independent agency that the commission had recommended based upon what they recognized as an outstanding emergency management organization that already exists in this province. Our ultimate aim is to make that a world-class agency, that will be directly accountable to Executive Council as per the recommendations of the commission.

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

#### Sale of Edmonton Ring Road Land

**Mr. MacDonald:** Thank you, Mr. Speaker. In 1987 on behalf of Alberta taxpayers the Progressive Conservative public works minister, Ernie Isley, paid \$10.2 million for several parcels of land totalling 503 acres from Edmonton developer Joseph Shekter. This land inside the Edmonton restricted development area was to be used for a ring road freeway and a utility corridor. In 2001 the same government transferred all ring road land, worth millions upon millions of dollars, to the Department of Infrastructure and Transportation. My first question is to the Minister of Infrastructure and Transportation. Why did this Progressive Conservative government sell two parcels of ring road lands, amounting to about 160 acres, for \$2 to the Galfour Development Corporation, which was controlled by the late Joseph Shekter?

**Mr. Lund:** Mr. Speaker, as the member has indicated, these are transactions that happened some time ago, the original back in '88 and the most recent in '01. I would have to go back and investigate the whole situation. There's no way that I've got that before me at this point.

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

**Mr. MacDonald:** Thank you, Mr. Speaker, and again to the same minister: were these two parcels of land, which were sold for \$1 each, part of the lands purchased by taxpayers for \$10.2 million the previous year?

**Mr. Lund:** Once again, Mr. Speaker, I don't have that kind of information before me.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. I did send him in advance the documents related to this matter.

Again to the same minister: given that one of these parcels was valued at \$800,000 and the other valued at \$1.5 million, why were these lands sold by this Progressive Conservative government for \$2?

**Mr. Lund:** Well, Mr. Speaker, in his entire grandstand, of course, it is true that he gave me the document three minutes ago, so I am supposed to somehow have the answers in that length of time. Thanks for sending it over. It'll make it easier for me to find. We will be looking into it.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Nose Hill.

#### Health Care Reform

(continued)

**Dr. Pannu:** Thank you, Mr. Speaker. While most Albertans oppose this government's privatized, two-tier health care scheme, opposition is strongest in the Tory rural heartland, and no wonder. The government's decision to return to the old way, to introduce two-tier, for-profit health care, will certainly mean a further drain of health professionals from rural areas to the big cities. To the Minister of Health and Wellness: why does the minister continue to champion a privileged, two-tier health care system that officials in the rural health regions and our own staff claim will suck doctors out of the smaller centres into Edmonton and Calgary?

**Ms Evans:** Mr. Speaker, many times in this House and other places I've enunciated that the only way that we would enable private care to be provided in concert with any geographic region was to first of all ascertain that the public health care system was protected. In fact, building a strong public health care system is what we're endeavouring to do. Rural physicians and providers have spoken to me about this issue. It's part of a larger workforce issue and many of the things that we're doing, including developing primary care networks, the dollars that we provided for educating more international medical graduates, the other position we're looking at for a second intake at the university, all of these things we're doing to ensure that there is a strong workforce and that the worst fears of the opposition are not realized.

2:20

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

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: given her refusal to cancel the third-way scheme, Albertans are asking why the minister is listening to the health care privatizers while ignoring those, including many within her own caucus, who know that this ill-advised scheme will widen the health care gap between the rural communities and large urban centres.

**Ms Evans:** Mr. Speaker, there's an implication there that this government and this minister are only listening to private providers. Yes, I've listened to many doctors, and many of them are members of private corporations, but the bulk of the people that have come forward as stakeholders have been providers that include community associations, include seniors' groups, include people with nonprofit associations, include disease advocacy groups. We are not listening to any one group in any exclusive fashion; we're listening to people that have brought forward their best ideas. The inference is that we're trying to provide certain Albertans an advantage. It's simply not true.

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

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: if the minister's so-called public consultation wasn't just window dressing, why is the minister pushing ahead with a for-profit, two-tier health care system in defiance of public opposition, especially when the strongest opposition is coming from the rural communities?

**Ms Evans:** Mr. Speaker, the hon. member opposite presumes to read my mind, and he is in fact in error. I am providing this caucus the opportunity to review all of the consultation documents, everything that we've received. We are posting them on the web as they come forward, and if the hon. members were listening, they're being posted on a regular basis as the notes have been provided. We're

asking people to still clarify if they had further questions about it. I am not ready to entertain either with this caucus or this House what the results are because it's too soon to have things that were done as recently as Friday tabulated. In due course, when we're ready, we will be sharing that not only with this House but with all Albertans.

**The Speaker:** The hon. Member for Calgary-Nose Hill, followed by the hon. Member for Calgary-Mountain View.

#### University of Calgary Capital Plans

**Dr. Brown:** Thank you, Mr. Speaker. Last year the government announced a forward-looking plan to add 30,000 postsecondary spaces in the province by 2011. The University of Calgary has a plan to help meet this goal and to deal with the serious shortfall of university spaces in the city of Calgary and has launched four major capital projects to add 7,000 spaces by 2010. My question is for the Minister of Advanced Education. Can the minister advise whether his ministry will address the critical access problems facing the U of C by fast-tracking these four major capital projects so that it can move forward with the projects and address the critical access problems?

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

**Mr. Hancock:** Thank you, Mr. Speaker. In fact, I've been really pleased with the amount of collaboration and co-operation we've had with all aspects of the postsecondary system, bringing forward long-term strategic plans with respect to capital needs right across this province but resulting, of course, in a very significant issue, and that is that there are a number of places where we could expand the capacity of the system and, of course, the number of dollars needed to do that. Now, I've been working very closely with the University of Calgary on its long-term capital plans. It has very ambitious plans but very good plans with respect to how it would like to expand, what areas it sees a need to provide student spaces in, and what type of physical infrastructure they need in order to do that. Last Friday, for example, we announced the new Campus Calgary digital library, a \$113 million project which will launch them well on that way. The facility will expand existing library spaces but will also free up other space, so it's a great project.

**Dr. Brown:** Another question to the same minister: will the minister tell us when the U of C can expect to receive capital funding for the Institute for Sustainable Energy, Environment and Economy?

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

**Mr. Hancock:** Well, thank you, Mr. Speaker. That project is part of a capital plan which the University of Calgary has, which is about a \$700 million program. As I just indicated, we've approved \$113 million for the digital library. That's part of about \$151 million which is in the capital budget this year for the University of Calgary for things like the Craigie Hall renovations, bachelor of science renovation and expansion, Faculty of Veterinary Medicine, and the digital library. So what I can say is that they have three additional projects – the ISEEE program, the urban campus, and the experiential learning centre – which are very high on their priority list, very high on our priority list, but we have to work through the process of allocating capital. I'm working with them on both the traditional mechanism for doing that and any new mechanisms we might have.

**Dr. Brown:** A further supplementary question to the same minister:

will the minister consider allowing the U of C to explore innovative ways to fund those badly needed capital projects as its board of governors has proposed?

**Mr. Hancock:** Well, Mr. Speaker, the whole issue of long-term capital projects for postsecondary institutions needs to be looked at both in terms of financing and planning. Institutions are struggling with cost escalations in completing existing projects, and delaying plans for new projects obviously means that they could become more expensive. Borrowing is one approach that the U of C has suggested, and they make a fairly compelling argument that the cost of borrowing, in particular if they use it through the Municipal Financing Corporation and borrow at the government rates, is perhaps lower than the increasing cost of construction. So we have to look at that very compelling argument. I have to go to my caucus colleagues, my cabinet colleagues, and Treasury Board colleagues and say: are there ways in which we can allow institutions like the University of Calgary, which has a strong financial base and a strong future, to move ahead with some of their programs outside the normal funding process?

**The Speaker:** The hon. member for Calgary-Mountain View, followed by the hon. member for Calgary-Hays.

#### Coal-bed Methane Drilling

**Dr. Swann:** Thank you, Mr. Speaker. Today concerned citizens in central Alberta are meeting with the chair of the Energy and Utilities Board to express their concerns about the lack of planning for resource development in the province, the lack of cumulative impact assessment before development, and risks to groundwater in relation to CBM drilling in the Horseshoe Canyon play. This is another example of landowners, rural Albertans, who are gravely concerned that we don't know the full impacts of Horseshoe Canyon drilling and fracturing. The Minister of Environment has come out last month requiring baseline water testing, one and a half years after the concerns were raised. To the Minister of Environment: what has been done in the investigations of claims of rural families who have lost water or had their water contaminated in the last two years from the CBM activity in their area?

**Mr. Boutilier:** Mr. Speaker, I can assure all Albertans that you can marry together environment and the economy. You can marry together conservatism and conservation in terms of what we are doing. What we are doing is acting. We are acting in terms of baseline testing. We are acting in terms of our team of biologists and people that are water experts that are out there studying the situation. Within the next seven days we will be giving the more detailed approach to what we are doing on the baseline testing, that I thank the hon. member for mentioning.

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

**Dr. Swann:** Thank you, Mr. Speaker. Will the minister demonstrate leadership for health and safety and call for a pause in drilling until we have the mandatory water testing in place?

**Mr. Boutilier:** Mr. Speaker, what the member is suggesting – and I know that in his heart he is very sincere in what he is suggesting – is taking a broad brush and just sweeping across the province of Alberta. I don't think that is really the ultimate solution to the very good questions that he's asking. As I mentioned earlier, the baseline testing, the biologists we have, the water experts we have – we will



do everything in our power to protect so that the environment is protected and our water is protected and the economy can continue to grow.

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

**Dr. Swann:** Thank you, Mr. Speaker. A final supplementary to the Minister of Environment: given that the coal-bed methane wells in the Horseshoe Canyon continue to be drilled as we speak, when will we see the protocols for water testing for independent review?

**Mr. Boutilier:** Mr. Speaker, as I mentioned in my second supplemental response, within the next five days our hydrologists as well as our experts are meeting to finalize the protocol. That's my commitment to the hon. member and the members of this Assembly: within the next five days. I want to also reassure the member and everyone that I will continue to be a marriage counsellor on those two important points.

#### Compensation for Crown Prosecutors

**Mr. Johnston:** Mr. Speaker, last week in Ontario it was announced that Crown prosecutors would receive a 40 per cent increase in pay and benefits. My question is to the Attorney General. Are there any negotiations under way in Alberta to increase the pay and benefits for Alberta crown prosecutors? Are there any negotiations under way in Alberta to increase the pay and benefits for Alberta Crown prosecutors?

2:30

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

**Mr. Stevens:** Thanks, Mr. Speaker. It is true that last week there was an announcement that in Ontario there is a proposal to increase the amount of pay for prosecutors. However, at this point in time I think that the detail is not available. It's apparently going to be over a three-year period, and my information is that it has not yet been ratified.

The fact is that we, as a matter of practice in the Justice department, review on an annual basis the compensation of our Crown prosecutors and other lawyers. We do a comparative with Ontario, B.C., Manitoba, and the federal government, and we will be doing that again this year.

**Mr. Johnston:** My first supplemental is to the same minister. Where are we ranked nationally in terms of pay and benefits for Alberta Crown prosecutors?

**Mr. Stevens:** Well, as I indicated in my previous answer, Mr. Speaker, what we do is a comparative with certain jurisdictions which we think are the appropriate jurisdictions to do comparatives with. I can tell the hon. member and other members that when we last compared this, which of course was within the last year, we are within the range. So we feel that at this particular point we are competitive. I must say that if there is an increase in other jurisdictions, we have to look at that, and, as I have indicated, we will be doing that.

**Mr. Johnston:** My last supplemental to the same minister: will increasing the pay and compensation for Alberta Crown prosecutors assist in slowing down the flow of prosecutors leaving office to enter the more lucrative private practice?

**Mr. Stevens:** At this particular point in time, Mr. Speaker, we have

something in the order of 225 prosecutors in the province. While historically, going back a few years, there was a problem with respect to retention, that certainly has not been the case in the last three to four years, and at this point in time it's my understanding that we don't have that problem. In fact, the budget that will be debated in the weeks ahead has provision for about an additional 25 prosecutors. We do not anticipate that there will be a problem attracting new prosecutors with the exception of some particular areas like Fort McMurray, for example. It's difficult to attract people because of the unique circumstances there. Admittedly, the city of Calgary also poses some problems, but generally speaking, we do not see this as a major issue.

head: **Statement by the Speaker**

#### Rotation of Questions and Members' Statements

**The Speaker:** Hon. members, before we move on to the next point in the Routine, changes in the composition of one caucus within the Assembly has required some changes to the rotation for question period and for Members' Statements.

The rotation for question period and the rationale for that rotation is found in the chair's ruling of March 8, 2005, which can be found at pages 90 and 91 of *Hansard* for that day. The chair does not plan to repeat that whole ruling and will now indicate how that rotation is going to be altered.

