

## Legislative Assembly of Alberta

Title: **Thursday, November 29, 2007**

**1:00 p.m.**

Date: 07/11/29

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. Let us keep ever mindful of the special and unique opportunity we have to work for our constituents and our province, and in that work let us find strength and wisdom. Amen.

Please be seated.

head: **Introduction of Guests**

**The Speaker:** The hon. the Premier.

**Mr. Stelmach:** Well, thank you, Mr. Speaker. This afternoon I have the great pleasure of introducing two different groups. First are 18 members of the Public Affairs Bureau that I'm introducing to you and through you to all members of the Legislature. Seated in the members' gallery, they are Jared Majeski, Cora Halter, Lucas Warren, Ruth Anne Beck, Miss Carrie Clifford, Miss Jill McKenzie, Miss Cyndi Hoekstra, Miss Mahjabeen Hussain, Bobbi Klettke, Beth McKinley, Wendy McGrath, Trisha LeTilley, Donna Doyle, Tim Chander, Dean Turnquist, Briar McGinnis, Jennifer Raimundo, and Sorcha McGinnis. I would ask them to all rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, it also gives me great pleasure today to introduce you and through you to all members of the Assembly an outstanding young lady seated in the members' gallery, and her name is Miss Alana DeMelo. Alana is an excellent student, attends Louis St. Laurent junior high school in Edmonton, greatly interested in helping people, very active in her community, participating in activities such as babysitting, Pathfinders, providing product input as a member of the international advisory committee for Build-A-Bear Workshop. I had the opportunity to meet Alana at the recent opening of the Robbins health centre at Grant MacEwan College. Her family tells me that she is interested in becoming a nurse. However, after seeing her work the room, I know she's going to have a tremendous future in politics. Alana is accompanied today by her parents, George and Selena, and her grandparents Patrick and Joan Gaughan. I would ask them to please rise and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Minister of Employment, Immigration and Industry.

**Ms Evans:** Thank you very much. Mr. Speaker, what an honour today to introduce a very special gentleman, a professional engineer, 27 years of age, who is a graduate of the University of Alberta in chemical engineering. I've been told that Jorj Sayde's strong technical/professional skills have been also topped by strong interpersonal skills and interest in business, and he's an active leader and volunteer in his community. He lives in Edmonton and is a process engineer with SNC-Lavalin. Jorj has worked in the pharmaceutical, oil and gas, oil sands upgrading, and consulting sectors, where he excelled in developing technical solutions for the challenges faced by industry in Alberta. As accomplished as he is, he is here today so that we can acknowledge a milestone in the history of Alberta's largest self-regulating professional group; namely, the Association of Professional Engineers, Geologists, and Geophysicists. He is seated in your gallery. He is the 50,000th

member of this organization and he is seated with Neil Windsor, Pat Lobregt, John McLeod, and George Lee. I would ask them to please rise so that we can acknowledge Jorj and the engineers, geologists, and geophysicists.

Mr. Speaker, I have yet another group of very special people: 54 students, two teachers, and 10 volunteer helpers who are here from Our Lady of Perpetual Help school. Pam Gravelle and Cindy Seewalt have brought their classes along with parent helpers Donna Gravelle, Lisa Fairhurst, Gene Eberley, Suzanne Orht, Barb Kamstra, Cathy Henbest, Maureen Landry, Diane Young, Vicki Hildebrant, and Don Kolybaba. I apologize if any of those pronunciations were poor. I would ask them to please rise so that we can warmly welcome the group to the Legislative Assembly.

**The Speaker:** The Solicitor General and Minister of Public Security.

**Mr. Lindsay:** Thank you, Mr. Speaker. It's indeed my pleasure today to introduce to you and through you to all members of the Assembly a group of energetic grade 6 students from Graminia community school, which is located in my constituency of Stony Plain. There are 63 students here today accompanied by teachers Miss Poliakiwski, Miss Boyle, and Mrs. Wolff; parents and helpers Mrs. Gargas, Mrs. Ballard, Mrs. Wack, Mr. Normand, Mr. Aves, and Mr. Kanigan. I had the pleasure of meeting with these students today, and I can tell you that they are a very bright and intelligent group. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

**The Speaker:** The hon. Minister of Advanced Education and Technology.

**Mr. Horner:** Well, thank you, Mr. Speaker. I have two introductions this afternoon, if you'll indulge. First, it is an honour for me to introduce to you and through you to all members of House two of my former constituents. Luke and Melissa Pantin are from Yukon now, but they were in Spruce Grove for a number of years. Many in this House will remember the great work that Luke did in the constituency, in the Edmonton region, on Edmonton Economic Development. Luke is now the director of the business and trade branch, Yukon Economic Development, for the government of the Yukon. Melissa is very involved with the MADD campaign in Yukon and also works in the area. I might add that since Luke has moved to the Yukon he's become quite an outdoorsman, I'm told, as I had an opportunity to have lunch with them. They are in the public gallery. I would ask that they rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Lougheed:** Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members assembled Dr. Austin Mardon. Austin is a member of the Premier's Council on the Status of Persons with Disabilities. I've come to know and appreciate his wisdom and insight. I'd ask him to please rise in the public gallery and be recognized.

Thank you.

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

**Mr. Johnson:** Thank you, Mr. Speaker. I'm pleased to introduce to you and through you to the members of the Assembly the vice-president of communications and public affairs for the Alberta Research Council, Mr. Steve Hogle. Many of you probably

remember Steve for his 25 years at CFRN, where he was director of news and public affairs. Obviously, his decision to join ARC speaks very highly of the people and the programs there. Mr. Hogle is in the members' gallery, and I'd like to ask him to rise and receive the warm welcome of the Assembly.

**The Speaker:** The hon. Minister of Advanced Education and Technology.

**Mr. Horner:** Thank you, Mr. Speaker. I do have one more introduction. Again, an honour to introduce to you and through you to members of the Assembly two of my constituents, Brent Korte and his son Mark Korte. Brent grew up in Peace River but has been a resident of Spruce Grove for more than 15 years. He works for Janssen-Ortho as a government relations manager and is actively involved in the community as a coach in both minor hockey and minor football. Mark Korte is a grade 6 student at St. Marguerite school in Spruce Grove. He's currently studying government in social studies, and after touring the Leg. Building with his class, he wanted to come back and see question period one more time in action. He plays both hockey and football. They are, as well, seated in the public gallery this afternoon. I would ask that they rise and receive the traditional warm welcome of the House.

1:10

**The Speaker:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you, Mr. Speaker. I have a very special introduction today. Joining us in the public gallery is a student at Laurier Heights elementary/junior high school in my constituency named Melissa Wilk. Along with some of her classmates she has written me an excellent letter, and we look forward to dealing with it later in the proceedings. She's joined by her parents, Karen and Steve, but that's not all who is joining us today. Her teacher, Mrs. Kirchner, and classmates are watching today's proceedings live from their classroom. That will be very good for them. I'd like our guest to rise and receive the warm welcome of all members of the Assembly.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to members of the Assembly the chairman of the board of the Aspen regional health authority, Mr. Robert Jackson, and the CEO of the Aspen regional health authority, Andrew Will. They're seated, I believe, in your gallery, Mr. Speaker. I'd ask them to rise and receive the traditional warm welcome of the House.

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

**Ms Blakeman:** Thank you very much, Mr. Speaker. Yesterday I was able to introduce the first half of a school that is visiting, so today I'd like to introduce to you and through you all members of the Assembly the second half of Victoria school, who is spending some time here at the Legislature and visiting us I think in the public gallery today. There are 26 students, and they are joined by their teacher, Ms Carla Kerr. While these students are here, if I might gently nudge the Infrastructure and Education ministers to kindly provide these students with the school infrastructure they need to really support their talent. I would ask those students to please rise and accept the warm welcome of the House.

head: **Ministerial Statements**

**The Speaker:** The hon. President of the Treasury Board.

### Premier's Awards of Excellence

**Mr. Snelgrove:** Well, thank you, Mr. Speaker. Yesterday it was my honour to attend the 13th annual Premier's award of excellence ceremony alongside our Premier and many of my colleagues to recognize the excellent work of Alberta's public service. On behalf of all the hon. members I would like to extend the government's congratulations to the 30 teams that have been honoured with gold, silver, and bronze awards that have joined the more than 300 teams and thousands of employees recognized for their exceptional work in helping deliver high-quality programs and services.

Five of these teams were also honoured this year with Canada awards for excellence from the National Quality Institute. These teams are the bridges treatment program, which is an open custody residential treatment centre that provides care and treatment to male youths with mental health or addiction issues; Persons with Developmental Disabilities Central Region Community Board, ensuring that adults with developmental disabilities in central Alberta are supported to live, work, and participate in their communities; the office of the public guardian, providing decision-making support and respecting individual autonomy, helping to resolve conflicts that threaten family relationships; the Health Benefits Review Committee, providing access to health benefits that fall outside of the agreements with professional organizations for Alberta Works and AISH clients; and Alberta Aids to Daily Living, assisting people with long-term disability or chronic or terminal illness in maintaining independence in their own residence.

These national awards were presented last month, and it should be noted that Alberta received five of a total of 21 awards given. Mr. Speaker, This clearly illustrates that Alberta has one of the most adaptive and innovative public services in Canada.

The Premier's awards honour distinction, hard work, and teamwork, but probably most important, the awards recognize the respect that these individuals have for each other, both their character, their wisdom, and the individual and collective strengths they bring to the table.

Alberta is well positioned to move forward into the future, a very bright future, thanks to employees who continue to commit to best practices such as effective planning, project planning, implementation, communication, evaluation, and teamwork. The individuals are making significant contributions to the Premier's commitment to improving the quality of life for all Albertans.

Again, congratulations to the recipients of the 2007 Premier's awards of excellence. All public service employees should take great pride in their colleagues that were on the teams that received these awards.

Thank you, Mr. Speaker.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker, for this opportunity to respond to the minister. To begin, I'd like to offer my congratulations and those of my colleagues in the Alberta Liberal caucus to the award recipients. The recognition is well deserved.

Civil servants don't often receive the credit they should despite their tireless devotion to the public good. Without regard to which party is in power, they carry out their duties, understanding that their work has a huge impact on the lives of their fellow Albertans. The winning teams should all be very proud not just of last night's awards but for their exceptional commitment to excellence and

public service. We should all be working toward improving the quality of life for all citizens of this great province. Our civil servants sure put words into action. They get it, and they do it.

As the hon. minister said, these awards were bestowed upon a wide variety of public service departments. I note with special appreciation that the recipients of the national awards, the Canada awards for excellence, share one valiant distinction: they all do essential, crucial work for the most vulnerable members of our society. I'm very proud to live in a province, Mr. Speaker, where so many dedicated professionals work so hard under very difficult and stressful conditions to provide essential services to those people who need them most. Perhaps we can offer these fine institutions more public support so that they can serve the public even better.

The Alberta Liberal caucus is united in admiration for the good work of these dedicated public servants, and we congratulate the administration for recognizing their efforts. To the winners, thank you so much for stepping up and making a difference. To everyone else, let's follow these wonderful examples in our everyday work.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview I'm sure would want to rise now to seek the unanimous consent of the Assembly to participate. Hon. members, I'll only ask one question. Anybody opposed?

[Unanimous consent granted]

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

**Mr. Martin:** Thank you very much, Mr. Speaker, and thanks to the Members of the Legislative Assembly. I, too, would like to add our congratulations to the excellent work of Alberta's public service. I think often we underestimate the work that is done by the people in our public service, and they're often not appreciated.

If I may say so, often we worship at the altar of the private sector. It's all right to reward the private sector. The private sector works well in the economic area where there is legitimate competition. No doubt about that. I would say that the public sector works best in monopoly situations and dealing with human needs. Some of the examples here are exactly the type of work that they can do, so I say that perhaps the government in the future will recognize that these excellent people can do even more valuable work for us. We'd look forward to more excellent work from our public service with more responsibility in the areas that they should be involved in.

Thank you, Mr. Speaker.

head:

### Statement by the Speaker

**Gary Mar, MLA for Calgary-Mackay**

**The Speaker:** Hon. members, before I call upon the first of six to participate today, I would like to draw to the attention of all hon. members that today will be the last day in this Assembly for one of our colleagues, the hon. Member for Calgary-Mackay, who was elected in 1993 and will have served now until 2007 as a distinguished member of this Assembly and as a distinguished member of Executive Council. It is very important that men and women of good character and good integrity want to participate in this Assembly. As the hon. Member for Calgary-Mackay leaves us today, this being his last day in this Assembly, we all want to wish him the very best. [Mr. Mar shook hands with colleagues on both sides of the Chamber while they accorded him a standing ovation]

So as to ensure that there is not a suggestion that the crossing of a floor in the midst of the Assembly is to become a daily routine, we

will accept this as being a practice only when a member has been designated to be leaving. No other occasion.

*head: 1:20*

### Members' Statements

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

#### Dr. Austin Mardon

**Mr. Lougheed:** Thank you, Mr. Speaker. The Order of Canada is Canada's highest civilian order, and I'm privileged today to recognize one Albertan who recently was invested as a member. His name is Dr. Austin Mardon, and his personal story is an inspiration to anyone who lives with mental illness. Dr. Mardon holds masters degrees in science and education and a PhD in geography. He has written or coauthored nearly three dozen books and over a hundred academic articles. He has explored Antarctica, recovering meteorites for NASA, and has had a personal audience with Pope John Paul II. He has been an adjunct professor for several universities.

In addition to the Order of Canada, Dr. Mardon has had a host of honours and awards bestowed upon him, a list too long to mention now. Many of these accomplishments, including his PhD, were achieved after Dr. Mardon was diagnosed with schizophrenia in 1992, at the age of 30. This is a remarkable achievement considering that schizophrenia is a lifelong illness that can only be controlled with medication and lifestyle adjustments. Schizophrenia affects about 1 in 100 Albertans, and managing the illness is a constant daily exercise.

After being diagnosed, Dr. Mardon worked hard to help health professionals, emergency workers, employers, community leaders, and elected representatives to understand what it means to have a mental illness. He speaks extensively to groups in the hope that one day we will learn that people with mental illness can live normal lives if they receive the proper support and understanding.

I've known Austin for a number of years and appreciate his advice and his insights. I know he has helped many people reclaim their place in society because of his advocacy and support.

Austin received the Flag of Hope from the Schizophrenia Society of Canada. I can think of no other person who is more deserving. Thank you, Austin.

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

#### Alberta Research Council

**Mr. Johnson:** Thank you, Mr. Speaker. I recently had the honour of attending the Alberta Research Council's employee day. It was a time to recognize the work of some 600 people for work that diversifies and sustains our province's economy. It has been a banner year for the people at ARC. Their innovation on the environmental front is symbolized by their expert on the capture and storage of carbon dioxide. Dr. Bill Gunter, a distinguished research scientist with the Alberta Research Council's carbon and energy management business, contributed to a report for the Intergovernmental Panel on Climate Change and was then honoured as a co-winner of the 2007 Nobel peace prize.

ARC is also home to three people who were named distinguished lecturers by the Society of Petroleum Engineers. It is an outstanding accomplishment when you consider that the society has only 30 distinguished lecturers in the whole world.

On the sustainability front the people in the heavy oil and oil sands group have been working for 25 years refining the process for extracting oil. Their work has increased the rates of oil recovery, found ways to reduce the impact on the environment, and has just been honoured by Alberta Science and Technology.

As for diversification, recent news stories have detailed the research with hemp. Scientists are combining the plant with plastics to try to come up with everything from car parts to housing materials. That is an example of the innovation at ARC at this time. That kind of thinking has also positioned ARC at the forefront for research in Canada. ARC has put forward a proposal to lead a national consortium called Innoventures Canada, a group that would elevate our nation's ability to compete on the world stage.

From what I witnessed at the employee day, the people at ARC thrive on challenge. They are intelligent and industrious, and their impact is felt in this province. On behalf of the ARC board of directors I was honoured to be there to salute their work.

Thank you, Mr. Speaker.

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

#### HIV/AIDS Awareness

**Ms Blakeman:** Thank you very much, Mr. Speaker. December 1 is World AIDS Day. To commemorate World AIDS Day and AIDS Awareness Week, HIV Edmonton is holding a series of community discussions, the annual AIDS vigil, and a memorial tree that can be visited all week at the Edmonton HIV office, located in my constituency of Edmonton-Centre. Similar events are being held in Calgary and other Alberta centres.

As of June 2006 there were 4,400 people living with HIV in Alberta. There were over 200 new reported HIV infections in Alberta in 2006. These were as the result of intravenous drug use; sexual encounters, both homosexual and heterosexual; people identified as heterosexual but who come from countries where there is an HIV epidemic; and from other and unknown sources.

HIV Edmonton reports that only 2 per cent of Albertans are getting adequate testing and suggests that at-risk populations account for far more than 2 per cent of the population. Concerns for anonymity, lack of access to testing facilities and education may be concealing a higher number of cases. While most people living with HIV and AIDS are still gay men, one of the largest new groups is young women. They are getting HIV because they thought birth control pills would protect them.

The World AIDS Day theme this year is Stop AIDS; Keep the Promise. The goal is to urge national governments and policy-makers to meet targets to provide universal access to HIV treatment, support, and prevention service by 2010. The blood-borne pathogen and sexually transmitted infection strategy, which unfortunately has not been released by this government, would assist in planning and preparing strategies for future programs.

As we go about our business this weekend and the rest of this week, I ask that you take a moment to reflect on the impact of AIDS in Alberta and think about how you can support the Living Positive community.

Thank you.

**The Speaker:** The hon. Member for Livingstone-Macleod.

#### Fort Macleod Santa Claus Parade

**Mr. Coutts:** Thank you, Mr. Speaker. The town and district of Fort Macleod in my constituency is very high on tradition. This small, historic community has nurtured another tradition. For the past 26 years Fort Macleod has launched the spirit of the holiday season by hosting the biggest and best Santa Claus parade west of Toronto. This parade has grown over the years thanks to the promotion of the Main Street office and the dedication of long-time parade organizer, Mr. Garnet Stevens, who was distinguished this year as the 2007 honorary parade marshal.

The theme, Candy Cane Christmas, was organized by Kim Driscoll and Gordon McIvor with a committee and 100 community volunteers and sponsors raising funds to host 90 floats, entries, and bands, like the Stampede Showband, the Stetson Show Band, Bishop Grandin and James Fowler high school bands, all from Calgary; the Cranbrook girls bugle band; and the Spirit of Alberta Pipe and Marching Band from Magrath.

Town employees, RCMP, and volunteer firemen provide security and traffic control for over 9,000 spectators who jam picturesque, historic Main Street, appreciating festive outdoor decorations and beautiful store windows. Moms and dads, grandmas and grandpas, and many children line the streets and wait with anticipation for the appearance of the main attraction, jolly old St. Nick. The entire weekend is truly a memorable one, beginning with the Friday night carolling and community tree lighting, Saturday morning parade, giant stocking sale, Rotary Club charity auction, food fair, seniors' luncheons, and the famous family dance.

Many communities across the province host Santa Claus parades, and all MLAs support these festivities by showing their appreciation for all volunteers. As a resident of Fort Macleod and their MLA I am proud of all volunteers, neighbouring towns, and villages and cities for their involvement in this event. The last weekend every November is truly a homecoming in Fort Macleod as children who once participated in the first parades now bring their children home to extend a Merry Christmas to family and old friends. Thus the holiday tradition continues.

Merry Christmas, Mr. Speaker.

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#### Oral Question Period

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

#### Questions from Laurier Heights School Students

**Dr. Taft:** Thank you, Mr. Speaker. Students at Laurier Heights school in my constituency are taking part in an initiative that shows their commitment to democracy and learning. These students sent me letters and e-mails raising important issues that should be heard in this House. One student, Teagan Wensel, is her class's patrol captain. When she's patrolling, she sees people distracted on their cell phones driving straight through the school crosswalk. This kind of dangerous distraction, of course, is easily prevented. My question is to the Premier. Why won't this government put in place a ban on cell phone usage while driving?

1:30

**Mr. Stelmach:** Mr. Speaker, well, clearly now they've outlined the opposition position with respect to this matter. My understanding is that there's a private member's bill that will be going before the House, and we'll have a great opportunity to debate this legislation and look at other areas of improving not only driver attention but confidence on our city streets.

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

**Dr. Taft:** Well, thank you, Mr. Speaker. Another student from Laurier Heights, Melissa Wilk, is sitting in the gallery today. I introduced her a few minutes ago. She's really concerned about the lack of seatbelts on buses. She has seen the same tragic stories about recent accidents in Calgary and near Grande Prairie as the rest of us have. My question again to the Premier: has this government assessed the merits of requiring seatbelt use in buses, particularly school buses?

**Mr. Stelmach:** First, let me commend the students on the questions that they've asked today. Much better job than the opposition asked for the last couple of months.

The matter of seatbelts on school buses has been researched considerably. There are two authorities here, not only the provincial authority but also a federal authority. A number of various case studies have been done. I remember, from the time that I was minister of transportation, that the evidence presented and research done was inconclusive in terms of seatbelts in school buses. Some changes have been made in the construction of school buses, where the seats are much higher and they're very well padded, so of course if there's a sudden stop, then the student will hit the seat in front. But there are other issues, especially when the bus flips over and you're hanging upside down in a seatbelt.

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

**Dr. Taft:** Thank you, Mr. Speaker. Melissa is also deeply concerned about the amount of litter on our streets and sidewalks. I'm sure we can all agree how bad things look in the cities particularly, and it's even worse when the snow melts in the spring. This affects everyone's quality of life, as Melissa points out, and, frankly, can be a danger to wildlife as well. Again to the Premier: will this government undertake a comprehensive, province-wide antilittering campaign, an aggressive one, to get on top of this issue, including working with school boards to promote antilittering awareness?

**Mr. Stelmach:** That is a good question because there are times of the year, especially in spring as the snow melts, when there's a fair amount of litter not only on city streets but on provincial highways. I first of all have to commend the 4-H clubs of Alberta, that on every first Saturday of May pick up garbage along provincial highways. I know that various municipalities have drives by their citizens to clean up city streets and make them more presentable. This is a great opportunity for citizens to participate, teach their youth not to litter, and I'm sure that practising the good practices of not littering, making sure that the garbage is put away where it's supposed to be rather than thrown on city streets or on provincial highways, will improve the aesthetics.

**The Speaker:** Second Official Opposition main question. The hon. Member for Edmonton-Mill Woods.

#### Children in Care

**Mrs. Mather:** Thank you, Mr. Speaker. Recently a report was brought forward to the Ministry of Children's Services reviewing conditions surrounding particular cases of fatalities of children under provincial care. This report was requested by the ministry to review current practices and explore recommendations so as to ensure that the safest possible conditions exist for children under provincial care. Will the minister briefly outline the findings of this report?

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

**Ms Tarchuk:** Thank you, Mr. Speaker. First of all, I just want to say that I do assume that you're talking about the foster care report. Is that correct? The first thing I want to say is that I agree with this hon. member. A couple of weeks ago she had stated in a member's statement that she wanted to make injuries and deaths among government care kids our number one goal and an objective of ours. I can tell you that I agree with that. It is a goal of this department. I can also tell you that any injury of a child or death of child in our

care is tragic and devastating. When something goes wrong with children in our care, the heartbeat of Children's Services stops.

