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The 27th Legislature
First Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

First Session

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 5, 2008

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. Guide us all in our deliberations and debate that we may determine courses of action which will be to the enduring benefit of our province of Alberta. Amen.

Please be seated.

Introduction of Visitors

Mr. Blackett: Mr. Speaker, I rise to introduce to you and through you to members of the Assembly the ambassador of the Republic of Slovenia, His Excellency Tomaž Kunstelj. This is His Excellency's third official visit to our province. We hope it is the extension of many more to come. He's sitting in the Speaker's gallery. Slovenia has been a member of the European Union since 2004 and has recently proven to be a reliable partner during its presidency of the Council of the European Union. We can learn a lot from Slovenia. If you can think of a country that 17 years ago was under communist domination and then got to the presidency of the EU, of a group of 500 million people, it's truly quite remarkable. I would like to ask our honoured guest to rise and receive the traditional warm welcome of this House.

The Speaker: The hon. Deputy Speaker.

Mr. Cao: Thank you, Mr. Speaker. This morning you hosted the annual Remembrance Day ceremony in the Legislature rotunda. Each year the Royal Canadian Legion offers a Canada-wide student poem competition, and the winner recites their poem at this event. The winner this year placed first in the Alberta-Northwest Territories command and also went on to place first in the dominion senior class. She and her family live in Benalto, Alberta, in the constituency of Innisfail-Sylvan Lake. It gives me great pleasure to introduce to you and through you to the members of the Assembly the award winner and her family, who are seated in your gallery. I would ask our guests to rise as I call their names: the poem winner, Andrea Murray; Mr. Ronald Edward Murray, father; Mrs. Jackie Murray, mother; Alexa and Paul Murray, siblings. Please give our guests the very best welcome of this House.

Introduction of Guests

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

Mr. Bhardwaj: Thank you very much, Mr. Speaker. It is a pleasure today to introduce to you and through you a school group, three classes, from my constituency of Edmonton-Ellerslie. They are joining us today from the Meyokumin school. I want to take this moment to recognize one of those students who was very helpful in my campaign this spring, Ms Pariyanka Chandan. She was with me every single day, knocking on doors regardless of the weather. She was a very important part of my campaign. At this time I would like to ask all of the students and the teachers, Ms Bentley, Mrs. Gurney, and Dr. Pike, and parent volunteer Mrs. Dhillon to please rise and receive the traditional warm welcome of this Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce some grade 6 students from St. Gerard Catholic school in my constituency of Edmonton-Highlands-Norwood. They are accompanied by their teacher, Mrs. Karen Sacobie. I would ask that the Assembly give them a warm welcome this afternoon.

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

Ms Woo-Paw: Thank you, Mr. Speaker. It is my distinct pleasure to introduce to you and through you to all members of the Assembly a group of dedicated volunteers and distinguished community leaders from the can-do city of Calgary. Sitting in the members' gallery today are key members of the Wing Kei Care Centre, a continuing care centre for Chinese elders that also provides home-care services in communities within the Calgary-Mackay constituency to seniors of all backgrounds. I'll be making a member's statement later this afternoon about the centre. Here with us today are board members, who also volunteer in the care centre: Mr. Brian Lee, an engineer by profession and current chair; Mr. Lyn Chow, retired engineer and also chair of the United Calgary Chinese Association; and Mr. Gus Chan, professional engineer and home builder; Mr. Vincent Leung, past chair of the centre, chartered accountant and senator of the University of Calgary; and last but certainly not least, executive director Miss Kathy Tam, who provides ongoing leadership for the wonderful staff in the centre. I would like to ask all of you to stand and receive the warm welcome of this Assembly.

The Speaker: The hon. Minister of Environment.

Mr. Renner: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce to you and through you to the Members of the Legislative Assembly 21 members of the public service that work in Alberta Environment. It was my pleasure to meet with them earlier today. They're participating in an orientation tour of this building. Those of us who work in this building sometimes take this place for granted, but for the people that do so much work on our behalf within the public service, an opportunity for them to engage with the legislative process and see how it ties in with the government process is so important. I'm very grateful that these individuals had the time to come over and spend a little bit of time here in the Legislature today. There are 21. Some of the names I probably will make a real mess of if I introduce them individually, so I just would ask them all to stand up and be recognized by all.

The Speaker: The hon. Minister of Energy.

Mr. Knight: Well, thank you very much, Mr. Speaker. It is my pleasure today to introduce to you and through you to all members of the Assembly a wonderful group of people that are participating in our national Take Our Kids to Work day. I tried that, and my kids all thought I was a little nuts, but there is an opportunity for me to introduce some folks. It's an excellent program, of course, which encourages young people to experience and explore what their parents do. I'd ask them to rise, please, and stand as I call their names: Saba Al Hammouri, Melanie Al Ramahi, Caressa Renaud, Laurie Gaudreau-Renaud, Rebeccah Kellman, Kathleen Kellman, Michelle Van Meer, Pat Van Meer, Jason Husak, Lori Husak, Jale Früke, Kyle Firth, Drew Korven, and Odessa Marie Wilson. They're here, and they have risen. I would ask you to please give them the warm welcome of this Assembly.

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

Mr. Liepert: Thank you, Mr. Speaker. I have the pleasure today to introduce a gentleman who has spent some time working in this building and is a constituent of mine, Mr. Dave Keto, and his guest, Lorraine Royer.

I'd also like to introduce another former constituent of mine who also has some past experience working in this building, Mr. Brent Shervey.

I'd ask all three of them to stand and receive the recognition of the Assembly.

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

Ms Redford: Thank you, Mr. Speaker. I have one very special introduction this afternoon. I'm very happy to introduce to you and through you to members of this Assembly Haley O'Neill. Haley is the daughter of Alberta Justice's communications director, Mr. Jay O'Neill, and she is accompanying her father today, like so many other students here, as part of Take Our Kids to Work day. It's been a lot of fun to have her in the office today. I know she's had the opportunity to meet some members of this House. I understand she'll be reporting back to her peers on this experience. I'd ask her to rise today and ask all members of this House to join me in welcoming her.

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

1:40

Mr. Allred: Thank you, Mr. Speaker. As part of the nation-wide job shadowing project called Take Our Kids to Work, which is part of the health curriculum involving career preparation, I'm pleased to introduce to you and through you two grade 9 students from St. Albert. First is Kyeler Tymafichuk from Lorne Akins junior high. He's accompanied by his mother, Eileen Tymafichuk, who is my constituency assistant.

Also, Brendon Kovacs from W.D. Cuts junior high in St. Albert. His mother, Kristin Kovacs, works with the Department of Solicitor General, and I believe she is accompanying her son in the members' gallery.

I'd ask them to rise and receive the traditional warm welcome of this Assembly.

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

Mr. Johnston: Thank you, Mr. Speaker. I'm pleased to rise today and introduce to you and through you to all members of this Assembly two guests seated in the members' gallery. Bridget Wilson came from Calgary as a finalist for the Norm McLeod award yesterday. I commend her for all the work she has done to promote wheelchair curling in Alberta. In the past Bridget has been a three-time provincial champion for wheelchair curling.

The second is Donna Elms. Donna does a phenomenal job of running my constituency office on a day-to-day basis.

Thank you, Mr. Speaker.

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

Mr. Griffiths: Thank you, Mr. Speaker. I have the pleasure today of introducing to you and through you to members of the Assembly three important people to me. The first one is Brent Korte. He's the director of government relations for western Canada for Janssen-Ortho. He grew up in Peace River, but he's been a resident of Spruce Grove for more than 15 years. He's very active in his local community, coaching both minor hockey and football, that his son is involved in. He is a close personal friend of mine.

He's accompanied today by Craig, his son, a grade 9 student at St. Thomas Aquinas school in Spruce Grove. Craig is an honours student at school, and he's been involved in the school leadership program, which is evident because he spends a lot of time with seniors. He makes lunch at Boyle Street, and he volunteers with the local food bank. He is also involved in playing minor sports such as hockey and football. He's here today with his father, Brent, for the Take Our Kids to Work initiative.

Sitting with them, Mr. Speaker, is another person that's very important to me, Brody Ackerblade. He's a grade 9 student in St. Albert. He is the son of Pam Chiasson and Rob Ackerblade, and he's a stepson of the best friend I have in the world, Maurice Chiasson. He plays soccer, and he says that one of his favourite pastimes now is to watch the Leafs lose. He's interested in politics, so he's been job shadowing me all day, and I think he's had a pretty incredible experience.

I'd ask all three of them to rise and receive the traditional warm welcome of this Assembly.

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

Mrs. Leskiw: Thank you, Mr. Speaker. As November is Special Olympics month, it is my pleasure to rise today and introduce to you and through you to all members of the Assembly four individuals from Special Olympics Alberta. Marilyn Dymchuk is an athlete in Special Olympics and competes in bowling, Martin Auger is also an athlete and competes in both floor hockey and bowling, Gwen Ogonoski is one of the coaches of Special Olympics, and Gauri Chopra works in communications for the organization. I would like you all to join me in celebrating their successes through this upcoming month and share in their dedication, perseverance, and commitment. I would ask the four remarkable individuals to please rise or wave their hands and receive a traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. It's a great honour to introduce two individuals that are visiting us here today, both no strangers to this Assembly. The first member is Bart West. He's with the 408 tactical helicopter unit, that attended the annual Remembrance Day celebration in the rotunda.

The second is Brady Whittaker, the chairman of the Alberta Forest Products Association, past mayor of Whitecourt and a lifelong great friend.

I'd ask them both to rise and receive the warm welcome of this Assembly.

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

Ms Blakeman: Mr. Speaker, I believe my group is attending later in the day if I may revert to introductions later.

Thank you.

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

Ms Notley: Thank you, Mr. Speaker. It is with great pleasure that I introduce to you and through you to the Assembly five citizens who deserve recognition for the positive contributions they are making to arts and culture in this province and across the nation through Edmonton's Exposure festival. From November 9 to 22 Exposure: Edmonton's Queer Arts & Culture Festival celebrates queer arts and culture. The festival exposes queer artists to new

audiences through theatre, film, public performances, photography, and art shows. By creating environments where artists can explore queer culture and take risks, the festival cultivates creative synergies, thought-provoking displays, social commentary, and new possibilities for inhabiting sexuality and gender. Exposure questions and inspires, celebrates, and expands the spectrum of queer expression. It is planned and executed through the work of a dedicated steering committee and a diverse working group and relies on over 60 volunteers.

Mr. Speaker, I would now ask that the board members, staff, and volunteers present rise as I call out their names: Heather Zwicker, board chair; Josephine Cross, board member; Felicity Bohnet, volunteer; Christie Schultz, communications and marketing; and Todd Janes, programming director. I would like the Assembly to offer them their traditional warm welcome.

The Speaker: Others? The hon. Minister of Municipal Affairs.

Mr. Danyluk: Thank you very much, Mr. Speaker. It is an honour for me to introduce to you and through you to this Assembly today some dedicated Municipal Affairs staff and their children who are also participating in the national bring your child to work day. I have Amanda Mycko from Municipal Affairs, public safety division, here with her daughter Stefanie and also a friend, Megan Hebert. If I could ask them to stand when I mention their names. Also, I have Joe Petrie from our public safety division here with his son Connor. Ron Cust from local government services division is here with his son Brendan, Maria Chan from human resources services with her daughter Macy, Lori MacIsaac from corporate strategic services division with her daughter Caileigh, also Sandy Tomlinson, who is organizing their visit to the Legislature today. If I could ask this Assembly to give them the traditional warm welcome.

Thank you very much.

Members' Statements

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

Family Violence Prevention Month

Mrs. McQueen: Thank you. Mr. Speaker, as you know, November is Family Violence Prevention Month in Alberta. Family violence is present in every community, and it touches more people than many of us think. Men and women of all ages, backgrounds, and abilities experience family violence, and children are affected regardless of whether they are the target of abuse or witnesses to it.

Family violence prevention requires our continued attention. That's why our government created the strategy for the prevention of family violence and bullying. We are providing Albertans with additional resources and supports to deal with issues related to family violence. Nine ministries are working co-operatively to ensure Albertans are safe in their own homes and communities, and in total we will spend more than \$59 million in 2008 and 2009 to support the prevention of family violence and bullying.

Alberta's community incentive fund provides funding to address family violence at the community and personal level. Many communities across the province, like my home community of Drayton Valley, have shown great success in working together to help prevent family violence and support those who are affected.

I encourage all Albertans to learn more about helping people in our communities who they think may be living in an abusive situation by calling the toll-free, 24-hour family violence information line at 310-1818. This information line offers help in 170 languages to help Albertans access the services available to them.

Mr. Speaker, family violence prevents children and families from reaching their full potential. Strong families create safe and secure communities. Together we can end the silence and stop the violence.

Thank you, Mr. Speaker.

Oral Question Period

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

Oil Sands Development Construction

Dr. Taft: Thank you, Mr. Speaker. Well, unfortunately the economic news continues to be bad. Today more Alberta oil companies are announcing cutbacks, and one of the world's major engineering firms is forecasting a 30 per cent decline in oil sands construction in Alberta, yet this government gives the impression that it's going to continue with business as usual. My question is to the Premier. What is the expected impact on government revenues of such dramatic drops in economic activity?

1:50

Mr. Stelmach: Mr. Speaker, I believe it was Jacobs Engineering who said that roughly \$120 billion worth of projects that were scheduled to go ahead will now be closer to \$80 billion. I think that there are so many jurisdictions around the world that would just love to have even a tenth of the \$80 billion in investment in their jurisdiction.

Secondly, we are monitoring the prices of oil and gas very carefully. Yesterday you saw oil rise dramatically. Right now it's dropped again down to that \$65 range. We're going to be very prudent, and if it does mean in the next year looking very strategically at the programs that we hold dear to our hearts that are part of our priorities, fine, but all the priorities will be reassessed.

The Speaker: The hon. leader.

Dr. Taft: Well, thanks, Mr. Speaker. A 30 per cent drop is a 30 per cent drop.

There's a new government in Washington with policies that will directly affect Alberta's wealth. There's a new government in Ottawa that has openly mused about intruding into Alberta's provincial jurisdiction. The price of oil has dropped in half in six months, and \$30 billion or perhaps \$40 billion worth of oil sands projects have been shelved. It's not good news. To the Premier: is this government concerned that unemployment in Alberta a year from now will be soaring?

Mr. Stelmach: Mr. Speaker, isn't it amazing, the change in policy? During the campaign that leader talked about a five-year hard cap which would have reduced – reduced, I can tell you – all growth in Canada but especially in the oil sands much more dramatically than we're seeing today. Now all of a sudden that gentleman is now interested in jobs. Well, I can tell you that that's our number one priority. We're going to be monitoring very carefully. We're going to make sure that the very active economy that we have in the province will continue, but that does not mean that we won't have to make adjustments if oil prices stay at the \$65 level. Period.

The Speaker: The hon. leader.

Dr. Taft: Well, thanks, Mr. Speaker. Again to the Premier: at a time when we as Albertans and as Canadians need to be working together

with other provinces and with Ottawa and to be united in our actions, why won't this Premier take one day from his European trip to attend the first ministers' meeting?