As members know, the independent Member for Cardston-Taber-Warner is entitled to the fifth question every fourth day in the Assembly. The chair can see no reason why the Member for Strathmore-Brooks should not be entitled to the same place in the rotation. On our schedule of House activities today, Monday, April 3, 2006, is day 2 in the rotation. The fourth day from today will be Thursday, April 6, at which time the Member for Strathmore-Brooks will be entitled to ask the fifth question of the day. So that no one is confused, the Member for Cardston-Taber-Warner is entitled to a question on Wednesday, April 5.

To be clear, on day 1 of the rotation the Official Opposition will be entitled to the first three questions, and the members of the third party will be entitled to the fourth question. The Member for Strathmore-Brooks will have the fifth question, the Official Opposition the sixth, eighth, 10th, 13th, 15th, and 17th questions. Members from the government caucus will be entitled to the seventh, ninth, 12th, 14th, and 16th questions. The third-party caucus will continue to be entitled to the 11th and 18th questions.

Members should be alerted that day 1 of the rotation will not be the same as day 4. On day 4 the sixth question goes to a member of the government caucus while on day 1, which will be this coming Thursday, the sixth question goes to a member of the Official Opposition.

The chair will be tabling charts to demonstrate the operation through the rotation and will be providing the charts to members along with the new projected sitting days calendar.

With respect to members' statements there was an arrangement that was agreed to by House leaders on March 16, 2005, concerning the operation and rotation of members' statements. In keeping with this rotation, the Member for Strathmore-Brooks will be entitled to two members' statements over the next five weeks. His first member's statement would be Thursday, April 13, 2006.

#### Vignettes from the Assembly's History

**The Speaker:** Hon. members, before we recognize the first of six for Members' Statements, I have to tell you that this is a very

significant day in the history of the province of Alberta. In the spring of 1930 a bill was placed before this Legislative Assembly to ratify an agreement which John Edward Brownlee, Alberta's fifth Premier, called, and I quote: probably the most important piece of legislation that would ever come within the experience of members now sitting in the House.

On this day, April 3, 1930, the Alberta Natural Resources Act received royal assent, the corresponding federal statute being enacted on May 30 of the same year. One part of the text reads in part:

In order that the Province may be in the same position as the original Provinces of Confederation are . . . the interest of the Crown in all Crown lands, mines, minerals . . . and royalties derived therefrom within the Province . . . and all sums due or payable for such lands, mines, minerals or royalties, . . . shall . . . belong to the Province.

For many Albertans the settlement also constituted a moral victory insofar as, and I quote again from comments of the day: the inferior constitutional status of Alberta had been an important factor in a continuing feeling of alienation amongst our population. End quote.

In practical terms the agreement provided for the transfer of about 40.5 million hectares of land, 1.21 million hectares of tar sands, 202,300 hectares of petroleum rights, and several million hectares of coal leases. Financially the arrangement stipulated that the dominion government would pay to the province an annual sum of \$562,500 until its population reached 800,000, after which it was to pay an annual sum of \$750,000 until its population reached 1.2 million. Finally, it was to remit an additional sum of \$1,125,000 in perpetuity. In addition, legislation was passed in the Alberta Legislative Assembly that session to provide for the administration of the natural resources that were now under provincial auspices.

head: **Members' Statements**

**The Speaker:** The hon. Member for Little Bow.

#### **Team Scheidegger Junior Curling Champions**

**Mr. McFarland:** Thank you, Mr. Speaker. I'm pleased to take this opportunity to congratulate the winners of the 2006 Optimist juvenile girls provincial curling championship, the Casey Scheidegger rink. The team definitely had one up on their competition throughout their round robin play this past month, winning all of their games to finish with a perfect 5 and 0 record.

The foursome, which includes Katie Wilson, Jessie Scheidegger, Jayme Coutts, and of course Casey, is coached by Don Scheidegger. While I'm sure that the team took the time to celebrate this accomplishment, they had very little time to prepare for their next challenge.

With their Optimist juvenile provincial title this talented curling team earned a spot in the 2006 under 18 international championship, which was held in Calgary from March 30 until April 2. I'm sure that the girls were proud to represent our province as Team Alberta in this great tournament, that included rinks from across Canada, the United States, and a single entry from Japan.

The Scheidegger foursome was a formidable force in the event, going unbeaten yet again in round robin play. Their 5 and 0 record there gave them top spot in pool A and sent them into the semifinals against Saskatchewan, the second place team from pool B, where they won, Mr. Speaker, 5-4.

Advancing to the final, the Scheidegger rink faced Ontario, winner of their pool. It truly was a battle of the best. The team from Ontario went on to win the game by a final score of 6-3, leaving the Scheidegger rink with the silver. It was the first loss for Team Alberta, who did themselves proud in the championship. Three of

these talented young athletes – Casey, Jessie, and Katie – live in Little Bow, and Jayme lives in Livingstone-Macleod.

I along with Jayme's uncle, our Minister of Sustainable Resource Development, would ask that all members of this Assembly join us in recognizing the outstanding accomplishments of the Casey Scheidegger rink. Congratulations.

2:40

#### **Electoral Reform**

**Dr. Brown:** Mr. Speaker, the British parliamentary system has endured for almost 800 years. It has been a guiding beacon of light for freedom and democracy in many jurisdictions, including Canada and Alberta, yet recently there has been some talk of abandoning the single-member plurality system, which is a key feature of our parliamentary democracy. Some favour an alternate electoral system, such as proportional representation, and trumpet the need for change under the alluring phrase "democratic reform." Many of these proponents of change disparage our system by comparing it to a horse race under the rubric of the phrase "first past the post."

The single-member plurality system has many advantages. It allows electors the benefit of being able to directly choose which candidate will represent their party through local nomination meetings. There remains a strong geographical tie between the elected member and the riding that they represent, so representatives are attuned to the needs of their constituents. On the other hand, under proportional representation candidates are generally chosen by the party itself, creating a detachment between the electors and their representatives.

Proponents of proportional representation say that single-member plurality is undemocratic and that the birth of new political movements is inhibited. This is patently untrue, Mr. Speaker. Examples of new parties emerging abound in our province, parties like the CCF, the United Farmers of Alberta, Social Credit, the Western Canada Concept, and even the Alberta Alliance Party, all of which have been represented in this House. Even today four parties are represented here in this Chamber. Elected members are able to represent a diversity of views not only among but also within their parties. We should be cautious about abandoning a tried and true electoral system which has served our province and our country so well and for so long.

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

#### **Chester Ronning Centre**

**Mr. Johnson:** Thank you, Mr. Speaker. It is a pleasure to rise today to recognize the exciting educational and research developments which are taking place in our rural institutions of higher learning. Last week I had the pleasure of attending the opening of the Chester Ronning Centre for the Study of Religion and Public Life at the University of Alberta's Augustana campus in Camrose. The director of this new centre is David Goa, whose experience includes religious studies in both Augustana and the main campus of the University of Alberta. Additionally, he was previously curator of folk life at the Royal Alberta Museum and curated exhibits such as Anno Domini in 2000.

The late Dr. Chester Ronning was a stalwart of the Camrose community. This man was an academic, a teacher, an MLA, a foreign diplomat, and I was privileged to know him as a friend. Chester Ronning was a remarkable individual whose passion consumed a variety of subjects, and seeking out and sharing knowledge was one of the most important. This was very clear during the time that he was principal of Camrose Lutheran College. He was perhaps best known on the world stage for his diplomatic

work and his efforts to foster discussion between diverse groups of people. He served as ambassador or high commissioner to a number of countries. He was a companion of the Order of Canada as well as a member of the Order of Excellence of Alberta.

The centre which will bear his name will focus on studying the intersect between religion and public life in our global society. Perhaps a greater understanding of religion in public life will further the diplomatic relations between nations which Dr. Ronning strived so diligently to foster during his lifetime. I look forward to the work which will be produced from this new, unique centre of study in my constituency.

Thank you.

**The Speaker:** Did the hon. member also mention that Dr. Chester Ronning was a former member of this Assembly?

**Mr. Johnson:** He was an MLA. Yes, he was a member.

### Stephen Ames

**Mr. Liepert:** Mr. Speaker, it gives me great pleasure today to recognize a constituent of mine who has attained international recognition as a professional golfer. As his closest competitors faltered under pressure, Stephen Ames displayed nerves of steel to shoot a five under par 67 last Sunday to win the Players tournament at TPC Sawgrass in Ponte Verde, Florida. Stephen finished six strokes ahead of his nearest competitor to take home first place money of almost \$1.5 million.

Like 12 of my colleagues in this Assembly, Stephen Ames was born in a country outside of Canada. A native of Trinidad, and like those 12 members, he has chosen to become a Canadian citizen and raise his family in Calgary. Rising to the challenge of being the Players champion, Ames has had to overcome a difficult last two years as his Calgarian wife, Jodi, has battled lung cancer. On the tour last year Stephen found himself not only competing with others to make the cut every week but also had to play mum and dad to his two sons, Justin and Ryan, who accompany him on the road on a regular basis.

After winning the championship last Sunday, Stephen was joined by his family, and they spent the week in nearby Disney World. It was the family plan to travel to his homeland, but the winner of the Players championship automatically qualifies to play in the Masters, beginning this Thursday. This opportunity was just too good to pass up, so the visit to Trinidad will have to wait. I would ask all hon. members to join me in wishing Calgarian Stephen Ames nothing but success this week in Augusta, Georgia.

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

### Sale of Edmonton Ring Road Land

**Mr. MacDonald:** Thank you, Mr. Speaker. In 1987 then public works minister, Ernie Isley, paid Edmonton developer Joseph Shekter \$10.2 million for 503 acres of land in the city of Edmonton. The Provincial Treasurer of the time, Dick Johnston, noted with some criticism that \$10.2 million was about \$6 million more than the land was worth, not a great deal for taxpayers.

I now have questions that I would like to ask on behalf of taxpayers. Given that the Provincial Treasurer assessed the value of this land to be \$4 million, why was similar land sold one year later by the Progressive Conservative government for a mere \$2? Yes, Mr. Speaker, \$2. Strangely enough, details of the sale are missing from the public record. Why, I wonder, was this land sold back to Mr. Shekter's company before plans for the Edmonton ring road were finalized? Why was this land deemed surplus to the needs of

the ring road given that this land is located in one of the fastest growing areas in Edmonton? How much did the completion of the portion of the Anthony Henday Drive crossing the North Saskatchewan River increase the value of this property? What other lands in the restricted development area did this government sell for \$1 or \$2? Who ordered this land to be sold? Is this one of the skeletons the former minister of infrastructure was referring to two weeks ago?

The government must provide answers to these questions immediately. Surely there must be a good reason for selling 160 acres of prime residential land in southwest Edmonton for pocket change, and I'm sure there's an equally good reason why details of the sale are missing from the public record. It was only a short time after this sale that the budgets for public health care, public education, and the public service were cut by this Progressive Conservative government. Seniors were told to do with less. Albertans deserve answers. Can this government please provide them immediately.

Thank you.

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

### Celebration of Alberta Theatre

**Ms Blakeman:** Thank you, Mr. Speaker. Last Monday, March 27, was World Theatre Day, an event celebrated in over 90 countries, so today I'd like to recognize and celebrate Alberta's theatres. From Alberta Theatre Projects to Workshop West Theatre we have a wealth of theatre excellence in our province. From the flagship companies with multimillion dollar budgets to the companies working with under a thousand dollars, they tell our stories and lead us into other worlds. So to ATP, Azimuth, Catalyst, the Citadel, CAT in Red Deer, Concrete, Free Will Players, Fringe Theatre Adventures, Great West Theatre in Fort Macleod, Horizon, Keyano in Fort McMurray, Leave It To Jane, Loose Moose, Lunchbox, L'UniThéâtre, Northern Light, One Yellow Rabbit, Pleiades, Prime Stock, Pumphouse, Quest, Rapid Fire, Rosebud, Shadow, Stage Polaris, Studio Theatre, Teatro la Quindicina, Theatre Calgary, Theatre Network, Trickster, Vertigo, Workshop West, and all the others who create, develop, entertain, and bring us that shared experience, thank you for your inspiration, value, and the vitality you bring to our communities. Please join me in cherishing Alberta's theatre community, and get out and see a play.

Thank you.

head: **Presenting Petitions**

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

**Mr. Martin:** Yes. Thank you, Mr. Speaker. I'd like to table more pages of a petition urging the government to "increase infrastructure development funding for Highway 63." Today I'm tabling 1,330 signatures, for a total of 8,991.

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

**Dr. Swann:** Thank you, Mr. Speaker. Today I'm tabling a petition to the Legislative Assembly from residents of Alberta petitioning the Assembly to urge the government of Alberta to "consider increasing funding in order that all Alberta Works income support benefit levels may be increased."

head: 2:50 **Tabling Returns and Reports**

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. In regard to

my questions earlier in question period I have three documents that I would like to table for reference to all hon. members. The first is an article from the *Edmonton Journal* dated October 3, 1987, stating that the land price of \$6 million is too high. The second document I have is from the Alberta Government Services land titles office, and it indicates here that 123 acres of land in the city was sold for \$1 and the estimated value at the time of sale was \$1.5 million. The other document I have is another Alberta Government Services land titles office document, and it indicates that a much smaller parcel of land, this one around 36 acres of residential development property, again valued at around \$800,000, is sold or transferred for \$1.