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

**Mrs. Mather:** Thank you, Mr. Speaker. I agree wholeheartedly with what the minister is saying. But since this report was funded with taxpayer dollars and Albertans have a right to know, when will it be available to the general public?

**Ms Tarchuk:** Thank you, Speaker. I can tell you that I do expect the report, hopefully in the next several weeks.

The other comment I want to make is about these tragic events. I think it should be noted that as terrible as they are and as devastating as they are, we are very transparent and open about these events. They're publicly reported. The circumstances around them are reviewed, like the report that you're referring to, and in most cases we also have a fatality inquiry. We also have to make sure, in terms of the case reviews, that we don't get in the way of those fatality inquiries.

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

**Mrs. Mather:** Thank you, Mr. Speaker. I guess my next question would have to do with how you plan on actioning the recommendations. Who will be involved in planning the implementation of the recommendations?

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

**Ms Tarchuk:** Thanks, Mr. Speaker. First I would have to see those recommendations. I can tell you that I take this report very seriously, that I will take a look at the recommendations.

I just want to end with this. The Auditor General did a fairly intensive audit on Children's Services. This is related to this topic. It's just something that he said that's really important. While he found Children's Services systems to be comprehensive, generally well designed, and operating as intended, he said:

However, no system can absolutely guarantee the safety of all children at all times, whether in government care or not. The unpredictable nature of human behaviour has caused tragedies in the best designed and operating systems.

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

#### Temporary Foreign Workers

**Dr. B. Miller:** Thank you, Mr. Speaker. Today the Alberta Federation of Labour issued a report titled Temporary Foreign Workers: Alberta's Disposable Workforce. Its documentation of the abuse of temporary foreign workers, especially unskilled workers, is quite disturbing. Coping with the affordable housing crisis is hard enough, but they also face lower wages than promised and illegal deductions from their paycheques for airfare and accommodation. When questioned about establishing a licensing authority similar to the United Kingdom, the minister for Service Alberta praised the strict legislation coupled with severe penalties for brokers who would abuse temporary foreign workers, yet despite numerous cases reported, there has not been a single broker prosecuted under these laws. My question is for the Minister of Service Alberta. What is your policy in respect to brokers, and when are you going to actually enforce the rules and laws?

**Mr. Snelgrove:** Mr. Speaker, to suggest that we're not enforcing the regulations or the laws is unfair. The penalty for this is jail time up to two years, fines up to \$100,000. The department is working very diligently and carefully with any foreign workers that have been either reported to us or have themselves come. If the hon. member has others that haven't been addressed, if he would please get their names to us as soon as he can, we'll start the process of investigating whether a contravention occurs.

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

**Dr. B. Miller:** Thank you, Mr. Speaker. When I asked the Minister of Employment, Immigration and Industry about available assistance programs for temporary foreign workers in Alberta, she applauded the nonprofit organizations, and she mentioned by name the Edmonton Mennonite Centre for Newcomers. But let's set the record straight. This agency and all other immigrant agencies are designed and funded to help new immigrants and refugees, not temporary foreign workers. So I'll ask my question again. What programs are in place to assist temporary foreign workers with employment standards issues, housing issues, and human rights issues? Why is it left to the Alberta Federation of Labour to fill in the vacuum? Isn't it the government's responsibility to fix this terrible program?

**Ms Evans:** Mr. Speaker, since October 2006 there are whole hosts of advocates at the top of the Oxford building off Jasper Avenue, people who answer the temporary foreign worker hotline and deal with issues, most of which are questions for information and most of which deal with the kinds of information you want to know as a newcomer to the country.

I will read and pursue the AFL recommendations. We intend to have a response next week to the issues surrounding temporary foreign workers, but let me point out a good-news story in the face of all this gloom and doom. There's a group in Fort McMurray that took new workers off to buy the proper clothes. One came back with . . .

**The Speaker:** The hon. member. [interjection] The hon. member.

**Dr. B. Miller:** Thank you, Mr. Speaker. The AFL report points out that for the first time in Albertan history, in 2006, more temporary foreign workers arrived in this province than permanent immigrants. There are between – I don't know – 20,000 and 40,000 temporary foreign workers in the province. I don't think the minister really knows. She has told this House that she's not sure how to protect them because she doesn't even know who they are. But in the first five years of the provincial nominee program fewer than 2,000 workers were accepted into Alberta. Why are we lagging behind in attracting permanent immigrants into this province?

1:40

**Ms Evans:** Mr. Speaker, it's true that about six years ago we had about 126 provincial nominees, and we have expanded on that. It is a function of an expanding economy and the needs that have been presented by employers. In Manitoba, by contrast, it's true that they had about 10,000 provincial nominees last year, but they were trying to build their communities. There was a targeted effort. Now the kinds of activities that we find ourselves doing are in support of the kinds of initiatives our employers and our companies and our universities are tackling today. So we are expanding the program, and we are making strides in improving our relationship with the federal government to do it as well as we possibly can.

**The Speaker:** The hon. leader of the third party, followed by the hon. Member for Wetaskiwin-Camrose.

#### Auditor General

**Mr. Mason:** Thank you very much, Mr. Speaker. Alberta's Auditor General recently released a scathing report highlighting many ways the government had failed to collect Alberta's fair share of royalties. The AG has also sounded the alarm over appalling conditions in Alberta seniors' homes and long-term care facilities. The list goes on and on. It's no wonder the Conservatives don't want to hear from the Auditor General anymore. Every time he issues a report, Albertans learn more about the incompetence of this government. My question is to the Premier. Does the government support having an Auditor General who has the mandate and resources necessary to hold the government accountable regularly?

**Mr. Stelmach:** Mr. Speaker, going back to the preamble, let it be very clear that the Auditor General in his report said very clearly – it's right in front – that no rules, no breaches of any contracts, no breaches of anything had been done. The government has followed all the rules and has co-operated with the Auditor General in every way possible, ensuring that there was a good flow of information to the Auditor General.

With respect to the issue of budgets those budgets are held within the offices of the Legislature. This whole Assembly makes that decision, not the Premier of the province of Alberta.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Not really quite on the question that was asked.

The federal Auditor General reports three times per year. In B.C. the Auditor General issues reports between eight and 12 times a year. Alberta's Auditor General wants to issue reports twice per year in his business plan, which was adopted by this House. But this government doesn't like to be held accountable. Half a million dollars was wasted on the Lieutenant Governor's residence that was never built, but \$20,000 to print a second report is too much. My question is to the Premier. Is it government policy to restrict the Auditor General to issuing only one report per year?

**Mr. Stelmach:** Mr. Speaker, my understanding is that the Auditor General can put the reports on the web, on the Internet, and the cost would be considerably less than the \$20,000 the member is talking about. In fact, it'll be free and easily accessed by all Albertans. But, once again, the budget is set by Legislative Offices. There are members of every political party on the committee, and that committee makes the decision.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, money spent on the Auditor General is the best investment this Legislature makes. For every dollar we spend on the Auditor General, the taxpayer saves hundreds or perhaps even thousands of dollars. The Auditor General is an effective thorn in the side of this government, and I have no doubt government members are often embarrassed by his reports. But it's not reports of the Auditor General which embarrasses the government; it's the waste and incompetence that he uncovers. My question is to the Premier. Will he tell his MLAs to stop trying to muzzle the Auditor General?

**Mr. Stelmach:** Mr. Speaker, that's a totally inappropriate statement for the Legislature and complete disrespect for the members of the committee.

#### **Speaker's Ruling Criticizing a Committee**

**The Speaker:** And it might be viewed as contempt of this Legislature as well, so let's be very careful. Legislative committees are created and elected to by the Members of this Legislative Assembly. They are made up of members of all political parties in this Assembly. They have their own agenda, they have their own powers, and they also have their own authorities. They cannot be controlled by a government, a leader of the government, a minister of the Crown. If ever a case were to come to the floor of this Assembly, that particular member of Executive Council will be held in contempt. The same is true of the opposite, for anybody to make a suggestion.

Now, if any hon. member who sits in the Legislative Assembly wants to stand up and raise a point of privilege, they're welcome to do it with that kind of language. I'm sorry, but the wrath of the chair will come down because there is integrity associated with this business, and all of us associated with this business must be honourable.

The hon. Member for Wetaskiwin-Camrose.

#### **Dodds-Round Hill Coal Gasification Project**

**Mr. Johnson:** Thank you, Mr. Speaker. I understand that EPCOR has announced a plan for building a power plant along with water and waste-water treatment facilities that would provide power for the Dodds-Round Hill coal gasification project in east-central Alberta. To the Minister of Environment: the scope of this project is growing, and I would like to know how the government of Alberta will ensure that environmental issues relating to this development will be addressed.

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

**Mr. Renner:** Thank you, Mr. Speaker. Before I answer the member's question, I want to take this opportunity to congratulate the partners on signing the MOU this morning, EPCOR as well as Sherritt. I think that in agreeing to co-operate the way they have, they in essence have answered the member's question because it falls exactly in line with what we have in mind with respect to cumulative impact. We're maximizing the use of the resources. They're going to talk about using municipal waste water as an alternate source of water for the project. They're going to talk about how they can most effectively use energy multiple times in the course of this project. Overall, I think this project fits very well with the direction the government is heading.

**Mr. Johnson:** My first supplemental is to the same minister. It's encouraging that proponents of this first project are being innovative, but how will the government ensure that other developments will follow the same approach?

**Mr. Renner:** Well, Mr. Speaker, we talked about the fact that we're using a cumulative effects approach in the Industrial Heartland. I've also announced that we'll be initiating a number of other pilot projects throughout the province. This is the second of the pilots. The same approach that we'll be using in the Industrial Heartland will apply here. We'll be consulting with industry stakeholders and the community to set targets, to set the environmental standards that we want to meet, and then each of the proponents that are involved

in industrial development within this region will work towards ensuring that we're able to achieve those overall targets. I can assure the hon. member that there will be plenty of opportunity for community and for industry to be involved.

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

**Mr. Johnson:** Thank you, Mr. Speaker. My final question is to the Minister of Energy. Given that we know that traditional coal-fired generation has been a major contributor of greenhouse gases in Alberta, is there still a future for electricity generated by coal?

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

**Mr. Knight:** Well, thank you very much, Mr. Speaker. The answer to that is a resounding absolutely. We feel that EPCOR's announcement today is further proof that there's a very bright future for the use of coal and clean coal technology in our province. We have proven reserves of about 34 billion tonnes of coal, and EPCOR and TransAlta are currently leaders in technology to use coal and reduce carbon emissions. We think that the Genesee 3 and proposed new Keephills 3 plants go forward meeting environmental requirements, including the Alberta air emission standard, mercury reduction standards, regulations, and current requirements for greenhouse gas management. This new development will even improve on that track record.

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

#### **School Construction in Edmonton-Ellerslie**

**Mr. Agnihotri:** Thank you, Mr. Speaker. Of the nine new schools requested for Edmonton's most rapidly expanding communities, three were denied by this government, as I have repeatedly – repeatedly – brought up in this House through tablings, statements, and questions. My questions are to the Minister of Education. The constituents of my wonderful riding of Edmonton-Ellerslie would like to know why their need for a new school was not deemed significant enough to deserve a new school at this time.

**Mr. Liepert:** Mr. Speaker, I trust the hon. member is asking a question relative to our P3 announcement in June because that's the only announcement we made on new schools. I can say that what we did with our announcement was that we announced three new Catholic schools and six new public schools in Edmonton, and in each one of those cases they were the highest priorities of the two school districts. I'm not sure exactly where the Ellerslie school was on the priority of either of those two school districts, but I presume it was not the highest priority.

*1:50*

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. That school has been postponed. It was in the capital planning for the year 2009, but the school is still not there.

Anyway, my second question. With the population increasing considerably every year, in my constituency it is unavoidable that this need for a new school will have to be met sooner rather than later. The most recent capital plan critiques the practice of backlogging projects as they will only carry forward into a growing list of priorities. My question to the same minister: when will this

government finally address the need of the constituents of Edmonton-Ellerslie?

**Mr. Liepert:** Well, Mr. Speaker, the member is not alone in terms of those of us who have needs for new schools in growing communities across the province. I think almost all of us have that issue to deal with. The difficulty we have is that our enrolments are not increasing. It's just that the students are not living anymore where the schools happen to be located.

But I do need to mention, Mr. Speaker, that when we announced our modernization program in August, it's my recollection that the Edmonton public school board chose the Ellerslie school as one of its projects for modernization. So I think the hon. member should be quite pleased with that announcement.

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. As this government will not commit firm dates for when we can expect them to address my constituents' needs for a school, can this government tell us what they expect my constituents to do in the meantime to work through their school shortages?

**Mr. Liepert:** Well, Mr. Speaker, as I mentioned in my last answer, it's not that there is a school shortage. It's that as communities grow, the schools are not exactly where the students live. It is causing school boards to make adjustments relative to transportation. We are attempting as best we can, and our announcement relative to the nine new schools that'll be coming on stream in September of 2010 will certainly be going a long way to address this issue.

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

#### Noise Attenuation along Freeways

**Mr. Cao:** Well, thank you, Mr. Speaker. In our city of Calgary road construction is at a hectic pace almost everywhere. It is great to see many major overpasses, interchanges completed during this year's construction time. It is also great to see beautifully designed sound barrier walls constructed in many parts of the city and along the Deerfoot Trail area. However, my constituents in the area of Dover Glen backing directly onto Deerfoot Trail have suffered a great deal from the traffic noise level, and no noise barrier walls exist. My question is to the Minister of Infrastructure and Transportation. How do you address traffic noise that has become day and night suffering for residents in areas next to a highway?

**Mr. Ouellette:** Well, Mr. Speaker, my department has guidelines for noise attenuation that mirror the city of Calgary's noise bylaws. We take potential noise issues into account as part of the planning process before we build something. If noise is or is going to be an issue, my department considers mitigation measures such as sound walls or berms. However, we first must make sure the noise levels actually support building a wall or a berm, and we also consult with the affected residents beforehand and try to accommodate their wishes as best we can.

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

**Mr. Cao:** Well, thank you, Mr. Speaker. In Dover in my constituency about a hundred homes backing right onto the increasingly high traffic of Deerfoot Trail and Peigan Trail have asked me to bring the

day and night suffering from traffic noise to the government's attention. In fact, I visited the area and took some photos of the heavy traffic congestion right behind the houses. My question to the same minister: what is our minister going to do to address this noise-headache environment for my constituents?

**Mr. Ouellette:** Mr. Speaker, I can tell the hon. member that we will be doing a major improvement project in '08 on the very intersection that he has just mentioned. According to the planning work we've done for this project, the improvement shouldn't have any more effect on noise in that area. However, we do take residents' complaints very seriously, and I can assure the hon. member that we will look into this issue. I'll also remind the hon. member that we need to make sure that the noise is actually close to or exceeding our guidelines before we go ahead and start building those walls.

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

**Mr. Cao:** Thank you, Mr. Speaker, and thank you, Minister. I would certainly host your visit to our area to actually see and hear the noise of the traffic. I just want to thank you for this initiative to go into the area and investigate the noise.

Thank you.

**The Speaker:** Did you want to respond, hon. minister?

**Mr. Ouellette:** Mr. Speaker, the hon. member can tell his constituents that we take their concerns very seriously, and we will be looking into the issue.

As for building a sound barrier this upcoming summer, I sure won't promise that today, Mr. Speaker. As I stated in my previous answer, we first have to make sure the sound barrier is warranted and what type of barrier may or may not be needed. We follow very well established engineering criteria for these types of things that need to be done.

**The Speaker:** The hon. Member for Calgary-Mountain View, followed by the hon. Member for Lesser Slave Lake.

#### Water Quality in Fort Chipewyan

**Dr. Swann:** Thank you, Mr. Speaker. My first question is to the minister of aboriginal and intergovernmental affairs. The Fort Chip First Nations continue to plead for attention to the environmental and health risks in their community raised repeatedly by Dr. John O'Connor and others. A recent independent study by Dr. Timoney, supported by Dr. David Schindler and now an eminent U of A epidemiologist, strongly suggests more investigations. They simply want government to investigate their concerns. It's my understanding that the MLA for Wood-Buffalo hasn't even visited the community since these concerns have been raised. To the minister: what are you doing for the First Nations in Fort Chip and their health and environmental concerns?

**The Speaker:** Okay. Hold on. Is this a question to the minister as a minister of the Crown or to the member as a member of the Legislature because that question can be totally out of order. That kind of slur: you know, we're way above that. We're way, way, way above that. Way above that.

**Mr. Boutillier:** Mr. Speaker, I didn't see the hon. member joining me as minister when I was travelling the Athabasca downward to the very community that he speaks of.



Second of all, I might add that the minister of health in this very Assembly the other day indicated doing the proper protocols, ensuring that the health of citizens in all of Alberta and certainly in the oldest settlement in Alberta is protected and secured. This government is taking very serious action, serious investigation of that action relative to their well-being, contrary to what the hon. member has indicated and intimated here in this House today. He honourably should apologize.

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

**Dr. Swann:** Thank you, Mr. Speaker. My next question is to the minister of health. First Nations residents in Fort Chip tell me they have experienced a heavy-handed and arrogant response from Alberta Health officials in relation to their concerns about water, air, and soil contaminations with polycyclic aromatic hydrocarbons, arsenic, and mercury. Mr. Minister, you must know that science has no idea what the combination of these contaminants does in the long term to people's health. An eminent U of A epidemiologist has called for with the Timoney report a need to look beyond cancer rates and mortality rates to chronic conditions, immune effects, neurologic impacts. What are you doing to move beyond this?

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

**Mr. Hancock:** Well, thank you, Mr. Speaker. We take the issue of health very, very seriously, and environmental health is a very important part of that. The department has an environmental health division. We work closely with the Department of Environment with respect to what they're doing with respect to monitoring both naturally occurring chemicals and materials but also to monitor what's happening with environmental load. We're very interested in the impact of the environment on health, and we'll be doing a lot more in that area.

With this area in particular, in each incidence where there's been a suggestion of a higher level of arsenic or a higher level of some other complex, we've engaged studies to determine. With respect, for example, to the arsenic we've determined that in the food supply in that area the level of arsenic is lower than in other areas.

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

**Dr. Swann:** Thank you, Mr. Speaker. My final question is to the Environment minister. Water is the most fundamental human need and a measure of government's willingness to do its job. Safeguarding water is a public trust. To his credit the Minister of Environment is recognized in the community and has expressed his willingness to monitor the situation there. Leading scientists have suggested that more study is needed and that conditions are worsening downstream from oil sands plants. To the minister: why is your department dismissing Dr. Timoney's report and not showing why the conditions are changing and deteriorating downstream from the plants?

2:00

**Mr. Renner:** Well, Mr. Speaker, quite the contrary. Our department is as interested in this report as any. The fact of the matter is – and the member seems unwilling to accept the facts – that we have been doing extensive monitoring of this river basin since the early 1990s. There are literally thousands and thousands of samples taken throughout this region, and there is no evidence to indicate that anything is changing. The minute quantities of various substances that have been identified are naturally occurring, and there's no evidence to indicate that they're changing.

**The Speaker:** The hon. Member for Lesser Slave Lake, followed by the hon. Member for Edmonton-McClung.

#### Health Facility in High Prairie

**Ms Calahasen:** Thank you, Mr. Speaker. Albertans living in the Peace Country health region are going without many services such as renal dialysis, cancer treatment, and CT scans. I have ragged incessantly on the Minister of Health and Wellness regarding these needed services in the High Prairie area being included in the new proposed High Prairie facility. To the Minister of Health and Wellness: will the new High Prairie health complex finally get these needed services?

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

**Mr. Hancock:** Thank you, Mr. Speaker. "Ragged incessantly" would be an understatement.

There is a need. The High Prairie hospital complex has been an ongoing project for a number of years. The nature and extent of it has been under discussion for a number of years as well in terms of what should be located there, what should be collocated there, including learning opportunities. I first was involved in this project when I was minister of advanced education. So there has been a long history, but it is coming together. The funding is in place. Yes, there's going to be an increase in the scope of it so that it can include provision for renal dialysis at the appropriate time in the future and CT scan and . . .

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

**Ms Calahasen:** Well, then, Mr. Speaker, if that's the case, can the same minister tell me that the architectural drawings can now go on? We've been waiting and waiting and waiting.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Yes. I've sent a letter to the chairman of the board of Peace Country health advising that they can include an increased scope in the building to include the space for renal dialysis, to include the space for chemotherapy, and to increase the space for the CT scanner that they may acquire in the near future. It's important when we're planning health facilities for communities around the province that we look to the future and build them so that they have the capacity that they will need.

**Ms Calahasen:** Well, Mr. Speaker, I hope to God that there is no stoppage of any of this facility because we've seen that before. Mr. Minister, can you ensure and tell my constituents that you will not allow any stoppage to occur as a result of this announcement?

**Mr. Hancock:** That, Mr. Speaker, might be a little beyond my powers.

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

#### Anthony Henday Ring Road

**Mr. Elsalhy:** Thank you, Mr. Speaker. In his response to me dated September 25, the minister of infrastructure indicated that when daily average traffic noise levels exceed 65 decibels, noise mitigation is considered, not implemented but considered. The minister also denied that his department keeps any inventory of correspond-

ing maximums in other Canadian jurisdictions. My constituents are concerned about noise levels on the Anthony Henday. A quick search reveals that B.C., for example, has noise guidelines where levels as low as 55 decibels are considered for noise mitigation, and at 65 they're certainly implemented. How can the minister do his job properly if he does not know how we compare to other provinces? Will he take my constituents' concerns as seriously as he would those from Calgary-Fort?

**Mr. Ouellette:** Mr. Speaker, if the hon. member was listening – and I take all Albertans' issues very, very seriously – I would like to say to the hon. member that right now we follow the same bylaws and guidelines of the other cities, and we do make sure that we will test and we will look after the issues.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. Now, what's worse than the noise are the delays and long waits, the safety and navigational challenges at those locations where the Henday intersects Lessard Road, Callingwood Road, and Cameron Heights Drive. Again, my constituents have been asking for overpasses to replace these intersections, but the minister's letter indicates to me that there is no room for us in his current three-year plan. To the minister: why are those residents in the west end treated this way as compared to those travelling the southwest and southeast and now the northwest leg, who enjoy faster and smoother commutes with no signal lights? This is a freeway, right? We're all equal, right?

**Mr. Ouellette:** Mr. Speaker, we do plan on making both ring roads, the full ring roads, a freeway at some point in time. The second and third legs that we've been doing were done under a P3 partnership, and the full, complete freeway status was part of the RFP.

Also, I will say that when we took over the roads in that west end, they were city of Edmonton roads and the city of Edmonton had done a survey and a review that showed that we wouldn't have traffic counts until a lot further out. We have now got those traffic counts when we opened the east leg. I am proceeding as fast as I possibly can, Mr. Speaker.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. Funny the minister should say that the city of Edmonton now is raising and stating its concerns about the status of these intersections because the minister is now responsible for them. So has the Edmonton Economic Development Corporation. So has the chamber of commerce. It's not only a convenience issue anymore; it's actually starting to adversely affect business. Higher than expected growth across the city, particularly in my area, means that the department's forecasts, not just the city's but his forecasts and timetables, were also off and they need to adjust and move forward quickly. To the minister: when can the city, businesses, and my constituents expect to see these overpasses finally built?