Mr. Stelmach: The leader sat in at the scrum yesterday, and I guess that's where he got his questions for today. I explained it very carefully yesterday as to the reason I'm going to Europe. The other wrong statement on his part is saying that I'm leaving during session. Next week we are recessing the session for a week. I'm taking that week to travel to Germany, to the Netherlands, and to Europe for two reasons, again: to make sure that we deal with the very inaccurate information that's drifting from the groups that are against this province and against continued wealth, and the other is to ensure that we talk about the technology that we're implementing in Alberta, the first of its kind not only in Canada but in the world.

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

Syncrude Royalty Agreement

Dr. Taft: Thanks, Mr. Speaker. Nine months have now passed since the government said it would have signed a royalty deal with Syncrude to ensure Albertans get a better share of the royalties, but there is no deal. To the Premier: why has this government failed to sign a deal with Syncrude nine months after its own deadline has passed?

Mr. Stelmach: Mr. Speaker, the negotiations are ongoing with the company, and I'm confident that the agreement will be signed. This is a company that has many different owners on different boards that have to meet to assess their portion of the agreement and whether they're going to support the new agreement that is going to be signed. I'm confident about all of those. Suncor is there, signed, and Syncrude will be there soon.

Dr. Taft: We've been hearing that for nine months, Mr. Speaker. When will this government say that enough is enough, live up to the tough language that this Premier used nine months ago, and require Syncrude to sign a deal?

Mr. Stelmach: The royalty takes effect January 1, 2009, and I expect all agreements to be in place, and I also expect this Legislature to pass all of the legislation that's required to put those royalty rates in place January 1, 2009.

The Speaker: The hon. leader.

Dr. Taft: Well, thanks, Mr. Speaker. In the nine months that have passed since that deadline, the global oil picture, as we all know, has changed dramatically. Suncor signed a deal when oil was twice the price it is now. Again to the Premier: has Syncrude's delay until these changed economic times meant that they will get a better deal than Suncor, who signed their royalty deal on time?

Mr. Stelmach: Mr. Speaker, the framework takes into account fluctuating prices for our commodities, so at a time when prices are high, Albertans will realize a larger royalty. But when prices go down – and this holds true for anyone that's doing business in the province of Alberta – Albertans will see a lower royalty rate, again, to promote the kind of economic growth and job growth that's necessary. It's a very balanced approach, and it applies to all companies.

The Speaker: Third Official Opposition main question. The hon. Member for Calgary-Currie.

Water Allocation

Mr. Taylor: Thank you, Mr. Speaker. In Alberta we may thrive on oil and gas, but we survive on water. Water is our most precious resource, and how we use it is of paramount importance, especially in southern Alberta. How this government makes decisions about water licences and water allocations is critical. To the Minister of Environment. The new interim draft policy for water licence change of purpose could be changed internally without consultation. Can the minister tell us if the interim policy will become law, either through amending the Water Act or through regulation, to provide certainty in how water licence allocations are transferred?

Mr. Renner: Well, Mr. Speaker, the process that we are engaged in right now is one of broad-based consultation. For me to answer the question as to whether or not the draft document that has been referenced in the media will become law is probably prejudging my ability to convince my colleagues that it should be.

Mr. Taylor: Oh, my, Mr. Speaker.

The minister has indicated he will conduct public consultations on how water allocations will be dealt with in Alberta. Can the minister provide a timeline for this process? No one seems to know.

Mr. Renner: Mr. Speaker, the stated objective to have broad consultation is a separate issue from the one that the member is referring to now. This one is very specific, on an application that came from one of the irrigation districts to be able to allocate water within their licence. What the member is referring to is a governance structure for the allocation of water licences and for the transfer of actual water licences. We expect that we will have that conversation sometime in the new year.

Mr. Taylor: That's narrowing it down.

When it comes to consultations, Mr. Speaker, the government goes to the Alberta Water Council, whose members often have very specific agendas. Will the minister commit to directly involving the people of Alberta openly and transparently in any future consultation process and not just the Water Council?

Mr. Renner: Mr. Speaker, the process for having discussion around water is by its very nature a public discussion. Whether we engage with the Water Council, which is a cross-section of water users, including municipalities, including industry, including environmental organizations, including irrigation, or we have a direct discussion with the public, I can guarantee you that in either case the public will be interested and will be making their concerns very much aware to me.

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

Congenital Syphilis Outbreak

Mr. Mason: Thank you very much, Mr. Speaker. This government failed to prevent a syphilis epidemic that took the lives of five newborn babies. In June four top public health officials left their posts, and we still haven't received a satisfactory explanation for why that was. Some of these doctors would like to tell their stories but can't because the Minister of Health and Wellness is enforcing

a gag clause in their contracts. My question is to the Minister of Health and Wellness. Why are you gagging these doctors? Why won't you let them speak?

Mr. Liepert: Well, Mr. Speaker, the answers may not be satisfactory to that member, but I've been very consistent and clear on the fact that we had four individuals who had contracts with the department. Contracts have end dates, and if the contract is to be extended, it needs to be renegotiated. Unfortunately, the negotiations did not result in new contracts, so the four individuals left for other pursuits.

2:00

Mr. Mason: Mr. Speaker, like I said, we still haven't received a satisfactory explanation.

This summer infectious disease expert Dr. Stan Houston spoke out about this issue. He said that some doctors had left because of a toxic, difficult, and obstructive environment and that Dr. Singh was hitting her head against the wall to find any support for an urgent response to the syphilis epidemic. On the day Houston's comments appeared in the media, the acting chief medical officer of health, Dr. Gerry Predy, filed a complaint against him with the College of Physicians and Surgeons. To the minister: why is your acting chief medical officer of health trying to silence Dr. Houston?

Mr. Liepert: Well, Mr. Speaker, this member was at our policy field committee meeting the other day and raised this letter from a Dr. Houston. Dr. Predy responded, I think appropriately, that he attempted to contact Dr. Houston to inquire about some of his concerns, and he didn't get a return phone call.

Mr. Mason: Mr. Speaker. In fact, what Dr. Predy didn't tell the committee is that he has filed a complaint against Dr. Houston for his public comments. If it looks like a cover-up, if it walks like a cover-up, if it quacks like a cover-up, then it's probably a cover-up. The minister should let the fired public health doctor speak and end the harassment of Dr. Houston. Why won't the minister end the cover-up of the government's handling of this syphilis epidemic that left five newborn babies dead?

Mr. Liepert: Mr. Speaker, I think this particular member should be ashamed of himself for attacking the good work of Dr. Predy, who is one of the finest public health officials in Canada. You know, this hon. member stands here and makes these accusations, but when he sat across the table at the policy field committee the other evening, he did not have the courage to make those kinds of comments.

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

Caw Ridge Coal Exploration

Mr. Campbell: Thank you, Mr. Speaker. Several of my constituents expressed concern about coal exploration on Caw Ridge near Grande Cache by the Grande Cache Coal Corporation and how it will affect wildlife in the region. The area is in the migration path for Red Rock/Prairie mountain caribou and has the largest mountain goat herd in Alberta. My question is to the Minister of Sustainable Resource Development. Under the company's coal exploration permit are there any conditions in place to ensure the environmental integrity of this sensitive area?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. I share the hon. member's concerns and the concerns of his constituents. That's why I visited Caw Ridge on August 29 and discussed the issues there with our fish and wildlife officers and also land officers. While we were there, we witnessed over 60 mountain goats and numerous bighorn sheep, and I can assure you that this government is committed to protecting that wildlife.

The current activity there is under an exploration permit only, and the exploration permit has strict terms and conditions to mitigate impact and protect the wildlife. No mining is allowed. If mining were requested in the future, it would require a full public hearing and an environmental impact assessment.

The Speaker: The hon. member.

Mr. Campbell: Thank you, Mr. Speaker. My first supplementary question is to the same minister. How are you ensuring that the company is meeting the conditions of its exploration permit?

Dr. Morton: Mr. Speaker, as I indicated, the exploration permit has strict terms and conditions to protect wildlife and mitigate the impact of that activity. During this exploration activity in July and August we had SRD staff on the ridge to monitor the activity to ensure compliance. In addition, the company was required to provide weekly reports, which we verified, and those are in place. We also required that all activity be terminated by the end of October because that's when the caribou move back over the ridge. I'm happy to report that the company has completed its activity and vacated that end of the ridge.

The Speaker: The hon. member.

Mr. Campbell: Thank you, Mr. Speaker. My last question is to the same minister. What actions can the minister take if conditions are not met on such projects?

Dr. Morton: Mr. Speaker, as the minister responsible under the Public Lands Act I have the authority to cancel the dispositions if the conditions are not met. But I repeat: all of the conditions have been met under the current exploration permit, and any requests to mine in the future would be subject to both full public hearings before the ERCB and would require an environmental impact assessment with full participation by the public and stakeholders.

Safety of Sour Gas Wells

Mr. Chase: Mr. Speaker, first we have the potential approval from the Energy Resources Conservation Board to drill sour gas wells near a school in Tomahawk, and now another application to drill 11 sour gas wells in the pristine eastern slopes is before the ERCB. The minister can talk all he wants about the independence of the board, but the board has a mandate from this government to maximize resource extraction. This government rubber-stamps over 98 per cent of project applications regardless of risk. To the Minister of Energy: do you agree that sour gas wells and an accompanying pipeline should be allowed in the eastern slopes despite the environmentally sensitive nature of this area?

Mr. Knight: Well, Mr. Speaker, in the first place, the hon. member opposite again has things a little bit cross-wired because unless it happened this morning, that issue is not in a hearing at this point in time but will be very shortly. The process is in place. The determination will be made with respect to all of the issues around that

development, and at the end of the day the quasi-judicial board, that the ERCB is, will make a decision based on what they believe is the best interests of the province of Alberta and the citizens of the province of Alberta.

Mr. Chase: The economy trumps safety.

To the Minister of Environment: given that this sour gas carrying pipeline proposal will cross many streams, rivers, and yet to be specifically located underground aquifers, are you completely confident that there will be no risk of contamination to water resources from this project? What assurances can you provide that there will be no pipeline failures?

Mr. Renner: Well, Mr. Speaker, I think the member should know, if he doesn't already, that there are literally hundreds of thousands of miles of pipelines across this province. There is movement of gas that takes place every day, has for the past 50 years, and I don't know why this pipeline would be any different from all of the rest. Yes, I have ultimate confidence in the safety of the system.

The Speaker: The hon. member.

Mr. Chase: Thank you. The eastern slopes provide a very specific challenge because the aquifers have not been mapped, as is the case throughout the province. I guess I'll have to go to the Minister of Sustainable Resource Development. You have indicated that a draft land-use strategy will be released in December. Will you support a moratorium on new developments in the eastern slopes until your land-use strategy is finalized and implemented? Will you stand up for this pristine area?

Mr. Morton: Mr. Speaker, I'm very familiar with the project that the hon. member is referring to. I've flown over it a couple of times. I've met with both parties involved. I could say lots of things, but as the Minister of Energy has already indicated, when an issue like this is before the Energy Resources Conservation Board, it would be completely inappropriate for anybody in this House, particularly any minister, to comment on something that's about to go before the board.

The Speaker: The hon. Member for Athabasca-Redwater, followed by the hon. Member for Edmonton-Gold Bar.

Aboriginal Consultations

Mr. Johnson: Thank you, Mr. Speaker. I'm very happy to represent a significant number of aboriginal and Métis constituents. Last week the Prime Minister unveiled his new cabinet, and one of those ministers to retain his portfolio was Chuck Strahl, the federal Minister of Indian Affairs and Northern Development. My question is for Alberta's Minister of Aboriginal Relations. What is he doing to ensure that his federal counterpart is aware of the issues facing aboriginal people in Alberta?

Mr. Zwozdesky: Mr. Speaker, a very good question because, of course, on-reserve issues are the lead of the federal government. To answer the question directly, I have communicated with the federal minister regularly ever since being appointed to this portfolio. It happened to be Chuck Strahl, and I'm very pleased that he has recently been reappointed to the same position, so we already have a process in place. The issues that we're talking about include everything from education to infrastructure to housing, road conditions, and so on. I'll continue to press those issues in my monthly meetings with him.

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. My second question to the same minister. Could he elaborate on those areas of concern and which areas are a priority for him in his discussions with his federal counterpart?

Mr. Zwozdesky: Mr. Speaker, it's a very timely question, in fact, because I just spent four and a half hours with some 47 chiefs and/or their representatives at their assembly here in Edmonton. The issues that kept coming up were issues related to outstanding land claims, issues to do with treaty rights and, again, education and anything to do with land-related matters, for which they care very, very deeply. I'll continue doing that, by the way.

2:10

The Speaker: The hon. member.

Mr. Johnson: Thank you, Mr. Speaker. Consultation is very important to the aboriginal community in my constituency. Can the minister tell us if consultation will be on the agenda in those discussions?

Mr. Zwozdesky: Mr. Speaker, if the issue is consultation with respect to issues of lands that are the lead responsibility of the federal government, then, yes, I will continue to bring forward issues which our chiefs or at least the Alberta chiefs have brought forward for that purpose. If the issues are consultation on unoccupied Crown land, for which Alberta has the lead, then I'll be working with my colleague ministers in SRD, in Energy, and Environment, and wherever else to ensure that meaningful consultation is taking place and that industry is aware of those same rules, if you will.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Cardston-Taber-Warner.

Mental Health Services

Mr. MacDonald: Thank you, Mr. Speaker. In the last two reports issued by the Auditor General it is clear that the needs of Albertans with a mental illness are not being met by this government. The Auditor General has repeatedly asked that this issue be given an acceptable level of attention from the government. My first question is for the minister of health. Why does this government continue to neglect the over 600,000 Albertans who suffer, unfortunately, from a mental illness?

Mr. Liepert: Mr. Speaker, that's exactly wrong. This government is taking action on mental health. There's no question that over the past number of years, I think, in many ways mental health has not received the attention that it should relative to physical health care. One of the things that happened I guess about three years ago now was that the delivery of mental health services went to the regions. It will now be under the Alberta Health Services Board. I think the most important initiative that this government has taken was the release several months ago of a children's mental health strategy, which will go a long way towards identifying early detection of mental illness.

Mr. MacDonald: Interesting.

Again to the same minister: when will the government finally institute standards for mental health services to guarantee the best service to those 600,000 Albertans who, unfortunately, suffer from mental illness?

Mr. Liepert: Well, Mr. Speaker, I know the member is referring to the Auditor General's report. The Auditor General had made some recommendations relative to standards, and we have been examining those recommendations. I think what is important is to identify, especially at a young age, those Albertans who are suffering from some form of mental illness. We are reviewing the recommendations, seeing how they can be incorporated into our strategies going forward.

Mr. MacDonald: Again to the minister: can the hon. minister please tell Albertans what the government is doing today to help encourage mental health housing development here in Alberta?

Mr. Liepert: Mr. Speaker, it's a very good question because, you know, I think that the work that we've been doing with the Minister of Housing and Urban Affairs around the homeless issue, an awful lot of the work through the safe communities, that is with the Attorney General – you know, mental health has so many connections, whether it's homelessness, whether it's addictions, whether it's crime. This needs to be a co-ordinated effort, and certainly housing is part of that. As I said at the outset, there is certainly lots of work that has to be done, and we recognize that.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Edmonton-Centre.