Thank you.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. Some health tablings: the first from L.E. Wagner wondering why we don't have a provincial plan on pharmaceuticals.

A letter from Sarah Wall notes that absolutely no objective research evidence supports privately funded health systems.

A letter from Miki Wharton-Meijer insists that "the government have meetings where the majority of stakeholders . . . can ask questions and air their concerns. That would be the democratic way."

A letter from Tena Wiebe notes: "it is more cost effective and efficient to improve and streamline the public system."

From Marlene Williams with a concern that "a parallel private system will draw off resources from the public system."

From Kellogg and Katherine Wilson noting that they are both seniors and expressing extreme displeasure at a third way for medicare.

From Warren Woodcox noting that insurance has to be "bought and paid for before an illness is diagnosed."

From Geraldine Young with a number of suggestions on increasing health care providers, broadening the use of information technology, and using home care.

That's it. Thank you, Mr. Speaker.

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

**Dr. Swann:** Thank you, Mr. Speaker. I'm tabling a single letter from a resident of my constituency, who is expressing concern and rejection of the third way concept in health care.

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

**Mr. Martin:** Thank you, Mr. Speaker. I have two documents to table this afternoon. The first is a letter from Rick Gilson of Grande Prairie. Mr. Gilson is a high school principal and a head coach who would like to see considerable investment in athletic and recreational facilities. He notes that every dollar spent on sport and recreation "saves \$7 from being spent in healthcare."

I also have a letter from Dorian Despina of Grande Prairie, who is opposed to allowing doctors to operate in both public and private health systems and argues that the best way to reform health care is to innovate within the public system.

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

**Mr. Eggen:** Thank you, Mr. Speaker. I am tabling correspondence from several people, all of whom are opposed to the third way plans for health care. Each of the seven correspondents disagrees with plans to provide private insurance and to allow doctors to straddle

the private and public systems. The letters are signed by Madeline Nguyen, John Ternan, Madeleine Chartrand, Erin Rose, Gail Wallace, Susan Thi Xuan Thu Huynh, and Nathan Krywiak.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. First tabling today is a letter from an Edmonton-McClung constituent, Ms Lorna Berlinguette, who is urging us to adopt a comprehensive plan that would address the whole problem of violence against women. She wants us to provide sustainable funding for front-line organizations helping females at risk and supports having independent, trained advocates for those females seeking justice after having been victimized.

The second one is also a letter from two Edmonton-McClung constituents, Evan and Marian Addy, who recount the health care story in this province and how things were fine until about the 1990s and how ill-advised policies and decisions back then can more than explain the current difficulties we face today. As for the third way, they think that it "should be decided by a referendum" and say that like most Albertans, they too need more information on this proposal.

Thank you.

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

**Mr. Chase:** Thank you, Mr. Speaker. I'm tabling 13 sets of correspondence from Calgary constituents expressing concern, anger, and an underlying sense of betrayal over this government's third-way proposals. The correspondents are as follows: Martin Cowman, Bonnie Nahornick, Kathleen O'Donoghue, Diane Field, Dr. Jonathan Lytton, Rob Lerouge, Dr. Bruce and Marilyn Harrison, Peter Esposito, Linda Holzman, Mary Esposito, Louise French, David French, and Kelly and Margaret Price.

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

**Mr. R. Miller:** Thank you very much, Mr. Speaker. A number of tablings today, the first of which is the appropriate number of copies of the program from the Magic Moments Children's Benefit held on Friday, March 24, at West Edmonton Mall presented by the Birth To Three Society in support of Edmonton early intervention program and Early Head Start. It was noted by a number of speakers that evening that only members of the Official Opposition were in attendance.

I also have a number of health letters. One is from a J. Thompson, a constituent of mine, who says that "there has been no genuine, full-scale attempt to streamline and reorganize the existing public system" in health care.

One from a constituent, Pat Seale, indicates that she's concerned "who and how people will be affected adversely" by the new policy changes in health care, and she goes on in her letter to outline each of the various policy changes and how they will affect Albertans.

I have another one from a constituent, Daniel Langdon, whose parents actually have experience in a mixed public and private system. He outlines those, and asks us to "please follow the will of Albertans and abandon the third way."

Also, Mr. Speaker, I have a total of three letters related to persons with developmental disabilities and the funding or lack thereof that is announced in the recent budget, and these letters are from Linda Whitlock, Lonnie Tanner, and Tobias Jeserich.

Thank you very much.

**The Speaker:** I've got one. I think we've now circulated to all members the copies of the new question period rotation along with the new projected sitting days calendar. Graphs are good.

head: **Orders of the Day**

head: **Written Questions**

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 23, I'm going to move that written questions 10, 11, 12, and 13 be dealt with today. There being no additional written questions, there are, therefore, none to stand and retain their places either.

[Motion carried]

#### **Public Funding for Assisted Living**

Q10. Mr. Martin moved that the following question be accepted. What was the average portion of the total cost for a resident in an assisted living facility that was publicly paid for, and what portion was privately paid for in the fiscal years 2003-2004 and 2004-2005?

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

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Written Question 10. It is unclear what "the average portion of the total cost" means. The department does not track the average cost of health care services in long-term care, assisted living, or designated assisted living. No tracking of average care.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview to close the debate.

**Mr. Martin:** Well, thank you, Mr. Speaker. I find that rather unbelievable, especially in view of the circumstances, that we've been having debates about the recent increases back a few years ago on the residents and the fact that there is public money flowing in while these are private facilities. I guess that I'm sort of amazed that we don't have any record of where this money's going or any idea of what's happening out there. Why wouldn't we be tracking it? I think that's the simple question that most Albertans would ask. Obviously, if the minister doesn't have the figures, she can't give it to us, but I would think her department, then, would want to do something about this. This seems to me to be a no-brainer, that we'd want to know where government money is flowing.

[Written Question 10 lost]

#### **3:00 Public Funding for Long-term Care**

Q11. Mr. Martin moved that the following question be accepted. What was the average portion of the total cost for a resident in a long-term care facility that was publicly paid for, and what portion was privately paid for in the fiscal years 2003-2004 and 2004-2005?

**Mr. Martin:** I have to ask the question, but I think I know the answer.

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

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Written

Question 11. It is unclear what the term "average portion of the total cost" means. That is precisely the reason that the department has recommended a response that says that because we do not track the average cost of health care services in long-term care, assisted, or designated assisted living, we are unable to provide this. The hon. member makes a sterling point on the business of tracking costs. While I will endeavour to look into that, at this stage we are not able to give those average numbers on either this question or the predecessor.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview to close the debate.

**Mr. Martin:** Thank you, Mr. Speaker. Well, as I said, I knew the answer to this question from the previous one. I would take the minister at her word, then, that they would begin to look into this. I think this is a very serious matter. I don't know if the Auditor General has referred to this or not, but probably he should. I would take her word on that, that they would be looking into doing some tracking.

Thank you.

[Written Question 11 lost]

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

#### **Designated Assisted Living Facility Costs**

Q12. Mr. Martin moved that the following question be accepted. For the fiscal years 2003-2004 and 2004-2005 what was the average cost per resident per month at a designated assisted living facility?

**Mr. Martin:** Thank you, Mr. Speaker. Again, I think I know the answer to the question.

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

**Ms Evans:** Thank you, Mr. Speaker. As before, we will be rejecting Written Question 12. The department does not track the average cost of health care services in long-term care, assisted living, or designated assisted living. I'm appreciative that the hon. member opposite has acknowledged that I will be doing some follow-up work on this to see whether or not we can do what is most important; that is, to be accountable to Albertans for the dollars that are spent in these situations and to see whether there is a value in attaching a valuation to those kinds of care facilities for that particular cost.

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

**Ms Pastoor:** Thank you. I would like to weigh in on this question. Actually, it basically covers all four. I am sorry that the word "average" is being used because I think it gives the other side a convenient out. I will take the minister at her word, that she will look into this. If not, I can assure that these questions will be coming back in perhaps a more specified way. Also, I'm trusting that by that time we will have clear, clear definitions of assisted living, designated assisted living, lodge, enhanced lodge, and on and on and on, which will then help to clarify these questions.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview to close the debate.

**Mr. Martin:** With all due respect to the hon. member, if they're not

tracking it, it doesn't matter how you put it in the question. Again, we'll just make the case fairly straightforward, that we will be watching to see if we can make the government accountable for both public money and the amount that people are spending privately because there were big increases three or four years ago. I think it's important that we understand this, Mr. Speaker.

[Written Question 12 lost]

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

#### Designated Long-term Care Facility Costs

Q13. Mr. Martin moved that the following question be accepted. For the fiscal years 2003-2004 and 2004-2005 what was the average cost per resident per month at a designated long-term care facility?

**Mr. Martin:** Thank you, Mr. Speaker. Again, knowing the answer to the question, we'll get it on the record.

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

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Written Question 13. The department does not track the average cost of health care services in long-term care, assisted living, or designated assisted living. I think the point has been well made by the questioner. We will follow up and see what we can illuminate in terms of cost accountability in the future. I will take this under advisement, but presently we will be rejecting this question.

[Written Question 13 lost]

head:

#### Motions for Returns

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

**Mr. Stevens:** Thank you, Mr. Speaker. Proper notice having been given on Thursday, March 23, it's my pleasure to move that motions for returns appearing on today's Order Paper do stand and retain their places with the exception of motions 20, 21, and 22.

[Motion carried]

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

#### Payments to Redesignated Long-term Care Facilities

M20. Mr. Martin moved that an order of the Assembly do issue for a return showing a list of payments made by a regional health authority or the Ministry of Health and Wellness to all facilities in Alberta whose designation changed from long-term care facility to assisted living facility between April 1, 2001, and February 22, 2006.

**Mr. Martin:** Thank you, Mr. Speaker. We'll keep trying.

**Ms Evans:** Mr. Speaker, we will be rejecting Motion for a Return 20. Alberta Health and Wellness does not have this level of data because Health and Wellness provides global funding to regional health authorities and does not receive assisted living funding information from the regions on a facility by facility basis.

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

**Mr. Martin:** Thank you, Mr. Speaker. Maybe I've got another motion in between here. It seems to me that there have been a number of cases recently, at least that we're aware of, where a facility changed from long-term care to assisted living. Surely they can't do that on their own. There must be permission from the government, from the minister's department, to do that. As you know, we've raised this in the Legislature. It was the same group of people there, and then all of a sudden they're moved to assisted living, which has even less standards. We're trying to get some handle. We're not asking for the tracking of the money here. We're asking how many institutions have done that. Surely the minister has that information. It's not tracking the money; it's just what facilities have changed. We're trying to get an idea of the numbers here.

[Motion for a Return 20 lost]

#### 3:10 Redesignation of Long-term Care Facilities

M21. Mr. Martin moved that an order of the Assembly do issue for a return showing a list of facilities in Alberta whose designation changed from long-term care facility to assisted living facility between April 1, 2001, and February 22, 2006.

**An Hon. Member:** Good luck.

**Mr. Martin:** Thanks. I need good luck here to get information, no doubt, Mr. Speaker.

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

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Motion for a Return 21. Motion for a Return 21 is quite unclear with respect to the specific intent of the phrase "list of facilities . . . whose designation changed." In the context of long-term care services only approved auxiliary hospital services are deemed to be designated by the minister.

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. My question is to the Minister of Health and Wellness. I remember that I requested a contract between Allen Gray and Capital health some time ago. They gave me the papers, but they sent me the statements from 1998 to 2000, the latest one, not even '01, '02, '03, '04, '05. I want to know why the government is hiding so much. Albertans have the right to know the full accounts, where their money is going and how much they are paying. I don't know why the government keeps on rejecting all those written questions that are raised.

Thank you.

#### Speaker's Ruling Debate on Written Questions

**The Speaker:** Hon. members, the debate here is with respect to the acceptance or the rejection of a motion. There is no provision whatsoever in here for questions to be asked of an individual member. The hon. Member for Edmonton-Ellerslie may make a statement in support of or against the motion but is not in a position to ask a question of the minister. The chair will not permit the minister to respond during this part of the Routine. There are other opportunities for questions and answers.

If I recognize the hon. Member for Edmonton-Beverly-Clareview now, I'm recognizing him to close the debate.

### Debate Continued

**Mr. Martin:** Thank you, Mr. Speaker. I guess I understood that with the written questions about the tracking, whether I agree or not, if you don't have the figures, you don't have the figures. But when the minister says, "a list of facilities," I think we're playing a bit of a semantics game here because, clearly, there were a number of places where they went to assisted living from formerly a different title and different standards and all the rest of it. Off the top of my head I can think of one in Camrose, where they had a different level of staffing.