**Mr. Ouellette:** Mr. Speaker, as I had stated before, on the Stony Plain Road one we're getting the functional engineering done as we speak. I am trying to move ahead as fast as I can to get it within our three-year plan. We do plan on trying to move it ahead as fast as we possibly can. I'm not sure we could move any faster than we're moving on it right now.

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

## Public/Private Partnerships

**Mr. Martin:** Thank you, Mr. Speaker. This government likes to talk about how great P3 funding initiatives are, but ordinary Albertans are skeptical. They see P3s for what they are: private businesses out to make as big a profit as possible. But it's even more fishy than that. Many of the companies involved in the major P3 projects this government has announced have made tens of thousands of dollars in donations to the Conservative Party and, I might add, a significant amount to the Liberals. My question is to the Minister of Infrastructure and Transportation. Studies and previous examples have proven that P3s add costs and reduce accountability. Isn't that too high a price to pay your Conservative Party donors?

**Mr. Ouellette:** Mr. Speaker, Mr. Speaker, Mr. Speaker. I absolutely have not seen – I have not seen – anywhere where the typical ordinary Albertan has ever come out and said that we're paying too much on a P3 and are skeptical of our P3s. When they look at the last two or three P3s that we've just done and look at the market comparisons and also see, because of the double-digit cost escalations we've been into, the kind of money we've saved, people are saying: why aren't you doing more of these?

**Mr. Martin:** Mr. Speaker, they really get excited when you mention privatization, don't they? They howl like the wolves.

My question is simply this. A recent report on P3 models for the Federation of Canadian Municipalities shows that P3s are basically a tool to get government off the hook for bad management, and they cost more than traditional financing. That's what the studies say. My question is to the minister. These companies are private companies. Their job is to make the biggest possible profit. They've made thousands of donations to your party. How is this a good deal for the taxpayers of Alberta?

**Mr. Ouellette:** Mr. Speaker, first of all, I have to tell this hon. member that it doesn't matter what walk of life you come from or what side of the fence you're on, everybody has to make a living, and profit is part of that. Absolutely, when you're in private competition, you only bid to get the job. Yes, it would be nice to have a big profit, but you have to get the job, and if there's a competitive way to do that, you have to be in the right ballpark.

2:10

**Mr. Martin:** Mr. Speaker, that's precisely how traditional financing was done, the bidding. It's the maintenance after that is the problem. This government has managed to rack up \$56 billion in infrastructure debt. Now they're looking for the quick fix, but instead they'll be making it worse by incurring debts to these private companies. They'll be paying these P3 debts for 30 years in some cases. How can the minister claim that Alberta is debt free when he's incurring these 30-year P3 liabilities?

**Mr. Ouellette:** Mr. Speaker, if he considers a 30-year warranty a debt, then there's something wrong with his thinking. Just to bring to his attention: we just won an award as one of the best in Canada in doing P3s and delivering them.

**The Speaker:** The hon. Member for Edmonton-Castle Downs, followed by the hon. Member for Calgary-Currie.

## Operation of Traffic on Multilane Highways

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. Since we have the minister on the ropes, let me pitch in. There are ongoing requests to

twin highways and build new highways, yet we don't maximize on the infrastructure we already have. There are no laws on the books in the highway traffic act that require vehicles to stay in the right lane unless they're passing or about to turn left. Can the minister advise us why the highway traffic act doesn't require Alberta drivers to drive in the right lane unless they're passing or turning left?

**Mr. Ouellette:** Mr. Speaker, it's understandable that motorists become frustrated when these rules are not obeyed. God knows I'm one of them that gets frustrated. But under the rules of the highway and road regulations a provision is in place for the operation of traffic along a multilane highway. Drivers are required to use the right or outside lanes unless their travelling speeds are at or near the posted speed. The inside or left lane is intended to accommodate faster traffic on most multilane highways in Alberta.

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. The Department of Infrastructure and Transportation has placed signs all over Alberta highways indicating to drivers to stay in the right lane, but these are merely suggestions to stay in the right lane. When will we have a law on the books so that we can actually enforce these signs and move traffic to the right to get rid of the frustration that the minister indicates?

**Mr. Ouellette:** Mr. Speaker, I just mentioned that we do have a regulation in place. The Solicitor General does the enforcement of the highway traffic act, and maybe the Solicitor General would like to comment on that.

**The Speaker:** The hon. Solicitor General.

**Mr. Lindsay:** Well, thank you, Mr. Speaker. As the hon. member mentioned, we currently do not have any legislation in place in Alberta that restricts driving in the right lane, but we do have legislation that indicates that when you're in the right lane, when you're not passing, and the left lane when you are, you do have to make sure you're not driving too slowly to compromise traffic safety. Our sheriffs and RCMP are on the road every day to ensure that those laws are adhered to.

**Mr. Lukaszuk:** Mr. Speaker, since we don't have a law and only signs that make suggestions, can the minister look at reviewing the highway traffic act so that it reflects the rest of the civilized world where drivers do drive in the right lane?

**Mr. Ouellette:** Mr. Speaker, I want to assure you and this hon. member that traffic safety is a very high priority of this government. We are always looking at ways to improve our roads and the safety of Albertans.

**The Speaker:** The hon. Member for Calgary-Currie, followed by the hon. Member for Bonnyville-Cold Lake.

#### Mount Royal College

**Mr. Taylor:** Thank you, Mr. Speaker. Mount Royal College is working towards being accepted into the Association of Universities and Colleges of Canada by spring 2009 in order to ensure the credibility and recognition of its undergraduate degrees. To be accepted into AUCC some criteria need to be met first. This includes a new library and learning centre as well as some additional

laboratory facilities totalling around \$90 million. To the Minister of Advanced Education and Technology: will the government commit to providing full funding and support for these projects in the 2008-2009 budget to ensure their completion?

**Mr. Horner:** Well, Mr. Speaker, first of all, he's asking me to answer a question about our budget, which has not been tabled in this House yet, and quite frankly I can't do that. Secondly, I would like to add that we've been working with Mount Royal College over the past year under the roles and responsibilities framework document, which I tabled in this House yesterday. The hon. member might want to have a perusal of that. It sets out very clearly that Mount Royal College will be an undergraduate degree granting institution for the foreseeable future in exactly the type and methodology that they have said they want to do. The AUCC accreditation, if you will, is not an accrediting body. It is simply an association of university faculty members that have gotten together. There is no accrediting body for universities in Canada.

**Mr. Taylor:** Mr. Speaker, I did peruse the framework, and that's why I'm asking these questions.

Mount Royal's acceptance into the AUCC is essential for ensuring that students are receiving degrees that are recognized around the world. Students with degrees from institutions which are not part of AUCC have found that their credentials are not being recognized elsewhere, not even in other provinces in this country, leaving them high and dry with \$20,000-plus degrees that get them effectively nowhere. Calgary students at Mount Royal need to have the government's full support to ensure that their degrees are recognized internationally on the same footing as universities. To the same minister: can the government commit to students in Calgary that they will do everything necessary to ensure that Mount Royal is accepted into the AUCC and its degrees are recognized internationally without question?

**Mr. Horner:** Well, Mr. Speaker, it's unfortunate that the hon. member doesn't understand the postsecondary system very well. Simple membership in the AUCC does not guarantee that any institution is going to readily accept your degree or your credentials. Every institution has to have a bilateral agreement with that institution to say whether or not their students will be accepted by way of their degrees. To simply state that this membership is the all-encompassing, all-important item is wrong. Mount Royal College is a very high-quality institution which delivers a high degree of quality in their education system. That is the credibility that will get those students into those other institutions.

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

**Mr. Taylor:** Thank you, Mr. Speaker. You know, I think the minister is the one who is wrong here. Not being a member of AUCC virtually guarantees that your degrees will not be recognized to the extent that they need to be.

The Alberta Liberals have been advocating for some time to make Mount Royal a university. The college is already well on its way to having the credentials and the environment of a university provided that this government makes sure that they get the appropriate tools. We believe that once an institution has received the necessary accreditation, there should be a name change to reflect this. To the same minister: will the government commit to a naming policy for Alberta's postsecondary system which would see institutions named to reflect their accreditation and the nature of their instruction and research?

**Mr. Horner:** Well, Mr. Speaker, again, I would encourage the hon. member to actually read the document, not peruse it, because it's obvious that he has not. It's unfortunate that he's neglecting the fact, as an example, that for Grant MacEwan College degrees, arrangements have already been made for transferability outside of this jurisdiction and within this jurisdiction. Grant MacEwan is not looking to become an AUCC member. They're doing it based on the quality of the degrees that they're providing, which is exactly what the president and chairman of Mount Royal College and I have spoken about. The idea that AUCC will simply automatically grant them that type of transferability is wrong.

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

### Physician Supply

**Mr. Ducharme:** Thank you, Mr. Speaker. Alberta is in desperate need of health care workers to meet its ever-growing population. To meet this demand, we need to ensure that postsecondary spaces are available for students to complete their health care education. Some people are concerned that Alberta is losing its future doctors because the province doesn't have enough seats for them. In fact, we've heard that 50 Canadian graduate students were turned away from Canadian medical schools and are about to begin their physician training in Australia. Nine of these students are from Calgary. My first question is to the Minister of Advanced Education and Technology. What are you doing to ensure that Alberta doesn't continue to lose medical students to other provinces and countries?

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

2:20

**Mr. Horner:** Well, thank you, Mr. Speaker. I did see the article as well. We are working to increase access, quality, and affordability across the spectrum of Campus Alberta. It is a high priority for this ministry. In fact, as I mentioned earlier in a response to another question, we recently released the roles and mandates framework and tabled it in the House.

As part of the health workforce action plan, which we're working on with my colleagues in the other ministries, we recently increased funding for health programs and created 258 new health spaces for 2007-08 alone. As the students move through their programs, the total number of spaces is going to increase by 704. Specific to doctors, 50 new spaces have been added to the University of Calgary and the University of Alberta over the past two years. We'll continue to work with those institutions to expand their capacities as we can, Mr. Speaker.

**Mr. Ducharme:** Mr. Speaker, Alberta is currently short 1,100 physicians. As forecast, our health care system will be short 1,800 physicians by 2016. Clearly, we won't be able to train as many physicians here in Alberta as we will need to address the shortage. To the Minister of Employment, Immigration and Industry: what is your ministry doing to attract and recruit physicians from outside the country?

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

**Ms Evans:** Thank you, Mr. Speaker. Through the Alberta health workforce plan and the participation of the ministries of Health and Advanced Ed and Technology we're investing \$3.8 million quite specifically in the recruitment and repatriation of health care professionals offshore. To this end we're assisted by the college of physicians and other organizations, including health authorities. Just

recently in Dublin we reconnected with 18 Alberta students who are over there studying medicine. It's our hope that some of these particular candidates will come back and provide physician support in Alberta.

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

**Mr. Ducharme:** Thank you, Mr. Speaker. As chair of the Northern Alberta Development Council I've been lobbied by many municipalities who are indicating their shortage of medical doctors. My question is to the Minister of Health and Wellness. In light of the demand for more physicians in Alberta what is the Department of Health and Wellness doing specifically to attract doctors to rural Alberta?

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

**Mr. Hancock:** Thank you, Mr. Speaker. This is a very important question. I want to start out by saying that while we talk about a shortage of physicians, in the nature of 1,000 to 1,800, we can deal with that shortage in another way: by making sure that we make the most effective use of our health care professionals, working together. The revamping of our primary care through primary care networks and bringing health care professionals together will put primary care at the forefront, and that in itself will be a real boon to rural Alberta.

I want to also say that the hon. member as chair of the Northern Alberta Development Council has done a lot of work with that council to bring this issue to the forefront. One of the areas where there's been some recent success is not in the department of health, actually, but under the rural development fund, which has recently funded 24 internship positions for rural Alberta, which is extremely important to attracting and keeping physicians in the rural areas.

There are a number of other programs I'd be happy to elaborate on.

**The Speaker:** Hon. members, that was 84 questions and responses today.

When we moved to Oral Question Period, we were in the Routine under the segment known as Members' Statements. I'll now call on the hon. Member for Red Deer-North.

head:

### Members' Statements

*(continued)*

#### Buffalo Hotel Housing First Project

**Mrs. Jablonski:** Thank you, Mr. Speaker. I'd like to tell you a great story about the Buffalo Hotel and a very unique and inspiring Housing First project in Red Deer. This project has been funded by our provincial and municipal governments as part of the goal to end homelessness in 10 years. Not only does this project provide homes for the hard to house, but thanks to a consortium of social organizations working together, on-site addictions counselling, on-site mental health counselling, on-site employment training, and on-site hot meals are provided for those in need.

This unique Housing First project, oddly enough, was born from an old, historic icon in Red Deer called the Buffalo Hotel. The Buffalo Hotel has stood in its place for over 100 years, providing shelter and food for tired and hungry travellers. It was well known for its bar, that gathered people from all over to partake of refreshments, to socialize, and to nourish their spirits. Musicians and stars, like k.d. lang, have been fans of the Buffalo Hotel, and k.d. even starred in a musical production with the hotel called the Buffalo Caf , that won a Gemini award.

The newest owners of this historic building, Potter's Hands, will maintain the historic appearance of the Buffalo and its history of nourishing body and soul, but they intend to change its focus from a hotel and bar for the tired and hungry traveller to a home and chapel for the tired and hungry homeless.

Herd of buffalo once roamed this province, providing food, clothing, and shelter for our First Nations people. The buffalo also brought bright hope for their future. Perhaps it's not just a coincidence that this new, unique Housing First project will bring food, shelter, and a bright hope for the future and will continue to be called the Buffalo.

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

### Nuclear Power

**Mr. Backs:** Thank you, Mr. Speaker. What about nuclear? Nuclear plants are supported by certain influential and credible Albertans as the way forward for hydrogen production. Some supported a paper released some months ago under the auspices of the little known McIntyre Collegium. This document advocates Alberta nuclear plants as the answer for oil sands hydrogen production. It provides one side of the discussion in an advocacy approach. This paper seems oddly out of touch, using the term "tar sands" rather than "oil sands" and not even mentioning geothermal as a potential energy source. It is relatively comprehensive but not complete. We must be careful with nuclear in relying on any such advocacy documents as a source for public policy development.

Nuclear is dangerous. Spent fuel simply cannot be stored safely. It takes 10,000 years to break down. Deep underground storage of radioactive debris sounds good, but who knows what hell we may be hiding for future generations? Above ground storage of radioactive junk may provide such a hell even sooner. Chernobyl was state of the art at one time. The McIntyre paper tries to downgrade this human disaster. Ask the human victims. I wish the McIntyre sponsors would have attended the Chernobyl anniversary memorial and vigil for the victims at Edmonton city hall in 2006. The human and environmental toll was set out clearly. Those that care for Chernobyl orphans in Alberta know that toll.

What about new technology? Terrorists destroyed the World Trade Center towers in New York City. When will they find a way to do a dirty destruction of plants upwind of Edmonton or the oil sands? A Peace River nuclear facility spewing radiation could shut down all of the oil sands region for years, not to mention the death and destruction.

Alberta should concentrate on its strengths and develop clean or carbon neutral alternatives. Uranium mining produces CO<sub>2</sub> in abundance. We have oil. We have gas. We have incredibly abundant coal. We have wind. We have lots of sunlight. We can develop geothermal. Let's be careful. Let's be conservative.

Thank you, Mr. Speaker.

head: **Presenting Petitions**

**The Speaker:** The hon. Member for Lesser Slave Lake.

**Ms Calahasen:** Thank you, Mr. Speaker. Today I proudly rise to present a petition consisting of 2,385 Métis people's signatures from across Alberta petitioning the Legislative Assembly of Alberta to "continue to accommodate Métis harvesting for food, throughout the province of Alberta, through a negotiated harvesting agreement with the Métis Nation of Alberta."

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

**Mr. Elsalhy:** Thank you very much, Mr. Speaker. I have two petitions. The first one, further to my questions earlier today, has 43 signatures mostly from people in the west end urging the government to as soon as possible finish the overpasses and interchanges at the locations where Anthony Henday Drive, otherwise known as the Edmonton ring road, intersects Lessard Road, Callingwood Road, and Cameron Heights Drive.

The second petition is actually two parts. One has 15 signatures from citizens of the neighbourhood of the Woods and 14 from the neighbourhood of Jamieson, both asking the ministry of infrastructure to immediately and again in six months measure the noise that's emanating from the Anthony Henday, and if these levels are found to exceed acceptable provincial or municipal thresholds, that noise attenuation and reduction measures be implemented immediately.

head: **Notices of Motions**

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

**Mr. Hancock:** Thank you, Mr. Speaker. I rise to give notice today of a motion.

Be it resolved that when further consideration of Bill 46, Alberta Utilities Commission Act, is resumed, not more than one hour shall be allotted to any further consideration of the bill at second reading, at which time every question necessary for the disposal of this stage of the bill shall be put forthwith.

head: **Tabling Returns and Reports**

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

**Dr. Swann:** Thank you, Mr. Speaker. I'm tabling some green ribbons and brochures to highlight the national campaign Christmas for Darfur: Troops on the Ground. Ribbons were created by Barbara Butt of Calgary to encourage people to communicate their concerns about the genocide going on there to MPs and the Prime Minister. MLAs can request the ribbons and brochure from the pages.

Thank you, Mr. Speaker.

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

**Mr. Agnihotri:** Thank you, Mr. Speaker. I have letters from my constituents Dwayne White, Mohamed Jama, Akhtar Ahmad, Feroza Akhtar, Aileen Byzanko, Catherine Kankam, Harold Guignard, Carmelita Fernandez, Steve Dearing, Gloria Cote, Theresa Frauenfeld, Mathew Neuman, John Krieger, Surya Rambarran. They are expressing their concern with the Alberta labour laws and strongly believe in major changes to encourage fairness to all working people in Alberta.

2:30

**The Speaker:** The hon. Leader of the Official Opposition.

**Dr. Taft:** Thank you, Mr. Speaker. I have three tablings today. The first one is from a concerned student in my constituency at Laurier Heights school, Melissa Wilk, who was here earlier. We're fortunate to have her in the public gallery today. She writes, "Why does no one ever receive fines for littering?" As well, Melissa wants to know why school buses don't come with seat belts.

My second tabling is from another student at Laurier Heights school, Teagan Wensel. Teagan is her class school patrol captain. She writes, "While patrolling, I see people who are talking on their cell phone and driving right through the cross walk being completely irresponsible."

My third tabling is a list of the names of 298 Edmonton-Riverview

constituents concerned about Alberta's inadequate labour laws. They state, "Alberta's labour laws require major changes to encourage fairness to all working people in Alberta."

Thank you.

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

**Ms Blakeman:** Thank you very much. Two tablings that I have today. On one I was more prescient than I thought I would be. This is five copies of a letter from myself to the hon. Government House Leader expressing concerns on possible closure, particularly in Committee of the Whole, for Bill 46.

My second set of tablings are letters from constituents Saba Habte, Deron Bilous, Myrna Eggen, Amanda MacKenzie, Nadine McConnell, Hans Vullings, David Marar,\* Tina Bak, and Younes Sakil. These constituents are all concerned with Alberta's labour laws, and I'll highlight one of their issues: "Automatic certification of workplaces where more than half the employees have clearly indicated their desire to be represented by a union by signing a union card."

Thank you very much, Mr. Speaker.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have a number of tablings today. The first is a letter that I wrote today, November 29, 2007, to the Minister of Energy, and this is demanding the immediate release of all the draft regulations for Bill 46, Alberta Utilities Commission Act, the bill that's going to have closure implemented on it, unfortunately.

My next tabling is a notice of amendment for Bill 46, and this is an amendment to change how section 17 operates.

I also have another amendment to Bill 46, which is to section 9(4), Mr. Speaker. I have another tabling here, which is an amendment again to Bill 46, Alberta Utilities Commission Act, and this is an amendment to section 11.

I have another amendment here to Bill 46, and this is an amendment to section 23(1).

I have another amendment still to Bill 46, Alberta Utilities Commission Act, and this is an amendment regarding section 24.

I also have on behalf of a constituent, Neil Parks, a letter requesting that we change the Alberta labour law.

I have another letter from a constituent, Mr. Sean Grykuliak, and he is also requesting that we change our labour laws in at least five significant ways.

This is also a resident of Edmonton-Gold Bar, Mr. Siegfried Hauke, who is requesting that we change the Alberta labour laws.

My last tabling – and I thank you for your patience, Mr. Speaker – is from Mr. Michael Dahl, who is also a resident of our constituency of Edmonton-Gold Bar, and he wants to see five significant changes to the labour laws as well.

Thank you.

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

**Dr. B. Miller:** Thank you, Mr. Speaker. I have five copies of a letter from one of my constituents. His name is Mark Hopkins. He is an AISH recipient, and he had a part-time job and was able to save money through his part-time job, but he doesn't meet the requirements for applying for rental supplements, and he's really, really upset about that.

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

**Mr. Eggen:** Well, thank you, Mr. Speaker. I would like to table the appropriate number of copies of 200 letters from constituents of Edmonton-Highlands-Norwood calling for changes to Alberta's labour laws. The letters express strong support for such changes as first contract arbitration, full legal recognition of bargaining rights for public employees, one labour law for all unionized workers, among other issues.

Thanks.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I have two tablings. Both are letters. The first one is from the Central Area Council of Community Leagues in Edmonton. This organization is concerned about the way Bill 46 reduces the ability of groups such as theirs to access funding for intervening in decisions before the board, decisions which nevertheless affect the neighbourhoods that this organization represents.

The second letter is from Linda Cheu of Edmonton, Mr. Speaker. She writes that Albertans need more open and transparent government but that regrettably Bill 46 delivers the exact opposite.

Thank you, Mr. Speaker.

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

**Mr. Backs:** Thank you, Mr. Speaker. I have two tablings today, and they relate to my member's statement on nuclear energy. One is a Reuters report, released internationally, which has a quote that says that the parliamentary committee "recommends that no decision be made on using nuclear energy to extract oil from the [oil] sands until the repercussions of this process are fully known and understood."

The second is The Oil Sands: Toward Sustainable Development, a report of the Standing Committee on Natural Resources, chaired by Lee Richardson, MP, from our national Parliament, which contains that recommendation.

Thank you, Mr. Speaker.

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

**Mr. Martin:** Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of a letter from a senior citizen in Edmonton whose rent, after eight years of living in his current home and five rent increases, now takes up two-thirds of his income, and he expects another increase this year. He asks: when will the government realize it must legislate rent guidelines?

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

**Mr. Elsalhy:** Thank you very much, Mr. Speaker. I have two tablings. The first one is, again, more letters I've received from constituents urging us to revamp Alberta's antiquated labour laws to ensure fairness for all working people in the province. One of the ideas, for example, is to have one law for all unionized workers. These letters are from Dianne Buga, Gordon Buga, Mercedes Araya, Don Kennedy, Roxanne Swook, Herbert Schmidt, Julie Parsons, and Noreen Walker.

My second tabling is a letter from a constituent, Kim-Mia Rudiger-Prybylski, detailing how she suffered from Crohn's diseases and polyarthritis and how pasteurized milk made her condition worse. She actually shares with us even some pictures as to how raw dairy products helped her, but she complains that they're considered illegal or dangerous in the province and in Canada, and she wants us to consider maybe offering that choice in product offerings.

\*This spelling could not be verified at the time of publication.