Hunter Education and Training

Mr. Jacobs: Thank you, Mr. Speaker. Some of my constituents, many of them hunters themselves, have been contacting me regarding some concerns they have about hunters near the wildlife management unit near Waterton park. They told me of hunters going onto private property without permission and even hunting from the roadways. My questions are for the Minister of Sustainable Resource Development. What steps does his ministry take to ensure that hunters get the proper information about safe hunting practices?

The Speaker: The hon. minister.

Dr. Morton: Thank you, Mr. Speaker. I actually had the opportunity to visit landowners south of Pincher Creek in August and heard the same concerns. Of course, in this area of law enforcement, like all others, self-enforcement is the best policy, and to do that, we put a big emphasis on education. All first-time hunters take the Alberta conservation and hunter course, and they learn that landowner permission is required and road hunting is illegal. The Alberta Guide to Hunting Regulations repeats those messages. Those messages are also found on our website at My Wild Alberta. Also, our fish and wildlife officers work with hunting groups to communicate those messages.

Mr. Jacobs: To the same minister: what is this ministry doing about the problem individuals?

Dr. Morton: Mr. Speaker, I'd like to begin by emphasizing that the overwhelming majority of Alberta hunters are a law-abiding and very positive force in our game conservation and management efforts, but it is true that a few bad apples can spoil it for the rest of us. I would emphasize, though, that we have increased the number of full-time officers. We now have 140 full-time officers. We're having successful operations in identifying poachers and violators with significant fines. We've also established a pilot project in the

hon. member's area. We're partnering with the sheriffs, and I'd like to thank the Solicitor General, actually, for that and point out to the hon. Member for Calgary-Buffalo that this is another example of the good work that the Alberta sheriffs are doing in the province of Alberta.

The Speaker: The hon. member.

Mr. Jacobs: Thank you, Mr. Speaker. My last question is to the Solicitor General and Minister of Public Security. What is his ministry's involvement in this pilot project?

The Speaker: The hon. minister.

Mr. Lindsay: Well, thank you, Mr. Speaker. It sounds like this hon. member certainly appreciates the good work of our sheriffs.

Yes, we will be sending some of our sheriffs from Lethbridge, Medicine Hat, and Calgary to the wildlife management unit every weekend until November 30 to conduct these patrols. The sheriffs will not only be enforcing traffic safety laws, but they will be assisting fish and wildlife officers when they observe any hunting infractions. We anticipate that the presence of both the sheriffs and fish and wildlife officers will nip this problem in the bud, Mr. Speaker.

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

Sexual Orientation

Ms Blakeman: Thank you, Mr. Speaker. Last spring the Minister of Culture and Community Spirit said in referring to his review on human rights in Alberta, "I will make a presentation to my caucus, and then we will go forward from there, but I am not yet able to make that commitment to you." Last week the minister said that he had not yet – and again I quote – "had a chance" to make that presentation. My question is to the Minister of Culture and Community Spirit. What has he had a chance to do over the past six months with regard to the review of human rights in Alberta, and when will Albertans see the result of this review?

The Speaker: The hon. minister.

Mr. Blakett: Well, thank you, Mr. Speaker. Thank you to the hon. member for that question. What we have done in the last eight months on the human rights file is that I've sat down and met with the acting commissioner of the Human Rights Commission. I've met with past commissioners and past chief commissioners of the Human Rights Commission. I've met with people from the legal community. I've met with representatives of both respondents and complainants. I've met with ministry staff. I've met with our director. I've met with representatives from human rights commissions in other provinces. We have met with other stakeholder groups to ascertain what was going on. I've met with people from the Chumir foundation to see what their recommendations are. All the reports aren't in, all the information is not in, but we're still working on it.

The Speaker: The hon. member.

Ms Blakeman: Thank you very much. To the same minister: given that last week the minister said that it would be inappropriate for him to take a position on human rights, I'm wondering if the minister at

least understands the problem with excluding sexual orientation from the text of the Alberta Human Rights, Citizenship and Multiculturalism Act.

Mr. Blackett: We certainly understand the position that the member is articulating, but at this particular time it's not appropriate. We have met with that stakeholder group. The human rights, citizenship, and multiculturalism education fund and the Member for Edmonton-Castle Downs have met with that group. We have taken it under advisement, and when we have something to report on that, we will.

The Speaker: The hon. member.

Ms Blakeman: Well, thank you very much. Back to the same minister. If we already list race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, and family status and find it appropriate to list those as protected grounds, why is it inappropriate to list sexual orientation?

Mr. Blackett: Mr. Speaker, the Human Rights Commission is a complex, quasi-judicial body and has problems within it, as every other jurisdiction in the country has. To say that we're just going to fix that one problem by opening up legislation is irresponsible and doesn't take . . . [interjections] Well, that's fine . . .

The Speaker: Hon. minister, to me.

Mr. Blackett: Sorry.

Mr. Speaker, clearly the hon. Member for Edmonton-Centre doesn't understand the complex nature of what we have to deal with. We have to look prudently and systematically and thoroughly go through each and every part of the process.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Lethbridge-West.

2:20 Special-needs Education Funding

Ms Notley: Thank you, Mr. Speaker. On September 6, 2008, a job posting ran in the *Edmonton Journal* looking for a full-time teacher assistant for a junior high autistic student. Here's the line we should all pay attention to: "The position is within an Edmonton Public school and is funded privately." To the Minister of Education. This government is starving special-needs education, forcing some parents to pay and leaving most others out in the cold. When will you stop allowing more private funding into our schools and fund all kids to a level where they can get a quality education regardless of parental income?

Mr. Hancock: Well, Mr. Speaker, I'm delighted to advise the House, as I think I have in the past, that we have a complete review of special needs, including special-needs funding, ongoing. The hon. Member for Edmonton-Ellerslie is heading the steering committee in that area. What we need to do is look at the whole question of what services and supports we need to provide to students in this province so that they can succeed. Right now the model that's used is a medical model. We need to look to determine whether that's the appropriate model to use. We're doing that thorough analysis, and when it's done, we will adopt a new policy framework and a new funding model.

The Speaker: The hon. member.

Ms Notley: Well, thank you, Mr. Speaker. Any review that plans in advance to take over two years to simply write a report isn't designed to fix the problem. It is designed to shield the minister from criticism. To the same minister. While your committee takes over two years to spin its wheels, disabled children are falling through the cracks. Will you commit to increased funding for these children in the interim, or will you allow the 7,000 children not getting services to languish for the next two and a half years?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. We're not allowing any children to languish. We have committed to maintaining the funding that's in place, and if additional students are identified, funding can be put in place for them. But what we've indicated to the system and what the system has indicated to us is that the current system does not work appropriately across the board, and therefore it's very important to put in place an appropriate policy framework and an appropriate funding framework. I'm sorry the hon. member thinks it's spinning wheels. It's very important to talk to stakeholders and to get it right, and that's exactly what we're doing.

Ms Notley: Well, Mr. Speaker, this May the government was told that there are more than 7,000 students within the system that are likely not receiving the kind of support that they need. In the meantime your plan is leaving some parents to pony up the money on their own. Why will you not commit to some increased interim funding while your committee takes two, two and a half years to address this problem?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Subject to checking, I think the hon. member has got her numbers wrong. What the review did disclose was that there were 16,000 students being funded, and only 8,000 actually met the criteria for funding. Now, the problem becomes that, obviously, the criteria are not working for the number of students in our system who require support. So instead of saying that we're funding students that shouldn't be funded, which would be inappropriate and wrong, we said that we need to fix the system, which is what we're doing.

The Speaker: The hon. Member for Lethbridge-West, followed by the hon. Member for Lethbridge-East.

Private Septic Systems

Mr. Weadick: Thank you, Mr. Speaker. Across Alberta we have seen significant growth in rural subdivisions and acreage development. This has occurred especially around the rivers and lakes in our province. Many Albertans have expressed concern about the level of contamination and potential contamination from private sewage disposal systems. My first question is to the Minister of Municipal Affairs. What is the government doing to address the issue of sewage contamination in these communities and, especially, lakeside communities?

The Speaker: The hon. minister.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. I do want to say that healthy lakes are very important to this government as well as to all Albertans. We must ensure that the lakes are safe from contamination of private sewage systems. We are developing a

management framework for communities. Also, the framework will be guidelines for communities to work together to better design and install and monitor these systems. We are helping communities work together to keep our lakes clean.

The Speaker: The hon. member.

Mr. Weadick: Thank you, Mr. Speaker. My second question is to the same minister. Smaller municipalities may struggle to find the time or staffing resources to deal with these important issues. What support are you offering to help them?

Mr. Danyluk: Well, Mr. Speaker, we are taking action, as I said before, to help the water supply against contamination from population in areas that are dense in population. We do have pilot projects that are presently in place, one of them being with the Alberta Association of Municipal Districts and Counties. We are also doing work with the University of Calgary. We must find the best solution to protect the environment and public health.

The Speaker: The hon. member.

Mr. Weadick: Well, thank you, Mr. Speaker. As this is a partnership with Alberta Environment, my second supplemental is to the Minister of Environment. What is Alberta Environment doing to ensure the water quality in our Alberta lakes?

The Speaker: The hon. minister.

Mr. Renner: Well, thank you, Mr. Speaker. I think there are two approaches, one in the short term. On a short-term basis we have prohibited the spreading of septage on land near lakes to minimize the runoff impacts on the lake and also work with property holders around the lake to minimize runoff impacts. We do routine and ongoing sampling of water and ensure that we have a good handle on it.

In the long term, Mr. Speaker, really the objective needs to be to eliminate the use of private septic systems, and to that end we're working with Municipal Affairs to put in place a process for regional municipal waste systems.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Edmonton-Mill Woods.

Municipal Sustainability Initiative Funding

Ms Pastoor: Thank you very much, Mr. Speaker. My questions, too, will be to the Minister of Municipal Affairs. However, it really is just a coincidence.

In order for municipalities to thrive, they need to establish long-term plans. Long-term plans require long-term funding partnerships. The municipal sustainability initiative expires in 2016, which is certainly not long term, at least in my mind. My question is to the Minister of Municipal Affairs. When will the province establish a permanent agreement with municipalities?

Mr. Danyluk: Well, Mr. Speaker, \$11.3 billion over 10 years is completely unprecedented anywhere else in this country. It is a commitment made by this government to support municipalities, to give municipalities sustainability and predictability so that they can be autonomous and choose what they feel is important to their area. That is support.

The Speaker: The hon. member.

Ms Pastoor: Thank you. To the same minister again: the municipalities want a plan, but can they be guaranteed that that needed funding is going to come on a regular basis, or is this just big money thrown out?

Mr. Danyluk: Well, Mr. Speaker, I think the member of the opposition said it very eloquently: the plan. There is a plan to support municipalities, and that plan is the municipal sustainability initiative. It is support for municipalities, as I've said before, for 10 years.

Ms Pastoor: One last question if I might: when will the provincial government make good on their promise to freeze the educational property tax at \$1.4 billion?

Mr. Danyluk: Well, Mr. Speaker, let me say to you that education is an investment in our future. It is about providing stable funding to support our world-class education system. Presently we do collect \$1.6 billion in education taxes, which makes up 31 per cent of the amount of funding that supports education. This combination of property taxes and provincial funding ensures – and I want to repeat: ensures – that future generations will be ready to tackle future challenges.

Thank you. [interjections]

The Speaker: The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Calgary-Buffalo. [interjections] The hon. Member for Edmonton-Mill Woods has the floor.

2:30

Overseas Mission to Asia

Mr. Benito: Mr. Speaker, my first question is to the Minister of Employment and Immigration. I understand you were recently in South Korea on a labour attraction mission. What result did you achieve to meet the workforce needs of the Alberta economy?

The Speaker: The hon. minister.

Mr. Goudreau: Thank you, Mr. Speaker. During the mission we met with local government and Canadian embassy officials. The focus of our meetings was to address key issues impacting immigration from Asia as well as to identify ways to solve Alberta's labour shortages. We discussed areas of mutual concern such as credential recognition and language training, and provided information to the South Korean government that will help their workers to be more competitive. We also participated in the Korean Emigration and Investment Fair in Seoul.

Mr. Benito: My second question is also to the same minister. What benefits for the province of Alberta have you seen from the emigration fair in Seoul?

Mr. Goudreau: Mr. Speaker, we were overwhelmed by the response we received. Approximately 1,000 people dropped by the Alberta booth over a two-day period, and another 200 people attended an information session on the province. We fielded questions from highly skilled and educated workers interested in immigrating to Alberta, including engineers, health care professionals, and tradesmen. We also spoke to many postsecondary students interested in learning about employment opportunities in Alberta. South Korean students are a major draw for institutions here. In fact, the country is currently ranked as the second-highest source of international students in Alberta.

Mr. Benito: My last question is to the same minister. Why is attendance at events like this one necessary? Aren't there other ways to reach prospective immigrants?

Mr. Goudreau: Mr. Speaker, by attending events such as this one, we make face-to-face contact with prospective immigrants, helping to raise Alberta's profile as a great place to live and to work. It's important that we remain competitive and are visible internationally as we work to attract immigrants in occupations facing shortages. Even in times of economic uncertainty Alberta still needs to attract workers. We estimate that over the next 10 years Alberta could be short as many as 110,000 workers.

Justice System

Mr. Hehr: Mr. Speaker, recently the Justice minister implied that defence counsel are to blame for delays in the justice system, where most people involved in the system put the blame with this government. Accordingly, is the Justice minister suggesting that members of the Criminal Trial Lawyers Association are responsible for the delays and not the fact that the Alberta justice system is the second-slowest province in the completion of trials, that is the real issue?

The Speaker: The hon. minister.

Ms Redford: Thank you, Mr. Speaker. The comments that I made last week were with respect to the system as a whole. I think it's very important in this system that we understand that there are judges, prosecutors, defence counsel. We all have a job to do. We all have to do it to the best of our ability. There is no doubt that when we're dealing with litigation, whether you're a prosecutor or whether you're a defence counsel, you do get involved in tactics. One of the tactics that both sides use is to use every possible procedural argument that they can. That does sometimes delay the system, and that's a reality.

Mr. Hehr: To the same minister: by her comments and again with that answer is the minister suggesting that members of the Criminal Trial Lawyers Association are choosing to allow their clients to languish in remand centres, which, by the way, make up 56 per cent of the inmates in Alberta, instead of proceeding to trial?

The Speaker: The hon. minister.

Ms Redford: Thank you, Mr. Speaker. I'm suggesting exactly what I said in my previous answer.

Mr. Hehr: Finally, is this minister concerned that individuals charged with a crime are spending an inordinate amount of time in custody despite one-third of these individuals eventually being found not guilty?

Ms Redford: Mr. Speaker, we have a system in place that involves bail. It involves conditional release; it involves remand. The judges run the system. It's my concern to make sure that the system runs well, and I have no concerns about how it works at the moment.

The Speaker: The hon. Member for Whitecourt-Ste. Anne, followed by the hon. Member for Calgary-Varsity.