This is pretty important information, Mr. Speaker, for us to know. The government seems to have a policy of moving towards assisted living with the same people in the same institution. Again, we weren't asking for the dollars. I accepted what the minister said, that they don't do that, and I take her word that they will be working on that. But this is pretty basic information. For the life of me, I can't understand why we wouldn't have access to this information.

Correct me if I'm wrong, but surely an institution, private or nonprofit or whatever, can't just say, "Oh, today we're long-term care, and tomorrow we're assisted living for the same group of people" without the government's hand in there, saying okay or no. Why would that information not be made available to us in the Legislature, Mr. Speaker? Whatever institution we mean, we'll try to reword this again, but surely it should be the right of the Assembly and, through the Assembly, the right of the people of Alberta to know what's going on. Long-term care has been a very major issue here since we've been back, you know, since the election, as the minister is well aware. This is part of what we're trying to get to. I just don't understand why we couldn't at least have this information.

Mr. Speaker, as I say, I accept that if they don't track, they can't give you the information. I accept that, and I accept the minister's word. But this is not tracking. This is simply telling us the number of facilities where this is happening so that we get a little better handle on what's happening in the province.

Thank you, Mr. Speaker.

[Motion for a Return 21 lost]

### Health Impacts of Industrial Activities

M22. **Dr. B. Miller** moved that an order of the Assembly do issue for a return showing for each of the fiscal years 1997-98 through 2004-05 and April 1, 2005, to March 9, 2006, all reports, studies, papers, or analyses prepared or received by the ministries of Health and Wellness or Environment related to the health impacts of industrial activities in Alberta.

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

**Ms Evans:** Thank you, Mr. Speaker. We will be rejecting Motion for a Return 22. When the public body is considering giving access to a record that may contain third-party business information, the public body must provide written notice to the third party prior to disclosure in accordance with the Freedom of Information and Protection of Privacy Act. This information is not readily available and would require an inordinate amount of department resources to research and compile. Accessing this information under FOIP would allow us to consider an appropriate fee for this request if applicable. For these reasons, the request for this information must be made under the provisions of the Freedom of Information and Protection of Privacy Act.

**The Speaker:** Shall I recognize the hon. Member for Edmonton-Glenora to close the debate?

**Dr. B. Miller:** No.

[Motion for a Return 22 lost]

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

[Mr. Marz in the chair]

**The Chair:** I'd like to call the committee to order.

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

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

**Mr. Liepert:** Thank you, Mr. Chairman. It gives me great pleasure today to rise in committee and make a few remarks regarding Bill 201, the Human Tissue Gift (Notification Procedure) Amendment Act, 2006. As I said on introduction, the purpose of this bill was to create a dialogue around organ and tissue donation and thereby attempt to increase the number of Albertans who consent.

First, I'd like to provide a little background as to why I felt that introduction of this bill was required. In Alberta the Human Tissue Gift Act governs the donation and transplantation of organs and tissues. There have been no major revisions to the act since its implementation in October 1973, which is more than 30 years ago.

In 1989 the Uniform Law Conference of Canada adopted the uniform Human Tissue Donation Act. This conference prepares model acts on selected subjects in the interests of uniformity throughout Canada, and it contained recommendations intended to make more organs available for transplant. It would also provide better protection for donors, recipients, and their families. Provincial governments are under no obligation to accept the recommendations in the model acts, and the government of Alberta did not accept the act following its release in 1989.

In 1998, in response to public advocacy, private member's Bill 206, the Human Tissue Donation Procedures Statutes Amendment Act, passed through the Alberta Legislature and received royal assent. The Member for Edmonton-Centre referred to this act on several occasions during her remarks in second reading. Although passed in this Legislature, Bill 206 was not proclaimed.

In 1999 the then Minister of Health and Wellness established the Alberta Advisory Committee on Organ and Tissue Donation and Transplantation and appointed the current Minister of Children's Services as the chair. The purpose of this committee was to find ways to increase organ and tissue donation in Alberta. This committee submitted its final report on April 19, 2000, and as I said in my remarks on second reading, little has been done since then. The advisory committee recommended that new legislation was required to ensure that Alberta had a sound legal framework to guide donation and transplantation.

3:20

So that brings us to today. Since introduction of this bill I've received many calls, e-mails, and letters, and it's fair to say that the medical community is concerned with the provisions around imminent death. Physicians are concerned about being placed in an ethical position of deciding when death is imminent, and I under-

stand that professional dilemma. The medical community is proud of our accomplishments in donor consent, and they should be. But I also said on introduction that people continue to die waiting for organ donations, so until that number is reduced to zero, no one should stop looking at ways to make things better. I also believe there are many opportunities for tissue donation that we may not be exploring under our current procedures.

Equally concerned are a number of organ recipients who say that the bill doesn't go far enough and should include presumed consent. Of note is the fact that a private member's bill calling for a presumed consent model is currently before the Ontario Legislature. I also noted recently an article in the media from Ontario which states that since new rules came into effect requiring mandatory reporting in that province, the number of donations has actually tripled.

As members are aware, when this bill came up for committee discussion several weeks ago, I asked that it be put over until today. I wanted to enter into a consultation process with the medical community, and I have done that. I also wanted to provide the Department of Health and Wellness with time to assess what this bill would do. I wanted to have the department examine this bill and see if initiatives being contemplated could be accelerated, and I believe that good progress is being made in this regard.

With those remarks, I'll take my seat, and I'll listen to members who want to participate in committee. Thank you.

**The Chair:** The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Chairman. My pleasure to rise and give my first comments on Bill 201, Human Tissue Gift (Notification Procedure) Amendment Act, intended to make donation easier by establishing a more systematic way of considering potential donors and approaching families of potential donors for consent and also formalizing a procedure that requires an agency to request consent for organ and tissue donation from an individual or a family. It's clear that we've come a long way in this province in relation to human organ procurement.

I want to commend the existing system, but some significant tweaking, which this amendment will entail, is going to assist that, moving us beyond the HOPE program and pushing us to do two fundamental things, I think: one, to enhance the capacity of professionals to be prepared to deal with families and talk frankly about the need to make commitments to making these donations and, secondly, to facilitate that decision beyond the conflict that sometimes occurs between family members after the death and the initial commitment by the individual. So some clarification, surely, is welcome on those two fronts. As the hon. member recently indicated, nearly 1 in 5 people waiting for organ donations are dying before they get the organs, and in many cases this surgery can be cost-saving and actually economically very favourable as well.

I'm hoping that some very practical results from this will be a team that would assist professionals even before the registration in moving forward and getting comfort with and establishing as part of a routine with their patients the discussions that are needed. At the present time it's hit and miss. Many professionals are uncomfortable with the process and simply ignore it until it's too late.

A few questions arise that I haven't seen answered and that I would appreciate some further comment on if it's available. Will this government and this amendment take direction from its own 2003 consultation paper recommending that where the wishes of a deceased individual have been expressed, they take precedence over the wishes of the family? Will this deal specifically with the notification procedures and address consent procedures, and can we expect the government to engage Albertans in further discussion if

we are moving towards a presumed consent versus a mandatory direction?

Finally, Mr. Chairman, will there be an evaluation in terms of the economics of implementing this new framework, and will there be some evaluation of the impact on the health care professionals and how this is being embraced or working, as the case may be?

Thank you, Mr. Chairman. I think that in general we support this important amendment and would just like to see some clarifications of those questions.

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

**Ms Evans:** Thank you, Mr. Chairman. I'd like to begin by commending the hon. Member for Calgary-West for his vision, for his tenacity, for his dedication in bringing Bill 201 to the floor, and for his commitment, finally, to the improvement in our organ and tissue donation in Alberta.

As the member stated in his speech this afternoon, my department has been looking at this issue for some time, and the Department of Health and Wellness will bring forward legislation very soon that will address the member's concerns about organ and tissue donation. The government's legislation, called the human tissue and organ donation act, will repeal and replace the current Human Tissue Gift Act. The proposed legislation is stronger thanks to the efforts of the hon. member and to the feedback that we've received on Bill 201. I am very pleased that the member has indicated a willingness to bring the proposed human tissue and organ donation act forward. This is appropriate given that the legislation will address some of Bill 201's objectives. Many, in fact, of its objectives are contained in the bill.

Mr. Chairman, while it would be premature for me to discuss what will be in the government's legislation, I would like to inform the House about what we heard from interested parties with respect to Bill 201 as passed in second reading. One of the objectives of Bill 201 is to create a procedure that will ensure that Alberta's medical professionals consider organ and especially tissue donation whenever a potential donor becomes available. Another is to add a layer of accountability to this process by requiring that a phone call regarding potential donors be made to a donation agency after such a consideration has been made. A third objective of Bill 201 is to provide these donation agencies with the opportunity to jointly establish the requirements for this notification procedure. This objective is based on the fact that these agencies have expertise which should be utilized when creating these requirements.

The final objective of Bill 201 is to initiate interdepartmental discussion, co-operation, and action to increase the public's awareness of organ and tissue donation. The hope is that a greater awareness of this in the public will improve organ and tissue donation rates across the province. Mr. Chairman, with respect to this last objective, I have committed to initiating a discussion and action between the Department of Health and Wellness and the departments of Infrastructure and Transportation and Government Services to look at ways that we can increase awareness of this issue with the public. As an example, the Member for Calgary-West has suggested that information pamphlets be inserted into driver's licence and vehicle registration renewal notices. The member has also suggested that during the driver's licence renewal process Albertans could be asked to indicate whether they would consider becoming an organ and tissue donor.

Mr. Chairman, I've committed to looking at the pros and cons of all these possibilities as well as any other ideas that may help to increase awareness among Albertans. These are the objectives the member is attempting to achieve with Bill 201, and while it has



created some apprehension in the medical community, it is merely because the bill requires physicians to take action with respect to organ and tissue donation when the death of a patient is imminent. Like the sponsoring member, I agree that requiring action from physicians when the death of a patient is imminent creates a difficult professional dilemma for physicians. I feel confident that the government's bill will address the concerns of the medical community.

They have also acknowledged that Bill 201 would remove the attending physician from the organ and donation process and would require a third party, someone from a donation agency, to approach the family of the deceased person and request consent. Mr. Chairman, although closer reading of Bill 201 reveals that this is not necessarily the case, I can understand how this could be a concern for the medical community. The Alberta Advisory Committee on Organ and Tissue Donation and Transplantation report suggests that the attending physician be involved in this process, and Health and Wellness agrees. Currently staff members from donation agencies teach physicians and medical professionals how to effectively approach families of potential donors to successfully obtain consent. By providing physicians with this knowledge, we can avoid unnecessary bureaucracy.

3:30

Mr. Chairman, a great deal of work has been done by the Member for Calgary-West and between the member, the medical community, and the Department of Health and Wellness. All of this work has gone toward the development of a human tissue and organ donation act, which the hon. Member for Calgary-West has agreed to bring forward on behalf of Albertans, and I commend him for it.

**The Chair:** The hon. Member for Airdrie-Chestermere.

**Ms Haley:** Thank you very much, Mr. Chairman. Relative to Bill 201, in the interest of simplifying this matter between a private member, his initiative, and a government bill, a decision has been made to drop Bill 201 and to include significant aspects of that bill inside government legislation. I know that the member and the government share the same goals, which are to raise both professional and public awareness and ultimately to increase donation rates in the province, and I applaud the member for this. In addition to the strategies proposed in the health minister's department bill, we will work together with other government departments to determine the best ways to achieve these goals advanced by the member and government. For this reason, pursuant to Standing Order 64(1) I move the motion that the chairman do now leave the chair.

Thank you.

#### Chair's Ruling

##### Motion to Leave the Chair

**The Chair:** Hon. members, before calling the vote on the motion, the chair would like to provide some clarification to all members regarding the rules governing this type of motion and its effect on the bill before the committee if the motion is passed. First, the motion is allowed under Standing Order 64(1), which states that

a motion that the Chairman leave the Chair

- (a) is always in order,
- (b) takes precedence over any other motion, and
- (c) is not debatable.

The parliamentary authorities are very clear regarding the implications of this motion. If it is approved by the committee, the chairman will at once leave the chair, resulting in the proceedings in the Committee of the Whole coming to an end with no committee report being made to the House. The bill that is before the commit-

tee at the time that the motion is moved becomes a dropped order and disappears from the Order Paper. Members may wish to refer to *Beauchesne's* at paragraph 905, *Erskine May* at page 617, and on August 26, 1996, the Deputy Speaker's ruling at page 2369 of *Hansard*.

The chair wants to ensure that members are aware of the effect of this motion given that this is a rare occurrence. A motion of this type has only been moved in Committee of the Whole on two occasions in the last decade, once on August 21, 1996, in connection with private member's Bill 214, Victims of Domestic Violence Act, and a second time on May 9, 2001, with respect to private member's Bill 203, Residential Care Housing Committee Act.