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

**Mrs. Mather:** Thank you, Mr. Speaker. I have one tabling of seven letters from constituents of Edmonton-Mill Woods expressing concerns about Alberta labour laws; for example, asking for “legislation outlawing the use of ‘replacement workers’ to break strikes, a measure that will vastly reduce the likelihood of violent labour conflicts.” The letters are written by Monique Bellinger, Jeanette Berg, Twila Rurka, Brian Wilson, Maureen Humble, Lyle Halvorson, and Patricia Halvorson.

head: **Tablings to the Clerk**

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Hancock, Minister of Health and Wellness, the Alberta Cancer Board annual report 2006-2007, Alberta College and Association of Chiropractors annual report to government 2006-2007 with attached financial statements dated June 20, 2007;

pursuant to the Health Disciplines Act the Health Disciplines Board annual report, January 1, 2006, to December 31, 2006; pursuant to the Mental Health Act the Alberta Mental Health Patient Advocate office 2006-2007 annual report; pursuant to the Regional Health Authorities Act the Alberta Mental Health Board annual report 2006-2007; pursuant to the Opticians Act the Alberta Opticians Association annual report 2006; pursuant to the Regional Health Authorities Act the 2006-2007 annual reports for the following regions: Aspen regional health, Calgary health region, Capital health, Chinook health, David Thompson health region, East Central health, Northern Lights health region, Palliser health region; pursuant to the Health Professions Act the College of Alberta Dental Assistants annual report 2006, the College of Alberta Denturists 2006 annual report, the Alberta College of Occupational Therapists annual report 2006-2007, the College of Alberta Psychologists annual report 2006-2007, the College of Dietitians of Alberta annual report 2006-2007.

On behalf of the hon. Mr. Horner, Minister of Advanced Education and Technology, the Advanced Education and Technology public postsecondary institutions’ audited financial statements.

On behalf of the hon. Dr. Oberg, Minister of Finance, speaking notes of the Canadian Institute’s sixth annual oils sands conference, November 26, 2007.

head: 2:40 **Projected Government Business**

**The Speaker:** The hon. Official Opposition House Leader.

**Ms Blakeman:** Thank you so much, Mr. Speaker. Under Standing Order 7(6) I would ask the Government House Leader to please share with us the projected government business for the week commencing Monday, December 3, with government business commencing I guess it would be Monday night.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Yes, in anticipation of favourable consideration this afternoon of the motion requesting that the House sit on Monday night, December 3, and potentially Tuesday night, December 4, and Wednesday night, December 5, I would include the anticipation of those nights in projected government business.

Therefore, on Monday, December 3, in the evening for third reading Bill 56, the Appropriation (Supplementary Supply) Act,

2007 (No.2), and second reading of Bill 46, Alberta Utilities Commission Act. Time permitting, we may proceed with Committee of the Whole on Bill 46, the Alberta Utilities Commission Act, or Committee of the Whole on bills 41 and 31, 52, 48, 49, and 47.

On Tuesday, December 4, in the afternoon under Orders of the Day in Committee of the Whole Bill 46, which we anticipate would take most of the afternoon, but time permitting, the Committee of the Whole could proceed on bills 41, 31, 52, 48, 49, and 47.

In the evening on Tuesday, December 4, at 8 under Orders of the Day third reading of Bill 46, Committee of the Whole on bills 31, 38, 41, 50, 53, 54, 55; in other words, Mr. Speaker, as per the progress on the Order Paper.

On Wednesday, December 5, both in the afternoon and the evening it would be first with respect to remaining matters in Committee of the Whole and then anticipating third reading on all bills on the Order Paper under third reading.

On Thursday, December 6, presuming that we’ve made progress, we may anticipate the attendance of His Honour the Lieutenant Governor. I’m not sure as to whether his schedule will allow him to give royal assent, but failing progress, we may need the afternoon to complete third reading on bills remaining on the Order Paper in that position.

**The Speaker:** Hon. members, before calling Orders of the Day, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

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

**The Speaker:** The hon. Member for Lesser Slave Lake.

**Ms Calahasen:** Thank you, Mr. Speaker. It is really a great honour today to introduce to you and through you to members of this Assembly a very strong Métis leader within the province of Alberta. Audrey Poitras, president of the Métis Nation of Alberta, and Shelley Wegner, who’s the executive assistant of the Métis Nation of Alberta, are seated in the members’ gallery, and I’d ask that they stand and receive the warm welcome of this Assembly.

head: **Orders of the Day**

head: **Government Motions**

**Evening Sittings on December 3, 4, and 5**

35. Mr. Hancock moved:

Be it resolved that pursuant to Standing Order 4 the Legislative Assembly convene, if called, for evening sittings beginning at 8 p.m. on December 3, December 4, and December 5, 2007, for consideration of government business.

**Mr. Hancock:** I think I was clear on those dates, Mr. Speaker, this time. The fact remains that under our Standing Orders we have set sitting times so that people can plan their schedules. The House is scheduled to rise on December 6. That leaves two options for remaining bills in place because there is no automatic vote, as there is in many jurisdictions that have fixed sitting times, where there’s a process by which bills can come to an automatic vote after a certain amount of consideration. That not being the case, our two options if there is remaining business are to – sorry. I guess I should ask: is this debatable?

**The Speaker:** Very debatable.

**Mr. Hancock:** The two options we have are to extend the sitting date, which we could by motion, or ask the House for leave to sit in the evenings. We've chosen first to do the evenings process in the anticipation that we might make progress on the remaining bills in that period of time. I don't anticipate that the evenings will take us into the wee hours of the morning. I'm anticipating that with goodwill around the House we can achieve the business that remains on the agenda that needs to be accomplished. But, Mr. Speaker, given the interest in Bill 46 and some of the other bills that remain on the agenda with amendments, and given the time it took for us to make the progress we made on Bill 1, for example, with amendments there, I'm anticipating we will probably need those evenings.

If this motion is passed, Mr. Speaker, I can say that we would be for certain meeting on Monday evening, and I would anticipate that Tuesday evening would be for certain as well. Wednesday evening we would call if we needed it, based on progress. But I think, given the nature of the work that remains, one can anticipate that if the Legislature approved this motion, we should plan for all three evenings. I think it's prudent to do so given the amount of business that is remaining on the agenda, as was pointed out by the Leader of the Official Opposition just the other day.

**The Speaker:** The hon. House leader of the Official Opposition. Speaking time is 20 minutes for the second responder on this motion. After that, it reduces itself.

**Ms Blakeman:** Thank you very much. On behalf of my colleagues in the Official Opposition we, in fact, support Motion 35 to institute evening sittings to allow progress on very important bills that we have before this House at this time. We would prefer that the sitting itself was extended. I can tell you that as House leader I was quite firm, in the negotiations for the temporary standing orders, that there were not to be fixed end dates because of this situation which starts to arise, that the end dates needed to be a goal but not an absolute rule and needed great flexibility around them. So we believe that it would be far better to extend the sitting for a week or two until the business could be completed.

Well, the situation that I'm now looking at next week is that there are a number of committee meetings that were scheduled to take place, and despite protests being raised, those committee meetings are still taking place. Now we have a situation where there are both evening sittings and all-party committee meetings happening at the same time, and some of them, actually, have been scheduled for early in the morning.

I had heard the Premier say that he wanted this to be a better quality of life for MLAs, and I would have to pretty strongly refute that statement, given the choices that have been made by government in proceeding with the business next week as they have. At least two members of the opposition are now scheduled into two different all-party committees, one at 8 in the morning and one across the supper hour, and of course expected to be here for duty in the House in an evening sitting. [interjections] Well, it's worth pointing out because I think it's an important part of how this government is making decisions and the arrogance that is preceding that.

I'd like to talk a little bit about the effect of this motion because I think that government is not supposed to be what it has become in Alberta. We are seeing what has become of government in this motion and in the plans this government has for the next week of Legislature business. Mr. Speaker, governments and barns have at least one thing in common. They need a regular supply of fresh air, and goodness knows no animal ever suffered from some time in the sun, and no truth ever covered from exposure to light.

When deals are made behind closed doors, when open debate gets quashed and replaced by the whisper of lobbyists; when caring and concerned citizens, just regular folks, get spied on; when reports gets ignored, shelved, shredded; when secrecy stops citizens from simply finding out what's what – well, my colleagues in the Assembly, ladies and gentlemen, when those things and more are happening, I think we've got a problem. If that's not exactly what you think government should be – top secret, confidential, for their eyes only – well, I can tell you that's what government in Alberta has become. If you don't think that's wrong, terribly wrong, I can only stand before you and tell you that I do, because it is wrong.

2:50

Now, folks, I understand the loyalty that many Albertans still feel to the party that is now in power. But you need to understand that I'm not talking about the values or the beliefs once put forward by that party. I am talking about practice, not theory. I'm talking about how well they do what they were voted into power to do. I'm talking about government and governing. To govern means to conduct policy. It means to manage, to make and enforce rules and standards, and we all hope to do so fairly and openly and accountably in the light, not in the darkness of night and not at a time when the public and the media will be sleeping. There was a time when this Legislature did its business far more openly, but under this regime and under this Premier those days are long gone.

In the 1970s the opposition of the day was able to take stands on the issues and bring public attention to them over days and weeks, and the government and the Alberta Legislature made room for that. I remember the famous Bill 11 debates of seven years ago, when the rules of the Legislature allowed weeks of debate on a highly contentious and fundamentally important bill and, through that, gave voice to the public concerns. We saw the public, and we heard the public, and the public, the people of Alberta, won the day over government scheming. [interjection]

See, even trying to talk about this in the House brings the Minister of Education to such angst that he has to heckle me, Mr. Speaker. Very interesting.

Today the government has placed such a stranglehold on this Assembly that such options are no longer available, and this motion is part of that strategy. It's not that there's just one contentious bill on the books. There are still 30 bills on the Order Paper, and several of them are highly controversial. Thirty bills this government is determined to ram through next week. Among them we have Bill 1, the Lobbyists Act; Bill 2, Conflicts of Interest Amendment Act, 2007; Bill 31, Mental Health Amendment Act, 2007; Bill 38, Government Organization Amendment Act, 2007, which is representing our one and only chance to debate TILMA in this Assembly, I'm told; Bill 41, Health Professions Statutes Amendment Act, 2007, also highly contentious; Bill 46, the most contentious bill this Legislature has seen in many years; Bill 48, the Health Facilities Accountability Statutes Amendment Act, 2007; bills 54 and 55, concerning interbasin water transfers; and there are many others.

Some of these bills have genuinely odious provisions in them, provisions such as allowing regulations to be made that supersede legislation, Mr. Speaker, that supersede legislation. The desire of this House can be superseded. The trend there is obvious, a trend that accelerates the decline of the role of this Assembly and the decline of democracy itself in Alberta.

These bills also represent another trend, a trend to undermining local authority, a trend towards centralizing control. We see it in Bill 46 around interveners. We see it in Bill 41 around the professions. Mr. Speaker, where's the Premier on these issues? Where is the Premier on Bill 46? The Premier remains silent. The Premier



who promised openness and accountability is instead leading a government that with the aid of this motion will ram through any number of these bills.

Mr. Speaker, let's look at Bill 46, which is about spying. It restricts the ability of citizens to intervene on the approval procedures of major developments that could practically be on their doorsteps. A bill so flawed that the government has over 20 of its own amendments. It looks like it is now scheming to arrange these things so that the opposition's amendments, developed in close conjunction with the citizens of this province, won't even get entertained. In fact, it looks like a striking irony is at play here. Bill 46 restricts the rights of citizens to be heard, and the strategy employed by this government to push it through makes it impossible for this Assembly's own members to be heard. The cone of silence is descending.

We all know how government is supposed to work, and I can tell you that what we are seeing here now is not it. The point of all of this is not any one particular bill or issue, though there are many of those. What I'm talking about is how this is not the way government is supposed to work. It's not the way government here used to work, but it is the way now, and I'm concerned because under this Premier it is getting worse. Locked-out technical briefings, phone systems disconnected, microphones shut down, frozen out of government buildings like McDougall Centre in Calgary, and now this.

**The Speaker:** Are you rising on a point of order, Government House Leader?

**Mr. Hancock:** Absolutely.

**The Speaker:** Okay. We'll deal with the point of order right now, please.

#### **Point of Order False Allegations**

**Mr. Hancock:** Under Standing Order 23(h), (i), and (j) and reserving the right to bring forward a question of privilege if it is appropriate, the allegations that the hon. member just made are without any substantiation, without any evidence at all. She's suggesting that they're actions taken by or under the direction of the Premier, if I heard her right, which clearly she has no basis for. Suggesting that the Premier is shutting off her microphone. I mean, this is going a little bit beyond.

**The Speaker:** The hon. Official Opposition House leader.

**Ms Blakeman:** Thank you very much, Mr. Speaker, for the opportunity to respond to I'm not sure what citation, but in fact all of those things have happened and have been put into play by this government, of which the Premier is the leader. [interjection] Indeed it has when there have been a number of media conferences. When the government member had left the room, the telephone lines opening, allowing the media in other centres to listen in, were shut off, and when members of the Opposition tried to use those lines, they were removed and shut off. When we inquired about it, we were told that that was the choice of the Public Affairs Bureau and that they would not remain open for the Leader of the Official Opposition or our shadow ministers. Microphones as well have been turned off. The microphones that worked through the public system in the basement, which feed out into the various reporters' offices: when the government member leaves the podium and the opposition member goes up, those microphones are shut off. So, I mean, these things have all happened.

Again, we have been given access to McDougall Centre for meetings, for media conferences, and a variety of other activities, certainly during my time here, and that is no longer allowed. All of these have happened. They've all happened under the auspices of the Public Affairs Bureau, which reports directly to this Premier, so I don't think that I cast any aspersions there. What I stated has in fact happened and has certainly been my direct experience.

**The Speaker:** We're on a point of order here. Are there other participants?

I don't know where we're going to go with this. The hon. Government House Leader raised a point of order with respect to this. The hon. Official Opposition House Leader responded. It seems to me there's a pretty important point of clarification here. I don't know if it's a point of order. I have never been contacted by anyone with respect to any of these things that have been identified here this afternoon. It would seem to me that should such things be happening, hon. members might be in a position to rise on a point of contempt or even privilege, perhaps. But I have never seen or heard of anything in here, so I'm going to take this under advisement, if nothing else, for the future.

I also want to remind hon. members that what we're discussing and debating here right now is a motion that calls for evening sittings at 8 o'clock on December 3, 4, 5. We're a long ways away from that, but that's what we're debating.

Proceed, please.

**Ms Blakeman:** Thank you very much, Mr. Speaker. I will be happy to get you the names of the officials that we have raised this issue with.

**The Speaker:** No, raise all of this in the House. All of this will be dealt with in the House. Any kind of contempt, privilege, or anything else affecting a member's role must be dealt with in the House.

**Ms Blakeman:** Thank you for the advice.

#### **Debate Continued**

**Ms Blakeman:** To continue, thank you very much, Mr. Speaker. What we are talking about here is a government motion to institute evening sittings throughout next week. I have said that the opposition will support this motion, but I've also said that the opposition believes that we should be extending the sittings. To us this is signifying a number of other choices that the government has made that we think signify something much larger than just being disorganized and needing to have additional night sittings.

Now, a number of the members over there have been saying: oh, well, if we didn't get up and speak to anything, then this would not be a problem. They could just pass every bill without anyone speaking to it. If you go back and look, Mr. Speaker, you will find that most of the speaking times to the bills that we've already had up have been less than four hours, and four hours is not very much time. As a matter of fact, even for every member on the nongovernment side to speak for an allowed 15 minutes would take something in the range of over seven hours. Just for those members on the nongovernment side that would wish to speak to a bill, express their constituents' point of view, raise some concerns perhaps, or even support the bill, that's how long it would take us to each speak once. So there is an issue here about where the government is shaping things to go, and this particular motion is indicative of other things.

3:00

I think that we need a better government. We need one that is more open and out in the light, one that we can trust again. We need the public to know what they know about royalties. We need the public to know all the details of the government spying on its own citizens.

Clearly, what is occurring here with this motion is to facilitate Bill 46. We hope we're going to get extended time on that, but I have the feeling – and we've already seen closure brought in on second – that what this is foreshadowing, Mr. Speaker, is closure being brought in on every stage of the reading of Bill 46, which we have as yet had four hours of debate on. Not even all the members of the opposition have been able to speak to it once, and they are talking about bringing in closure on it.

We need the public to know the details of the government's spying on its own citizens, how common it has been, and why the Premier and the Energy minister are defending it. We need to know that the government is enforcing the rules and not playing favourites, and I hope that we will be able to hear all of this during the debate that is now going to be brought in through this Motion 35. We need to know that professions can speak up and govern themselves, and we need to know what deals are being made by whom and for whom. I think we need to see changes to how government works and changes to level out the playing field.

Thank you for the opportunity to speak to this Motion 35. As I said, we do support it, but we do see in it shadows of many things to come, which we do not believe in and we do not support in the same way that we will support this motion.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview, followed by the hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Edmonton-Castle Downs. The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Martin:** Thank you very much, Mr. Speaker. Having been involved with the other House leaders working out the fixed election dates, one of the cardinal things that we tried to deal with was night sittings. We said that only if a necessity arose would we have to worry about night sittings. Now, I recognize at this stage where we're at. With supposedly a week left, as the House leader said, there are two alternatives if they want to pass this legislation. If they want to pass it, we have to either extend the days or go to night sittings. I guess at this stage – I'll come back to the organization – night sittings: I've seen for a long time, and I don't think the best work is done at those particular times. I think it's much preferable, if we had to, to add to the number of days we're sitting to deal with the legislation.

Mr. Speaker, I guess I'd say to the government, though, that this is organization on the government's part, why we're at this particular perspective. We've had five weeks, and there's some major legislation here. Now, we'll talk about Bill 46, but major legislation that I think, contrary to what some of the government members would say, has to be debated and discussed in this Legislature. That's what we're elected to do. We had a whole spring session, and now we're into the last week of the fall session. Why we'd still have all these bills on the Order Paper, I would say, was organization.

Let me come to Bill 46, Mr. Speaker. The government knew that this was going to be controversial, and they knew that people across the public, across Alberta were very concerned about this bill. It seems to me that we did some other things. We set up policy field committees to try to deal with these sorts of issues. If they wanted

to take a look at this bill, what was the hurry to all of a sudden have this pushed through in five weeks? Even if we had a debate on it, Mr. Speaker, what is the hurry? We could have put this off to a policy field committee, dealt with it in a way that people could have had public hearings and gone through it because there was no hurry to do this.

This is why we're in the situation we're in: because of the government's disorganization, if you like, and wanting to push a controversial bill forward, you know, in a minimum period of time. So now we're into night sittings. We're into the start of closure. We're into all sorts of things that are unnecessary, Mr. Speaker. For the government to say that now they need to do this, with a little bit of planning and organization with some of these bills, we could have been dealing with some of these in the spring session. We could be dealing with them if need be by having a few more days. That wouldn't kill us. But we certainly could have dealt with Bill 46 in a much more democratic way than this.

The fact is that the government knew that this was controversial, knew this. People have been having demonstrations, have been talking about it. This has been through the spring. Now to say that we're going to deal with this in five weeks, and now we're going to deal with it at night, and now we're going to deal with it, at least in the first part, with closure is just simply unacceptable. I would say to the government: if they want this bill and they think it's fair, take the time. Send it back to the policy field committee, have the public hearings, and you'll probably have a bill. The fact that they brought in all these amendments after the fact: they must recognize that they have a political problem here. But rather than deal with it in the proper way, now we're going to try to cram this through in a week, Mr. Speaker. It's unacceptable, and it's – well, it's disorganization or deliberate or whatever. It's unacceptable.

The point that I make and conclude with, Mr. Speaker, is that we can do better than that in this Legislature. That's why we sat down as House leaders and tried to work out rules that were meaningful to both sides of the House: so that the government members would have a more meaningful role; so that all of us would. It was not meant to come back and deal with all these major bills and deal with Bill 46 in the way we're dealing with it. It was not meant to do that. The hon. Government House Leader, if he says that was the case, then I was misled by what we were trying to do in those House leaders' meetings.

The Government House Leader must recognize – I think he has instincts about democracy – how wrong this is, what we're doing here today with this particular bill, why we have to rush it through this House at this particular time in a week, along with some other major bills. It's just totally unacceptable, Mr. Speaker, and totally unnecessary. But, you know, I mean, I understand. I've been in this Legislature a long time. I understand the numbers, that we can get outvoted on everything when you're in opposition, but that doesn't make it right. A lot of people are going to be very disappointed that are especially following Bill 46 closely. They're going to be very disappointed. No. Let me restate that. They're going to be absolutely angry about this.

Thank you very much.

#### **Speaker's Ruling Relevance**

**The Speaker:** Hon. members, the next speaker I'm going to recognize is the hon. Member for Whitecourt-Ste. Anne, but I want to bring the point of relevancy back into this discussion. I'm sitting here chairing this discussion. I'm looking at the item. The subject we're talking about is Motion 35, which calls for the sittings on December 3, 4, and 5 in the evening, which adds more hours to the

Routine that we have, and all I keep hearing about is Bill 46, which I don't see anywhere in this motion. This motion has to do with evening sittings next week. We're going to now deal with some relevancy – okay? – associated with this.

The hon. Member for Whitecourt-St. Anne.

### Debate Continued

**Mr. VanderBurg:** Thank you, Mr. Speaker. Specifically, I want to talk about the motion in front of us. It's ironic that the past two speakers from Edmonton, not from a distance away that have not slept in their beds: you guys have had the opportunity to sleep in your beds, go to your homes, go to your families. [interjections] You know, I hear a lot of whining from across the way here.

3:10

**The Speaker:** Hon. member, it is not important information to the members of this Assembly where they sleep unless the member is leading to some definitive conclusion about why they sleep where they do.

**Mr. VanderBurg:** Mr. Speaker, these are the issues that I'm trying to raise. You know, I am quite supportive of the times that we have to sit in this House. When I got elected, I knew exactly what was expected of me: to spend time here in Edmonton and spend time in the Legislature. I was very supportive of the times that we had adjusted our schedules to for a fall sitting and for the spring sittings. You know, you adjust your family lives and your work in your constituency accordingly. So I have done so, and I haven't complained that I haven't been home for the last month or so. Now the opposition members say: well, let's keep you here another week. Well, I'm not prepared to, and that's why I'm supportive of this motion.

You know, while I'm here, I'll put in the hours. I work 15 hours a day, and I don't mind it. I'm quite proud of it. The members opposite complain about working a few hours in the evening so that the majority of the members here, whether you're from Dunvegan or Slave Lake or from Calgary or from Fort McMurray or from Whitecourt, can go home to our families – I think this is a little bit of team play – and work in our constituency, where it really means a lot to the people that elect you. Mr. Speaker, I'm in favour of this motion, and I think that in fair play everybody here should support this motion.

Mr. Speaker, I move to adjourn debate.

[Motion to adjourn debate carried]

head: **Government Bills and Orders**  
**Second Reading**

### **Bill 48** **Health Facilities Accountability Statutes** **Amendment Act, 2007**

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's my pleasure today to move second reading of Bill 48, the Health Facilities Accountability Statutes Amendment Act, 2007.

This bill proposes a number of amendments to the Hospitals Act, the Nursing Homes Act, and the Regional Health Authorities Act. The proposed amendments respond to recommendations made by the Health Quality Council of Alberta about the need to clarify accountability for hospitals and nursing home services. This bill follows through on this government's and this minister's commitment to

make needed legislative changes to assure Albertans of the sound governance of our health system.