Whitecourt Woodlands Meteorite Impact Crater

Mr. VanderBurg: Thank you, Mr. Speaker. The Whitecourt woodlands meteorite impact crater has been evaluated and deter-

mined to merit designation as a provincial historic resource. Dr. Chris Herd, the associate professor of earth and atmospheric sciences at the University of Alberta, has applied to have the Whitecourt woodlands meteorite impact crater designated a provincial historic resource. My question is to the Minister of Culture and Community Spirit. Has this designation been applied yet, and what does this mean to the community of Whitecourt?

Mr. Blackett: Yes, hon. Member for Whitecourt-Ste. Anne. A recommendation for that designation came across my desk on the 15th of October, which I signed, so that will be forthcoming. What that means is a designated provincial historic site for a meteorite that's one of 10 in the world that actually has a crater and actual meteorite fragments in it, and it's only a thousand years old. It's significant to Albertans. It's going to be great for the community. It's a great opportunity for young people and the people in the community to learn more about their history.

Mr. VanderBurg: My next question is to the Minister of Tourism, Parks and Recreation. How does this minister feel about having such a rich resource at the fingertips of Albertans to promote all kinds of activities in this province? How does her department relate to such a valuable resource?

Mrs. Ady: Well, Mr. Speaker, that is a good question. As you know, we're always looking for new opportunities, new product development in tourism. Rarely does it come from space; we usually kind of generate it on the ground. I do think it's an exciting opportunity for the Whitecourt area and for students and scientists from around the world. We welcome this new resource.

Mr. VanderBurg: My final question is to the Minister of Culture and Community Spirit. If a local science group were to get together, develop a society, would this group qualify for grants under his department to help preserve the site and to help the locals with a science class?

Mr. Blackett: Mr. Speaker, at the risk of saying that we'd be putting money in a hole, I think that if there was a not-for-profit society formed and it was a worthwhile venture that was supported by the community, we would certainly take a look at that and potentially view that favourably.

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

School Nutrition Programs

Mr. Chase: Thank you. Enough of the puffballs. Let's get on with the real matters. I was relieved to hear the Minister of Education acknowledge last spring the importance that proper nutrition plays in the success of students and the need to work with communities to ensure that children are ready to go to school and learn. My questions are to the Minister of Education. What steps has the minister taken since the spring to support communities who are providing or want to provide school nutrition programs for at-risk students?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. The hon. member may know that Breakfast for Learning, for example, was here in the

Legislature last June to bring their message to us and to share some of the lunch information. That was a very, I think, informative session. We've since arranged to support them, because one of their funders has stepped away this year, with some interim funding until they can get their legs under them. I've also had discussions with others in the community about how we can ensure that the community passion and the community effort that's necessary can be there supported by government, not taken over by government.

The Speaker: The hon. member.

Mr. Chase: Thank you. Rather than the interim equivalent of band-aid funding we need long-term, sustainable funding, and the government has a role. In the spring the minister said, "We will work with our schools, jurisdictions, and with parent councils and others to make sure that barriers to success for at-risk students are overcome." So what are the minister's timelines as to when school nutrition programs will be in place province-wide for at-risk students?

Mr. Hancock: Well, I'm not sure how you put school nutrition programs in place for at-risk students alone. You can certainly support organizations and schools that are putting in place school nutrition programs in certain areas where there are more at-risk students. We'd certainly be supportive of school boards working with their local communities to make sure that students who need assistance with healthy breakfasts or healthy lunches can get that and certainly encourage school boards to consider nutrition programs as well and policies relative to what's sold in the schools from the school cafeteria, school lunches, or the vending machines.

Mr. Chase: There is no doubt that healthy food is an extremely important component, but healthy funding is the key matter for a number of school children, 60,000 of which are living below the poverty line.

My third question, again to the minister: how can the minister justify the government spending \$300,000 to expand a golf course clubhouse in St. Paul when this money could have been used to fund much-needed school nutrition programs?

2:40

Mr. Hancock: Well, Mr. Speaker, the hon. member, I guess, would suggest that you shut down every other aspect of government and focus on one particular area. Obviously, government and community is much more complex than that. We have a very important major community facilities enhancement program which works with community organizations to make sure that we have healthy living in our community. That's what the grant that he's referring to is part of, I'm sure. His leader, who has criticized these grants in the past, was there in his own community when a grant of that nature was made for a playground. You know, you cannot isolate and say that there's only one important thing for government to do. I want to say that it's very important that government work with community, not take over all of the social obligations of community but work with community to make sure that our children are well supported.

The Speaker: Hon. members, that was 102 questions and responses today.

Might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

(continued)

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

Ms Blakeman: Thank you very much, Mr. Speaker. I'm aware that my group has already come and gone, but I wanted to put their official introduction on the record for them so we can send them the *Hansard*. I was very pleased to see, joining us in the public gallery, 11 members of a class from NorQuest College. They were accompanied today by their instructor, Mr. Allan Carlson. I was able to send him a note and some of the official pins of the Alberta Legislature. It's unfortunate that they had to leave before we could give them our usual rousing welcome, but thank you for the opportunity to make the introduction of them.

The Speaker: Hon. members, in 30 seconds from now we'll continue with the Routine.

Members' Statements

(continued)

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

Special Olympics Month

Mrs. Leskiw: Thank you, Mr. Speaker. Sports is a universal language that unites people from all walks of life on and off the field of competition. Through the power of sport the Special Olympics of Alberta enriches the lives of people with intellectual disabilities and fosters a community of acceptance and inclusion. November is Special Olympics Month, an opportunity for Special Olympics athletes to share their successes. Over the next 30 days the Special Olympics will be hosting several events to highlight athletes: their performances, drive, and accomplishments. The official Special Olympics Month launch will take place November 8 at 11:30 at the St. Albert Bowling Centre, and all are cordially invited to attend.

Special Olympics athletes are exceptionally motivated and dedicated in their sports. They compete at local, provincial, national, and international levels and wear their medals with pride. Special Olympics athletes like the ones that were presented today have a strong sense of active participation, leadership, and courage. All of these are exemplified through the official oath of the Special Olympics: "Let me win. But if I cannot win, let me be brave in the attempt."

Please join me in ushering in this month of celebration of Special Olympics athletes for their accomplishments that are truly an inspiration to all of us.

Thank you.

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

Wing Kei Centre

Ms Woo-Paw: Thank you, Mr. Speaker. I'm pleased to rise today to recognize one remarkable organization in Calgary, the Wing Kei Centre. This centre was 10 years in the making by a group of community-minded individuals with a collective desire to meet the growing long-term care needs of the Chinese elders. Breaking new ground challenges old assumptions and dated thinking, the unwavering conviction to ensure that elders are provided with culturally appropriate care. These pioneers overcame hurdles and barriers one by one, and today the Wing Kei Centre is a success story in more ways than one.

Wing Kei started with a partnership with Bethany Care to provide continued care services for Chinese elders, and then an independent centre was built with federal and provincial grants matching the \$5 million of self-generated funds. The centre opened in 2005 with 89 beds.

Now, three years later, Wing Kei is fully accredited, operates 118 continuing care beds and 10 retirement residence beds. It has over 400 volunteers contributing over 12,000 hours of service. The centre enjoys the lowest staff turnover rate in the Calgary region at 10 per cent. The centre currently has a wait-list of 75 people. Wing Kei was ranked second out of 28 care facilities in a quality and safety audit by the Calgary health region. A study by Dr. Lai cited it as a culturally appropriate service that has effectively lowered depression experienced by seniors in this centre.

As of April 2007 the Wing Kei Centre is providing home care services in 10 communities within the Calgary-Mackay constituency. A diverse team of caregivers provide services to Calgarians of all backgrounds.

Mr. Speaker, the Wing Kei care centre is an Alberta success story of community mobilizing, service, and integration, and the constituency of Calgary-Mackay is blessed to have the Wing Kei Centre be part of its service and support system.

Thank you, Mr. Speaker.

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

National 4-H Month

Mr. Griffiths: Thank you, Mr. Speaker. I rise today to recognize and wish you all a happy and green, regardless of what shade of green you're wearing, 4-H Month and to celebrate Show Your 4-H Colours Day, which is today. Today I'm proudly wearing green, as are many of my other colleagues who are also proud members of 4-H, to show our support of this celebration that lasts the month of November.

The number one youth organization in our province is 4-H. By practising the motto of Learn To Do by Doing, 4-H is helping to create the leaders of tomorrow.

Since its beginning in Olds in 1917, Alberta's 4-H program has had a rich and long history of shaping the lives of youth and adults. Mr. Speaker, from my own experience as a young 4-H member and the activities I see in my constituency, I'm sure that 4-H has touched the lives of all of us in one way or another.

While 4-H is a member-run program, it depends on family support and engages volunteer leadership from other adults in the community, demonstrating by example that giving back to one's community is a rewarding experience. 4-H recognizes the importance of giving members the opportunity to take part in activities that meet their interests, increase their knowledge, and develop their life skills, which sets them up for future success.

With its roots in agriculture members today continue to acquire a well-rounded understanding of the agricultural industry through production of their agriculture products. But, Mr. Speaker, members also learn about running a business, preparing food, computer skills, performing arts, photography, veterinary science, debating, and much more.

When they're involved in a project or taking part in a summer camp, our younger citizens build lifelong friendships with people from all over the province and through these opportunities develop leadership skills, enhanced confidence, and professional demeanor, which help them throughout their careers and beyond. I know that it did wonders for me, Mr. Speaker.

Our youth want to be involved, accepted, valued, and heard. In 4-H, Mr. Speaker, those people run the show.

In honour of National 4-H Month I wish to acknowledge the outstanding work of Alberta's 4-H clubs, thank the volunteers, applaud our young people, and encourage all Albertans to go green and celebrate 4-H.

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

Member for Calgary-McCall

Mr. Taylor: Thank you, Mr. Speaker. It's a pleasure to deliver this statement to the House on behalf of the hon. Member for Calgary-McCall at his request and to report that the member is back home, doing well, recovering from heart bypass surgery last week. [applause] Thank you. He sends greetings and thanks all members for their concerns and their best wishes.

Mr. Speaker, the Member for Calgary-McCall wishes this House and his constituents to know that his office is functioning on a business-as-usual basis. The public policy concerns the member's office is hearing most about from his constituents include the need for construction of the Calgary airport tunnel so that traffic access for residents of northeast Calgary is not closed off as the airport expands its runway system; crime and safety, gang violence, street crimes, gun crimes, personal safety and security on public transit, and the need for more cops on the street to deter the bad guys before they break the law; child access and custody issues and the maintenance enforcement program.

The member has received a marked increase in the number of concerns relating to those issues and to the drawn-out and inordinately expensive ordeal of resolving them. Rather than making families work, it is almost as though the state routinely fights families. Also, road and rapid transit construction, hospital wait times, seniors' issues, and as you may suspect, Mr. Speaker, increasing concerns about a slowing economy and rising unemployment or underemployment.

Mr. Speaker, as the Member for Calgary-McCall recuperates, he is also listening, and his office staff and his caucus colleagues are working on his behalf to help, to speak out, and to advocate for his constituents.

Thank you.

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

Canadian Finals Rodeo

Mr. Bhardwaj: Thank you, Mr. Speaker. Today is the kickoff for the 2008 Canadian Finals Rodeo. Every year for the past 35 years tens of thousands of people come to the city of Edmonton in order to take part in some action at the CFR. The Canadian Finals Rodeo offers one of the richest purses in Canadian rodeo, with \$1,158,000 awarded in 2007. But aside from the prize money and obvious bragging rights the CFR offers something much richer for competitors and fans alike.

2:50

Rodeo is an integral part of the historical culture of Alberta. Many of our parents, grandparents, and great-grandparents began their lives in Alberta as farmers and ranchers, where managing animals and livestock was a crucial skill for the survival of their family and farms. Mr. Speaker, the sport of rodeo pays homage to those times in Alberta's heritage, and it is important that we keep these traditions alive.

This morning I had the opportunity to volunteer at Rodeo Magic at Rexall Place. My duties were to ride around the arena in a chuckwagon accompanied by a group of schoolchildren. It was an

absolute delight to see the young boys' and girls' faces light up as we whipped around the infield and to feel the excitement that rodeo has created in a new generation of Albertans.

This week I urge all of my colleagues to join the almost 100,000 fans who will be attending the CFR this year and support this truly Albertan experience. Thank you very much, Mr. Speaker.

The Speaker: The hon. member rode around a ring in a nice little carriage?

Mr. Bhardwaj: In a cart, but we had a tractor pulling it.

The Speaker: Has the hon. member ever tried to become a real cowboy by riding a real bull?

Mr. Bhardwaj: My best experience is when I dressed up as Santa Claus in Whitecourt and rode around.

Statement by the Speaker

An Act amending The Election Act respecting Members of the Legislative Assembly on Active Service

The Speaker: Hon. members, I'd like to share with you a bit of your history today by way of a historical vignette. On April 5, 1917, a bill titled An Act amending The Election Act respecting Members of the Legislative Assembly on Active Service was assented to by this Assembly. The bill is one page long, and I'm going to read it to you.

Whereas, Robert Eldo Campbell, Robert Eaton, George Edgar LeRoy Hudson, James Robert Lowery, Gordon MacDonald, Charles Stewart Pingle, Andrew Stefan Shandro, Nelson Spencer, John Smith Stewart, Joseph Emmet Stauffer, James Gray Turgeon and Francis Austin Walker are members of the Third Legislative Assembly for the Electoral Districts of Rocky Mountain, Hand Hills, Wainwright, Alexandra, Pembina, Redcliff, Whitford, Medicine Hat, Lethbridge, Didsbury, Ribstone, and Victoria, respectively;

And whereas, the said members have enlisted for overseas service with His Majesty's Forces and being under military control will be unable for that reason, in case of the dissolution of the said Legislative Assembly before the termination of the present European war, to take any part in any election for the Fourth Legislative Assembly;

Therefore His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Robert Eldo Campbell; Robert Eaton, George Edgar LeRoy Hudson, James Robert Lowery, Gordon MacDonald, Charles Stewart Pingle, Andrew Stefan Shandro, Nelson Spencer, John Smith Stewart, Joseph Emmet Stauffer, James Gray Turgeon and Francis Austin Walker, representing the Electoral Districts of Rocky Mountain, Hand Hills, Wainwright, Alexandra, Pembina, Redcliff, Whitford, Medicine Hat, Lethbridge, Didsbury, Ribstone, and Victoria, respectively, in the Third Legislative Assembly, shall be, on the day fixed by proclamation for the nomination of candidates, deemed to be nominated and elected as a Member of the Fourth Legislative Assembly for the Electoral District which they now respectively represent, as if they and each of them had been duly nominated and elected in accordance with the provisions of The Election Act, and the Clerk of the Executive Council shall, in accordance with the provisions of section 236 of The Election Act, give in The Alberta Gazette notice of the names of such persons elected and the Electoral District respectively represented by them.

On April 10, 1917, five days after this bill was assented to, Lieutenant Joseph Emmet Stauffer, MLA, was killed in the successful assault on Vimy Ridge. He had represented the constituency of Didsbury since 1909 and was the Deputy Speaker of the House.

Tabling Returns and Reports

The Speaker: The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Speaker. I'd like to table the appropriate number of copies of the 2007-2008 annual report for the Seniors Advisory Council for Alberta. The council is a vital communication link that works with Albertans and seniors' organizations to share information about the issues that are important to seniors with government.