#### Debate Continued

**The Chair:** The chair would now call the question on the motion that the chairman do now leave the chair.

[Motion carried]

[The Deputy Speaker in the chair]

**The Clerk Assistant:** Under Public Bills and Orders Other than Government Bills and Orders, Committee of the Whole.

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

[Mr. Marz in the chair]

**The Chair:** I'd like to call the committee to order.

#### Bill 203 Railway (Alberta) (Heritage Railway) Amendment Act, 2006

**The Chair:** The hon. Member for Wetaskiwin-Camrose.

**Mr. Johnson:** Thank you, Mr. Chairman. It gives me great pleasure to open debate in the committee stage on Bill 203, Railway (Alberta) (Heritage Railway) Amendment Act, 2006. I'd like to begin my remarks by thanking the hon. Member for Lacombe-Ponoka for moving debate on second reading my behalf. During that debate, which I read in *Hansard*, my colleagues eloquently supported the bill and the reasoning behind it. As we enter committee stage, I would like to address the questions which came up during second reading and discuss the wording of the bill.

The hon. Member for Edmonton-Calder raised the question of the applicability of Bill 203 to the efforts of the Edmonton Radial Railway Society. By way of refresher, these individuals are responsible for the maintenance and operation of the streetcars in Fort Edmonton as well as the streetcar which passes over the High Level Bridge between downtown and Whyte Avenue. Mr. Chair, to my knowledge the High Level Bridge streetcar is considered part of the urban transit system and therefore does not operate under the Alberta railroad act that is hereby being amended. The amendment does not change that status.

Further, as we look at the definition of a heritage railroad as outlined in section 2 of the bill, we can see why this legislation will not apply to the streetcar running from Whyte Avenue to downtown Edmonton. Let me quote from the act.

- (d.1) "heritage railway" means a railway that

- (i) is operated wholly or in part within the confines of an historical park or similar park or site,
- (ii) is comprised of rolling stock and structural facilities, any of which was manufactured in 1965 or earlier,
- (iii) operates at a speed not exceeding a maximum of 30 kilometres per hour,
- (iv) travels no further than 240 kilometres in a day, and is operated for the sole purpose of providing rides to individuals and is not operated for the purposes of transporting goods or commodities for a toll or a fee or of being a common carrier.

This last section is pertinent in this situation because people can use the trolley across the High Level Bridge as a means of transportation, another reason for exclusion under this act.

Mr. Chairman, this bill will not be applicable to all organizations who operate vintage equipment. This held true under the old designation of amusement, and it will hold true under the new designation of heritage.

While all attempts have been made to make Bill 203 as widely applicable as possible, considerations of safety and the nature of rail operations need to be taken into consideration to ensure that all rail operators in the province are treated fairly. For example, the Alberta Prairie Steam Tours is currently identified as a public railway under the Railway (Alberta) Act. Now, this operation runs a steam engine locomotive from Stettler to Big Valley and back. The reason why they did not fall under the amusement category is because the nature of their operation is quite different from what is carried out in the Alberta Railway Museum or Heritage Park or Fort Edmonton Park. Alberta Prairie Steam Tours cross onto a public track for a short distance and then run on tracks through public lands, where they cross roads and in general come into more contact with everyday life outside a park. Additionally, there exists the possibility that a person could purchase a ticket in Stettler, then exit the train at Big Valley, effectively using the train as a means of transport.

This is in contrast to the operation of railways within parks. In parks there is a controlled setting with far fewer public variables to consider. Train engineers do not have to be alert for a pickup truck speeding to beat the train or the possibility of encountering another locomotive along a public section of rail. It is not the intent of this bill to exclude an operation which utilizes vintage equipment but, rather, to create a balance among the needs of rail operators in the province. This balance is to be achieved through Bill 203.

First, it is important to recognize the contribution which certain organizations make to preserving and creating Alberta's history. As other members mentioned previously, the railway played a vital role in the development of our province. Towns and settlements sprang up along projected rail lines, and if the anticipated railway did not appear, they quickly disappeared again. The coming of the railroad into a town or city caused an immediate spike in land prices in the area and made many Albertans quite wealthy. There were many developers in multiple rail companies which laid track across our province, tying the north and the south of Alberta into the major transnational lines of the Canadian National and Canadian Pacific carriers.

3:40

The present designation of amusement does not call attention to or recognize the effort that is expended by these rail operators in preserving our rail history. By adding the definition of a heritage railway into the Railway (Alberta) Act, the contributions of these operators will be recognized. I would like to point out that the heritage category is being added to the existing types of railways instead of replacing the amusement designation. The reason for this is that it was thought prudent to plan for possible developments in the future which might better fall into the category of amusement.

So by adding the new type of railway to the Railway (Alberta) Act, the contributions of the affected organizations will be recognized, and the legislation will be more responsive to developments affecting railways in Alberta.

The second goal behind the introduction of Bill 203, as some of my colleagues alluded to during second reading, is to create a mechanism through which a new set of regulations will be drafted and then applied to heritage railways. The needs of operators of these railways and the requirements necessary for safe operations are not necessarily being met through having these railways meet regulations designed for another purpose. Regulations which are more appropriate to the operations to which they apply will better suit all needs. Safety will remain the number one concern of all involved, and ensuring a high level of safety will be paramount when drafting the new regulations.

Mr. Chairman, we have opportunity to recognize the importance of historic railways in Alberta and the role which they have played in shaping our province by creating the designation of historic in the Railway (Alberta) Act. At the same time, we have the opportunity to reduce overregulation in the province. So I would urge all members of this Chamber to stand with me and voice their support for Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act, 2006.

Thank you.

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

**Mr. Agnihotri:** Thank you, Mr. Chairman. It's my great pleasure to rise and speak in support of Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act, 2006. This bill creates heritage railways under the railway act, which allows heritage railways to operate under their own regulations. Currently heritage railways operate under the same legal specification as major rail lines, causing unnecessary regulations and burdens, high insurance on vintage lines. The new regulations will definitely develop safety inspection policies specifically for heritage railways. There are two reasons for supporting this particular Bill 203: heritage and regulation.

Presently the railway act's definition section does not specifically recognize heritage railways. The act defines amusement railways and industrial railways. Alberta railways played an important role in building Alberta. This bill attempts to preserve this history. Stakeholders at the heritage railways museum argue that the current act is cumbersome for vintage rail museums. They say that they are faced with unnecessary regulations, causing high insurance and other regulatory burdens. At the Alberta Railway Museum in Edmonton the railway operates on their own private property. The line does not cross public streets, yet it is still subject to the same regulatory standards as major rail line operators.

Mr. Chairman, Alberta has three significant historic railway museums. One is the Alberta Railway Museum in Edmonton, which provides school tours, Alberta Central Railway Museum in Wetaskiwin, Rocky Mountain Rail Society in Stettler, headquartered in Calgary, and the other Alberta rail heritage sites include Fort Edmonton Park, Heritage Park in Calgary, and so on.

Did you know that "railway" is British/Canadian, but "railroad" is American? Stakeholders expressed concern with section 2(a)(ii). The bill states: structural facilities, station buildings, et cetera, "any of which was manufactured in 1965 or earlier." Number one, while rolling stock equipment such as locomotives, et cetera, are built prior to 1965, some of the facilities have been built more recently. The implications are unknown.

Stakeholders also expressed concern with section 2(a)(iv). The

bill states that the train “is operated for the sole purpose of providing rides to individuals and is not operated for the purposes of transporting goods or commodities for a toll or a fee.” However, the Alberta Central Railway Museum, charges fees for rides. The implications are unknown.

I have a few other questions. According to section 1 of the railway act, what is going to be significantly different between an amusement railway and a heritage railway?

Another question is: will the label heritage railway have any funding implications? For instance, will heritage railways be able to apply for new grant opportunities beyond current sources such as the Alberta Historical Resources Foundation and community initiative programs?

What about rail safety, rail inspections? How will this legal change impact inspections on rail lines? What role does insurance play in this change? Will insurance costs be reduced and why? Could you please provide some examples that demonstrate that the current act is not working for heritage railways?

Mr. Chairman, this is a good bill. I wish we had some better bills than this one for discussion because there are some other priorities for Albertans. I wish we had some bills, if it's the railways, LRTs, or CP railways, security for the transportation, prevention of crime: you know, the bills which Albertans want to see. I'm not criticizing this particular one. This is a good bill, and I support this, but bills in regard to resource policies: those are the bills that Albertans want to see, the priority bills. We are receiving royalties, and we should discuss here again and again what we should do with the resource. Bills which give us the opportunity to discuss the resources in Alberta and savings, infrastructure, and safety in the transport department, housing for low-income people: those are the priorities for Albertans.

This bill is good. I mean, it is good to see. But I still meet people that criticize the deregulation of electricity in Alberta, and we don't see any bills in regard to that to discuss whether it's working or not working for Albertans. Most of the people I meet say that deregulation is a total failure. Not only me. People are talking in the streets. They want to see bills in regard to health care, long-term care policies, and the education/arts sector.

3:50

I was in Fort McMurray last week, and I met a few stakeholders there. They are frustrated. They say: “Yeah, I heard that these are the bills introduced in the last few weeks. What are you guys doing for Alberta's sector?” Fort McMurray is giving us so much money, and we all know that, but what are they getting in return? That's the question. Those are the priorities for Fort McMurray: infrastructure. I don't see anything like that.

We here talk about railway heritage; railways do this and do that. Yes, that's fine. But we should concentrate on the priorities of Albertans. We should listen to what they want, not what members sitting here in this Chamber want. We should listen to them first.

So far I haven't heard anything about land use policies, no bills. There are so many lands, especially, that the people want – I'm coming back, Mr. Chairman. I know that I'm going a little bit out of the . . .

Thank you.

**The Chair:** The hon. Member for Drayton Valley-Calmar on Bill 203.

**Rev. Abbott:** Well, thank you, Mr. Chairman. I'm very glad that the bell rang there. I was just about to stand on a point of order.

I want to thank you, Mr. Chairman. It gives me a great deal of

pleasure to rise today and address the Committee of the Whole on Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act, 2006. If ingenuity and determination are the lifeblood of this province, railroads and trains are the veins and arteries. They are an integral part of Alberta, integral to our understanding of the past and vital to the development of our future.

The steel rails that criss-cross our province have been many things to many people. To the brave workers who authored the anvil chorus that laid track westward and made our country whole the railroad represented a new and brighter future. To the immigrants who came westward to carve a life from the wilderness it represented a gateway to unlimited opportunity and a new beginning. To our parents and grandparents it was the primary and often the only feasible means of transportation. I've heard many stories from long ago from my father-in-law, who himself rode the rails looking for work as he travelled from province to province in western Canada. In short, Mr. Chairman, the railroad in its golden age fuelled and facilitated the ambitions of our young province. It was more than mere transportation. It was the hopes and dreams of our ancestors given in the form of steel and steam.

This golden age is behind us now. The steam locomotive and telegraph and the coal-stoking firemen are gone, shunted aside by the inevitable march of progress. Romance has been replaced by function, and the functionaries of the past have been relegated to rust away in silence. In most cases we see this glorious past not as it was but dimly through the fog of history in the form of faded photographs and half-forgotten memories. It is a situation that borders on tragedy, Mr. Chairman. Most of the thousands of steam locomotives and their rolling stock are gone, broken up for scrap or left to crumble into nothingness in forgotten corners of rail yards – most, but not all. A fortunate handful of these warriors escaped the scrapyards and the ravages of time. Their working days are over. They still run in limited capacity, but instead of building the future of Alberta, they now serve to bring life to its past.

One of the most important and most often overlooked social responsibilities is that of remembrance. We all have a duty to act as guardians of the past for without an understanding of the past the future can hold out no hope. We have a responsibility to our children to remind them of the individuals and the tools that made Alberta the best place in the world.

Bill 203 and specifically section 2 of the bill will be a vital and necessary step to ensure that this happens, Mr. Chairman. The present system has not recognized the unique situation posed by the five operating historical railroads in Alberta, and as a consequence these railroads are often faced with difficult or next-to-impossible regulations to meet standards that don't account for the uniqueness of their situation.

The provisions contained within section 2 of the bill specifically illustrate the unique situations faced by heritage railroads. These provisions seek to make day-to-day operations much easier for the dedicated individuals who operate these historical resources. We, as Albertans, invariably recognize the unique role these railroads play in understanding the past. Bill 203 simply recognizes this fact with legislation.

Pigeonholing historical railways into the same class as public and amusement railways doesn't make sense to me, and it makes even less sense to impede in any way these valuable and vibrant examples of living history. Classifying an historical train as a public railway puts it in the same class as a modern train, with all of the attendant restrictions and regulations. While this may apply in some cases where historical trains operate outside of a park setting, I don't believe it to be appropriate in the majority of cases. It simply doesn't seem reasonable to me that a Via train hauling passengers at

breakneck speed, a freight train hauling grain and petroleum, and an 80-year-old steamer rolling sedately around a circular track at the speed of a slow jog must all meet the same requirements.