The Hospitals Act and the Nursing Homes Act predate regionalization. Amendments are required to bring these statutes in line with our current regional governance structure and ensure that regional health authorities and ultimately the minister have the tools and the authority needed to carry out their duties.

I'll just briefly outline, Mr. Speaker, the areas of need. The Health Quality Council of Alberta asked the ministry to review the RHA Act and clarify final authority for all matters and each component part of the matters pertaining to the operation of health care facilities in a regional health authority. We've clarified the final authority by ensuring that all hospitals are accountable to their respective health authority and to the minister.

Now, I want to be clear here, Mr. Speaker. We have a number of voluntary organizations, faith-based organizations, which have been part of our health system for in excess of a hundred years. They provide good service to Albertans, and they are a continuing part of the health system. This bill is not about taking them out of the health system, and it's not about putting them subjectively under the thumb of a regional health authority. They will continue to operate. We have met with the Catholic Health Corporation and others who are representatives of the voluntary service providers and assured them of the fact that they will continue to be part of the health system and a respected part of the health system.

The authority that's clarified under the act will be followed up, of course, with discussions that we're having now with the parties with respect to what's known as the master agreement, or the minister's agreement, relative to what role and function voluntary service providers and faith-based providers have in the system and the value that they bring to the system. That agreement and the service agreements, which I'll come to in a minute, will clearly spell out the faith-based principles or the values that are brought to the table and must be inherently part of and considered in the operation of the system and in the service provided by those organizations to their respective RHAs and ultimately to Albertans through the ministry. This act is setting up an assurance process whereby Albertans will know that there are clear lines of authority and that the ambiguities that were identified by the Health Quality Council have been cleared up. Albertans will also know that this is not in any way an intention to change the role and function of faith-based providers and voluntary providers in our health system.

The amendments that are being put forward will broaden current inspection practices and allow for inspections in places where health services are provided or funded directly or indirectly by a regional health authority. The expanded authority will better allow us to ensure that all publicly funded health services meet quality standards regardless of where they may be provided.

The key Hospitals Act amendments will include areas where matters of public health and safety are called into question. When we responded to the issues in East Central health and, in particular, with St. Joseph's hospital in Vegreville this spring, I found as minister that I had very few tools available under the Hospitals Act. The actual role and function of the procedures that were set out under the Hospitals Act were circuitous, to say the least.

What these amendments are bringing forward is a very clear regime which will allow the minister to respond more quickly to put in place a necessary plan for a hospital in a circumstance such as we saw arise. The current act provides for boards of management, which may be required to carry out a plan for the hospital. That board of management under the current act requires the existing board of directors of both the hospital in question, if it's a voluntary hospital, and the RHA, the regional health authority, that's impacted

to ask the minister to put in place a plan. That's not really a clear role or a clear pathway for a minister to follow if you have a situation which you clearly believe to be in the public interest and a public health issue. This will allow the putting in place of a plan and establishing an administrator in appropriate circumstances. It's an authority which is similar to that established in the Nursing Homes Act and provides a consistent set of tools for the minister and the ministry. Without this amendment the ability of the minister to respond to emerging and urgent matters in the health authority may be compromised.

The recommendations of the Health Quality Council of Alberta are addressed by amendments requiring hospital boards to comply with the act or the regulations, the terms of a contract or agreement with the regional health authority, or direction of a region or a minister.

Other amendments to the Hospitals Act clarify that all hospitals in Alberta must operate in a co-ordinated fashion within the regional governance system and the requisite accountabilities and authorities that are in place to protect the integrity and the safety of the patients.

Mr. Speaker, again, I want to make it clear because it may not be, and we want it to be clear – and I've had meetings, again, with the Catholic Health Corporation and with others who carry out duties in the voluntary sector and the faith-based sector. The intention here is that those requirements that may be put in place by a regional health authority would be in the context of the service plan. In other words, a regional health authority would not be able to come along and issue a directive which would be outside what the service provider had contemplated, had agreed to under their service contract. We're continuing those discussions, and we may be back with amendments in Committee of the Whole – in fact, I anticipate we will – to clarify that, that there will be parameters around this and assurances that regional health authorities will not be able to act outside the confines of the service agreement.

Mr. Speaker, the amendments that are being proposed here also provide, of course, for some fines so that the provisions can be enforced, liability protection for those acting in good faith, and regulation-making authority, which is necessary, prescribing the basis upon which one can deal with a situation which has gone to a point where land or buildings or property used for a nonregional hospital can be dealt with, clarifying the role and authority of medical officers of health and the chief medical officer of health, et cetera.

3:20

Now, again, there are some concerns around that that have been raised in discussion since the bill was tabled. Of course, what we want to do is to be able to have people take a look at the bill and provide feedback. I've received that feedback and, again, anticipate making sure that we bring clarity to the Committee of the Whole when and if the bill gets there to show that this is not about expropriating anybody's property. In the normal course if there's a plan put in place and as a result of that plan it's not determined to be appropriate to return the facility to the board of management that was in place, to its original ownership or use, what happens then? We've seen that circumstance under the Nursing Homes Act, certainly, and this just brings it into the Hospitals Act.

The key element here is to make sure that our health facilities serve the public interest, that they're operated in a manner which is consistent with the best quality of care and infection prevention and control. That's got to be a priority. It's got to be auditable; it's got to be enforceable. These amendments to this bill will give us the tools that are necessary to make sure that that framework is in place and can be done in an appropriate way.

Amendments are being brought in this bill to the Nursing Homes Act. The language and concepts for both the Hospitals Act and the Nursing Homes Act are similar. We're basically ensuring a uniform and functional set of tools in place in our key health facility statutes to clarify authority and accountability. Currently under the Nursing Homes Act the minister may order that a correction plan be prepared but only in response to a contravention of the act or regulations. Another tool available allows the minister to suspend or cancel a nursing home contract if the nursing home is operated in a manner that could place the residents' health or well-being at risk.

The nature of this bill that we're bringing forward, Mr. Speaker, is really one of making it clear what the authorities are, what the lines of accountability are, how they operate in a health system, clearing up the issues of the ambiguities that were identified by the Health Quality Council by making sure that it's clear that service providers, if they're nonregional hospitals or nonregional facilities, operate within the context of a region. Their accountabilities have to be spelled out under a service contract, but the facilities have to be auditable, and there has to be an enforcement mechanism.

Ultimately, it comes back to the minister of health to be responsible and accountable, and it comes back to the minister of health to provide assurance to Albertans that their health facilities are being operated in a comprehensive and competent way, and we need the tools in place to make sure that that can be done, not only can be done but can be done in a timely and effective way.

Mr. Speaker, I would ask the House to approve Bill 48 at second reading and allow us to take it on a timely basis to Committee of the Whole, where I will advise the House that I am engaged in discussions with the various service providers who will be affected by the bill, whom we've had discussions with throughout the course of this year but certainly starting in August about master service agreements, which are not in the context of this bill but certainly affected by it.

Now that we've tabled the bill and they've had a chance to look at it, we're talking about how we can make sure that they see themselves in the public health system in this province and that this bill is not intended to put them out of business but rather to enhance the accountability framework, which was called for by the Health Quality Council and is certainly necessary to make sure that government can play its role of assurance and the minister can assure the public of Alberta that health facilities across the province are being operated in a safe manner, are operating in accordance with appropriate standards.

We will be putting out provincial standards. We will, as we've talked about earlier, make sure that there will be an appropriate provincial audit and enforcement mechanism for those standards. This bill is one of the pieces in that whole process.

Mr. Speaker, I would move that we adjourn debate at this time.

[Motion to adjourn debate carried]

head:

**Government Motions**  
(continued)

**Time Allocation on Government Motion 35**

36. Mr. Hancock moved:

Be it resolved that when further consideration of Government Motion 35 regarding evening sittings on December 3, December 4, and December 5, 2007, is resumed, not more than one hour shall be allotted to any further consideration to the motion, at which time every question necessary for the disposal of the motion shall be put forthwith.

**The Speaker:** Hon. members, before we start this debate, there is a time allocation with respect to the participation of speakers with respect to this. In essence, two people will be recognized at a maximum of five minutes each.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. It had been my hope that I wouldn't actually have to move this motion. I had hoped that maybe in moving Motion 35 and outlining for the House the need for the evening sittings and the options that were available, we would hear from the Official Opposition and hear from the third party, but it became quickly apparent that other members were deciding to get into a debate on what I consider to be a procedural process. I don't have any problem with that. I understand the need for debate and people desiring to do it, but it is a procedural motion, and an hour should be sufficient time to dispose of that.

I won't respond further at this time to the issues that came up on Motion 35 but, rather, will speak to that in closing debate on that motion. I would ask the House under this motion to allot up to an hour for debate on Motion 35 – it doesn't have to take that long – so that we can get on with, as the Opposition House Leader pointed out, the rather extensive number of bills that are on the Order Paper.

**The Speaker:** The hon. Official Opposition House Leader, maximum five minutes.

**Ms Blakeman:** Thank you very much, Mr. Speaker, for that reminder and for recognizing me. Well, on behalf of the Official Opposition we are not in favour of Motion 36. As I tried to think of how to respond to this, a number of sports metaphors came to mind. Having just heard the hon. House leader speak, I'm really starting to see this particular closure motion as a warm-up pitch for an entire game of closure motions to come, particularly on Bill 46 because we've already had the oral notice from the government that a closure motion will be brought in on second reading of Bill 46 on Tuesday night. I'm expecting that the government will probably try and do closure on every single stage of reading on Bill 46.

In some ways I've been trying to research how many of the many recommendations that were made at the 2004 Roundtable on Family Violence and Bullying had actually been implemented. I'm finding not very many of them. The community has certainly done some work, and there's been some grant money, but the number of recommendations certainly haven't fulfilled the expectations from that round-table.

In considering why, I thought, well, I guess that's no surprise because I'm finding increasingly that this government is acting as a bully itself. In this case I find that the government is using the power that is granted to it by parliamentary process to tromp on, stomp on, smash, ransack democracy. They can call it anything else they want, but the point is that this House is here to debate ideas and bring forward the voices of Albertans. What I'm seeing is that like a schoolyard bully who breaks the baseball bat or punctures the soccer ball when they don't get their way or when they don't win the game, this government does the same thing for a process which should allow full debate on motions and bills.

Yes, today we're talking about a closure motion on a procedural motion to give us night sittings, but as we already know, it's the first of many motions. In my 11 years in this Assembly I've seen this government go from allowing dozens of hours of debate before bringing in closure to – this time what did we actually manage? – 20 minutes, 25 minutes before they brought in closure on it. There were three speakers. Interestingly, a number of the other speakers

that appeared on the list were in fact government speakers, private members who wanted to get up and speak and are not being allowed to. I have to wonder, you know, that there has to be a great deal of fear about what might get said in this place to work so hard to shut it down even on a procedural motion, Mr. Speaker.

3:30

The government is given a great deal of power in the parliamentary rules, but with that comes a responsibility to not abuse it. That set-up happens again and again and again. It's outlined again and again and again in the parliamentary books that I spend time trying to read, like *Beauchesne* and *Marleau and Montpetit* and *Erskine May*. They say we have freedom of speech. Yes, that's very special. Don't abuse it. Don't unnecessarily shout at people or call them names. That freedom of speech is not to protect you getting up and abusing someone. Well, I would argue the same thing comes into play here. The ability that is given to government to process business through should not be turned into an abuse of that process. I would argue that that is what we are seeing now with this motion and with the other closure motions that have been indicated to us already.

We know that it's only the first of many closures the government is bringing in. We've got three government sitting days and three nights now that we're expecting, and my spidey sense is telling me that closure will be used a number of times. I just think that's an aberration of what the parliamentary process is supposed to be about. I think it's wrong, frankly, and I think it's an abuse of that parliamentary power that the government side is given. The rules are weighted towards the government so they can get things done, but that power should not be abused.

Frankly, 25 minutes of speech: that's got to be shut down? Four hours of debate on Bill 46, and it's got to be shut down so they can move something through? Why? That is an abuse. I don't see how this Premier is more open or more democratic or having more participation from all the parties. You know, if closure is used to ram through Bill 46, even the government backbenchers won't get a chance to get on the record so their constituents can see what they did. How do the rural MLAs prove they fought for their constituents? This is wrong.

**The Speaker:** Hon. members, Standing Order 21(3) is very clear in this matter. I must now call the vote, bringing the matter to the attention of the House.

[The voice vote indicated that Government Motion 36 carried]

[Several members rose calling for a division. The division bell was rung at 3:32 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Goudreau	Lund
Amery	Haley	Marz
Boutilier	Hancock	Oberg
Calahasen	Hayden	Oberle
Cao	Homer	Pham
Cenaiko	Jablonski	Shariff
Danyluk	Liepert	Snelgrove
DeLong	Lindsay	Strang
Doerksen	Lougheed	Tarchuk
Ducharme	Lukaszuk	VanderBurg
Dunford		

Against the motion:

Blakeman	MacDonald	Miller, R.
Bonko	Martin	Pastoor
Eggen	Mather	Tougas
Elsalhy	Miller, B.	
Totals:	For – 31	Against – 11

[Government Motion 36 carried]

head: **Evening Sittings on December 3, 4, and 5**  
(continued)

**The Speaker:** Hon. Member for Whitecourt-Ste. Anne, do you want to continue?

**Mr. VanderBurg:** No, thanks.

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

Hon. members, now we have a maximum of one hour allocated for this before it has to come to a resolution.

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have listened to the previous speakers debate Government Motion 35. We are talking specifically in this motion about having evening sittings next week on Monday, Tuesday, and Wednesday if necessary. I, for one, certainly don't have any objection to working in the evenings, but there's more to this motion than just working in the evenings.

The hon. Member for Edmonton-Beverly-Clareview talked about the fact that this government has no plan, and it's clear, whenever you look at this motion and you look at what's happened in the previous four weeks of this legislative session, that this is a government with a new leader but still operating without a plan.

With this motion, as the hon. Government House Leader has suggested, there is a need for additional time to discuss a heavy legislative agenda. I don't disagree with that, but I think the other option that he suggested, which was to extend the session, is the direction, Mr. Speaker, that we should go in. The session should be extended far beyond next week, and if we have to rearrange our schedules, so be it. If the hon. Member for Whitecourt-Ste. Anne has difficulty finding a place, well, then he can come over, and we'll put him up. If his members' services allocation is not adequate to find a place for the second week of December, we'll certainly make sure that he has a warm place to sleep and nutritious meals so that he can further discuss Bill 46.

[The Deputy Speaker in the chair]

If we are to have a valid discussion and a meaningful discussion on not only Bill 46 but Bill 38 on TILMA, I don't think we can do it just between 8 o'clock and 10 o'clock Monday, Tuesday, and Wednesday. In fact, I know we cannot do it.

Now, the hon. Member for Whitecourt-Ste. Anne said, "I'm not prepared to" stay beyond next week. That really disappoints me because I have heard directly, Mr. Speaker, from constituents of the hon. member who have concerns specifically regarding Bill 46. I have heard concerns from citizens across the province who have concerns about Bill 46, and they're not addressed in the amendments that were proposed. I'm quite suspicious that we can deal with this contentious matter in a matter of a few hours, and this is what we're proposing here with Motion 35.

I have no problem coming in here a Monday, a Tuesday, a

Wednesday evening. I have no problem whatsoever. What I do have a problem with is the heavy-handed manner of this government. It's only two days ago that we saw 24 amendments to one piece of legislation which will be discussed either Monday, Tuesday, or Wednesday. That's Bill 46. We've had 24 amendments to this, and the amendments are quite interesting. I don't think we can deal with them in a short period of time if we are interested in improving Bill 46. If we just want to force it through the Legislative Assembly and force this undemocratic legislation on Albertans, then so be it. This is what's going to happen. We're going to force this, through closure, onto Albertans, whose opposition to this bill intensifies every day.

3:50

Perhaps this is the reason why the government wants to have these night sittings and not extend the session. They know that as opposition to this legislative proposal intensifies, their support goes down even further, not only in rural Alberta but also in Calgary. The issues that His Worship Mayor Bronconnier articulated regarding Bill 46 are not addressed in those amendments. They're not addressed in those amendments. Some of the issues that he brought forward: certainly, there is an attempt to address the issues but not all of them.

Now, I don't have, in the time permitted, an opportunity to go through all the amendments A through X that have been proposed by this series of tablings of these amendments. When we look at this, Mr. Speaker, are we going to have time next week in debate to get to the bottom of the repeal of part 5 of Bill 46? In the hours, whether it's Monday, Tuesday, or Wednesday, will we have time to get an explanation from the government on why part 5 is now being deleted from Bill 46?

Part 5 talks in section 34 about water and about electric energy and natural gas. It goes on at length, and it mentions water. Water is an added commodity in this bill, but when this section is removed and we look at the amendments, we look specifically at amendment S, Mr. Speaker. S for Speaker. Okay. Amendment S, the letter S – we see where water has been removed. It's not a commodity like electric energy or natural gas, but the government has conveniently through regulation given themselves a wide open window to, at a later date in cabinet, when no one has an opportunity to watch or listen, secretly add water as a commodity. Now, is this democracy or democracy gone off the rails? I would say that it's democracy gone off the rails.

I was asked yesterday to sum up how I felt about Bill 46, and I had to go back and think. I thought: this government is still not listening to the many people who have valid, legitimate questions regarding the direction the government is going in with the energy regulatory process through Bill 46. But we find with this motion that those opinions, those concerns are not going to have an opportunity to be discussed in here, not if we support this motion and don't extend the session. There's not a chance that the issues that the landowners have with this bill, the issues that farmers have with this bill, the issues power producers have with this bill, the issues the city of Calgary has with this, the issues the Consumers' Association has – they're not going to have an adequate chance to hear this government out.

Why the rush to force this bill through the Assembly during the evenings next week? Why the rush? Certainly, the hon. member previous said, well, there's a lack of plan from this government. We know this. I can understand why this government is very sensitive. They have had to deal with some very embarrassing issues here, whether it's the spy scandal, whether it's the fact that we have not collected our fair share of royalties for an extended period of time,

costing the treasury billions of dollars in lost, uncollected revenue. I know the Minister of Finance is very disappointed that the heritage savings trust fund is not worth at least \$30 billion. I know he feels very disappointed that those royalties were not collected. There are so many issues that this government has handled poorly because it had no plan.

I can see why you would want to support this Government Motion 35, so you can exit this place and carry on with the social gatherings of the season. But I really think we should forgo our usual social gatherings of the season, extend the session, and deal with these very valid matters. You just can't escape.

I can't imagine what citizens in rural Alberta are going to think when they hear that we're going to meet briefly Monday, Tuesday, and Wednesday evenings, and at the end of the week, if this hon. Government House Leader and his colleagues have their way, Bill 46 will become law. We won't have an opportunity to examine publicly all the amendments that are being proposed.

I understand the Premier said earlier this afternoon – and I stand corrected if I'm wrong – that he wants to co-operate with the Official Opposition regarding Bill 46. Well, if he does, we're going to have to have a lot of time to discuss the many amendments that we have to try to fix this rather flawed bill. If we're going to run it through and we're not going to have any public consultations – and this is what Motion 35 is going to do. It's going to put Bill 46 on an express line, and it's going to become a law, and it's going to be in force on January 1.

Sure, you can hire these \$500-an-hour consultants to plan an implementation of this bill. You can do that. But you don't want a full public discussion on the bill, and we can't do it in the time that you are proposing here. It just cannot be done.

The regulations. There are in this statute many, many opportunities. In fact, there are 22, Mr. Speaker. There are 22 opportunities for the government to write these regulations behind closed doors, quietly in secret, and there will be not a thing said. Then in the amendments that were tabled here on Tuesday, there are an additional 10 mechanisms available for this government to rule by regulation. In total you have over 30 sections of this bill that will allow this government to rule by regulation.

This is a government that maintains that it wants to restore public confidence in the process that we follow for energy regulatory hearings. You want to restore public confidence, but you do not want to have any public consultation. It's not going to work. We just can't act in a draconian fashion. Whenever this government caucus assembles and they discuss among themselves, I can't imagine which governments they admire most.

**Mr. Elsalhy:** Russia?

**Mr. MacDonald:** It may be Russia.

**An Hon. Member:** Or Cuba?

**Mr. MacDonald:** It might be Cuba. It might be some of those old regimes from eastern Europe. But, certainly, it's not a progressive, enlightened democratic focus, you know, Mr. Speaker. This is what disappoints me about this government. Motion 35 is not the way to go.

4:00

Certainly, as I said, in conclusion, Mr. Speaker, I will set aside time and in the spirit of democracy will try to propose amendments to fix a proposed flawed law, which is Bill 46. When this motion was written, the hon. Government House Leader must have been

very nervous because rural support for this party is going to be diminished if this . . . [Mr. MacDonald's speaking time expired]

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. I've been listening to this member and the Member for Edmonton-Centre, and I must tell you that some of the comments that they were making were nothing less than offensive. [interjection] The Member for Edmonton-Decore might be moaning and groaning, but first of all, to compare this House and members of this Assembly to that of the Soviet Union is not only indignant but it's really insulting, not only to members of this House but to those who elected all of us to this House. This member obviously – obviously – may be ignorant enough not to know what he is talking about and what he is comparing this House to. He has obviously not lived in a regime that is totalitarian to be comparing this House and the government system that we have to the totalitarian regime in Cuba.

**Mr. MacDonald:** Point of order, Mr. Speaker.

**The Deputy Speaker:** The hon. Member for Edmonton-Gold Bar on a point of order.

**Point of Order**  
**Allegations against a Member**

**Mr. MacDonald:** Yes. Thank you. The hon. Member for Edmonton-Castle Downs in my view is totally out of hand, and I rise under Standing Order 23(h), making "allegations against another Member." I would simply at this point ask the hon. member to retract his comments that he made.

Thank you.

**The Deputy Speaker:** Hon. member, on the point of order. I would remind everybody that during a point of order the clock keeps running.

**Mr. Lukaszuk:** Mr. Speaker, I have indicated that this member is ignorant in his statements of comparing this House to that of the Soviet Union. Ignorance is lack of knowledge, and I maintain that this member has clearly exhibited profound lack of knowledge and ignorance relevant to this House and those of others throughout the world where we know there are dictatorial regimes. So I have no apology. I can't apologize for the member's lack of understanding of the differences between different governments.

**The Deputy Speaker:** Anyone else on the point of order?

As was pointed out earlier this week, there is back and forth in debate. I think an opinion was expressed, and opinions get expressed back and forth. I think we would be better off if we stuck with the gist of the motion, which is talking about convening for evening meetings. [interjections] Order.

We're debating Motion 35, which is calling for evening sittings beginning at 8 p.m. on December 3, 4, and 5 for consideration of further government business. That's what we're debating, so let's stick to the debate.

The hon. Member for Edmonton-Castle Downs.

**Debate Continued**

**Mr. Lukaszuk:** Thank you, Mr. Speaker. I appreciate that. Now we have this comparison of this government to that of the Soviet

Union. This is the government that in the last 11 months has reformed the Public Accounts Committee, which this member is the chair of, and opened it up to all government departments for full and thorough examination. It is this government that created all-party field committees, so members of the opposition have the ability to fully participate in the democratic process. [interjection] The Member for Edmonton-Rutherford is obviously insulted by having to hear the facts and truth, but let me carry on.