Thank you, sir.

Ms Notley: Mr. Speaker, I'd like to table several different tablings: first, a document to which I referred today in my questions to the Education minister, including a section from the want ads in the *Edmonton Journal* where an Edmonton public school is seeking a full-time teacher assistant using private funds.

As well, I'd like to table the appropriate number of copies of documents to which you were referred in my questions and the questions of the Member for Edmonton-Highlands-Norwood yesterday. They are a letter from Stan Houston, a professor of medicine at the University of Alberta specializing in infectious diseases, to the Standing Committee on Health; a letter to the editor of the *Edmonton Journal* from John Van Aerde, a neonatologist in the faculty of medicine at the University of Alberta; and a page from the Health and Wellness annual report 2007-08 which indicates that 1,100 seniors were on the waiting list for long-term care in March of this year.

Thank you.

The Speaker: The hon. Member for Lethbridge East.

Ms Pastoor: Thank you, Mr. Speaker. I have two tablings today. I am tabling five copies of my letter and cheque dated June 18, 2008, to the Crownsnest Pass Food Bank as per my pledge to this Assembly that I would donate half of my indexed pay raise to a food bank until AISH is similarly indexed; also, my cheque dated July 1 to the Claresholm Food Bank for exactly the same reason, that AISH should be similarly indexed.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk: hon. Mr. Lindsay, Solicitor General and Minister of Public Security, responses to written questions 3, 4, and 5, asked for by Mr. Hehr on May 12, 2008.

Orders of the Day

Government Bills and Orders Second Reading

Bill 42 Health Governance Transition Act

[Adjourned debate November 4: Dr. Taft]

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

Ms Pastoor: Thank you, Mr. Speaker. It is my privilege to stand and speak to Bill 42, the Health Governance Transition Act. This is a very important act as it's certainly changing how we govern our health boards and how we deliver health care in this province.

[Mr. Mitzel in the chair]

One of the items of great concern to me is 3(1)(c). They are disbanding the Cancer Board and also AADAC. I am very concerned about the dissolution of AADAC. Under (c) it also says that it's transferring the assets of the Alberta Alcohol and Drug Abuse Commission and the Alberta Cancer Board. I would like to know where those assets are going, how much they're worth, and how many of those dollars were actually donated by people who, certainly, donated to help many of the organizations that work under AADAC in terms of treatment centres and transitional homes, that help people return and become productive members of society.

3:00

We seem to be changing monies around that have been donated by the public, and I'm not sure – in fact, I am sure. I don't think that when people donate to organizations, they think that they're actually going to have those dollars put into – in this case I'm not sure where. I don't know whether they're going to go into general revenues or whether they'll go under a budget for this new health board or where they're going to go. To me that is a concern.

I'll just back up a bit. The minister's powers to effect change and facilitate the transition are outlined in this bill, and they become fairly powerful. There are many things that will be done in regulations, which, of course, is always the minister. One of the things that he had said was that he had made the decision as the minister not to have gone ahead with what he considered to be an expensive – and it probably was; I would agree with him on that – ad campaign that would have warned people that, in fact, a syphilis outbreak is slowly moving its way through this province. I think that's a fairly significant disease process and, certainly, infection. I think people should know. I know that they said they were going to highlight or at least speak to those that are of highest risk, but I think that it doesn't take long for something of that magnitude, which is sexually transmitted, to travel, particularly with young people.

I did speak to 10 people. It was certainly not scientific, but one 19-year-old that I spoke to had absolutely no idea what syphilis was and figured that, oh, well, if it was sexually transmitted, they could use condoms and all would be well. That, as we know, is certainly not the case.

There is no mention of the nine regional health authorities who were disbanded. We just know that they were disbanded.

There's minimal mention of the Alberta Mental Health Board in this bill. This bill does not dissolve the Alberta Mental Health Board. It's of paramount importance that the mental health side be really scrutinized and actually should be enhanced. It hasn't received nor have the people who are suffering from mental illness received the care that they really need in this province.

One of the things that I'm seeing happening is that AADAC is moving under mental health. AADAC deals with addictions: drug, alcohol, gambling, et cetera. My fear is, because the addictions part of it is out there so much in society and many of the criminal acts are actually performed by people who are addicted to drugs looking for money to buy more drugs, that the squeaky wheel will get the oil. People who truly are suffering from mental illness – schizophrenia, depression, anxieties, those types of disease processes that truly are mental health – I'm afraid may take a back seat to what I would call the squeaky wheel of the addictions.

I can't believe that after this number of years with the success that AADAC has had in returning citizens to being productive in society but more so many of the organizations that fall under AADAC; for instance, the treatment centres, of which there are a number through the province, and then they go into transition houses, and these transition homes are run, certainly, by boards that are all volunteers. They have done tremendous jobs, but they do rely on AADAC for some of their funding. I fear that what is going to happen is that

now these transitional homes for both men and women will end up having to raise their own money, and these boards are just not equipped to do that kind of a job.

I think I've heard from across the floor about social responsibilities. I believe that sometimes when we do step up to social responsibilities, in the end the long-term result is that we do have a better society. So, yes, I do think that we have social responsibilities.

As I've mentioned, AADAC, I think, through a number of years has done a truly amazing job, and I'm very disappointed to see it move under mental health, which I think should be even further funded – mental health should be – and be able to acquire more workers, have quicker access to psychiatrists. In particular, in that young age, where we can identify young children that have mental problems or, certainly, will be developing them as they go along, we could nip so many of our social problems in the bud and cut down within our justice system.

I realize that the government is trying to create a streamlined, effective, and efficient health care system, but what was that plan based on, what business plan? I have to assume that there was one. What was it modelled after, and how much work actually went into that? How many stakeholders were actually consulted, particularly, again, as I say, on the AADAC side?

There's section 4(3)(a) and (b), where the regulations made under 4(1) are repealed two years after they come into force and are repealed if they make a new regulation that repeals the regulation. Now, I read that, and it just appeared to be a little gobbledygook to me. It's not quite clear, so the questions out of that would be: is it customary for regulations to have a time span of only two years, which seems very small, instead of having a review process in there? I can see reviewing something after two years, but to actually have a time span on a regulation sort of seems a little different to me. Does this give the government such flexibility because they really have no plan for the changes that they're making, and would they be afraid to live by the changes that they've made because they've only allowed themselves two years? I think that's something that needs to be addressed.

The amount of clarity contained in the bill is not really enough to justify the extreme amount of change that the government is making. Perhaps if it was a little bit more transparent and there were more answers to the questions, it wouldn't seem as extreme, but it does concern me. I'm certainly not opposed to a provincial board as opposed to the regional health authorities. I think we all know many of the problems that were arising because of almost siloing and different care being given throughout the province. So I'm not opposed to the board, but I think I am opposed to not knowing how it was actually derived, what kind of business plans are coming forward. The board still actually has to be named. At this point in time we're working with interim board people. I think it just seems to be a long transition period and, certainly, a transition period without a great deal of transparency.

I'm wondering if the minister can give us examples of other jurisdictions that have made these similar changes and achieved the results that he thinks will come about with this change. What kind of monitoring are they going to do? What is their long-term plan? What are the outcomes that they are looking for, and how will they evaluate those outcomes? I think I touched on this briefly, but what kind of consultation was made prior to the disbanding, and who did they really speak to?

3:10

The Auditor General warned about a loss of momentum in improvements in mental health services when the regional authorities took responsibility. What's going to happen now when mental health, in my mind, has truly been neglected? It's one of the disease

processes that certainly, unfortunately, with some still has a stigma in society, which is very sad that at this point in time and this many years later people don't understand that a mental illness can happen through no fault of their own. It can be lack of chemicals. It can be mixed-up chemicals in your brain. It can be any number of things. It can be even environmentally caused. It's a shame that that isn't considered exactly the same as someone that would need cardiac care because of their heart stopping, which is pretty dramatic, or in fact just a broken leg.

Sometimes people with mental health issues, if they can get in quick enough, can get to a good psychiatrist, can be put on medication – and certainly that's the case with many schizophrenics – can actually have productive lives following that. We have to be able to work with society, we have to be able to give more dollars, and we have to be able to educate that mental illness is an illness no different than any other physical illness.

I'd like to know how they're going to be able to show improvements in the mental health side when there's really no clear guide on what's being done and how the progress will be monitored. The other thing that doesn't come through in the monitoring section is how they would divide up mental health. I know that some extra dollars have been put toward children's mental health – and I think that's very important – but there are so many different starts for mental health. Often schizophrenia doesn't show itself until someone may be 25-plus. But young children can be identified. I would like to see these segments of different age groups be given separate attention and be given the attention that it really needs rather than just lumped under mental health with all of the clients and the people that need care under AADAC. I feel very, very strongly that that was a mistake to break up AADAC and take their money, so to speak.

There was a representative from the St. Albert Capital health board that . . . [Ms Pastoor's speaking time expired]

The Acting Speaker: Hon. members, the provisions of Standing Order 29(2)(a) are available for five minutes of questions and comments. Anyone wish to speak under 29(2)(a)? The hon. Member for Edmonton-Strathcona.

Ms Notley: Yes. I'm wondering if the Member for Lethbridge-East could advise as to what it was that the speaker she was just referring to had been offering to this debate on this bill.

Ms Pastoor: Yes. Thank you for the question. This person happened to have had 14 years of experience on that board and really wanted to know, because, of course, they were given their walking papers within seconds almost, if the board, meaning the superboard, actually really had a plan or if they were just putting people in place. I think that's a good question because if someone who has sat on these boards and understood what was going on and, clearly, had worked for this length of time has a concern, I think it's a concern that we all should have.

One of the other things that she had noted was that Capital health was recognized for providing patient-focused care. Now, patient-focused care is certainly something that we hear from the mouth of the minister, and it was recognized within Capital health. I think that her point was: why was no one from the Capital health board or any of their employees, CEOs, et cetera, who had created such a good board, who had been awarded many awards, not recognized in being put on that board? I realize that they're still looking. However, I think it's important to note that if there is a plan, none of us seem to know it, and if it's a plan, it's going off in a different direction than people, I think, would like it to go.

Paddy Meade, the former deputy health minister, was also quoted

as saying that no research reviews were conducted internally or externally that recommended the reduction of local health care authorities through centralization. As I've said, I'm not totally opposed to that. However, I still like to understand how they arrived at that decision. One of my mantras, of course, has always been: it's not necessarily so much what this government does; it's how they do it.

The Acting Speaker: Any other members wish to speak under 29(2)(a)?

If not, I'll call on the next hon. member. The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. I'm pleased to be able to join in on Bill 42 debate at second reading. There are a number of interesting objectives achieved through this legislation, and it carries on what appears to be a bit of a tradition by this government in the area of health care, and when I talk about that, I refer simply to change and more change.

Since the early 1990s provincial governments gradually sort of centralized the administration of the health care system. We've seen locally appointed hospital boards replaced by 17 health care regions. We've seen the boundaries for those health care regions changed. We've seen boards that were first elected and then appointed, with a sort of sacking of those boards who were previously elected. We've seen the 17 regions then amalgamated into nine regions, and then we've seen again the boundaries change through that process. Now we are dealing with this act, which is here to support the most recent change announced by this government, which is, of course, the consolidation of the nine regions along with AADAC and the Alberta Cancer Board with the Alberta Mental Health Board.

Each step of the way Albertans have been told that the changes were necessary to make the system more efficient and to get costs under control. Of course, along with all this change were at different times periodic threats to attempt to enhance the role of the private sector in the delivery of health care. You know, the discussion has arisen, and then it's been pushed back, and then it has arisen, and then it's been pushed back, so we're never sure what the actual structural changes are designed to achieve with respect to that other objective, which is the privatization of health care. Nonetheless, the theory is that this most recent change will support further centralization and, theoretically, more efficiency as a result.

Now, there is something to be said, of course, for standardization of a lot of the work that is done in the health care system across the province. It's a little concerning, just as a starting point, though, that almost despite the constant change and chaos and board here, board there, more boards, less boards, elected boards, appointed boards kind of restructuring that seems to occur as almost a cathartic kind of cleansing process that the government feels it needs to go through every few years, you know, we did have the example of the Capital health authority, which was actually, almost despite the efforts of this government, widely recognized across the country as a leader in many respects. It's unfortunate that, of course, we've lost that structure and organization in many respects, and we don't exactly know how it's going to be reflected or maintained in the new structure.

Nonetheless, as I say, there are some good reasons behind trying to standardize and solidify the delivery of health care services on a provincial basis. There are a lot of good arguments to be made for it, but I have to say that to date the government hasn't really given us a tremendous number of opportunities to have faith in its ability to effectively deliver good health care on a provincial basis. We, of course, have a health minister who is incredibly close-mouthed with respect to his plans for our health care system and in terms of where

he sees the changes in our health care system going, just a remarkable lack of discussion with the people of Alberta about the plans for their most cherished government service.

3:20

We also, of course, more recently, in the last year and a half and then in the last month or so, have seen a real failure on a provincial level to develop, educate on, and implement province-wide infection control protocols, again something that we assume is already done on a province-wide basis, where the government has taken on the responsibility to act on a province-wide basis to bring about standardization. Yet clearly that's something that they've been unable to do successfully. We also now see a failure to sort of integrate the response to those problems on a province-wide basis, so we have a reaction in the north part of the province which differs very significantly from the government's reaction in the central-east part of the province, again not seeing a tremendous amount of integration or consistency in the province's approach.

Then again, as many speakers have already noted and as the Auditor General himself has noted, we've got some definite deficits demonstrated by this government with respect to their ability to integrate and manage mental health on a province-wide basis. None of these examples give us a whole lot of faith yet that the worthwhile policy objectives being sought through the centralization of health care delivery to one board are ones that we can actually expect to come out of this government. We haven't actually seen a tremendous amount of successful achievement in that regard, at least certainly not recently, so we have some concerns about that.

Now, on the flip side, of course, even where you acknowledge that there is value to centralizing and integrating and providing consistency with respect to health care services across the province, even where we acknowledge that there is value to pursuing that objective, we know that there is a loss on the other hand. We know that. You have to balance it, and you have to make a decision. Of course, the loss that I'm talking about is the lack of sensitivity to regional interests, the inability of the government to truly respond to regional and local concerns as far as the administration of their health care goes.

The area that we have some concerns about with respect to that, of course, is the provision of health care in our rural communities and, in particular, the future of our rural hospitals. What is going to happen to them? More importantly, when people in those communities are concerned about the level of service that they're receiving, who do they talk to? They no longer have a regional health board that's even notionally accountable to them. Rather than simply centralizing these services to where the minister is responsible, we're creating this superboard somewhere down in Edmonton or Calgary that's an arm's-length relationship from the political figures in this province, which, as far as I can tell, allows for no sort of transparent system of accountability to the concerned Albertan who happens to live in a rural part of the province. If anything, they're now once removed. The concerned Albertan in the rural part of the province has to go through their MLA to the minister of health, who may or may not take responsibility for whatever issue the person is concerned about, depending on whether it works for them politically or not, and may decide instead to just fob it off to this new arm's-length body, which is this central board.