Mr. Chairman, section 2 of Bill 203, as I mentioned previously, amends the Railway (Alberta) Act by adding specific details regarding the conditions under which a heritage railway operates. A good example of this is found under section 2(a)(d.1)(i), which states that a heritage railway “is operated wholly or in part within the confines of an historical park or similar park or site.” Now, this is a vital distinction to make. It illustrates the point that a heritage railroad as defined by Bill 203 does not face the same operating conditions as a public railroad. Another important distinction is made in section 2(a)(d.1)(iii), which discusses the operating speeds of a heritage railway. It states that a heritage railway “operates at a speed not exceeding a maximum of 30 kilometres per hour.” These two examples illustrate the need for the creation of a separate classification for heritage railways by specifying the unique conditions under which they operate.

Obviously, these are not appropriately classed as public railways, and likewise it is not appropriate to classify them as amusement railways. This latter classification under the current situation is similarly unsatisfactory, Mr. Chairman. Amusement is not a term which is particularly appropriate for something that brings the past to life in such a meaningful fashion. While they are certainly entertaining, these railroads provide more than amusement. They provide education, and they provide a means of connecting to the past. This is the real benefit of an historical railroad, not to amuse but to give life to the experiences known by our ancestors.

A child looking at a picture of a locomotive from 90 years ago might express a mild interest, but seeing that locomotive in person and in operation might inspire that child to begin a lifelong journey of knowledge and ignite a passion for history within them. Imagine a child condemned to look at a picture of history when history itself is still alive. Imagine further the tragedy if that history is not sustained, if it's not nurtured and aided through appropriate legislative means.

Mr. Chairman, Bill 203 presents us with a unique opportunity to promote and assist this heritage. It will give us a chance to add clarity and change to a climate of regulations that are often overly restrictive. It will give us a chance to address with the proper degree of dignity those artifacts which mean so much to our understanding of the past.

The specific sections of the bill I have referenced are fine examples of this clarity. By introducing a specific category for heritage railroads, we will be helping to guarantee that they will continue to operate well into the future. We will be helping to ensure that our great-great-grandchildren will have the opportunity to stand beside and even ride upon the same sort of train that Alberta's pioneers like my father-in-law depended on, the same sort of train that helped to carve Alberta from a rugged and unforgiving wilderness and started us on the path to the level of prosperity we enjoy today.

4:00

Bill 203 proposes relatively minor changes to the current legislation but ones that may prove vital to the survival of our heritage. I believe that it is our duty to preserve for our children in any way possible those pieces of our past that still remain. As such, Mr. Chairman, I am proud and honoured to give my full and enthusiastic support to Bill 203, and I wholeheartedly encourage my colleagues to do the same.

Thank you.

**The Chair:** Hon. members, before I recognize the Member for Edmonton-Calder, may we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Chair:** The hon. Member for Vermilion-Lloydminster.

**Mr. Snelgrove:** Thank you, Mr. Chairman. It is a great honour for me today to introduce a young man that is currently attending the University of Alberta in the accounting program. I was very fortunate to go to school with his parents. They had great potential, and it's showing through in this young gentleman. Cameron Ferbey is in the members' gallery today. He was here looking for some work with our Department of Finance, and I know that if they're lucky enough to get him, with his enthusiasm and background he'll do a very good job for the people of Alberta. I would like Cameron to rise and receive the traditional warm welcome of the Assembly.

**Bill 203**  
**Railway (Alberta) (Heritage Railway)**  
**Amendment Act, 2006**  
(*continued*)

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

**Mr. Eggen:** Thank you, Mr. Chairman, and thank you for the opportunity to speak in committee on Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act. I'd like to thank the hon. Member for Wetaskiwin-Camrose for his clarification this afternoon on a number of issues that I had brought up in his absence during previous readings of this bill.

I had communication with the Edmonton Radial Railway Society again today just to run specific elements of this bill past them to see if it meets their needs. I guess that the first clarification I'd like to make is that while the Edmonton Radial Railway Society does in fact run the train across the High Level Bridge, they also run quite an extensive streetcar operation in Fort Edmonton Park. This society is a very ambitious group, let me tell you. It is their intention to run more track out of Fort Edmonton Park, perhaps along Fox Drive, and even as far as where the new LRT line is going to be with the University agriculture grounds. While other municipalities have been slow to build public transit in this form, this group has taken it upon themselves, and I would just like to encourage them to continue to do so and to make sure that we're not putting things in the way that would impede their expansion plans.

The members of the society that I spoke to today asked me to forward a couple of questions, that I would like to put forward here this afternoon, the first being that this proposed amendment to the act is discussing the operation of railways that operate no more than 240 kilometres per day. They wanted clarification on whether that was the total amount of kilometres that were being travelled on the tracks or whether that was per vehicle because they in fact run several streetcars in Fort Edmonton Park, and they average between 40 and 70 kilometres on each machine per day, depending on how busy they are. So is that an accumulated amount of kilometres? Are we looking at the amount of wear and tear on the tracks to the point of 240 kilometres per day, or are we talking about per vehicle? They would like to have that clarified because it would directly impact their operations in Fort Edmonton Park.

The second issue that I wanted to bring forward is that this group, as I said, have ambitions to cross Whitemud Creek with the same

streetcars that they have at Fort Edmonton Park and perhaps run their streetcar out to where the ETS bus transit system meets Fort Edmonton Park. It's, I guess, about a half-mile walk from the transit centre back to the park, so to facilitate ease of transport of people from the buses to the park, they would like to run an extension. They're hoping that this bill would not interfere with that. So I just wanted to put that forward. It's a very good idea that they have. They were not concerned about the speed – they don't travel any faster than 30 kilometres an hour, certainly – and they are not concerned about the High Level Bridge issue as it pertains to this specific amendment.

They do have some concerns where they need some assistance to perhaps continue that operation in a cost-effective manner. They recognize that it is under the Railway Act, the maintenance and operation of that High Level Bridge crossing. So it does fall under a different jurisdiction somewhat. I guess their concern about running that in a cost-effective manner is that they have to follow certain procedures that are quite expensive in terms of gauging the track and doing some minor maintenance. So they would perhaps appreciate our assistance as a legislative body here to make that easier for them to do.

So those are my main issues that I wanted to bring forward. Of course, I'm certainly supportive of this bill in all ways. I just wanted to make sure that the interests of perhaps the single largest heritage railway society in the province are met with this particular bill. They certainly are enthusiastic that people are paying attention to the good work that they do. I think it's a reflection of the many different places that have heritage railway, either museums or short circular tracks around the province. It's a great local tourist incentive for smaller centres to build, and people enjoy riding trains. In fact, there are train aficionados that will travel around the world looking for specific types of rolling stock that might be preserved.

So thank you, Mr. Chairman, and I look forward to some clarification, please, from this bill's sponsor.

**The Chair:** The hon. Member for Calgary-Fort.

**Mr. Cao:** Well thank you, Mr. Chairman. I'm grateful for the opportunity to address the Legislature with respect to Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act, 2006. I think that I can speak for all of our colleagues here when I say that it has been an absolute honour and privilege to represent Albertans during the provincial centennial.

The centennial celebration gave us the opportunity to reflect on the hard work and accomplishments of generations past. The celebration also allowed us to pass those memories on to the generations of the future. As for my own experience, the centennial celebration strengthened my belief that it's up to every Albertan to ensure that difficult lessons from our past are remembered and that pleasant memories are cherished. I also realize, however, that as legislators in this province much of this responsibility should fall on us.

That is why I'm so ardently supportive of Bill 203. Mr. Chairman, if passed, Bill 203 would provide the mechanism to define a qualified railway as heritage. Specifically, according to the bill,

“heritage railway” means a railway that

- (i) is operated wholly or in part within the confines of an historical park or similar park or site,
- (ii) is comprised of rolling stock and structural facilities, any of which was manufactured in 1965 or earlier,
- (iii) operates at a speed not exceeding a maximum of 30 kilometres per hour,
- (iv) travels no further than 240 kilometres in a day.

Now, the final stipulation of this bill is that it would operate for

the “purpose of providing rides to individuals.”

**4:10**

Bill 203 is a simple bill with such important implications. It is important because it will reduce the overregulation of railways which meet certain specifications. It makes no sense to me that a railway which is operated wholly or partially within the confines of an amusement or historical park or site and is used for the sole purpose of providing rides to individuals on rolling stock should be subject to the same regulations as railway operators on a commercial level. These trains are not transporting goods or commodities, and they are not crossing our province or our country. They are usually taking people on short, low-speed rides in a park. More importantly, they are bringing to life the history of an industry which impacted the lives of so many pioneers who called Alberta home.

Looking back in history, it is quite remarkable how much impact the railways had. In fact, before Alberta was the province we know, the railway ripped through the countryside. According to historians, first came the Mounties, then the ranchers, and then the Canadian Pacific railway. It was at that time that Calgary's 4,000 citizens figured that they had it made. In 1883, when the Canadian Pacific railway arrived, the picture in Calgary changed substantially. An immediate tent town sprang into existence, providing under canvas both housing and for a time offices for a newspaper and dentist. It took hordes of men to accomplish the seemingly impossible task of completing the railway track. Lieutenant-Governor Joseph Royal in 1889 said: the opening of the railway to the northern districts, which is now in the course of construction, will effect an astonishing revolution; the energetic pioneers of Saskatchewan will, before many months elapse, find themselves as if by magic within a few hours' ride of the markets of the world. Now, many people arrived by train to Calgary, but not all of them intended to stay. The railway spread west and into the foothills.

Edmonton's history is similar to that of Calgary's in that the railway brought the hope of prosperity. Edmonton proclaimed itself the railway centre of the north because it had two railway systems running through it. So today some of the buildings on Whyte Avenue in Edmonton's Strathcona neighbourhood have been preserved as a way of remembering those great days. In fact, the name Strathcona honours Donald A. Smith, Lord Strathcona, one of the founders of the Canadian Pacific railway. The railway system is also to thank for keeping our neighbours to the west a part of this country. The railway had made its way into and spread throughout Alberta.

Mr. Chairman, a century from now people will look back to today and will talk about the Calgary-Edmonton corridor. This corridor may some day be linked by another more highly technologically advanced railway system.

Mr. Chairman, the purpose of my speech was to outline the importance of the railway system in this province, in this country. The railway meant everything. This is why we now have to step up and do whatever we can to preserve the memory of those times. This is the essence of Bill 203. If passed, Bill 203 will help the railway museums in the province survive and continue educating Albertans about their great historical value. As legislators creating legislation in the centennial year of the Legislature, this is a great gift to give to future generations.

Mr. Chairman, we are living in an interesting time in this province at the moment, a time filled with prosperity and hope, a time of mass migration to the province, and a time when we can really make a significant mark on this world. It sure does resemble what was happening 100 years ago. So as we move forward on this ambitious agenda of wealth creation and growth, let us make certain that we do

not forget all the hard work it took to get here. So many people put their sweat and blood into creating the railway system in this province that we should do everything in their honour.

This is why I support Bill 203, and I urge all of my colleagues to do the same. Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Chairman. I wasn't going to speak on this, but because I have and feel such a personal connection with railroads, I really felt that I had to. I think it's a good bill, and I think it's something that we have to pass for our heritage.

My grandfather was a CN man. That meant a great deal in Winnipeg, so growing up as a little kid I was really quite proud to say, "My grandpa's a CN man." He had three fingers missing, which was almost a sign of pride because it meant that they weren't quick enough, and they lost their fingers in the couplings when they were putting the trains together. Another thing I can recall is putting pennies on the tracks and waiting for the trains to flatten them out. Now, that may sound dangerous, but because I had listened to *The Lone Ranger* on the radio so much, I actually learned how to listen on the track with my ear, and I could tell how far away the trains were. We would test each other within five and six and seven minutes to the trains coming in.

The other thing I did was ride the caboose from Winnipeg to Winnipeg Beach, and I waved at all the farmers in the fields, and I waved at all the kids on the train crossings. It was such a sense of community. It was so wonderful to be a part of what I knew was our heritage because I knew that we in western Canada wouldn't have been there had we not had railroads come through and bring all of the supplies that we needed to grow western Canada.

In Manitoba they have something called the prairie dog, which is similar to what we have here in Alberta. My kids rode that train and were privileged to be up in the steam engine and all of those sorts of things. They have wonderful memories as well.

Now we're speaking of high-speed rail. We're speaking of bringing back the railroad. I think it's wonderful. I don't know if it's going to happen. Certainly this is a different era. We speak about dollars; I'm speaking about heritage. I'm hoping that that rail will return because I've travelled up down this province in the air, and it's really a horrible way to travel. You're herded through airports, and you sit in little, itchy-bitsy, cramped seats, that you can barely move out of once your plane has arrived at its destination. So, yeah, let's bring on the railroads.

The other thing is that the bill will help reduce the insurance costs and regulatory burdens for the railroads offering these services and this sense of heritage. I would hate to think that my heritage is being determined by an insurance company, that probably isn't even Canadian, so I really support being able to get around those.