This government is the one who has limited night sittings, so we don't have to sit at night unless a situation like this arises. It is this government that is posting travel expenses of ministers on a publicly accessible website. It is this government that has created the lobby registry. [interjections]

**The Deputy Speaker:** Hon. members, the hon. Member for Edmonton-Castle Downs has the floor.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. It's obvious that facts really irritate them, but let's carry on.

It is this government that has created a lobby registry so that all Albertans know who the government is meeting with and who the government is lobbying with. [interjection] Mr. Speaker, should I sit down and allow the Member for Edmonton-Rutherford to speak? He obviously will not allow me to speak.

**The Deputy Speaker:** Were you finished?

**Mr. Lukaszuk:** Well, I wasn't. I was trying, Mr. Speaker, to keep on talking, but I can't.

**The Deputy Speaker:** The hon. Member for Edmonton-Castle Downs is finished.

The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Well, thank you very much, Mr. Speaker. This ought to be fun.

You know, Mr. Speaker, there have been only a few occasions in my three years here that I've considered to be black days. This is certainly one of them because as has been pointed out by many speakers already this afternoon, clearly . . . [interjections]

**The Deputy Speaker:** Hon. members, the hon. Member for Edmonton-Rutherford has the floor, and we will allow that to happen.

**Mr. R. Miller:** Thank you very much, Mr. Speaker. As I was saying, today is really a black day because, unfortunately, as has been pointed out by a number of speakers, this motion, Government Motion 35, which would allow us to sit evenings next week, is really just a precursor for what we all know is coming. The Government House Leader this afternoon gave oral notice that they will be using closure on Bill 46 next week.

I have to say up front, Mr. Speaker, that we're actually in support of Motion 35. In fact, as I know the Member for Whitecourt-St. Anne indicated, he would be more than willing to sit evenings. So would this member be more than willing to sit evenings, as many evenings as it takes to deal with the very, very important piece of legislation that is in front of this House, and that is Bill 46. There are 22 amendments coming from the government side alone. I have no idea how many might be coming from the opposition side, but I'm going to suspect that it might be as many. Three evenings clearly are not going to be sufficient to deal with the legislation that's in front of this House.

**Mr. Hancock:** Who said it had to be three? There could be more.

**Mr. R. Miller:** It could very well be many more. The Government House Leader is indicating that perhaps there are more than 22 amendments coming on Bill 46.

**Mr. Hancock:** No, no. I meant days. Let's start with three and see how it goes.

**Mr. R. Miller:** Well, let's start with three days. Let's see where it goes. In fact, if the Government House Leader had been paying attention, Mr. Speaker, he would have heard that I said that I support this motion. I think this is a good motion. I think it's a great place to start.

What causes me concern, however, is that the Government House Leader has already signalled that he doesn't think that those evening sittings are going to be very long. He's quite confident, in fact, that they won't be late evenings. Well, I look at the Order Paper, and there are approximately 30 bills in front of us, and the Government House Leader is contemplating short evenings. Well, that can only tell me one thing, Mr. Speaker, that he's also contemplating closure. There's just no other way around it. The smugness that comes from the other side when we have a serious debate about democracy or lack thereof in this province and the number of times that this government has now taken to using closure to get through debate just astounds me.

I heard the Government House Leader in the media last night talking about the Leader of the Official Opposition and how if he hadn't spoken for 60 minutes the other night on some little amendment on Bill 46, then perhaps there would be more time to discuss Bill 46. Well, let me remind all members – let me remind all members – that when the Official Opposition leader spoke for 60 minutes on Bill 46 the other day, he was speaking to a very, very, very important amendment. The amendment was moved by the ND opposition, Mr. Speaker. As you know, the amendment was to take Bill 46, which is probably the most controversial piece of legislation that this House has seen in many years, and refer it to the policy field committee on energy and the environment, which, quite frankly, is exactly where that bill belongs, exactly where it belongs. This bill has been trouble from day one, and the government knows it.

Mr. Speaker, you look at a government that comes back after a whole summer off, 22 of their own amendments, and what happens?

**Mrs. Jablonski:** You might have had it off.

**Mr. R. Miller:** Actually, the hon. Member for Red Deer-North is suggesting that the Official Opposition had the summer off. Well, quite clearly, the Official Opposition works a whole lot harder than that member does. There's not much doubt in my mind about that, Mr. Speaker.

4:10

**Mrs. Jablonski:** Point of order.

**Point of Order**  
**Allegations against a Member**

**The Deputy Speaker:** The hon. Member for Red Deer-North on a point of order.

**Mrs. Jablonski:** Mr. Speaker, I'm raising a point of order on *Beauchesne* 23(h), making an allegation.

**Mr. Elsalhy:** That's not *Beauchesne*.



**Mr. Martin:** That's a standing order.

**Mrs. Jablonski:** I was standing.

**The Deputy Speaker:** The hon. member on the point of order.

**Mr. R. Miller:** Thank you, Mr. Speaker. Clearly the member who's raising the point of order doesn't even know the standing orders of this House. She's not familiar enough with *Beauchesne* to cite the proper citation. I would argue immediately that there is no point of order. But if there were to have been a point of order, the only difference between my comments and hers would be that mine were while I was standing speaking and I had the floor. Hers were in a heckling manner. If anybody contravened Standing Order 23(h), (i), and (j), it would be the hon. Member for Red Deer-North, who was making comments which clearly . . . [interjections] And they continue to do it while I'm speaking now.

**The Deputy Speaker:** I believe I'm ready to rule on this. I just ruled the same ruling on Edmonton-Castle Downs. Opinions are expressed back and forth, and I think that if everyone that had the floor expressed their opinions through the chair and the rest would listen attentively, we would have fewer of these points of order that aren't points of order.

Hon. member, continue.

#### Debate Continued

**Mr. R. Miller:** Thank you, Mr. Speaker. I'll continue with my arguments in favour of Government Motion 35, which would see us sit evenings next week, Monday, Tuesday, and Wednesday. As I was indicating, the government members had the entire summer to prepare amendments to Bill 46.

**Mr. Bonko:** How about getting it right the first time?

**Mr. R. Miller:** Well, clearly, as the Member for Edmonton-Decore suggests, had it been properly drafted in the first place and had proper consultation been done, none of this would have been necessary. Unfortunately, that didn't happen. Then, of course, the summer goes by and we come back and we start to hear rumblings of amendments, and in fact it turns out that 22 government amendments are to be dealt with. But, Mr. Speaker, for whatever reason – and remember, the government is in control of the agenda in this House, not the Official Opposition – the government chose to continue to defer debate on Bill 46 until here we are entering the last week of the fall sitting, the last projected week of the fall sitting, and the most controversial bill that has been in front of this House in many, many years has had I think less than five hours of debate to this point.

Now they want us to deal with 22 of their amendments, and Lord knows how many amendments might be coming from the Official Opposition party and the third party and the independent members of this House. I know that they all have amendments that they would like to have discussed in this House. Now suddenly the push is on. With only three government days left in the sitting calendar, the push is on to suddenly not only deal with these 22 amendments plus whatever amendments there might be coming from the opposition side of the House, Mr. Speaker, but, as well, the remaining 30 pieces of legislation that are on the Order Paper. It's insanity, if nothing else.

How can anybody reasonably expect us to do a legitimate job of debating legislation in this House, 30 pieces of legislation, in three

sitting days? That's not democracy. It is a black day. Frankly, it causes my heart to sink to look across the way and see the smugness on the faces of the government members who somehow think that this is democracy in action when they shut down debate and ram through legislation in the manner that everybody in this House knows is going to happen next week.

**Mr. Lukaszuk:** Start debating the bill, then.

**Mr. R. Miller:** Well, you know what? I would love to start debating the bill, to the hon. Member for Edmonton-Castle Downs. I would love to start debating it. I would love to stand here and have the opportunity, as I should and as every member of this House should, to debate every single amendment that the government has on Bill 46, Mr. Speaker, and then to debate every single amendment that the opposition has on Bill 46 and to allow every single member of this House the same opportunity. But that is not going to happen. Everybody in this House knows that's not going to happen because these guys are going to use closure, and they're going to use closure more than once. They're going to use it at this point three times on Bill 46. We know that. They've telegraphed that to the whole world. This is no longer a secret. They're not going to allow proper debate to take place on their amendments, let alone on the amendments that the opposition might have prepared through consultation with Albertans. So this is not democracy in action in any way, shape, or form. What it really is, Mr. Speaker, is bad management, bad administration, and . . .

**Mr. MacDonald:** A Soviet style regime.

**Mr. R. Miller:** The hon. Member for Edmonton-Gold Bar suggested it is also a Soviet style regime. Now where have we heard that before?

You know, I know that there's a long list of speakers who wish to debate and probably not an awful lot of time left on this particular motion. I'm not going to take my entire time, Mr. Speaker, but I really – well, I'm actually being encouraged now to take my entire time, but I know I have colleagues who wish to debate on it as well. I just really, truly believe that as legislators we should all be ashamed of the action that is being taken in this House today and over the next several days as we watch a government that is desperate to cram through legislation without proper debate. There is no way that anybody in this House should be proud of that. If they are, well, they'll have to answer to someone greater than myself, I'm sure.

**The Deputy Speaker:** Hon. members, Standing Order 29(2)(a) is available.

Seeing none, the hon. Member for Calgary-Bow.

**Ms DeLong:** Thank you very much, Mr. Speaker. You know, I've been in this House now for quite a while, and I have never heard so much nonsense in my whole life. I cannot believe that when we have a situation where our time to speak is going to run out next Thursday and the government offers you more time to speak, you spend all of this time talking about how you don't want it to happen and that it's a terrible thing.

If you really have something important to say about any of these bills that are coming up, then I encourage you just to get to the point. Get to the point. Get rid of this silly messing about. Give us more time next week to be able to speak, and let's get on with it, for goodness' sake.

**The Deputy Speaker:** Under Standing Order 29(2)(a)?

**Mr. MacDonald:** Please. To the hon. Member for Calgary-Bow: I have a question, and it is this. Do you think that the opinions and the concerns of those who are opposed to Bill 46 will have an opportunity in this short period of time to be addressed?

**Ms DeLong:** I believe that if you are just concise and make your points concisely, then you will have plenty of time to get those ideas across. If you are simply putting in time, no, you will never have enough time to get those ideas across.

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

**Mr. MacDonald:** Yes. Again, Mr. Speaker, to the hon. Member for Calgary-Bow. The mayor of Calgary, Mr. Bronconnier, on November 8, 2007, wrote a very concise four-page letter regarding Bill 46. Not only did he have concerns with the Utilities Consumer Advocate's office as it was proposed, but he had concerns about section 8, section 10, and section 22 of that bill. Do you think in the time that we're providing . . .

**Mr. VanderBurg:** Point of order.

**The Deputy Speaker:** On a point of order, the hon. Member for Whitecourt-Ste. Anne.

#### Point of Order

#### Question and Comment Period

**Mr. VanderBurg:** Well, Mr. Speaker, under our Standing Orders, you know, we do have an opportunity to rebut and ask questions on bills, but I never thought that on motions this opportunity existed. Now, I stand to be corrected.

4:20

**The Deputy Speaker:** Standing Order 29(1): "Time limits on speaking in debate in the Assembly on Government motions, Government Bills and orders and private Bills shall be as follows."

Then you get down to Standing Order 29(2)(a): "Following each speech on the items in debate referred to in suborder (1), a period not exceeding 5 minutes shall be made available, if required, to allow Members to ask questions and comment briefly" on the subject matter in the debate.

There's no point of order.

#### Debate Continued

**Mr. MacDonald:** Thank you, Mr. Speaker. I'll be quick with my question. To the hon. Member for Calgary-Bow: will the mayor of Calgary's concerns regarding section 8, which is power of the commission, section 10, reviews and variances, and section 22, local intervenor costs in Bill 46 – in your opinion, are Monday, Tuesday, and Wednesday evenings of next week an adequate time to deal with his major issues?

Thank you.

**Ms DeLong:** I believe that the issues that were raised by the mayor were expressed very clearly, very succinctly, and they can be dealt with very quickly in this House.

Thank you very much.

**Mr. VanderBurg:** I'd like to ask the member from Calgary that just spoke if she thought that the time in the House has been well spent on Bill 1 and Bill 2. Given the 10 trips that many of us have had to

make to Edmonton and the hours that we've had to spend out of session hearing the debate that we've had and hours and hours spent on bills 1 and 2, if she felt that that was time well spent.

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

**Ms DeLong:** Thank you. I do believe that those field committees were very effective in terms of really exploring some of these issues, and I don't think that anybody that was there was actually putting in time as opposed to what I have heard today in the Legislature.

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

**Mr. R. Miller:** Well, thank you, Mr. Speaker. In response to the comments from the Member for Calgary-Bow, I'm curious to know whether or not she's completely comfortable with the way that we do business in this province because the other day when we were discussing Bill 38, which dealt with TILMA, she indicated that it's been available since April of '06. She said that according to the custom, we bring things forward into the Legislature; that's how we debate them. But did she fully understand at that time that the government had already signed the agreement and then brought it into the Legislature for debate? So that's my question for the hon. member. Is she comfortable with the way we do things, where we sign an agreement and then bring it into the Legislature for debate, after it's already a done deal?

**Ms DeLong:** I very much look forward to our finally debating TILMA. You are holding us back from actually getting to the debate. If we could just get on with the business of the House.

**The Deputy Speaker:** Anyone else on 29(2)(a)?

Seeing none, the hon. Member for Edmonton-McClung.

**Mr. Elsalhy:** Thank you very much, Mr. Speaker. I rise to support Motion 35, which is basically allowing the Legislature to sit evenings, if required, beginning at 8 p.m. on December 3, 4, and 5 for consideration of government business. As was expressed by some of my hon. colleagues, Motion 35 and Motion 36 really should be looked at together because one motion is inviting us to sit evenings, and we don't mind. I've certainly done it before in my three years in this Assembly, and I don't particularly mind it. I can appreciate where some of the members find it a bit difficult, you know, in terms of travel arrangements and in terms of their being away from their families.

Well, I'm away from my family as well when I'm here. I live in Edmonton. It takes me forty minutes to drive home. People think that I have this edge over them. Well, you know what? I have recently got blessed with the arrival of my third kid. My third kid, Mr. Speaker, is two months old, and I want to spend some time with my kid. But what I am doing here in this House is basically looking after him for when he is at that age when he requires those decisions that were made in 2007 to be favourable towards him and his future and his life and that of his kids as well. When he's 18 . . .

**Mr. Liepert:** Then he'll vote Conservative.

**Mr. Elsalhy:** No. I don't think he'll ever vote Conservative. As a matter of fact, I am really hoping that when I'm done politics, maybe he'll enter this field as well and carry the Liberal flag in Edmonton-McClung or whichever name the constituency is named then.

So both motions, one motion asking us to sit longer – and I don't mind – the other motion telling us, not asking us, that we are going

to be allowed one hour of debate. They're worded in such sanitized and innocent language, you know, that it's a matter of fact that the Assembly needs to move on. It's no big deal. Nobody should be worried.

Well, let me put on the record that the first reason why we're sitting nights is to catch up because the government itself had some difficulties in the drafting and in the introduction of their own bills. This government has many inadequacies, not the least of which is Bill 46, for example, this year arguably the biggest and the most controversial and the most contentious bill before this Assembly in many years.

**Mr. R. Miller:** Would you say they're incompetent?

**Mr. Elsalhy:** I'm saying that these are inadequacies.

**An Hon. Member:** Inept.

**Mr. Elsalhy:** Yes, inept would be a description that I would use.

Bill 46 was introduced in the Assembly on the last day of the spring session. If they thought it was such a huge deal and they wanted it – you know, "That's an A bill; the government wants that bill to pass" – they should have introduced it the first day of session or the second day or the third day or the second week. They introduced it on the last day of the spring session. The reason, Mr. Speaker, is because they don't like the attention and the scrutiny that this House affords to all bills but, in particular, controversial ones. They know that when this House is sitting, for example, Mr. Speaker, their polling and their public opinion surveys indicate that they're actually going down. So they like to be out.

They bring it in the last day of the spring session, and then they wait and wait in this fall session. Now they say, "You know what? We're running out of time. Let's actually invoke closure. Let's bring the hammer down and censor everybody and not allow everybody to speak" because they know that when we're in the House, public opinion of them gets lower, gets weaker.

This is the same government, Mr. Speaker, that spied on unsuspecting Albertans in Rimbey and God knows where else. I have to tell you that these people who were spied on were not troublemakers, as was initially said. These were concerned citizens, citizens that have lost faith and confidence in this government, and they were expressing that concern.

**Mr. Liepert:** We'll see.

**Mr. Elsalhy:** The Minister of Education is saying, "We'll see," and I agree with you. You know, only time will tell.

But this government also doesn't trust these citizens. This government finds it appropriate and okay and no big deal to spy on them. That's exactly what the Premier and the Energy minister initially said, that that was no big deal, that these were troublemakers. What's the big fuss? They also equally don't like the scrutiny and the questioning that they're subjected to when they're in this House, so they want out: let's just wrap it up and move on.

The Minister of Education earlier on blamed the opposition for what remains on the books. He says: because of you we can't move through our legislative agenda. [interjection] Yes, and I'm proud of that record. The Minister of Health and Wellness is saying that I spoke on Bill 1 repeatedly. I was doing my job. How many members from this government, including the Premier himself, spoke on Bill 1? That's the flagship bill of this government. How many times did members of the government speak? Let's actually tally up their speaking time. Let's tally up how many pages they

generated in *Hansard*. [interjection] Yeah, this government likes to make those decisions in the back rooms. We have to bring our ideas forward.

**The Deputy Speaker:** Through the chair, please.

**Mr. Elsalhy:** Through the chair, yes.

We have to bring our ideas forward. We debate their ideas good or bad, and they're mostly bad most of the time. We're the ones who actually do the legislative work in this Assembly. These guys are just happy to do their little talks in their own caucus room, and their whip tells them: vote yes en masse; vote no en masse. He shepherds them through these bills.

I challenge these people who are now yelling and heckling across the way to now tell us how they think. Tell us what you think about Bill 46.

#### Point of Order

##### Allegations against a Member

**Mr. Oberle:** Under 23(h), Mr. Speaker, the member alleges that I tell the members on our side of the House how to vote, and I take exception to that. As much as they like to think of themselves as independent members, they must realize that we are all independent members. No member in this House can order another member on how to vote. I ask him to withdraw that remark. I would point out to him that that party has a whip, and none of us has made any similar allegation. The whip has duties with regard to House staff, with regard to research staff, and that's the position. I don't tell anybody in this House how to vote. It would be a violation of their privilege to do so.

4:30

**The Deputy Speaker:** The hon. Member for Edmonton-McClung on the point of order.

**Mr. Elsalhy:** Yes. Thank you, Mr. Speaker. You know what? This is really not the issue I am speaking about, so I will retract that comment.

**An Hon. Member:** Withdraw the comment.

**Mr. Elsalhy:** That's what I did. If you were listening, I was basically telling the Speaker that I was going to retract this statement. I don't want anybody to think that I don't think that some members in this caucus are free thinkers and really pay attention to the debates and participate.

**Mr. R. Miller:** Some of them are ignorant, though.

**Mr. Elsalhy:** My hon. colleague from Edmonton-Rutherford says that some of them are ignorant, as in not aware of the facts.

You know what? I think what we're doing here is twofold. We're allowing ourselves three days . . .

**The Deputy Speaker:** I haven't ruled on the point of order. Have you concluded your remarks on the point of order? Okay.

The member withdrew his remarks. I would like to make a comment on that. Every member here is elected by his electors in his constituency. They have the right in this House to vote however they choose. Yes, party whips on all sides of the House can make strong suggestions in certain situations. We all know that. But ultimately at the end of the day every member can vote according to the dictates of their heart.

I trust that the withdrawal of the comment puts an end to the matter, and we'll move on.

**Mr. Oberle:** Has he withdrawn the comment?

**The Deputy Speaker:** He has withdrawn his comment. If we can keep the side comments down, perhaps we could hear, when people make comments, what exactly they are.

The hon. Member for Edmonton-McClung.

### Debate Continued

**Mr. Elsalhy:** Thank you, Mr. Speaker. Now, back to the issue. Do I mind sitting nights? No, I don't. Do I mind closure? Yes, absolutely. You bet I do. Closure basically amounts to censorship. It amounts to a limit of my freedom of speech and a limit or restriction on my ability to represent the people who voted me in. Let me remind you, further to your comments, that 30 per cent of the population voted for members of the Official Opposition. Some more voted for the third party, some more voted for the Alliance, about 7 or 8 per cent, and some voted for the independent Member for Edmonton-Manning. Collectively we probably, you know, add up to at least 50 per cent, if not more.

**Mr. R. Miller:** More than 50. It was more than 50.

**Mr. Elsalhy:** It was more than 50 per cent in the 2004 election.

So for a government that doesn't have that clear of a majority, they indicate that they've had it, that we've heard all we need to hear. For them to actually expect to move and pass 22 or 23 amendments in whatever, three hours or four hours, well, that's unrealistic. I mean, even if they just move, somebody speaks on it and sits down, and then move another one, speaks on it and sits down, they will not do it in, you know, three hours or so. They're basically invoking closure on themselves, not just gagging us and preventing us from speaking. They're actually invoking closure on their own. I will be really interested to see how that is done. You know, how can we do this in the span of three hours? I don't know. And then 40-plus amendments from the Official Opposition, some from the ND and maybe others. That is totally unacceptable.

Bill 46, Mr. Speaker, is really offensive to many people in rural and urban Alberta. You know, it deserves more attention than this.

**The Deputy Speaker:** We're debating Motion 35, not Bill 46. We'll get to Bill 46.

**Mr. Elsalhy:** Yes. Thank you, Mr. Speaker. I'm not going to belabour this more because I know some of my colleagues want to speak, and maybe they, too, will get points of order in the process. I don't know. But it seems to be a trend.

Thank you.

**The Deputy Speaker:** Hon. members, on Standing Order 29(2)(a). The hon. minister of health.

**Mr. Hancock:** Mr. Speaker, I just would like to ask the hon. member if he has ever had occasion to go to any other parliaments, perhaps maybe the Parliament of Canada, with in excess of 300 members, or the Mother of Parliaments in London, with in excess of 600 members, and whether he really believes that every member should get up or have the opportunity to get up on every bill. I can tell you that no progress would ever be made on a bill if that was the test. And the volume of printing on the pages of *Hansard* with

respect to every bill, if that's the test of success: I'm wondering whether he really believes that. That's what he seems to be suggesting, that you can't effectively discuss and debate a bill unless every member has the opportunity to speak to every bill and every amendment. Surely, he doesn't mean that.

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

**Mr. Elsalhy:** Thank you, Mr. Speaker. This House has 83 members, and we're all duly elected to speak on those bills and those laws that we feel affect either directly or indirectly our constituents. Let me also remind you that in the Select Special Conflicts of Interest Act Review Committee we actually expanded that definition of a constituent to everybody who lives in this province. If I think that the government is moving 50 bills and I choose to speak to 30 of them, I should be given the opportunity to do that. Most of the time I speak when I have something to contribute. I speak about things that are relevant to either my constituents locally or geographically. I speak to things that I understand in terms of health care. I speak to things that I understand as a parent, and so on. I pick the ones that I want to research, and I pick the ones that I want to speak on. I don't speak on every bill, and I don't speak on every amendment. Some of the members across the way were surprised that I was speaking on Bill 1 repeatedly. Well, I sat on that committee. I was the deputy chair of that committee, and I was doing on behalf of the entire committee some of that work.