I'm also concerned about what some of the plans are. Alberta Health Services did release their internal sort of reorganization charts to staff to let them know how reorganization would occur. I was a little concerned to note that we had one senior official responsible for a number of areas that referred to core urban acute care and urban hospitals and specialized hospitals. Then in a completely different part of Alberta Health Services we had another

person responsible for something called community and rural health operations. Then I looked through this to see, well, which hospitals are included in this group of urban hospitals. Yes, Grande Prairie is included, and yes, Red Deer is included, and yes, Lethbridge is included, but you know who's not included? St. Mary's hospital in Camrose, High Prairie, Fairview, Peace River, Beaverlodge, Wetaskiwin, Athabasca, High Level. None of those places are included. Are they no longer hospitals? Are they just simply community and rural health operations?

Now they're being managed by a completely separate department from that which manages the bigger, more centralized hospitals in the province. What does that mean for the future of those acute-care centres? They're not just public health centres; they have to provide acute/emergent care. In the wintertime there are over 25,000 people living in High Level, and they have to be able to provide acute/emergent care because they're a long ways away from anywhere else. Yet High Level does not appear as an urban hospital in these reorganization charts. So I'm very concerned about what this centralization is going to do to our regional health service delivery model.

Now, the final thing in this bill that I'm going to try and talk about before I run out of time is simply one area that's just right at the very beginning, section 2, which talks about the elimination of severance or termination payments for excluded employees whose jobs remain substantially the same. Anyone who knows anything knows that the definition of "substantially the same" is one that can generate a tremendous amount of debate, typically in legal settings. Also, what this section does is remove these severance or termination rights notwithstanding any contract that may be in place.

Now, I know that when we think about excluded employees, we typically think about that chief operating officer who's gotten, you know, the 24-month payout thing, which, of course, is incredibly rich and creates these million-dollar payout numbers that are very embarrassing to everybody. In fact, in most of these organizations usually about a third of the staff are excluded staff, and the majority of them are hard-working, middle-class Albertans, you know, front-line managers, many of whom are earning no more or less or very little more than the people that are in the bargaining units.

I'm a little concerned that this piece of legislation purports to rewrite contracts that may be in place governing the terms and conditions of employment for what my estimates show might be about 800 or so employees in Alberta. I think that's very high handed. I think that there are some real concerns about that, and I think there may in fact be some huge liabilities incurred as a result of that. Generally speaking, in the past when governments try to legislatively breach contracts, they get into trouble, and I would suggest that this is a concern in this act.

Finally, with respect to the Alberta Health Services Board, that's created by Bill 42, I'd just as well like to note that we have some concerns about the ultimate makeup of the board, the fact that we haven't got a lot of answers about who it is that will sit on the board, and the fact that the minister has stated publicly that he would think it's quite reasonable that this superboard would actually have people not only from the province of Alberta but, in fact, appointed members from out of the country sitting on the board.

Again, while the notion of centralizing services has some merit, the idea of centralizing services to a nonaccountable board consisting of people from the U.S., probably with experience in privatization and HMO services and who knows what else, doesn't sit well with our caucus and certainly will not sit well with the majority of Albertans, I suspect.

Those are my preliminary observations about Bill 42. I look

forward to hearing some answers to some of the questions that I've raised, and I look forward to participating in further debate as the bill moves through the House.

Thank you.

The Acting Speaker: The provisions of Standing Order 29(2)(a) are available for anyone who wishes to comment or question.

Hearing none, does any other member wish to speak? The hon. Member for Calgary-Currie.

3:30

Mr. Taylor: Thank you, Mr. Speaker. It's my pleasure to join in the debate on second reading of Bill 42 at this time, the Health Governance Transition Act. I want to start out my contribution to the discussion, which thus far has been rather one sided. Opposition members have been joining in the debate. We haven't heard from anybody so far this afternoon from the government side. One lives eternally in hope that we will.

Nevertheless, I want to start out my contribution to this discussion by quoting from the February 2006 Health Policy Framework released by the government of Alberta. Under Directions For Moving Forward point 1 is this.

1. Putting Patients at the Center

New directions and strategies for the continuous improvement and development of the health system will give priority to the interests of the people being served. Albertans will be encouraged to play an active role in maintaining and improving their own health and in deciding on appropriate care and treatment.

Albertans will be encouraged to play an active role in maintaining and improving their own health and in deciding on appropriate care and treatment." Well, words are often open to interpretation, Mr. Speaker, and who knows if the author of those words had any inkling back in February of 2006, I believe it was, that in November of 2008 we would be discussing a bill like Bill 42. But one of the hallmarks of Bill 42 and, frankly, the entire rearranging of the deck chairs on the *Titanic* that we have seen thus far in the health minister's quite arbitrary decision to reform the health system has been that the people of Alberta certainly have not been consulted at any point along the way, have not been asked for their input in deciding on appropriate care and treatment.

This bill, as vague as it manages to be in some ways, does focus in on two specific areas that I wish to comment on, and that's the destruction, the demolition, the dissolution of AADAC, the Alberta Alcohol and Drug Abuse Commission, and the Alberta Cancer Board. Interestingly, it does not say anything specific about disbanding the Alberta Mental Health Board although the minister back in April referred to his intention to do that when he started the process of making a lot of people nervous in this province by blowing up the nine regional health authorities and replacing them with one superboard.

I quote from a news release that went out on May 15.

One provincial governance board will replace Alberta's nine regional health authority boards, the Alberta Mental Health Board, Alberta Cancer Board and Alberta Alcohol and Drug Abuse Commission . . . to ensure the provincial health system is patient-focused and provides equitable access to all Albertans in the 21st century.

What was that I said a couple of minutes ago? We eternally wait in hope, but we eternally wait in hope, I guess, as well that the government or the minister will provide even a scintilla of evidence that anything that he has done thus far and anything that he intends to do, given his reluctance to go into even the skimpiest of details about his intentions, is actually patient focused or is actually working to provide equitable access to all Albertans in the 21st century unless his intention is to ensure that none of us can ever get

a doctor when we need one, none of us can ever get timely treatment in a hospital emergency department anywhere in the province of Alberta. I don't know. Maybe that's his intention because I see no evidence whatsoever, Mr. Speaker, that anything that's been done so far has improved the level of care and access to so much as a single Albertan.

Mr. Danyluk: Thirteen billion dollars. He must be doing something.

Mr. Taylor: Not necessarily, Member for Lac La Biche-St. Paul, I believe was the one heckling over there, because he is part of a government that manages to spend billions and billions of dollars with, you know, a really questionable return, questionable results. I think this is a shining example of that.

Mr. Speaker, over the past four years that I've been an elected representative in this House and over the previous, oh, at least decade-plus that I was a talk show host and a journalist – I was a legitimate journalist before I was a talk show host – I have yet to hear anybody say that the Alberta Alcohol and Drug Abuse Commission wasn't working or that the Alberta Cancer Board was fundamentally broken and in need of replacement. I've heard them talk plenty about the health system generally. I've heard plenty of criticisms of the regional health authorities, many of which I agree with, some of which I don't. I've heard plenty of criticisms of the Alberta Ministry of Health and Wellness. How many deputy ministers have we been through in 15 years? Eleven or 12, I think. The various ministers who have occupied that chair as well: I've heard plenty of criticism about them. Nothing about AADAC at all and very little about the Alberta Cancer Board.

If I do hear anything about the Alberta Cancer Board or have heard anything about it that's been in any way negative, it has usually been tempered by, you know, a realization that cancer is a very difficult constellation of diseases, very difficult sometimes to diagnose, to diagnose early enough, very difficult to treat. The cancers that appear to be – I'll use the word "cured." I know the profession doesn't use that word much anymore. They talk about patients being in remission, but patients who have been in remission for years, sometimes decades, can suddenly have the cancer come back. It's a really, really, really tough medical issue. There's no question about that. I think there's widespread recognition among the people of Alberta, Mr. Speaker, that that's exactly what cancer is, and it doesn't matter whether you're dealing with it through the Alberta Cancer Board or any other authority or jurisdictional system. It's going to continue to be a tough nut to crack. But about the Cancer Board specifically in terms of criticism I haven't heard very much.

Oh, I hear the criticism that Calgary can't seem to get overnight beds for cancer patients and the very real concern among Calgarians and people living in southern Alberta that those beds should be made available, that a facility like that should be made available because the Cross Cancer Institute can't handle it all. I do hear concerns about this government's policies and strategies around cancer. It was only a couple of years ago that this government talked about wanting to make, you know, battling cancer its number one priority, and then it just kind of went away. How much money did they throw at it at the time? I don't recall, but they threw some money at it and hoped it would go away. So the usual lack of planning, the usual lack of, frankly, serious commitment to dealing with the issues that I've become so used to seeing from the folks across the way, and this just looks to me, Mr. Speaker, like more of it.

I don't understand why we are breaking up the Cancer Board, breaking up AADAC. I don't understand exactly where we're at in terms of breaking up the Mental Health Board since it's not included

in Bill 42 specifically. I don't really understand where we are in terms of the legality of the system relative to the nine regional health authorities that still function, still attempt to carry on their job of making sick people better and healing injured people while the minister sets about rearranging the deck chairs up on the promenade deck of the *Titanic*.

3:40

What I do hear is that the lines are getting longer. The wait times are getting longer in emergency. Doctors are getting harder to find. Nurses are getting harder to find. And more and more people either directly or indirectly connected with the medical system, with the acute care system in this province are certainly coming to me and calling my office and saying that the system is coming apart at the seams while the minister fiddles with the governance of it.

I've used the phrase before, and I've used it a couple of times right here about rearranging the deck chairs on the *Titanic*. The complete version of that, Mr. Speaker, is that the minister is busily rearranging the deck chairs on the *Titanic*, and it would be nice if somebody in this government would raise their head, look out across the bow, see that we're headed for an iceberg, and maybe try to steer and turn the ship out of that collision course with the iceberg before it's too late. But I see no evidence in this bill or in anything else that the health minister has proposed since he took over the job last spring to indicate that that's so.

I see what looks to me to be an effort to consolidate an awful lot of power in the minister's own office and in the Ministry of Health and Wellness. I don't see where the accountability is. I know the minister has said that the accountability lies with the constituents of the government members opposite. I don't see any evidence that anybody over there is really listening to what their constituents are saying, because I find it very hard to believe, Mr. Speaker, that their constituents [interjections] – oh, calm down over there – would be viewing the health care moves that this government is making much more favourably than my constituents or the constituents for the Member for Edmonton-Riverview or the constituents who have in fact elected opposition MLAs in the last election. I think people must be telling them much the same thing. I doubt that they're hearing much at all beyond what they want to hear.

Mr. Speaker, I am going to watch with interest to see where this debate goes. Hopefully, it will be a debate, and some of the hecklers opposite will grow enough gumption to actually join in the debate, specifically put their concerns on the record as we go forward. I know that I'm going to have many specific questions about this bill at committee stage. I know that I have grave concerns about what it purports to do. I don't understand why we're moving in that direction. It seems to me to be a very wrong direction in which to go and certainly not one that gives me any sense of security whatsoever that health care, the quality of health care and access to that health care [Mr. Taylor momentarily lost his voice] – excuse me, Mr. Speaker – is going to improve any time in my lifetime, not that that little choking sound means that I'm about to shuffle off this mortal coil just yet, much to the disappointment, I'm sure, of the members opposite nevertheless.

I will watch with interest to see where this debate goes and to see whether the members of the government caucus are prepared to get to their feet and defend this bill. I think it's a very, very bad, very flawed piece of legislation, and unless those guys over there can work some kind of miracle akin to what needs to be done with the health care system and convince me otherwise, I will certainly be voting against this bill.

Thank you.

The Acting Speaker: Hon. members, the provisions of Standing

Order 29(2)(a) are available for anyone who wishes to comment or question. The hon. Member for Calgary-Varsity under Standing Order 29(2)(a).

Mr. Chase: Thank you. Yes, I'd like to make a comment and ask my hon. colleague from Calgary-Curry a question. In that Bill 42 is about cutting and dismantling and the lack of oversight, are you concerned about the cuts to the southeast hospital, the number of mental health beds that have been cut from that program? Also, are you concerned that the number of proposed beds for the Children's hospital was cut by almost 30 beds so that we're back at just 15 beds beyond the 1956 level, when we had one-third of the population in Calgary? Do you have concerns about the cutbacks in bed capacity along with the lack of oversight?

Mr. Taylor: Mr. Speaker, through you to the Member for Calgary-Varsity. Not only do I have grave concerns about those issues that he's raised. I have grave concerns about the fact that we have just spent hundreds upon hundreds of millions of dollars building the Mazankowski Alberta Heart Institute here in Edmonton, virtually doubling the size of the Rockyview hospital in Calgary, building the new Sheldon Chumir urgent health care centre in downtown Calgary, and this government seems to lack the capacity to organize a two-car funeral. It can't even get the operating expenses to line up with the capital expenditures so that now that the physical infrastructure, which is years overdue, is finally done, the regional health authorities can actually operate those new beds, staff them at an appropriate level.

The Rockyview hospital kind of shuffled the beds on the *Titanic*, I guess, in a funny sort of way, because as the new part came to completion, they opened the new part, and they were able to move the patients who were in the Rockyview from the original part of the building into the new beds so that they could shut down the original beds because they didn't have any more staff. I ask you: how is that progress?

You know, the Calgary health region, just to use that as an example, is short some 1,500 beds. The member makes a very valid point about the lack of capacity in the Children's hospital. Just about anybody involved in children's health in the Calgary area will tell you that that building was built too small, spectacular facility though it is if you can get in. It sort of speaks to the whole health care system in this province. You get great care. You get better again most of the time if you can get in, once you can get in. It's the getting in that's the trick.

For myself, I don't understand why that should be such a difficult nut to crack. There seem to be solutions that could be pursued if there was any political will to pursue them.

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

Mr. Lukaszuk: Thank you, Mr. Speaker. I've been trying to focus on this monologue that the Member for Calgary-Curry has offered us. Very difficult to follow. Ten minutes of virtually nothing. In view of the fact that they have what appears to be a new leader now because he definitely acts like a born-again fiscal conservative, and considering the fact that the Member for Calgary-Curry has aspirations of becoming the Leader of the Opposition, instead of making a lot of noise and pointing out what is wrong here and there, tell me, hon. member, what would you do if in some bizarre turn of events you were in a position to make decisions? What four tangible things would you do for health care in Alberta that would improve the system? You seem to be very dissatisfied. You seem to be very good at pointing out problems. What would you do?

The Acting Speaker: Hon. member, are you speaking to his speech?

Mr. Lukaszuk: That's correct. That's right. What tangible things would you do, starting tomorrow, to improve the health care system and make it sustainable? Your current leader or whoever happens to be leader over there does not want us to spend any more money.

Mr. Taylor: Do I still have time left on the clock to answer that rant?

The Acting Speaker: You have.

Mr. Taylor: Thank you. I will use short sentences and short words so that the member can follow. I would make the operating dollars line up with the capital dollars. I would open up our postsecondary system to graduate and educate a heck of a lot more medical professionals, health professionals of all kinds. I would simply get on with the job rather than shuffling paper and shuffling organizational charts. That accomplishes nothing.

The Acting Speaker: Hon. Member for Lethbridge-East, you have already spoken, and 29(2)(a) is over.