I think it's very important, as has been mentioned by everyone previous to me, that we protect our heritage. After all, we're only a hundred years old, and that is so very, very young. Two hundred years from now I'm hoping that my great-great-grandchildren might say, "You know what? My great-great-great-grandfather was a CN man."

I think of Pompeii – I'm not sure: 500 or 600 years – and how wonderfully they have preserved Pompeii. It is a sense of history. So it's with joy that I stand up and actually talk about railroads and would certainly ask for support for this to go through so that we can maintain our railroad heritage.

**The Chair:** The hon. Member for Wetaskiwin-Camrose to close debate.

4:20

**Mr. Johnson:** Thank you. It's a pleasure to close debate. I'd just like to respond to a few of the questions. First of all, the question from the Member for Edmonton-Calder. It was certainly the intent of the society that first approached us about this that the 240 kilometres per day would be per train. Now, I suppose if you broke that train up, I would think that it would mean that each train would probably be allowed to go up to 240 kilometres per day. However, this is something that can be addressed in the regulations, and I would certainly recommend that The Edmonton Radial Railway Society be involved and have input when it comes to developing the regulations.

Regarding the streetcars that might actually go outside of the park, point 2(a)(iv) indicates that the bill refers to trains within a park or partially in a park, so I would think that that might be taken into consideration if this particular society is talking about streetcars that might operate in Fort Edmonton Park and actually go out of the park. Again, something that could be addressed or clarified, I think, in the regulations. Very good questions.

The Member for Edmonton-Ellerslie asked about railway safety and inspection. Again, that's the intent of having the regulations, and all of that can be addressed in the regulations.

He was also concerned about input from the public and that this may have been something that simply came from within this Legislature. I'd like to assure him that the reason this came forward in the first place was that I was approached by the Alberta Railway Museum operators under the Canadian heritage railroad association to actually introduce this bill in the first place. So I assure him that this really did come from the stakeholders and from outside.

I appreciate the enthusiasm with which everyone has spoken. To my knowledge everyone was in favour, and I would think that this should be unanimous. So I'd like to thank all the members for their support, and I would suggest that we get on with the vote.

**The Chair:** Are you ready for the question on Bill 203, the Railway (Alberta) (Heritage Railway) Amendment Act, 2006?

**Hon. Members:** Question.

[The clauses of Bill 203 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

The hon. Deputy Government House Leader.

**Mr. Zwozdesky:** Thank you, Mr. Chairman. Certainly, a flood of memories came back with that very beautiful discussion on the Railway (Alberta) (Heritage Railway) Amendment Act, otherwise known as Bill 203, one that I, too, am pleased to support for many of the reasons mentioned today. With that I would move that the committee now rise and report Bill 203.

[Motion carried]

[The Deputy Speaker in the chair]

**The Deputy Speaker:** The hon. Member for Calgary-Foothills.

**Mr. Webber:** Mr. Speaker, thank you. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 203.

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

**Hon. Members:** Concur.

**The Deputy Speaker:** Opposed? So ordered.

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

**Bill 205  
Continuing Care Standards Act**

[Adjourned debate March 20: Mr. Backs]

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

**Mr. Tougas:** Thank you, Mr. Chairman. It's my pleasure to rise and discuss briefly Bill 205. First, I would like to commend the Member for Lethbridge-East for putting forward this private member's bill. I've worked with the hon. member for about the last 16 months or whatever it is, and I can certainly attest to her dedication to the protection and care of the elderly in Alberta. I think that this bill goes a long way toward ensuring that the lives of Alberta's elderly will be a lot better than they have been in recent years.

The Auditor General's report of May 2005 focused attention on the living conditions of Alberta's elderly, who are often some of our most vulnerable citizens. The MLA task force that was formed after the Auditor General's report came out heard dozens of stories from people who have suffered greatly due to lax standards and a pitiful lack of funding. It became abundantly clear that there is a need for provincial standards for all those in care regardless of where they live or who delivers the care. They must be clear, measurable, resident-focused standards with strict guidelines for enforcement.

The intent of the bill from the hon. Member for Lethbridge-East is clear. Since the current system is not meeting public expectations for ensuring the safety and well-being of residents, the government must create an office that has the power to inspect facilities for compliance with standards. The continuing care commissioner would be independent of the ministries of health or seniors, which I think is a very important element of this new position. The care of our seniors is too important an issue to be susceptible to political whims of the day. A continuing care commissioner addresses the exact problems that were identified by the Auditor General in May 2005 and by the MLA task force in September. Bill 205 is based on a single, simple, and unassailable premise that each and every continuing care setting is home to its residents and that they deserve the highest quality of care in their homes. Bill 205 grants the continuing care commissioner the unique power to monitor compliance with the standards and issue orders to ensure compliance.

Mr. Speaker, I've read over the comments from various members in second reading on March 20, and I believe that there were a number of valid points raised about how the bill was written and some provisions in the bill. The bottom line, however, is this: the Auditor General said in his report that standards will only be effective if compliance is monitored and enforced. This is the crux of the bill. Both the Auditor General and the MLA task force identified that systems to monitor compliance and standards are inadequate and ineffective.

It's very important for all members to realize that Bill 205 does not involve the creation of a seniors' advocate. This is not designed to create some sort of super office that will make all the problems of the elderly disappear. The intent is to create a commissioner who will have the power to monitor compliance with standards, review and investigate complaints, review and investigate the decisions of other bodies, and impose fines for noncompliance.

What I read from many members who spoke on this bill was that they supported the intent of the legislation, but they had some problems with the wording of the bill. Well, that's fine, Mr. Speaker. That's what Committee of the Whole is all about. The Member for Lethbridge-East would be delighted to consider any amendments that would make this bill better, but the only way we can get to that stage is if we allow Bill 205 to pass into committee. So that is what I'm asking all hon. members to think about today. The bill may have its flaws. You may have legitimate concerns about the wording of the bill, but the intent of Bill 205 to create a commissioner who will ensure that standards are met is too good an idea to throw out at second reading.

I ask all members to allow this bill to pass into committee, where we can debate the fine points at some length. I believe it is simply too valuable an idea to allow it to die in second reading. Thank you.

**The Deputy Speaker:** The hon. Member for Calgary-Foothills.

**Mr. Webber:** Thank you, Mr. Speaker. I am pleased to join in the discussion on Bill 205, the Continuing Care Standards Act. The members who have spoken on this bill in the past are obviously passionate about the subject of Bill 205, and I, too, care about this subject very dearly. I want to share my views on the proposed legislation because it deals with a vital issue for the entire province. That is because in one way or another we are all impacted by the systems that care for our seniors. Whether we have grandparents or parents currently involved in continuing care or not, it is safe to say we all know someone who is. God willing, we too will reach the age where we will experience seniors' programs and facilities first-hand. Once we realize the necessity and inevitability of continuing care, it is natural for us to look to work toward ensuring that the system that governs it is as effective as possible.

The Member for Lethbridge-East should be commended for her efforts in this regard. She is truly a respected individual in the field and has been a true advocate of Alberta seniors for quite some time. In the time that I spent working with her on the MLA Task Force on Continuing Care Health Service and Accommodation Standards, I was able to realize her passion toward these standards. We were lucky to have her participation on that committee. She contributed so much.

Her passion for this issue goes well beyond her time as a member of the Assembly. As many of you know, before she was elected as the representative of Lethbridge-East, she attended Lethbridge Community College and graduated as a registered nurse. She later became a certificated geriatric specialist and worked at the Edith Cavell care centre from 1990 to 2004.

**4:30**

The Auditor General of Alberta investigated the continuing care system in the province because, according to a frequently asked questions document released by his office early in 2004, there was encouragement to do so by the general public, various organizations, and even some MLAs. Fortunately, the audit framework was already being prepared because it was well known that Alberta's population is aging and, as such, creating a large number of vulnerable seniors. Logically, this means that the costs of care are

likely going to rise in accordance with this increased demand. Ultimately, everyone is impacted fiscally because the complex service delivery systems are funded by taxpayers.

The Auditor General, having recognized the scope of continuing care, set out to complete a comprehensive investigation. This was done by looking at 12 public, eight private or for-profit, and five voluntary or not-for-profit long-term care sites across the province. It's worth mentioning that these facilities were located in both rural and urban communities. With this well-represented cross-section the Auditor General expects that the findings are more than a mere report on selected facilities. Instead, the audit can be extrapolated to the entire system.

The Auditor General's May 2005 report entitled Report of the Auditor General on Seniors Care and Programs did find room for improvement, but it is important to note that the government did not turn a blind eye to the problems. Instead, they were confronted head on. I am confident in saying that progress has been made, and the thoroughness of the recommendations was matched by the scope of the responses.

Recommendation 1 in the Report of the Auditor General on Seniors Care and Programs urges the Department of Health and Wellness to work in conjunction with the Department of Seniors and Community Supports and the regional health authorities to bring the basic service standards of continuing care facilities in line with the current needs. Part of this recommendation was to create a system by which these standards are reviewed on a regular basis to ensure that they are updated consistently.

The response of the government in regard to recommendation 1 was comprehensive. First of all, it should be clearly stated that Alberta Health and Wellness has – and I repeat: has – come up with new continuing care health standards. Included in these new standards is a review process that will be enacted regularly and will involve regional health authorities and other stakeholders. Similarly, Alberta Seniors and Community Supports is refreshing the accommodation standards they set for long-term care facilities. They have also stated that a system designed to regularly review and update this set of standards will be brought forth later this year.

I could continue for quite some time reiterating the responses this government has made to the recommendations of the Auditor General of Alberta. Instead, I would summarize by saying that the concerns expressed in the Report of the Auditor General on Seniors Care and Programs are certainly being addressed. I believe that it is important for all the members of this Assembly to recognize the steps that have been taken and the efforts that we will continue to make in this regard. This government respects the rights of all Albertans, including, of course, our senior population. I will continue to work to ensure that this happens. It is no secret that the continuing care system of this province needed some adjustments, but it is also apparent that steps have been taken to remedy the situation.

Just as in all the other dealings of the current government, criticism is welcome, suggestions are investigated, and the proper action is taken to ensure that Alberta remains the best province in this country. I am proud to say that the government has improved the continuing care system in many ways through numerous responses to the recommendations found in the Report of the Auditor General on Seniors Care and Programs and also in the MLA task force, 45 recommendations that the Member for Lacombe-Ponoka and myself put together at the end of our consultation period. This shows that the processes set up to govern Alberta are working and, as a result, Albertans are being well served.

The issue of continuing care is extremely important, but I do not feel as if this piece of legislation is the answer to the problems that

remain. For instance, I feel that tackling the issue through the tool of regulations offers far more flexibility. I would also like to add that some aspects of the bill, such as the review of standards, have already been addressed.

I welcome debate on matters concerning seniors, and I feel that efforts such as the proposed legislation from the Member for Lethbridge-East brings much-needed attention to these issues. The time we have spent in this Assembly dealing with Bill 205 has certainly been worthwhile. The time allotted for debate allows us to collectively brainstorm ideas and look at the situation from all angles. Having an open mind and listening to alternative points of view are attributes of good governance. These efforts will allow us to continually find the right solution for Alberta seniors.

At the end of the day I believe that we can all agree on one thing: the treatment of seniors is a priority in Alberta. Because of the importance of seniors to the government I have no doubt that we will always strive to come up with the proper answers to their concerns, and we will do so in a timely matter. Unfortunately, I do not believe that Bill 205 is the correct way to deal with the issues of continuing care, but I believe that it is beneficial to discuss new ideas like this one.

Thank you, Mr. Speaker.

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

**Dr. B. Miller:** Thank you, Mr. Speaker. I, too, would like to commend my hon. colleague the Member for Lethbridge-East for all of the work that she put into this particular bill, Bill 205, Continuing Care Standards Act. I really appreciate her conviction and the experience that she brings to this whole issue, as other members have mentioned.

There is a line of a well-known Christian hymn, "Rescue the perishing, care for the dying," and I think that summarizes quite well the two sides of our health care system. "Rescue the perishing" describes the aggressive medical interventions which are necessary to cure diseases and keep people alive and well. So we have a public health care system which is excellent, in which physicians and surgeons and so on work, emphasizing medical interventions. But the other phrase in that line from that hymn is "Care for the dying." "Care for the dying" describes palliative care, which is the act of positive promotion of the health and quality of life of those who are dying.

You know, medical ethics is a burgeoning field that really took off a number of years ago in response to the progress of medical technology, which is raising all kinds of issues, especially around end-of-life issues, such as whether certain methods of intervention should be used to prolong a person's life, what kind of quality of life the person would have, and so on. So medical ethics tended to focus on those kinds of heroic issues of interventions, about extraordinary means to keep a patient alive.

Medical ethics, unfortunately, didn't pay much attention to long-term care. Perhaps it was because long-term care has to do with routine matters, and that's part of the problem. Unfortunately, seeing long-term care as mere routine matters, mere caretaking, providing warehouses for those who are ill and those who are dying has led us as a society to wink at the existence of long-term care institutions, facilities, and to allow them to fall into substandard care.