**Mr. Snelgrove:** The hon. member mentioned that they had a new baby in the family. That's great. Then he mentioned that they pretty well do all the work in government or for the province. I'm wondering if he might suggest the fact that he's away doing all this work has contributed in any way to that event.

**Mr. Elsalhy:** Mr. Speaker, we have a duty in this House to scrutinize and to go over government ideas and government decisions, either policywise or fundingwise. I'm not saying that I'm actually doing what the government is doing or doing all the work. I'm just saying that members of the Official Opposition and the third party and others have a role to play, and I think we're doing it. I think we're doing somewhat of a fine job here. We were the ones who stopped Bill 11. We were the ones who stopped privatization. We were the ones who voiced a concern to Bill 20 last year, when this government was talking about FOIP and trying to make our supposedly open and accountable government secretive and more secretive. You know, I would argue that this year as well. Every year there's one contentious bill; there's one area that the government tries to sneak in very unsavoury and very bad policy. Well, this is it. Bill 46 is that one this year, and we will not allow them to get off that easy.

**The Deputy Speaker:** Are there others on 29(2)(a)?

Okay. On the debate, the hon. Member for Red Deer-North.

**Mrs. Jablonski:** Thank you, Mr. Speaker. I support Motion 35 to sit evenings, and I have the same reasons for supporting this motion as the member opposite from Edmonton-McClung. I'd like to congratulate him on the birth of his third child. I'm very happy for him. I agree with him that it's important to spend as much time as you can with your children. In fact, it's something that I really like to do, and by sitting evenings I get that opportunity because I don't have to be here for what I might think is an inefficient time when we can save time by sitting evenings instead of coming back for another week or two. Not only are we then fulfilling my desire to see my

family more often and, as well, my constituents – my constituents are very, very important, obviously; I'm here to represent them – but I think we make things more efficient for this government. We save the government money by sitting evenings. We save time.

For those reasons I just wanted to stand and support that motion and also let the members opposite know that I agree with the importance of having more time to see your family. That's why I think sitting evenings for three days is important, especially in this season.

Thank you.

**The Deputy Speaker:** Again, Standing Order 29(2)(a) is available. Seeing no one, the hon. Member for Edmonton-Decore on the debate.

**Mr. Bonko:** On the debate, Mr. Speaker. Thank you very much. Well, I'll tell you that this afternoon has been one of the more interesting ones. It seems to get a little bit more engagement out of all members when they do take exception. Well, exception has been taken on several accounts, starting with the first one, which was Government Motion 36, time allocation.

Quite frankly, when I was elected, Mr. Speaker, I thought I was going to be able to have a democratic, free voice – and so did the citizens who elected me – and that it wouldn't be stifled with time allocation. Unfortunately, you know what? Certain governments do that when they don't want their citizens to have voices. It was raised already. Those are communist governments. [interjections] That's right. The Progressive Conservative Party is becoming partially communist because that way . . .

#### **Speaker's Ruling Parliamentary Language**

**The Deputy Speaker:** Hon. member, I don't believe that it's parliamentary in this Assembly to be referring to any government in our nation, a free nation, as communist. I would like to give you the opportunity to withdraw that.

4:40

**Mr. Bonko:** Well, Mr. Speaker, the facts speak for themselves. When we do that sort of action, the only other place to be able to compare it to is some communist states that withhold and suppress their citizens. We're becoming that way more and more all the time, and I think the comments fit.

**The Deputy Speaker:** I believe the term "communist" is unparliamentary to refer to any government in our country, and I will give you an opportunity to withdraw the comment.

**Mr. Bonko:** Well, I could take it back and then label it as corrupt, then, perhaps, Mr. Speaker. Because you know what? [interjections]

**The Deputy Speaker:** Are you withdrawing the comment? I'll ask the member one more time. This is the third time. Do you want to withdraw the comment?

**Mr. Bonko:** Mr. Speaker, I did say that I could withdraw the comment of communist and slip in corruption, then. I said that would be fine by myself as well. So I'll withdraw communist, and I'll put in corruption, then. What other government withholds \$14 billion from its province, from the constituents, from Albertans and denies it? That's corrupt.

**The Deputy Speaker:** Hon. member, I'll accept withdrawal of the comment, but I also will rule that the term "corruption" is unparliamentary and ask you to withdraw that as well.

I'll ask you the second time on withdrawing the remark on corruption.

I'll ask you the third time. Do you wish to withdraw the comment?

**Mr. Bonko:** Mr. Speaker, at the urging of my colleagues I will withdraw the . . . [interjections]

**The Deputy Speaker:** Through the chair. You withdrew the comment?

**Mr. Bonko:** Well, perhaps I wasn't able to be heard because of the heckling over there when I was able to make my statement.

**The Deputy Speaker:** I'll accept that. You may continue.

**Mr. Bonko:** Thank you, Mr. Speaker, for allowing me to continue. That's part of censorship here again, having to retract remarks here, but we'll continue.

**The Deputy Speaker:** Are you referring to the chair as censorship? Are you referring to the Speaker's ruling as censorship?

**Mr. Bonko:** No. I think there was a misunderstanding there, Mr. Speaker.

**The Deputy Speaker:** Well, thank you for that clarification, then.

**Mr. Bonko:** Can I continue, Mr. Speaker?

**The Deputy Speaker:** You can continue, but I'll warn you one more time that the chair is not going to tolerate any more challenges in that regard. If you want to continue on the debate on Motion 35, keep your remarks relevant to the motion at hand.

**Mr. Bonko:** Thank you, Mr. Speaker. I will again continue, and I will choose my words carefully so as to not offend the sensitivity of some of the members across.

#### **Debate Continued**

**Mr. Bonko:** I have no problem sitting nights as I've sat nights several times in here. You know what? The point is: people don't plan to fail; they fail to plan. I think that's exactly what happened again, another example of this government not planning. They set on a specific date that we were to end session, and now we're going to stick to that mark because we're going to be sitting nights. That's breaking what they had originally agreed to in the House rules, that we aren't going to have any more nights because it was going to be more humane to the members. Well, quite frankly, if we're sitting nights again, that's breaking a rule, and that's again . . .

**The Deputy Speaker:** The time for this debate is over, and it's time for the vote on the motion. The hon. Member for Edmonton-Rutherford.

**Mr. R. Miller:** Yes. I just have a question, Mr. Speaker. I had my clock running as well as the table officers did, and we've had several points of order throughout the hour. I'm wondering if you could clarify for me whether or not the time does stop or if the time continues to go.

**The Deputy Speaker:** No. The motion has received one hour of debate. I must now put the question on Motion 35.

[Government Motion 35 carried]

head: **Government Bills and Orders  
Committee of the Whole**

[Mr. Marz in the chair]

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

**Bill 56  
Appropriation (Supplementary Supply)  
Act, 2007 (No. 2)**

**The Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. President of the Treasury Board and Minister of Service Alberta.

**Mr. Snelgrove:** Thank you, Mr. Chairman. It's my pleasure to rise today to move Bill 56, the Appropriation (Supplementary Supply) Act, 2007 (No. 2), through to Committee of the Whole.

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

**Mr. R. Miller:** Well, thank you very much, Mr. Chairman. I will begin my comments by expressing displeasure for the way this afternoon has unfolded. There was a House leaders' agreement last Thursday, and if you look at the projected government House business, everything went off the rails before we began doing government business on Tuesday afternoon. So whatever was planned to have been discussed this week, everything has gone sideways.

[Mr. Shariff in the chair]

Again, as far as I'm concerned, mismanagement and . . . [interjections] I'm sorry. Did you wish to comment? We're in committee, so if you want to comment, hon. minister . . .

**The Deputy Chair:** Hon. member, through the chair, please.

**Mr. R. Miller:** Yes. Thank you, Mr. Chairman. If the minister of advanced education would like to comment, we are in committee, and I'm happy to sit down and let him get up. If I could have the assurance of the chair that I would be allowed to respond to his comments, I'm happy to cede the floor to him and let him get his comments on the record.

**The Deputy Chair:** Well, we are in committee. If that's your intent, you can sit down, and I can recognize you later.

**Mr. R. Miller:** Anyhow, Mr. Chairman, my comments in respect to Bill 56 in committee. As I said, I was going to begin by talking about how badly things have gone off the rails. Here we are this afternoon, quite frankly, with Bill 56 not even on the most recent draft of the House leaders' agreement, which was concocted during question period today. It's not there. Now suddenly we're dealing with Bill 56. I'm looking at *House of Commons Procedure and Practice*, and on page 790 it says, "Often a Committee of the Whole examines non-controversial bills or bills dealing with matters of political importance on which arrangements on the use of House time have been made."

4:50

I suppose a point of order could have been called because this arrangement was not even made this afternoon between House leaders. I'm frustrated, quite frankly, because I did not bring my notes over on Bill 56 because the House leaders had an agreement, and Bill 56 was never contemplated being discussed this afternoon. That is a frustration, and it's likely to lead to even more disorder in this House this afternoon, Mr. Chairman.

However, I know a number of these issues quite well, and in particular the \$825 million that is contemplated to be moved into the heritage savings trust fund is certainly a part of the appropriation bill. The other day when we were in Committee of Supply, when we were discussing the monies that are being asked for by the government, first the President of the Treasury Board, I believe, and then also the Minister of Education, if I remember correctly, made comments about the Official Opposition's plan to save 30 per cent of nonrenewable resource revenues by putting that money up front, off the top, pay yourself first, into the heritage savings trust fund and a number of other endowment funds. There was a lot of discussion back and forth about the wisdom of putting money into the heritage savings trust fund and building the fund as opposed to the current practice, which is to take all of the money after inflation-proofing and administration fees are paid and put that money into general revenue. That is what we do now. Of course, I've expressed an awful lot of concern about that in the past.

Well, in response to some of that debate – and, as I say, I can't recall whether it was the President of the Treasury Board or the Minister of Education who went on and on about how the Official Opposition plan to save 30 per cent was actually not achievable. The Minister of Education, I believe it was, actually contemplated that four government departments would cease to exist, would have to be done away with because the Official Opposition plan to save 30 per cent wouldn't allow enough money to be in the treasury to operate those departments.

Mr. Chairman, you will know that members on the government side of the House, particularly during question period, often accuse members of the Official Opposition of fearmongering. Well, I guess that turnabout is fair play because I'm about to make the same accusation to members of the Executive Council. Very clearly – very, very clearly – this plan that we've put forward is achievable. All you have to do is look at the second-quarter update. As I say, I don't have my papers in front of me, but it contemplates approximately \$12 billion in nonrenewable resource revenue flowing into the government coffers this year, and 30 per cent of that, clearly, is less than one-third, so less than \$4 billion would be taken and set aside into these various savings trust funds and endowment plans under the Official Opposition plan.

Now, that would mean, as I said, that less than \$4 billion would go into savings, and in fact the government's own surplus projections for this year are in excess of \$4 billion. So I don't know where the math comes from, but clearly if the political will was there to adopt this plan, it's achievable using the government's very own numbers, using the second-quarter update. It would have been achievable this year to take 30 per cent of nonrenewable resource revenues, put that aside right off the top, and there would still have been a surplus at the end of the year according to the government's own numbers.

I see the Finance minister nodding his head, and I think I know why. The Finance minister has examined this document in great detail. Back in the spring sitting he had it in front of him on his desk almost every day that we were sitting. I was curious to know what the Finance minister thought of the plan, so we actually initiated a FOIP request to find out. "Okay. You know, the government is

clearly paying attention to the Official Opposition's plan to save resource revenues. Let's find out what they think." So we did a FOIP request. Well, you know what we got back, Mr. Chairman? It's actually quite comical. What we got back was almost a complete refusal to release any information in terms of what the government thoughts were on our resource revenue plan because of ministerial briefing notes. Under the FOIP legislation they were able to take everything – everything – that the minister might have contemplated in response to our savings plan and hide it away due to the FOIP legislation exempting ministerial briefing notes.

Of course, you'll know, Mr. Chairman, that I have asked questions in this House of the Premier, of the Minister of Finance, of the minister of health, of the Minister of Sustainable Resource Development about their thoughts on saving 30 per cent of nonrenewable resource revenues, and we can't get those answers. Well, okay. So then we'll try the FOIP legislation and find out what they think about that. We can't get answers through FOIP either. As I said, the Minister of Finance was nodding his head. I can only assume that that means he's in agreement with me that, in fact, based on the government's own second-quarter update, it would have been very doable to adopt a savings plan.

I've always said that if the Minister of Finance or the President of the Treasury Board comes to the conclusion with all of their experts – clearly, they have an awful lot more in the way of resources than I have at my disposal – that 30 per cent is not doable, so it's 25 per cent. Maybe it's a sliding scale so that in really successful years it might be higher. It could be as high as 40 or 50 per cent, as some others have called for, and in the years that are a little more difficult, maybe it's only 10 per cent. I don't really care what the number is. What I care about, Mr. Chairman, through you to the hon. President of the Treasury Board, is that there be some concerted effort on the part of this government to save some of this money for the future.

Simply throwing the dog a bone, as we do now, where we take all of the money out of the heritage savings trust fund and then we throw some of it back in, is not good enough. It's not a plan. I've congratulated the government in the past for at least moving to a surplus plan. It's better than not having any plan at all, which is where we were in previous years. We now have a plan which in some respects mirrors the Official Opposition plan of three years ago. It's better than nothing, I suppose, but it's not a firm commitment by this government to save money.

In fact, the only savings plan they have is if there's a surplus above and beyond the projected government surplus. The only time that their plan contemplates actually putting money into the heritage savings trust fund is if there's a surplus above the projected government surplus. So we could have a budget that projects – let's just pick a number and say that the budget were to project a billion-dollar surplus. The government's own legislation, their own savings plan, doesn't contemplate actually saving any money until there's a surplus above the one-billion-dollar surplus that they've actually projected. It's just not good enough because, of course, we all understand that there is no guarantee that there would be a surplus although this government certainly has now conceded that they have been intentionally lowballing revenue figures for years. In fact, when you look at the last many years, we've had not just surpluses, but we've had multibillion-dollar surpluses for most of those many years.

I believe the only year that we didn't was 2001, and of course we all know the events of 2001. Whether it be the September 11 terrorist attacks or whether it be the dot-com meltdown, clearly that was a difficult year. Maybe that's a year when a sliding scale would have contemplated less than a full 30 per cent of savings going into the heritage savings trust fund. But without any question, Mr. Chairman, every other year with the exception of that year has seen

dramatically underestimated revenue forecasts, and it has seen dramatically significant surpluses at the end of the budget year. Yet most people in this province feel as if there's nothing to show for those multibillion-dollar surpluses.

You know, this isn't just the shadow minister of Finance for the Official Opposition talking. This is people all across the province. Everywhere I've travelled for the last three years since I've been fortunate enough to serve as the MLA for Edmonton-Rutherford people say that we should be saving more for future generations. I know the government members have heard this, too. I'll run through the list again: the Canadian Taxpayers Federation, the Canadian Federation of Independent Business, the Canada West Foundation, the Alberta Chambers of Commerce, and on and on it goes. Everybody is talking about doing this. It's the right thing to do.

5:00

Eight out of the nine leadership candidates in the PC leadership race last year talked about it being the right thing to do. I think it's, frankly, unfortunate for the people of this province that the man who is now Premier was the only person out of those nine who didn't believe in a savings plan. Had any of the other eight candidates succeeded the former Premier, we would probably not be having this conversation today because I'm going to guess that they would have been good to their word, and we would now have a savings plan for nonrenewable resource revenue.

**An Hon. Member:** We do.

**Mr. R. Miller:** No, we do not. We do not. Somebody on the other side is saying that we do have a savings plan for nonrenewable resource revenue. We do not. That is simply a falsehood. It's just not true. We certainly should have, but we don't.

I think that that's a really unfortunate thing for the people of this province, that we find ourselves in a situation once again this year with what is now projected to be a \$4 billion surplus, and the only money that is going into the heritage savings trust fund is in fact a portion of the money – not even all of the money – that was taken out of the heritage savings trust fund and transferred into general revenue, and it's simply not good enough, Mr. Chairman. That causes me untold concern. I've expressed those opinions ever since day one in this Legislature. I will continue to do so until somebody on that side finally recognizes the wisdom.

I shouldn't say it that way because I know that there are many members on that side who recognize the wisdom. In fact, the former Deputy Premier and former Minister of Finance, Mr. Chairman, actually told me one day: I agree with everything you're saying about a nonrenewable resource revenue savings plan. She told me this. I sat one evening in the Premier's chair while we were in committee. I sat beside the Deputy Premier, and she said: I agree with everything that you're saying about a nonrenewable resource revenue savings plan, but I'm only one vote. Then she told me: if you tell anybody that I said that, I'm going to have to hurt you. So I guess I'll be watching in my rear-view mirror now for a few days to see whether or not there are headlights approaching rather closely.

I know that members on the other side understand how important this is, Mr. Chairman. This is not a fly-by-night idea. This is not something that's way out there. This is the right thing to do. It's common sense. It's a no-brainer. It's an automatic. Why we see so much resistance to it, I cannot for the life of me understand. It doesn't make any sense. We all understand that this tremendous resource revenue boom that we're experiencing right now is not going to go on forever. It can't. It never does. We've been here before.

I won't read into the record the bumper sticker because the last

time I did, I got called on a point of order. But you all know what I'm talking about. Here we are again, 25 years later, and we're doing exactly the same thing we did in 1982-83. We're no better off than we were in 1982-83 in terms of economic diversification. In fact, I would argue, Mr. Chairman, that we're probably ever more dependent on the oil and gas sector today than we were in 1982-83.

So all of those lessons that we should have learned, that we promised we would learn have gone by the wayside, and we've not learned anything, or at least those on the other side of the House don't seem to have learned anything. In fact, I could probably say that they're ignorant to the fact that this is the right thing to do. Earlier today the Speaker ruled that that word used in that context is okay, so I'm going to continue to use it, I think, because it astounds me that when everybody, everybody is calling for this to be done – I shouldn't say everybody. I'm not sure about my colleagues in the ND opposition, whether or not they're supportive of a nonrenewable resource savings plan. Oh, they are, too. So, you know, everybody, from those on the far right to those on the far left, is saying that this is the right thing to do.

How can a government oppose an idea simply because the opposition says it's a good idea, simply because any number of stakeholder groups, most of whom would not normally be considered in alignment with the philosophies of the Liberal Party, all say that it's the right thing to do? In fact, Mr. Chairman, not only myself but our caucus have actually been accused of being more fiscally conservative and fiscally prudent than the government that's currently in power. I would argue that that's true. I've always considered myself to be a fiscally conservative citizen with a social conscience. I've always said: if that makes me an Alberta Liberal, then I'm perfectly happy to be where I am.

Now I hear, Mr. Chairman, the minister of health and the minister of advanced education say that that's the definition of a Progressive Conservative. You know what? They're probably right. In fact, I think they are right. The problem is that this so-called Progressive Conservative government is no longer progressive. We've seen that year after year. They've lost that side of it. In fact, when Nancy MacBeth became the leader of the Alberta Liberal Party in 1999, there were a lot of questions, quite frankly, from members of the Alberta Liberal Party as to her liberalism. What she said to me then was: I didn't leave my party; they left me.

Mr. Chairman, I could cite any number of other examples. In fact, the minister of health told me one day when he learned of some of the activities that the Official Opposition was undertaking: you guys are doing the right thing; you're doing what we used to do. Emphasis is on the word "used." So there's some understanding now – the minister of health is looking a little confused, so I'll remind him. It was actually a discussion that we had undertaken about the Official Opposition's outreach activities and the fact that rather than summoning people to Edmonton to come meet with politicians and officials, the Official Opposition en masse was going out to communities across this province to meet with stakeholder groups in their communities. The minister of health said to me: you guys are doing the right thing; you're doing what we used to do. I think that is one more example of how this government has moved away from being progressive conservatives and have more and more become conservative.

All you have to do is look at some of the people that they're nominating for the next election, Mr. Chairman, and clearly when you look at some of the nominations that are taking place across this province in that party, this is not a progressive conservative party anymore. This is a hard-right conservative party with, admittedly, some so-called red Tories in the caucus. I guess all I can say is: thank heavens that there are still some red Tories in that caucus.

**Mr. Snelgrove:** Mr. Chairman, you know: where to start with this guy? This is the group that wants more time to debate bills. They can't understand why we'd want to move things in an orderly fashion, and for whatever time you allotted, he made references to Bill 56 only accidentally.

Let's remember what he said last week about it. He said: automatically, automatically. He didn't say, "Wait until the end of the year" or "Wait until second quarter." He said: automatically we're putting the money in the bank. Then today he said, "Well, I don't really mean that. I mean, if you've only got 10 per cent, we'll put 10 per cent. If you've got 25 per cent, we'll put 25 per cent." What he said is that he's starting to learn, like his leader, that whatever way the weather vane is blowing that day is where he's going. "Oh, put all the money in unless it means we won't have programs. Oh, then we wouldn't do it."

So we stand very high up here in our principle of looking backwards, and we'll spend the whole 20 minutes talking about nonsense. To even suggest at the start that this was something out of the ordinary, to have the supplementary supply now, means he's either not paying attention or he's not listening to his House leader or he's not watching. Either way, there's a difference, I guess, between not knowing and not caring. I think he really does care about his job. He just doesn't know what it is yet.

So, Mr. Chairman, unless there's going to be more productivity, this is a little bit of a waste. They don't want to discuss the bill, so I move we adjourn debate on Bill 56.

[Motion to adjourn debate carried]

5:10

**Bill 31**

**Mental Health Amendment Act, 2007**

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Olds-Didsbury-Three Hills.

**Mr. Marz:** Thank you, Mr. Chair. It's a pleasure to rise today before the Committee of the Whole to speak to Bill 31, the Mental Health Amendment Act, 2007. This bill passed second reading on May 10, and on May 31 it was referred to the Standing Committee on Community Services, which I had the pleasure of chairing along with the deputy chair from Edmonton-Mill Woods.

The committee met a total of nine times, including a full day and evening of public hearings. We heard from 65 citizens and associations through both written submissions and public hearings. A number of issues were raised throughout the committee's review, and we had the opportunity to explore those issues with stakeholders.

Based on our consultation and deliberations, the committee had recommended a series of amendments, and I'd like to provide a brief summary at this time. Before we do that, Mr. Chair, I believe there are copies of the amendments for distribution, and if it's your pleasure, we'll just allow a moment for the pages to distribute them.

**The Deputy Chair:** Yes. Hon. members, the amendments that are being introduced are being circulated, and we shall refer to these sets of amendments as amendment A1.

Hon. member, you may proceed now.

**Mr. Marz:** Thank you, Mr. Chair. Before describing the amendments, I'd like to recognize the ongoing assistance and co-operation from the Ministry of Health and Wellness, which facilitated the committee's consideration of amendments, some of which originated with the minister and were supported by the committee. The



amendments are broken down into several sections, and I'll go through them one at a time.

Part A. This particular amendment to section 2 outlines the definition of health professional for the purpose of the Mental Health Act. This is necessary to give effect to the committee's recommendation that Bill 31 authorize other categories of health professionals in addition to psychiatrists and physicians to be involved in the issuance, renewal, amendment, and cancellation of community treatment orders, or CTOs. This recommendation is based on the premise that only those health professionals who meet the professional requirements and standards to be established through regulation will be authorized to issue community treatment orders.