Any other members wish to speak on the bill?

Hon. Members: Question.

[Motion carried; Bill 42 read a second time]

3:50 Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

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

Bill 24 Adult Guardianship and Trusteeship Act

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Seniors and Community Supports.

Mrs. Jablonski: Thank you, Mr. Chairman. As Minister of Seniors and Community Supports I'm pleased to be here today to speak to Bill 24 in Committee of the Whole. I believe that this bill greatly improves the lives of Albertans and reflects a more modern understanding of mental capacity and decision-making.

Bill 24, the Adult Guardianship and Trusteeship Act, was developed to respond to Albertans' input. There was an extensive consultation process that led to Bill 24. This bill reflects best practices from several Canadian jurisdictions and the latest scientific research on mental capacity. The bill is built on what has worked in the Dependent Adults Act for guardianship and trusteeship and what Albertans told us could be improved. The Dependent Adults Act served us well for 30 years, but we heard from the public that as times have changed, so have the needs of Albertans.

Bill 24 is established on four guiding principles that set out the foundation for this new law and how it will be interpreted. The first guiding principle is that the adult is presumed to have capacity and to be able to make decisions until the contrary is determined. This means that in Alberta even if the adult has a disability or illness, they cannot be labelled incapable unless their personal capacity has been assessed by a professional.

The second guiding principle is that the ability to communicate is

not a determination of capacity. The adult is entitled to communicate by any means that enables them to be understood. The means by which an adult communicates is not relevant to determining whether the adult has the capacity to make a decision. Just because an Albertan speaks another language or uses technology to assist their communication, it does not mean they lack the ability to make a decision.

The third principle is to focus on autonomy with a less intrusive and less restrictive approach. This principle emphasizes that people's independence is respected and that they can receive help according to the level of their needs.

The fourth key principle provides for decision-making that focuses on the best interests of the adult and how the adult would have made the decision if capable. This principle provides guidance to a decision-maker when they need to make personal and financial decisions for the represented adult. Decisions should be made the way they would have been if the adult was still capable.

Bill 24 operates on a continuum of decision-making options. I would now like to walk you through the continuum of decision-making options in the Adult Guardianship and Trusteeship Act. In the Dependent Adults Act there are only two options: guardianship for personal matters and trusteeship for financial matters. In Bill 24 we have included a range of supported options prior to having a guardian appointed. The reason for this is to allow Albertans to receive the help they need and to keep them as active decision-makers on important parts of their lives for as long as possible. I think the members can probably relate to situations with their own families and friends when it was noticed that someone needed some extra help, but a guardianship order was too big a step to take over someone's legal right to make their own decisions.

Supported decision-making authorization is an option that allows a capable Albertan to use a simple regulated form that will allow a trusted family member or friend to assist them in decision-making and to have access to information on a practical basis. This could be an adult daughter accompanying her elderly mother to a doctor's appointment to review her mother's medical chart to assist in making decisions about medication or surgery. It works well for health care providers, who can now feel comfortable in sharing this information in front of the family member who is a supporter, because legislation provides for this option. We heard that this is often not the case now. Due to privacy concerns this type of tool will give comfort to everyone involved.

With supported decision-making authorization the adult remains the decision-maker. We also heard from disability organizations that this type of supportive tool has been needed for a long time and for many people. It is just enough support and prevents the need for a court application for guardianship.

The next supportive tool is a court application for co decision-making in relation to personal matters only. This is a formal court order where an adult Albertan has been assessed by a professional as having significant impairment in their ability to make decisions but would be able to make a personal decision with help from another decision-maker. This means that the adult and the person appointed, the co decision-maker, make decisions together. For example, an adult with early dementia could apply to have their spouse recognized as their co decision-maker. This court order requires the consent of both the adult and the proposed co decision-maker because they need to work so closely together. The rationale for including a co decision-making order in the continuum is to allow the Albertan with the capacity impairment to continue to make decisions with support for as long as possible. This co decision-making order will promote the dignity and autonomy of Albertans

who have suffered capacity loss from illness or injury. It will also promote the retention of their remaining capacity and encourage a degree of recovery.

The next option on the continuum is for when an Albertan has been assessed by the court as being incapable of making decisions. In Bill 24 guardianship is similar to guardianship in the Dependent Adults Act. It is for Albertans who are incapable of making personal decisions such as where to live, health care decisions, and educational choices. Guardians are expected to act in the best interest of the adult and to involve represented adults as much as possible in the decisions. They are expected to be well informed and held accountable for their decisions. We want Albertans to take on this important role for their families and friends. We will be providing assistance in educating them on their role and how to be a good guardian.

There have also been changes to trusteeship. Trusteeship is for when a substitute decision-maker is needed to make a decision regarding an incapable person's financial and property affairs. Trusteeship under Bill 24 is also similar to the Dependent Adults Act but with some significant improvements. On application for appointment of a trustee an official called a review officer will provide input to the court on issues such as the suitability of the proposed trustee. A proposed trustee must provide for the court's approval a trusteeship plan describing how the trustee intends to manage the adult's financial affairs. In Bill 24 individuals who live outside of Alberta may be appointed trustee with appropriate safeguards. Trustees are given limited discretion to make gifts out of the adult's property without specific court approval. The court is given greater discretion to decide whether a trusteeship order must be reviewed periodically and whether a trustee must periodically submit their accounts for the court's approval.

Some other key provisions that allow for timely decision-making for health matters have been included. A family-focused option, when there is no guardian or agent and the adult is temporarily incapable of making health decisions, is specific decision-making. After assessing the adult's capacity to make a health care decision, health care providers can select a family member to make health care decisions. If there is no suitable family, the health care provider can select the office of the public guardian. This specific decision-making occurs until a court-ordered guardian can be appointed. It is similar to health care consent provisions in Ontario, B.C., and Saskatchewan.

In emergency situations such as a car accident, when there is no time to seek informed consent, a physician can consult with another physician or health care provider and make a health decision to preserve life or prevent or alleviate serious pain for an adult who appears incapable.

Bill 24 also includes important protective measures to allow for investigation of complaints on the actions of a co decision-maker, guardian, or trustee. Complaints must be in writing and will be assessed thoroughly and professionally by the office of the public guardian, the office of the Public Trustee, or a neutral outside party. There are a number of steps in the investigative process, including notification and interviews with all parties. This process is focused on restorative approaches with options to educate, alternative dispute resolutions, and a possible court application.

4:00

Another protective measure allows for the office of the public guardian to get a court order to remove a represented adult who's being abused by a guardian to a place of safety.

Bill 24 also provides protective safeguards with the screening of suitability of applications as part of court process and provides a more standardized approach to capacity assessment.

Today we are also proposing government amendments to a number of sections. These amendments address the recommendations by the Standing Committee on Health.

The Deputy Chair: Hon. minister, you're proposing amendments. This is the amendment you're talking about?

Mrs. Jablonski: That's correct.

The Deputy Chair: We will call this amendment A1, and I'll have the pages distribute it. We'll pause until they're distributed.

Hon. minister, please proceed.

Mrs. Jablonski: Thank you, Mr. Chairman. I would like to propose this amendment, and I'll go through the amendments with the House.

Section 1 is amended to correct a cross-reference to define a represented adult. This is in response to the Standing Committee on Health's recommendation for the termination of a supported decision-making order to ensure that there is no overlap.

Section 8 is struck out and replaced with wording to indicate that the supported decision-making authorization automatically ends when there is a co decision-maker, guardian, trustee, or when a personal directive is activated. This amendment provides certainty when supported decision-making authorization ends to ensure that there is no overlap between the existence of supported decision-making, co decision-making, guardianship, and trusteeship orders. This addresses the committee's recommendation, ensuring a consistent approach during the appointment process for individuals one year under the age of majority.

Section 11 is struck out, and the reference to a 17-year-old who is the subject of a co-decision order is now to a person who is one year under the age of majority to allow flexibility if age of majority changes. This addresses the committee's recommendation on the termination of the guardianship order to ensure there's no overlap.

Section 17(4) is deleted, and wording is added to indicate that if a co decision-making order is granted, a guardianship order is terminated. This is for situations where an incapable person has recovered and their capacity is now assessed as being significantly impaired and a co decision-maker is appointed. This is to respond to the standing committee recommendation, ensuring a consistent approach during the appointment process for individuals one year under the age of majority.

Section 24 is struck, and new wording replaces it to allow for an application for guardianship for an Albertan who is one year from attaining the age of majority. The guardianship order will not come into effect until the individual reaches the age of majority. This is in response to the committee's recommendation on the public guardian's ability to apply for guardianship at 17 years of age.

Section 26 is amended to clarify that the public guardian can apply for guardianship for an Albertan who is one year under the age of majority. This also responds to a recommendation by the standing committee.

Section 33 is amended to indicate that guardianship plans are approved by the court but that if there are changes to the plan after the order is in place, there is a less onerous approach, which will be described by regulation. This also responds to the recommendation of termination of the co decision-making order to ensure that there's no overlap between existing orders.

In section 33, subsections (6) and (7) are replaced with language that ensures that if a guardianship order is granted, the co decision-maker order is terminated. The amendment provides certainty that no court orders overlap. This also responds to a recommendation from the committee.

Section 43 is struck out and replaced with wording to define a personal representative. Also in section 43 the amendment allows for an application for trusteeship for an Albertan who is one year from attaining the age of majority. The trusteeship order made in respect of the person does not take effect until the person attains the age of majority. Also responding to a standing committee recommendation.

Section 54 is amended by adding wording to ensure that a decision-making order is terminated if a trusteeship order is granted.

There is a technical correction in section 64, which is amended to add a phrase on what happens to a trusteeship order if a trustee dies or becomes incapable. Also responding to a recommendation from the standing committee.

Section 76 is amended by adding wording that ensures that if a complaints officer decides not to refer a complaint to an investigator, the complaints officer must provide written reasons to the complainant.

Section 77 is amended by adding wording that ensures that if an investigator concludes that a complaint was not founded, the investigator must provide written reasons to the complainant. Also responding to a recommendation from the committee.

In section 79.1 wording is added to ensure that a person cannot be an assisted adult and a represented adult at the same time.

Section 88 is amended by ensuring that the nearest relative of the adult is appointed as the specific decision-maker if they are suitable. This amendment allows for the public guardian to make decisions or authorize a family member if there is a dispute on who should be selected as a specific decision-maker.

Next there are three technical corrections. Section 93 is amended to correct a cross-reference error to the nearest relative, so it's a housekeeping amendment. Section 95 is amended to correct a cross-reference error to a nearest relative as well. Section 107 is amended to replace the words "A Public Guardian" with "The Public Guardian." This ensures consistent language when referring to the public guardian.

Section 115 is amended by adding three regulation-making authorities to provide greater clarity to the standing committee's recommendations on an application for a minor, role of review officer, and selection of a specific decision-maker.

The following are amendments for technical clarification or correction. Section 116 is amended to provide greater certainty for the guardians and trustees under the transitional process. It means that a guardianship and trusteeship order under the Dependent Adults Act is treated the same way as a guardianship and trusteeship order granted in the Adult Guardianship and Trusteeship Act. Section 122 corrects a consequential amendment to the Condominium Property Act. Section 127 is amended to correct a consequential amendment to the Devolution of Real Property Act. Sections 26, 29, 106, and 116 ensure consistency of language for replacing the words "a Public Guardian" with "the Public Guardian."

Bill 24 is flexible legislation that reflects our aging population and changing needs. It maintains the dignity and autonomy of adult Albertans and addresses the need for protective safeguards for some of Alberta's most vulnerable citizens. I hope you will join me in supporting this important legislation and this amendment that strengthens Bill 24.

Thank you, Mr. Chairman.

The Deputy Chair: The hon. Member for Lethbridge-East on the amendment.

Ms Pastoor: On the amendment, yes. Thank you.

The Deputy Chair: Hon. members, before we begin, how are we going to handle these amendments? Are we going to be talking to them generally as a whole?

Ms Pastoor: Yes.

The Deputy Chair: Okay. Go ahead.

Ms Pastoor: I was just going to say that according to *Beauchesne* 688 and the precedent of the House, we would like to debate them as whole but have them severed for the vote.

The Deputy Chair: Severed for the vote. Okay. Thank you. Go ahead.

Ms Pastoor: Thank you. It gives me a great deal of pleasure to rise and speak to the amendments, which have come out of the recommendations from the committee that I was deputy chair of. And it has certainly been my pleasure to work with the Minister of Seniors and Community Supports quite closely on this bill.

For someone who has come out of the health care system as a health care professional and having worked a great deal with the problems that have been caused by the old bill, which was 30 years old, as has been mentioned, it's a distinct pleasure to be able to say that this is a good bill. This is going to help a great many people.

4:10

As I've mentioned, these amendments are as a result of a great deal of work by the policy field committee on health that was chaired by the hon. Member for Edmonton-Rutherford. There were written presentations. There were verbal presentations. There were some people who felt very passionate about this bill and made recommendations and gave us information that, again, helped form these recommendations.

The amendments themselves I think have strengthened the bill. I don't really at this point have a great deal more to add in terms of going through the amendments one by one. As I've said, I believe that they've strengthened this bill to what we heard in that committee. I think that it has been accurately reflected.

Certainly, some of the things that have happened that I might still have a concern on would be – I can't find the section, but it was where one person could make the decision about whether a complaint should go forward. But to cover off part of that, in amendment K section 76 has been amended to: "If a complaints officer decides not to refer a complaint to an investigator, the complaints officer shall provide written reasons to the complainant." I think that's very important because I certainly know that within the system as it works now, people do come forward with complaints.

At first they were anonymous, and that didn't work very well, so now they're making people sign their complaints. It takes a great deal of courage sometimes to sign complaints when you're afraid that it may be taken out on the person that you're trying to protect. This particularly, of course, would apply more to people that are dependent and in care. I think it's very important that someone who has signed a complaint would at least have the courtesy of having that complaint addressed in a written manner.

Amendment L, section 77, follows along that same kind of thinking. It's: "If an investigator concludes that the complaint was not founded, the investigator shall provide written reasons to the complainant." I think this has opened the process much more. We're looking for transparency; we're looking for honesty; we're looking for openness. More importantly, I think we're looking to be able to respect. The people who file these complaints are filing them with people who are public servants, not government servants, public servants. I think that the most important thing that happens

through these particular amendments and through the attitude is one of respect. These complaints are very serious to the people who file them, and they shouldn't be trivialized. To be able to respect the process and in that process respect the person I think is very important.

All in all, I'm pleased with these amendments, and I'm pleased with the bill. With that, I will wait to speak maybe a little further.

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

Mr. Horne: Thank you very much, Mr. Chairman. I'm very pleased to be able to participate in Committee of the Whole debate on amendment A1 for Bill 24. As was mentioned by the hon. Member for Lethbridge-East, I have the privilege of serving as chair of the Standing Committee on Health. I'd like to begin by just thanking the hon. Member for Lethbridge-East for her extensive contribution to the deliberations on this bill both as a member but also in her capacity as deputy chair of the committee. Her leadership and her particular knowledge and expertise in matters that are addressed by the bill were of great assistance to the committee.