Medical ethics needs to shift its focus. I'm saying this out of my own experience because I did teach medical ethics for a number of years at St. Joseph's College here in the city, at the University of Alberta, and I don't recall us ever paying any attention to the issues of long-term care. Medical ethics should then focus on long-term care because it is in that context that we deal with the very important



human values of quality of life and human dignity. Long-term care should embody everyday ethics, placing a high moral value on the routines which provide comfort, relief from suffering, and an enhanced quality of life. Those are three important phrases. That's the goal, I think, of our long-term care facilities and of nursing homes in Alberta: provide comfort, relief from suffering, and an enhanced quality of life.

4:40

Well, the Auditor General's report was a wake-up call, alerting us to the realities that the taken for granted routines in long-term care facilities were in fact not complying with basic standards. One of the goals of care in such facilities is the relief of suffering, yet one of the Auditor General's concerns was about providing medication to residents and maintaining medical records. The report identifies problems such as

- inconsistent documentation of the effectiveness and the adverse effects of medication therapies, particularly relative to pain control and chemical restraint
- inadequate security and storage . . .
- inconsistent control over phone orders signed off by physicians
- insufficient or untimely notification of physicians or pharmacists following medication errors.

Mr. Speaker, we constantly read stories about the poor condition of continuing care facilities and nursing homes in the United States, and I think that most of us assumed that our situation is better, that there is more attention to nursing homes and long-term care facilities in Canada. Maybe not. The Auditor General's report was certainly a wake-up call. Now we have the Auditor General's report and the report of the MLA task group and the report of my colleague from Lethbridge-East, Blueprint for Action, that really provoke us to move in the direction of this bill, to propose an independent commissioner to conduct investigations in long-term care facilities. This is an idea that has finally arrived.

Now, baby boomers have always had their way of making changes in our society, and I think they are all beginning to experience what is involved in caring for aging parents. They will soon be thinking about their own retirement years. I think the oldest baby boomer is about 58, 59. Of course, those of us who were born during the Second World War, 1939 to '45, are a special cohort because we've always been out ahead of the boomers, leading the way, showing them how they can move in the direction of better quality of life. So it's appropriate that the Member for Lethbridge-East brings this bill and that I, for one, support it as a member of that Second World War cohort.

Now, I think that the idea of an independent commissioner has arrived, and if it's not accepted now, it will be soon because baby boomers will insist on it. They will insist that there be attention to monitoring quality and standards in long-term care institutions. The mechanisms that we have in place now are limited in their effectiveness. The Health Facilities Review Committee, established in 1973, may investigate complaints and report to the minister, but the committee does not check for compliance with all basic standards, such as the frequency of physician assessments and maintenance of health records, and the committee has no authority to enforce compliance.

The Protection for Persons in Care Act is legislation that requires health care providers and members of the public to report incidents of abuse against our seniors in long-term care facilities. The hon. Minister of Seniors and Community Supports in her speech in the House last week commented that the duties of the proposed commissioner in Bill 205 duplicates the PPIC, but I don't find that that's the case because the idea of a proposed commissioner adds a level of

enforcement that is missing in the PPIC. I think that a problem with most of our acts, acts like the Protection for Persons in Care Act, is that they don't go far enough in enabling there to be an investigation of long-term care facilities to maintain the right kind of standards.

The way this bill puts it is the right way, I think. Right up front in terms of the duties of the commissioner is the first one: "to monitor compliance with continuing care standards." That's the most important aspect of this bill and, then, on that basis, to go on and "to receive, review and investigate complaints regarding the health, safety or well-being of persons . . . in long-term care facilities."

Mr. Speaker, I think that the Auditor General's report was calling for this kind of response that we brought here in this bill. It's not enough just to investigate abuse complaints; it's important also to be able to have a commissioner who can initiate reviews and make investigations himself or herself into what these institutions are about and insist that there be compliance with basic standards.

The proposal of an independent commissioner is not something new. In fact, Alberta was the first province to appoint a public-sector ombudsman. Applying the concept of an ombudsman or a commissioner to long-term care is also not new. There are such ombudsmen for patients in hospitals in many other countries. There are also specialized long-term care ombudsmen and commissioners in the U.S. We should look at some of these examples.

There is a very fine article written in *Health Law in Canada* by Mary Marshall: Seniors Need Resources to Pursue Complaints. In this article she compares models from New Zealand and England and the U.S., and the consistent features of these models, of these special commissioners to oversee long-term care facilities, are that they're impartial, they're comprehensive, and they're independent. That's precisely the thrust of this bill: to set up a commissioner who is independent, accountable to the Legislature.

Seniors are a vulnerable group in our society, Mr. Speaker, and we need to take responsibility to put in place the kind of system we need to handle complaints effectively and especially to enforce adequate standards. This is a bill and a concept, an idea, that has arrived. I'm asking my colleagues to support it.

Thank you, Mr. Speaker.

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

**Dr. Swann:** Thank you, Mr. Speaker. It is my honour and pleasure to rise to speak to Bill 205, Continuing Care Standards Act, my first opportunity to speak to it. I think it represents an important contribution to seniors' care in the province and perhaps, in general principle, to the question of the public trust that we're addressing in this bill. Let me say that with the recent changes in the health care proposals there is a crisis of confidence in the province and a need to be clearly onside with citizens of the province and the concerns expressed by the Auditor General's report. We not only have to do what's right; we have to be seen to be doing what's right and make sure that whatever is happening is open to the public, especially the seniors, who are in a most vulnerable and dependent position when they enter these long-term care facilities or assisted living facilities.

The minister of health has emphasized in some of her new recommendations for the third way that there be choice and that there be somehow a justification for a two-tiered system which, in some unknown way, is supposed to reduce costs, improve efficiency, and improve quality when all evidence, Mr. Speaker, is to the contrary. So it's rightfully a concern for all Albertans, especially with the most vulnerable people, that this creeping privatization be met with a clear indication from government that we have an

accountable framework, that we have an independent person who is knowledgeable, experienced, and empowered to address some of the questions about what is actually going on in some of the long-term and assisted living facilities.

A second point I would like to make about this is that changes are being made and have already been made quite dramatically in our seniors' care system. There are dramatic increases in the number of private services and the shifting of the burden of the responsibility for paying for the medical costs – paying for the medications and for some of what many consider to be essential care – onto the private individual and family. I think that many people are obviously concerned about that. How is this transition going to be, and what kind of impact is it going to make on families? Is there somebody that is going to speak on behalf of these individuals and their families?

A result already of some of these dramatic changes is that I've heard increasing complaints from seniors themselves who are having trouble making their payments each month, especially if they're on a fixed income. In some cases individuals are extremely disadvantaged and very dissatisfied with the quality of everything from food to attending to their basic needs, and they feel that they have no recourse, that no one is really listening. Some of the changes may be improving conditions, but we need an accountability, that isn't present. The Auditor General's report added a real urgency to this. Again, Alberta could be a leader by demonstrating increased accountability and transparency around what is actually happening out there with so much dramatic change and privatization going on in our seniors' care, some of which is indeed showing inadequate, inconsistent, and unsafe conditions for people.

4:50

We must rebuild the trust of our seniors, and we must rebuild the trust of our families that what we are doing here is in the best interests of the public and especially those most vulnerable in our population. We have to have a clear staffing requirement and increase the number of hours per resident. That was strongly indicated. There have to be standards and then enforcement of the standards by regular or not so regular, indeed some unannounced, visits that will be able to assess whether they're actually being carried out in both the public and the private settings. That is essential. There can't be a two-tiered system going on here in terms of quality. Monitoring has to be there and a periodic public review so that people can be assured that what we say we're doing we're doing in the best interests of these people. Then policies have to emerge from that continuing review that say: we've learned this much, and now we have to make more changes as a result of this independent and authentic review of what's happening and, with that, an examination of whether the dollars are being well spent and whether they're actually resulting in the kind of changes that we say we want and that our seniors deserve.

A commissioner would be empowered to gather some of this data and analyze the data so that real actions and real recommendations could arise without bias and without vested interests influencing them. I think it would be a real demonstration of courage and leadership from this government if we were to see this come about, with the commissioner having free opportunity to inspect, investigate, and act, including imposing fines or penalties at least in some cases where the standards were not being met. This has to have teeth, or no one really responds to it.

Again, Mr. Speaker, the province must do the right thing and be seen to be doing the right thing in terms of a transparent, open, accountable process for the people. There's a profound dependency and powerlessness that many feel, including the families of some of

these dependent seniors and dependent adults, and there must be a really clear demonstration of a commitment to address some of these in an objective way through an empowered individual who acts on behalf of citizens in all respects. Staff and family must have input into this process as well. That may be a feature that we might emphasize in this particular role. When the vested interests in the institutions are not feeling free to speak for whatever reason – and whistle-blower legislation comes to mind in the context of the Legislature – when staff in these institutions do not feel empowered to speak, there must be the capacity for the commissioner to listen to affected families and the individuals themselves.

I hope that the Legislature will indeed support this important innovation, that is forward looking and inspired by a life of commitment to seniors' care by our member. It would demonstrate not only the willingness to do the right thing but the willingness to be seen to be doing the right thing.

Thank you.

**The Deputy Speaker:** Hon. Member for Lethbridge-East, do you wish to close the debate?

**Ms Pastoor:** Thank you, Mr. Speaker. I am certainly grateful for all the kind words from my colleagues in this House, certainly from both sides of the House. I feel that my views are respected. That, I think, is what this House is all about, that we all stand up and be respected for our views.

This bill is asking for a person with legislated authority to enforce provincial standards with consequences, to protect all those in care regardless of where they live or who delivers the service. It becomes very complicated because basically what happens to someone in a facility is that they are one person but fall under two ministries. I think that's even more reason for one person independent from both ministries to be able to oversee the standards and to be able to have enforcement. Standards must be enforceable, or the paper that they're written on is useless.

The two committees, the Health Facilities Review Committee and the Protection for Persons in Care Act, have done some very good investigations, but they can only make recommendations. They have not had the teeth that people have been asking for. Had this been an effective way to deal with the problems previous to this, we wouldn't have heard that it isn't working. In fact, the Protection for Persons in Care Act cannot conduct complaint or regulatory reviews in long-term care facilities for basic standards, policies, procedures, or legislation. The Auditor General called for such a person to be able to review and also have powers of enforcement. The MLA task force heard time and time again for some accountability, particularly from families who felt that they were on a treadmill. Not unlike a gerbil in a wheel, they would go around and around and around and never ever come to a satisfactory conclusion. I also believe that we cannot have accountability delivered by class-action lawsuits.

This is a seniors' issue because the greatest number of people in continuing care are seniors. But let's be clear: it can be anybody in group homes, designated assisted living, assisted living, lodges, enhanced lodges, or even private, for-profit homes. It can be any permutation of any of these. We are still awaiting the provincial standards that will give us clear definitions as to what these actually are because they tend to be different across the different regions.

That's why I'm asking for support for Bill 205 to move forward to Committee of the Whole. I believe that we need a chance for further discussion and certainly the opportunity for perhaps amendments. I believe that we have two different concepts here, which have been spoken to with what I thought was a bit of a misunderstanding. I'm speaking of a commissioner to deal with continuing

care, which is different from the seniors' advocate that has been asked for and actually has been presented to a government standing policy committee. That is why I believe that we need further clarification at this point on the difference between these two concepts. The advantages would be that we could discuss how the bill could be implemented and the advantages that it would provide.

We must fight for our vulnerable citizens, knowing full well that as a rule they don't vote and, therefore, don't have as strong a voice. We have to protect them from neglect and abuse because it is the right thing to do. The government members have shown that they can vote as they see fit, so I ask for a vote from the heart and the head for the vulnerable in this province.

The Auditor General and the MLA task force have spent hundreds of hours working with stakeholders all over this province: with staff, families, and administration. I feel that to not go forward at this time to at least have further discussions and conversations in Committee of the Whole would be a disservice to this process. Therefore, that is why I am asking you to support Bill 205 to pass to Committee of the Whole.

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

[Several members rose calling for a division. The division bell was rung at 4:59 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Agnihotri	Flaherty	Miller, R.
Backs	MacDonald	Pastoor
Blakeman	Martin	Swann
Bonko	Mather	Taylor
Elsalhy	Miller, B.	Tougas

5:10

Against the motion:

Abbott	Johnson	Ouellette
Ady	Knight	Prins
Amery	Liepert	Rodney
Brown	Lindsay	Snelgrove
Cenaico	Lougheed	Stevens
Forsyth	McFarland	Strang
Fritz	Melchin	Tarchuk
Graydon	Mitzel	VanderBurg
Haley	Morton	Webber
Herard	Oberle	Zwozdesky
Horner		

Totals: For – 15 Against – 31

[Motion for second reading of Bill 205 lost]

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I would move that we now call it 5:30 and reassemble at 8 this evening.

[Motion carried; the Assembly adjourned at 5:12 p.m.]