Part B. This amendment to section 4 is one of the technical amendments proposed by the minister and subsequently approved by the committee. This provision clarifies that where a person who is subject to a CTO is apprehended and conveyed to a facility for an examination, the appropriate process for conveyance and examination after apprehension is that which is outlined in section 9.6(3) of the bill.

Part C. This is the lengthy amendment. Clause (a) replaces the existing wording for section 9.1(1) of the bill, which outlines the criteria for the issuance of a CTO. It addresses the following recommendations of the committee.

First, it allows for a broader category of health professional to be involved in the issuance of CTOs. The language now provides that two health professionals must be involved, and according to the definition section health professional means those classes of health professionals set out in regulation or designated by a board, a regional health authority, or the minister.

Second, the proposed section 9.1(1)(b) responds to the committee's recommendation that the category of persons eligible for CTOs should be expanded beyond what was originally provided for in the bill, which was restricted to formal patients, meaning that in order to be eligible, a person must be a patient in a designated facility under the Mental Health Act. Under the proposed amendment there are now three categories of persons that would be eligible for a CTO. The first category would be those who have been a formal patient or in an approved hospital or a custodial institution who satisfied the admission criteria for formal patients. The relevant time period that applies is the immediately preceding three-year period on two or more occasions or for a total of at least 30 days.

The second category of persons who are eligible would be someone who has been subjected to a CTO within the immediate preceding three-year period.

The third category of individual who would be eligible would be someone who in the opinion of two health professionals exhibits a pattern of recurrent and repetitive behaviour suggesting that he or she may likely cause harm to himself or herself or others or that the person will suffer substantial mental or physical impairment if he or she does not receive treatment and care while living in the community.

Another of the committee's recommendations is reflected in the proposed clause (f), which narrows the original provision of the bill, which allowed for what we termed a consent override if the issuing physicians were of the opinion that there would be a likelihood of harm to others if the person did not receive treatment. This consent override has been restricted to those persons who are deemed to be incompetent only.

The wording outlined in clauses (b) through (e) is consequential to the recommendation that allowed for health professionals to be involved in the issuance, amendment, and renewal of CTOs.

Clause (f) deals with the committee's recommendation that the bill include a requirement for interim steps to be taken prior to the issuance of an apprehension order where a person fails to comply

with the terms of the community treatment order. In accordance with the committee's recommendation this resembles the wording used in Newfoundland legislation and would require that reasonable efforts be made to inform the patient of his or her failure to comply. Reasonable efforts must also be made to explain to the patient that failure to comply may lead to involuntary psychiatric assessment, and reasonable efforts must be made to provide assistance to the patient to comply with the CTO.

Clause (g) provides new wording for the proposed section 9.6(3), and it accomplishes two things. First, it includes a consequential amendment to change the reference to either psychiatrist or physician to health professional. Secondly, this wording addresses a technical change recommended by the minister that provides clarity regarding the examination process that applies when a person who is subject to a CTO is apprehended.

Clause (h) is a consequential amendment to replace the reference to either physician or psychiatrist with health professional.

In part D this amendment to section 11 was proposed by the minister and adopted by the committee. This makes the criteria for transferring a patient into Alberta consistent with the new admission criteria.

Part E, the amendment to section 12, is a technical amendment that corrects a typographical error in the bill.

Part F. This amendment addresses the committee's recommendation that the bill provide for an automatic review by the panel after the first renewal of a CTO, which would occur after six months and then every second renewal thereafter except where the person has made an application for review within the preceding month.

Parts G, H, and I. These amendments include consequential amendments regarding the use of the term "health professionals." These amendments also address the review panel and hearing provisions and will require a supervising health professional where that person is different from the issuing health professional to receive notice and to attend hearings and court applications. The amendment was originally proposed by the minister and approved by the committee.

#### 5:20

Part J. This is an amendment to section 49 of the act, which deals with ministerial powers. This addresses the committee recommendations discussed earlier that allow for other classes of health professionals besides psychiatrists and psychologists to be involved in the issuance of CTOs, and this will enable the minister to designate or identify the class of health professionals that will have this authority.

Part K. There are a number of different sections to this part. They're all amendments to the regulation-making power provision in the act. Clause (a) allows for regulations to be made in connection with examinations required for the issuance of CTOs or apprehension orders. Clause (b) addresses the earlier recommendation regarding health professionals and allows for the Lieutenant Governor in Council to establish by regulation the qualification required by health professionals in connection with the issuance, supervision, renewal, amendment, or cancellation of CTOs. Clause (c) is another consequential amendment.

Part L has two sections. The first section deals with the committee's recommendation that there be a review of the provisions in this bill by a committee of the Assembly within five years.

Finally, the last amendment is a consequential change to the Health Information Act to allow the nearest relatives of persons subject to CTOs to access health information in order to carry out their duties and obligations under the Mental Health Act.

In conclusion, I would like to thank all the members of the committee for their hard work and diligence in this new process, and

I'd also like to thank the Premier of the province for setting up this process. I would encourage all members of this Assembly to support the committee's recommended amendments.

I would now move these amendments as a whole and seek the advice of the chair in debating them perhaps a section at a time.

**The Deputy Chair:** Hon. members, I have been informed by the deputy opposition House leader that we will be voting on this section by section as we proceed.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I appreciate that request, but I would like to speak to the amendments that have been tabled and then move a subamendment.

The chairman of the committee has made some introductory remarks relative to the work of the committee, and I'd like to echo those remarks. This has been a very important subject, a very important topic for Albertans for a number of years. As I said in second reading, the issue was brought forward by this minister after having encouraged it to be brought forward in a number of previous years and from a number of previous chairs. I really believe that the community treatment order tool is very essential for us to be able to allow families to work with their adult children who have forms of mental disorder which can be controlled with appropriate treatment, with pro-active treatment in the community and to allow the individuals to have a good quality of life and to give the families of those individuals the opportunity to help those individuals in an appropriate way. So a very important tool.

I'd like to commend the committee because it'll afford Albertans the opportunity to be heard on this important issue. It then reported, reflecting what it had heard in many cases, and showed that the process can really work and be really beneficial. So I want to thank the committee for their work. I want to indicate that I believe that the committee members have done very, very good work on this on behalf of all Albertans, never losing sight of the bill's purpose: to improve care, to provide to those suffering from mental illnesses.

I want to indicate that I support the committee's amendments as they've been tabled, with some important exceptions, and I want to highlight that. Even since the bill has been tabled, since the committee has reported, there has been an opportunity for more input to come back. There are a couple of areas where the community, particularly those people who are actively involved in the mental health community and working with persons with mental health conditions to which this bill might apply, have raised some concerns.

The subamendments that I would propose are important because, first and foremost, one of the issues in the amendments that were put on the table is the question of changing the bill from a doctor and physician, essentially, which is the practice throughout the Mental Health Act, to two health professionals. By doing so, that impacts a number of the sections throughout the bill. By having that process of making that change, there is an issue about whether that's appropriate. Really, allowing two health professionals in the act without further definition could suggest, for example, that it could be two LPNs or two others. Clearly, that's not the intention. The intention is people who have been identified as having the appropriate competencies.

It's my submission to the House that we need to adjust the amendments that were just tabled to reflect that reality, so I'm going to propose a subamendment which in a number of the sections will deal with the issue of the words "health professionals" versus the issue of "physicians, one of whom must be a psychiatrist." So a number of the sections would be amended by removing "two health professionals" and substituting "two physicians, one of whom must

be a psychiatrist." That would be the first subamendment, and it does apply to a number of sections throughout the amendment.

The second one would be the issue of the consent override. It's important in this community to recognize that the fundamental purpose of the bill is to allow families and health professionals to intercede at the appropriate time. The appropriate time to intercede would be before . . . [interjection] Yes. I've moved the subamendment and asked that perhaps it be distributed so people could see it.

**The Deputy Chair:** Just a minute, hon. minister.

Hon. Government House Leader, I am being advised that because of the number of subamendments that exist, the best procedure for us would be to deal with each section at a time. As we deal with section A, you may move the subamendment to section A, and we would vote on it and then move to the next one.

**Mr. Hancock:** Mr. Chairman, I would ask that we not deal with it in that way. The subamendments are integral as a package. They deal with issues that run throughout the process. So it's important to deal with the subamendments as a package and then deal with the section by section. Alternatively, we can move the subamendments as a package, and then if you wish to go to a vote on each section, we could have two votes on each section: a vote on the subamendment on the section and then a vote on the amendment. That would be preferable because if you don't pass the whole thing, you shouldn't pass any of it. It doesn't make sense to split it up and do it one by one.

**The Deputy Chair:** Hon. members, the chair is being advised by the opposition deputy House leader that what you are recommending is acceptable to them. We will deal with them as a package; however, the vote will happen individually.

**Mr. Hancock:** Thank you, Mr. Chairman, because we can't accept one without the other because they're all related.

It having been distributed, I will end up very quickly because I would like others to have the opportunity to speak this afternoon, and we have used a lot of time. So the piece is the health professional issue with respect to physicians and psychiatrists. This accepts the concept that the committee wanted, which is that there is an allowance for an expansion passed, a physician, one of whom must be a psychiatrist in certain circumstances. We've kept the concept, but by bringing these subamendments, we clearly defined that the expectation is it will be two appropriate health care professionals, being two physicians, one of whom must be a psychiatrist in the normal course, and then only in exceptional circumstances would you allow it to be other health care professionals and then only when it's appropriately defined by the regulation and the structure. So that would be the gist of the subamendment.

The consent issue. It's important that the CTO be available even if the individual does not consent when competent if they have an exhibited history.

Mr. Chairman, I think that that gives the gist of these amendments. There is some detail in there, but I would leave it at that and ask the committee to consider the subamendments as well as the amendments.

5:30

**The Deputy Chair:** Hon. members, the subamendments that we're going to deal with now are subamendment A1, which deals with part A; subamendment C1, which deals with part C; subamendment G1, which deals with part G; subamendment H1, which deals with part H; subamendment I1, which deals with part I; and subamendments J1 and K1, which deal with parts J and K.

The hon. Member for Edmonton-Mill Woods.

**Mrs. Mather:** Thank you, Mr. Chair. I first of all want to go on record as saying that the standing committee process, in my view, was very positive. We've been able to take a bill which we believe will improve the mental health structure in our province and then give people who are concerned about the bill an opportunity to be heard. We've taken comments and recommendations under very serious consideration to bring forward the best we can. So this is an encouraging demonstration of democracy.

What confronts us here is a real issue. We can tell it is a real issue because it's crossing party lines. When we face such issues of life importance, there are no Liberal and Conservative stands, no clichés of left and right, only members wrestling each with his or her own conscience and indirectly with each other in debate as we strive for an awareness of what is right. It is here that I begin. I respect the deeply held different positions held by my fellow members in this House, and what I have to say is that my statements grow from my own experience as a mother, a grandmother, a human being, and only incidentally as a trained psychologist. Before the bar of human need, there is no hierarchy of expertise. We are all equal here.

I'm personally well acquainted with the challenge of those who are struggling to maintain autonomy yet often find themselves incapable of meeting their own basic needs. I know this as a mother and as a daughter of a parent in care. I know the dilemma of good days when they seem to be making it and bad ones when the world seems to be falling in. I've been torn with the angst of respecting their choices and protecting others also near and dear who may suffer as a result of those choices. Many times the protection we most need is not from others but from our own less-conscious selves.

These are not abstractions. What we call rights, rules, and regulations are attempts to abstract something that seems external and solid and lasting as a basis for making decisions. Ultimately abstraction fails us for, as we're discovering in other parts of life and in the universe, all is relative. What is most real are the relationships of which we are a part that we must face on a case-by-case basis.

To apply individual rights here, we have to know the individuals. Each of us acquires rights as we mature and enter relationships. Birthdays and other rights of passage mark those rights in the eyes of the law, but in reality exercise of these rights is a reflection of responsibilities we take on for ourselves and for those around us.

At an extreme level all the rights of a CEO of Encor are suddenly negated by acts of social irresponsibility. Society then must act to protect others from past and possible damage, and the person proven incapable of responsibility must go back to kindergarten or whatever level until they learn what this means. In the lesser case of individuals suffering from various types of addictions and mental disorders the stakes are not as high for society. They have no shareholders or investors whose pensions or life-savings are at risk, but they have families and neighbours and next of kin, and they have the damage they inflict on themselves.

With less monitoring that exists of the choices these people make – that they take their meds, how they handle their money – we have had to rely on a very imperfect instrument, the criminal law. Only when a person crosses this line can he or she be taken into care or placed under supervision. With some of these chemically induced mental conditions the results are as predictable as for a person deprived of food or water. Their health will decline, and they will be drawn either to begging or stealing to avoid starvation. To refuse to intervene proactively here is as inept as the earlier practice of heavy sentences for stealing a loaf of bread. To justify this on the basis of the other's free choice was to abdicate our own responsibilities. For in a community and on a planet where we are all connected, we are all called to be responsible and to assume responsibilities for those who cannot do so themselves. Simply stated, we are all our brothers' and sisters' keepers, foster family to each other.

The intent of this bill is to balance our general responsibilities for each other and our individual needs, strengths, and weaknesses.

The role and the necessity, as this amendment is saying, of having a psychiatrist or physician as one of the consulting personnel is just that, a consulting one. It does not place some people or professions in a hierarchy over other people. Rather, it uses them as a resource to determine if those we fear are at risk are, in fact, capable of assuming their own responsibilities or whether they need help. It does not leave these people to run afoul of the law before we can help them and place them in holding tanks and other facilities that are unsuitable. It provides help without being a formal patient in a hospital. So it can save beds for those that need them.

The amendments that are proposed here I think reflect what the standing committee . . .

**The Deputy Chair:** Hon. members, the chair is being advised that the noise level in the Assembly is pretty high, and there are some very diligent, dedicated individuals who would like to listen to the debate who cannot listen as they would like to. So, please, I advise you. I know it's Thursday afternoon.

Hon. member, you may proceed.

**Mrs. Mather:** Thank you. The amendments that are proposed here I think reflect what the standing committee heard from a variety of people who appeared before us, and they reflect the collective wisdom of the committee on some of these issues. The bill is the beginning of the recognition of a problem that we have in our province. It is a really good step, but in order for it to work, I need to stress that we need the experts to implement the services, and they need the services. Without the services and supports this bill will be meaningless.

I appreciate the correspondence I've had with the minister in regard to a subamendment that I had, which now is being taken care of with the subamendments from the government. I feel it's necessary to specify in legislation that the oversight and implementation of community treatment orders be led by a physician. I believe that was the intent of the Standing Committee on Community Services. The intention of the committee was also to broaden section 8 of Bill 31 to ensure that community treatment orders could be issued in all areas of the province, even when there's no psychiatrist available. That is why the addition of "health professionals" was approved in committee.

"Health professional" means a health professional or a member of a class of health professionals as set out in the regulations or designated by a board or a regional health authority under section 9.7(1) or by the Minister under section 49(2).

But we neglected to ensure by stating in fact the need to always have a physician's participation in issuing and overseeing CTOs.

In my opinion, the optimum situation is to have a psychiatrist oversee and supervise treatment; however, this is not always possible. We know that there is a shortage of psychiatrists in this province, especially in rural areas. We are trying to facilitate, particularly in small groups, the availability of help for people who suffer with mental illness when they need it and as soon as they can get it. It is essential that physicians be involved to ensure proper implementation of standards of care to individuals who require a high level of care. Physicians are more familiar with long-standing, noncompliant, and potentially aggressive patients.

Prescription and supervision of medication is also a key component of CTOs, and this is a key responsibility of physicians. A physician has the training and expertise to prescribe and oversee proper and conducive treatment and to consult with the psychiatrist. Critical public policy issues such as this should be established in legislation, not regulation. We owe it to Albertans to ensure that our

intent is reflected in legislation. We want to ensure the best possible care is taken when implementing and supervising CTOs.

5:40

I acknowledge with thanks the hon. minister's reply to my proposed subamendment and his effort to address that issue with the guarantee of a physician being involved in the first of the accompanying regulations, which now he has put into legislation with these subamendments. We are agreed on the substance and now the form of this matter.

I guess that when I was thinking about this, I had to ask myself if it was sufficient that this be put into regulation rather than legislation, whether the difference between the matter's inclusion in the legislation itself or in the first of the regulations that flow from the legislation makes any material difference in the implementation or the outworking of the legislation. After some thought and discussion I have concluded that it does. Regulations can be changed behind closed doors without our chance to review and revisit them in this Assembly. I respect this minister's judgment and trust his integrity, but no one wants to give carte blanche to what may happen under his successors or to what officials may lay before a future minister.

I was thinking about a situation I could envisage five or more years down the road. With continued growth and demand on medical services and facilities, there may not be a physician in every community near enough to respond to the situation every time it arises. Rather than placing a person at risk in a holding facility of the kind in which they do not belong or having to transport them to the nearest centre where a physician may be located, the pressure may arise to have a physician designate a paramedic or another staff officer to make this call. In fact, some medical practitioners approach that line already. I'm aware of former students who would obtain a medical exemption from high school phys ed from the medical doctor's nurse because she had a stack of forms with the doctor's signature on them already.

These things happen, but as long as the physician is personally and professionally responsible for what goes out over his or her name, the buck stops there. If, however, the right of determining a person's competence is assigned a step further from the physician, the degree of judgment and accountability that goes into this call is reduced. Such a change could be made in the future if the consulting professional is specified at the regulatory level rather than in legislation.

The scenario I'm describing in the medical realm applies to our role as legislators as well. Some powers, rights, and responsibilities cannot be delegated by societies to their executive officers, by shareholders to their boards of directors, by legislators to those among us who hold ministerial posts. We can see where the path of delegation has led over the past century and a half in our parliaments and Legislative Assemblies. First, the powers gained by Assemblies, what we call responsible government, were claimed by the majority party in those Assemblies. Then they were claimed by the cabinet, or front bench, of the parties. In the past generation they have passed almost exclusively into the hands of individual ministers and first ministers, Premiers, Prime Ministers, and their staff.

As an elected member of this Assembly, not merely a representative, I cannot abrogate my responsibilities as an MLA to another no matter how great his integrity or how sound his judgment. Likewise a physician, who is a member of a professional body that oversees training, certification, practice, and discipline, cannot delegate a professional status to an intern or resident, nursing assistant, or receptionist.

I'd like to affirm that we're making sure in legislation of the physician's involvement, the physician and possibly psychiatrist, and I believe that that's a really positive step.

In terms of the other amendments, I think that we recognize that this bill addresses concerns about a very small group of people. We have situations where families are dealing with an adult child, and they don't have the tools that they need to get treatment on a timely basis. If we require that the individual . . .

**Bill 56**  
**Appropriation (Supplementary Supply)**  
**Act, 2007 (No. 2)**

**The Deputy Chair:** I hesitate to interrupt the hon. Member for Edmonton-Mill Woods, but under Standing Order 64(4) I must put the question proposing the approval of the appropriation bill referred to the Committee of the Whole. Does the committee approve the following bill: Bill 56, Appropriation (Supplementary Supply) Act, 2007 (No. 2)?

[The voice vote indicated that Bill 56 was approved]

[Several members rose calling for a division. The division bell was rung at 5:45 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Shariff in the chair]

For the motion:

Ady	Ducharme	Lindsay
Amery	Dunford	Lougheed
Backs	Goudreau	Lukaszuk
Boutilier	Haley	Marz
Calahasen	Hancock	Oberg
Cao	Hayden	Oberle
Cenaiko	Horner	Pham
DeLong	Jablonski	Snelgrove
Doerksen	Liepert	Tarchuk

Against the motion:

Bonko	Elsalhy	Miller, B.
Eggen	Mather	Miller, R.

Totals:	For – 27	Against – 6
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[Motion carried; Bill 56 approved]

**The Deputy Chair:** Hon. members, the committee has to now rise and report.

[Mr. Shariff in the chair]

**Mr. Marz:** Mr. Speaker, the Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 56. The committee reports progress on the following bill: Bill 31. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Concur.

**The Acting Speaker:** Opposed? So ordered.  
The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. What I was hoping to do was ask for unanimous consent to waive the rise and report and allow the Member for Edmonton-Mill Woods to finish her speech, which I understand has about 10 minutes, on Bill 31. I thought it would be in the spirit of goodwill after the afternoon we've had if the House was agreeable to doing that. I'm sure she would undertake to adjourn as soon as she's finished if the House would allow us to go back into committee for the period of time necessary to finish that.

**The Acting Speaker:** Government House Leader, are you asking for unanimous consent that the Assembly go back into committee for another 10 minutes?

**Mr. Hancock:** Yes, Mr. Speaker.

[Unanimous consent granted]

head: 6:00      **Government Bills and Orders**  
    **Committee of the Whole**

[Mr. Shariff in the chair]

**Bill 31**  
**Mental Health Amendment Act, 2007**  
*(continued)*

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Edmonton-Mill Woods.

**Mrs. Mather:** Thank you, Mr. Chairman. The intent of Bill 31 is in consideration of chronic illness with a subset of the mentally ill population. It is in reference to the needs of individuals with limited insight who are incapable of making decisions for themselves. These individuals may be addicted; they may have chronic schizophrenia and have bipolar mood swings. Undoubtedly, there is disruption for their families as well as for society. Their life is falling apart, and they may not be aware. At present certification for treatment is dependent on an assessment of dangerousness. Unfortunately, we often have to wait until the patient becomes dangerous.

Bill 31 amendments and subamendments will enable professionals to intervene earlier. Some patients will be dependent for a lifetime. If we put investment at the front end, there will be benefits for the long haul. Every individual has a right to treatment even if they are not capable of making that decision. We must not deny appropriate care to this small and very difficult population, the majority of whom are unable to make decisions for themselves. It is not a coincidence that the main groups who care for this population, physicians and mental health workers along with families, are in support of Bill 31, and that would include these subamendments.

There is overwhelming clinical evidence that it is needed for this population.

I think that I would like to just open up the idea briefly here of treatment as being more than medication. If we're just going to talk about issuing drugs, we're missing the target. I think that in looking at this, therefore, we need to broaden the spectrum here of people who are properly trained within mental health and have the skills – that could be psychiatric nurses, psychologists, and so on – so that treatment, again, is not just prescriptions and medication but that treatment involves other resources. We're making them available through this subamendment, that I feel covers the total intent of the standing committee; that is, a psychiatrist, a physician, and on other occasions possibly a health professional, which could be someone like a psychologist or a psychiatric nurse.

I will conclude by saying that I am in support of these subamendments. I want to stress again that if we don't have the experts available and the resources and supports for this wonderful intention that we have, then this will all be meaningless. We must keep in mind that we need to look at what supports are needed and address them in other ways.

With that, I'd like to adjourn debate for now.

[Motion to adjourn debate carried]

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

**Mr. Hancock:** Thank you, Mr. Chairman, and thanks to the House. I think that was very worth while to do. I would now move that the committee rise and report progress on Bill 31.

[Motion to report progress on Bill 31 carried]

[Mr. Shariff in the chair]

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

**Mr. Marz:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 31. I wish to file copies of amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Concur.

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

Hon. members, we have passed 6 o'clock. The House stands adjourned. Have a wonderful weekend.

[At 6:04 p.m. the Assembly adjourned to Monday at 1 p.m.]