As was mentioned, the bill was referred to the Standing Committee on Health. The report was tabled with the Assembly in October. I think it's a testament to the hard work of the committee – I believe the work included over 20 hours of deliberations on the bill – that so many of the recommendations of our report are reflected in amendment A1, before the committee now. On behalf of the committee members I thank the Minister of Seniors and Community Supports for recognizing the recommendations and to a very great extent taking action on them in the form of the amendment that's before us now.

I'd like to speak briefly about two points that are covered in the amendments, Mr. Chair. The first has to do with the continuum of decision-making options that are offered in the bill. Members who have had an opportunity to review the committee's report will note that we did express concern about the potential for a represented adult to have representation from more than one of these decision-makers simultaneously. As an example, it was conceivable under the original provisions of the bill for a represented adult to be under a guardianship order and a co decision-making order simultaneously.

[Mr. Dallas in the chair]

The committee deliberated on this extensively and, as you'll see in the report, concluded that that scenario, albeit perhaps rare, may pose a situation where decisions are taken which are, in fact, not in the best interests of the represented adult. We felt that that risk was something that needed to be addressed. Specifically, the amendments found in sections 8, 17, 33, 54, and 79 should serve, Mr. Chair, to prevent any such confusion. In fact, those portions of the total amendment taken together would result in only one personal decision-making option being in place at any one time for a represented adult.

The other area that I'd like to talk about briefly in the amendment is the portion that deals with the specific decision-maker role, and that's covered in sections 18 and 115 of the bill. The role of the specific decision-maker was designed, Mr. Chair, to come into play when an adult has no personal directive or guardian in place. The provision covers situations where a health professional believes an adult cannot provide informed consent on a decision related to their health care or temporary admission to a facility. In these circumstances a health professional can select a relative to the adult to make the decision.

[Mr. Mitzel in the chair]

Currently in Alberta there is no legal mechanism to cover situations where an adult temporarily lacks capacity, perhaps as the result of an accident, Mr. Chair, resulting in loss of consciousness for a period of time, any such situation which would result in the adult temporarily lacking capacity to make decisions, and the only option available to families and health professionals is guardianship.

We reviewed the provision at length in committee and talked at length about not only the interests of the represented adult but the potential situation a health care provider may be faced with when trying to use this particular provision of the bill. We felt that the health care provider should have an option to contact the office of the public guardian to act as decision-maker for an individual or to request that the office of the public guardian choose a family member to make a particular decision.

4:20

The types of decisions we're talking about, Mr. Chair, would have to do, for example, with temporary placement for an individual in a residential facility for a period of time. It may have to do with a choice regarding nonemergency health care treatment for an individual. The conclusion was that all health care professionals, in particular physicians, should not necessarily be placed in a position where they must choose a family member, particularly if there is a dispute among family members or other concerned individuals about which course of action should be taken.

I'm very pleased, Mr. Chair, to see a new process for families and health care providers to work together to make decisions on a timely basis for an individual who is temporarily incapable addressed through amendment A1. In the current Dependent Adults Act there is no method to respond to temporary incapacity and no way to allow family members to make such decisions other than applying to be a court-appointed guardian, which is a very lengthy process.

The final area I'd like to mention was addressed by the hon. Member for Lethbridge-East, and that is with respect to the complaints process that's set out in the bill. That is section 76. Mr. Chair, this was also the subject of considerable discussion in committee. The committee made two recommendations which, although not included in the amendment, I think will address some of the concerns raised by the hon. member. The first, which she did refer to in her remarks and is part of the amendment, is the requirement for a decision regarding a complaint to be offered in writing with written reasons to the complainant. That provision would also apply to an investigator acting in a superior capacity to the complainant who chose to agree that a complaint not proceed. The investigator would also have to provide reasons in writing in support of the original decision of the complaints officer.

The other portion of the committee report, which is not part of the amendment but which we did strongly recommend, was that the minister in future consider a process whereby a second person could review the refusal of a complaints officer to refer a complaint to an investigator under paragraph 76(1)(a). This particular issue was addressed in a minority report that is appended to the committee's report, and I'm sure we'll hear more about that in discussion in Committee of the Whole. I guess my point, Mr. Chair, is that the committee did flag it as an important issue, presented it as a recommendation to the minister for future consideration. I believe it is something that does need to be addressed.

In conclusion, Mr. Chair, it was a privilege to have the opportunity to review this in committee. Again, thank you to the government for recognizing our recommendations in the form of this amendment. We look forward to the balance of debate on the bill.

Thank you, Mr. Chair.

The Deputy Chair: The hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. I rise to join in on the debate on amendment A1 to Bill 24. Just as a starting point, I do want to join with the comments made by my two committee colleagues with respect to appreciating the process that we went through on the Health Committee and also to thank them for their work and to note that, certainly, as a committee we put a lot of work into reviewing this bill. It was a complicated bill, and I think that everybody gave it the attention that it deserved and the resources that it deserved, so I feel that we're getting very close to having the best product that we could have. It's an example of the process working reasonably well.

Having said that, I'm not going to talk about all of the amendments. As a member of the committee I agreed with all of the amendments with two exceptions, which I'll speak to in a minute. Previous speakers have outlined the reasons for the amendments that are going forward, and I agree with their rationales, with the two exceptions that I will discuss in a moment. For the most part this amendment is one that I would certainly urge people to support because I think it deals with a few of the problems that were identified by the committee in the course of our deliberations.

The two areas that I just want to highlight are those which are covered by letter G of amendment A1 and those which are covered by letter K of A1. To speak first to letter G, the proposed amendment to the bill that I have a bit of concern with or that I'd just like to put some discussion on the record about is that which reads: section 33 is amended (b) in subsection (4) by striking out "with the approval of the Court" and substituting "in accordance with the regulations."

Now, this proposed amendment came as a result of quite a thorough and good discussion on the committee about the process through which a guardian or trustee would have to go to amend the guardianship plan due to changing circumstances, which we all agreed would happen periodically, outside of anybody's control. There was agreement on the committee that in some cases it might well be too onerous both to the guardian and the trustee and also, frankly, to our court system to have the guardian or trustee going to the courts every time there was a change in an element of the guardianship plan because it was something that could happen too much, and it would be something that might well end up filling the courts with needless and time-consuming applications.

The discussion that we had on the committee, or at least my recollection of where the majority consensus fell, was that another way to approach it would be to have a review officer review the proposed changes to the guardianship plans and/or for there to be an opportunity for some ex parte consideration by the courts; in any event, some process set up which was very streamlined and faster than going directly to court to make an application to amend the guardianship plan. That was my understanding of sort of where most of the committee fell. Now, ultimately it doesn't really matter where the committee fell; it depends on where this Assembly falls with it.

My concern is that the way it's written now, the whole process goes to regulation, and then we are left without a true sense of what mechanism is in place for a guardianship plan to be changed and how easy it is for that to be done and what kind of oversight there is when that happens. From my perspective the act quite rightly creates this notion of a guardianship plan and quite rightly identifies the need for the guardianship plan to initially be approved by the courts. So, then, it's important that we not subsequently enact regulations which allow for the guardianship plan to be changed, for instance, upon request. If it were that simple, then we would have effectively undone the whole point of having the guardianship plan created and reviewed by the court and put in place in the first place.

My concern, then, is that this part of the amendment doesn't give

quite as much direction as I would have wanted to have seen. I would have preferred to have seen sort of more specificity; for instance, that it can be reviewed by a review officer, who may approve it or may suggest that it be reviewed by the courts if it's a significant change, or something like that. But right now, with it simply being "in accordance with the regulations," I am concerned that it might be something that ends up that the guardianship plan may be changed upon request. By simply doing that, then, of course we lose the safety, shall we say, for the represented adult that is provided through the provision of a guardianship plan which has been reviewed and approved by the courts in the first instance. That's my first concern.

My second concern, as has been mentioned by both the previous speakers, relates to letter K. As has been noted already, the committee as a whole, the majority part of the committee, recommended that there be some consideration of a second person to consider or review the decision of a complaints officer to refuse to allow a complaint to go forward to an investigation. Well, quite frankly, that is not this member's view of the best way to solve the problem that was identified when the whole issue came up. It was a bit disappointing to see that that particular element of the recommendation by the majority of the committee didn't make it into any version of this amendment.

4:30

What we are left with now is simply that a complaints officer may dismiss a complaint, the end. There's no further opportunity for review and no opportunity for the complainant to have that reviewed by anybody else, including in those cases where the complaint itself is against the actual Public Trustee or the public guardian. So you actually have a staff person there, I think, inherently in a conflict of interest making that decision.

I'm a little concerned to see that even the majority – I say "even" because, of course, I crafted the minority report – part of the committee's recommendation didn't find its way into this amendment. I am not going to advocate for the majority part of the committee's recommendation. In fact, I have another amendment to come later, but I did want to make note that, unfortunately, after all our hours and hours, it seemed, of discussion, even the efforts on the part of the committee members to address all my concerns don't appear to have made it in here at all.

I think that as an Assembly we need to consider the fact that we have no mechanism for review for that simple process of having the complaint go to an investigatory stage. In introductory remarks the minister has talked about what the investigator does, and she said that we have a system of protection and that the investigator can look into the matter, can potentially mediate, can talk to the parties, and she listed out sort of the benefits of having an investigator weigh and consider the complaint. The problem is that we have a gatekeeper built into this act, who is an employee of the minister, who can put up a barrier to that complainant ever getting to the attention of the investigator. That is my concern with these amendments and with the way in which the amendments don't quite reflect either the minority or majority elements of the committee report in that regard.

Other than that, though, the amendments do reflect what the committee recommended, and as a whole the bill is a good one. I just remain deeply concerned about that one oversight.

Thank you.

The Deputy Chair: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. I, too, would like to thank the Member for Edmonton-Rutherford for chairing the Standing

Committee on Health. I very much appreciate the hours that the committee put into this redrafting of the bill and coming up with the variety of amendments. It demonstrates how a nonpartisan committee has tremendous value. What I find interesting are the different tasks that various committees are given and to what extent they respond to that task. For example, another committee, on the environment, spent probably an equal number if not more hours talking about a return price on milk bottles. Then, of course, the city of Calgary implements blue boxes, and if you're laying out your milk bottles, you're losing the rebate value. So I appreciate the functionality that this committee went through.

Also, because it's such an important concern – I mentioned earlier my family's personal situation. What this bill and the amendments associated, the A1 that we're dealing with, attempt to do is provide greater certainty, greater definition to the point of personal directives. What the bill is attempting to qualify is to encourage voluntary use of a standard form so that there will be standardization in the way the process is carried out: require the maker to give a copy of the personal directives to the agents and encourage agents to consent to being named. So very early on in the process, while the individual is still lucid, they're making choices, and those choices are being clearly indicated. It encourages voluntary registration of personal directives, recognizes personal directives from outside of Alberta, allows for the expansion of the scope of who may determine capacity, creates a new . . .

The Deputy Chair: Hon. member, we're speaking to the amendment?

Mr. Chase: Yes, and I'm saying how this amendment adds to the . . .

The Deputy Chair: I was trying to follow you on the amendment here.

Mr. Chase: Okay. Well, what the amendment does is further clarify the nature of a personal directive. It further clarifies the position of guardian versus trustee. That is the beauty of the amendment and the fact that it complements and completes the bill, amendment A1, that we're discussing at this moment. That's why I'm in support of the amendment, in case it wasn't clear where I was headed with my support.

I do have concerns about the way the amendments were arrived at if I may very briefly speak to that concern. It appears that in creating the amendment, the A1 that we're referring to at this moment, to Bill 24, the Adult Guardianship and Trustee Act, the wisdom of the committee ends when it comes to regulations, at which time the process goes behind closed doors. I share the concerns that the hon. Member for Edmonton-Strathcona, my Edmonton MLA, put forward because I believe that the regulations should either precede the bill or be incorporated within it rather than being created unilaterally after the fact.

We ran into this same discussion with Bill 18 in the committee that I was a part of, the Community Services Committee. We were pretty much in agreement on the various clauses of the bill. The report was provided. Concerns were brought forward. We did not have a separate dissenting addition to that particular bill, but what we were concerned about is not having all the information that we needed to make the process absolutely legitimate, and that is not being aware of the regulations.

I appreciate what the amendments that we're referring to in A1 attempt to do. I would like for the record to note that if we want to make this process complete, then the discussion of the regulations,

which are basically the rules of the game, need to be included as part of the discussion both in the Legislature and at the committee level because without the rules how do we ensure that the game is played fairly?

Thank you, Mr. Chair.

The Deputy Chair: Any other members wish to speak? The hon. Member for Wetaskiwin-Camrose.

Mr. Olson: Thank you, Mr. Speaker. It's a pleasure to speak to this bill today. I was also a member of the standing committee that dealt with this. I also want to commend all of the members of the committee who worked so hard on it. I'm a lawyer, and I've been practising in this area for a number of years, so I also have a special interest in this legislation because I've been working with the predecessor legislation for a number of years. I think we'd all agree that this Bill 24 is an important step forward in protecting some of Alberta's most vulnerable citizens.

This act demonstrates a more modern approach to guardianship and trusteeship, and it highlights progressive and positive changes. I think it represents also a very good reflection of the discussions that went on during the course of consultation with many members, many stakeholders. I know I was very happy to have the opportunity to hear a number of those stakeholders through the course of our deliberations, and as a backdrop to my comments I'd like to say that it was very interesting that there wasn't a very strong consensus.

I'm just stopping myself here. I may have jumped up too early.

4:40

The Deputy Chair: We're speaking to the amendment.

Mr. Olson: I'm sorry. But not under rule 29?

The Deputy Chair: No.

Mr. Olson: Okay. Thank you.

The Deputy Chair: To the amendment.

Mr. Olson: To the amendment. I'm very happy that we have this consultation process because we heard from a lot of people. What we heard from these people was a very broad range of opinion. I think what we have here in these amendments and in this act is a reflection of a balance in those opinions. We had people who wanted us, basically, to throw the act out because we shouldn't be getting involved in these areas. We had other people who wanted to take very much the opposite approach and be extremely interventionist. I like this legislation and the amendments because I think they are reflective of this balance.

I just want to make a couple of comments specifically about the complaint process because that was one of the issues which we spent a lot of time discussing. There was a lot of good effort that went in from all sides of the issue. I think what we came up with, again, is a good balance. In the predecessor act there was really no provision for a complaints process. Court always has overriding authority, and as a lawyer I believe that that's still the way it should be, and I'm happy to see, of course, that that's still in the legislation. But we do have a means now of somebody making a complaint, being heard, and having an opportunity to have decisions reviewed. Although some may have wanted a more formal process to deal with that, I think that this, again, is a good compromise.

There is a requirement that the officer who deals with these complaints has to respond in writing, create a written record. I think

it was quite properly pointed out in the committee process that even just having to put something in writing forces a person to be reasonable. I think these amendments are reasonable; they're workable. That's another thing that I think a number of us were looking for in this legislation, something that would be user friendly, not too rule bound.

I hope that all of the members can support this bill and the amendments. Thank you.

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

Mr. Taylor: Thank you, Mr. Chairman. I will be brief. I want to commend the Standing Committee on Health on, I think, good work on this particular bill. I am largely in favour of the amendments as they stand here.

I recognize the concerns raised by the Member for Edmonton-Strathcona in her minority report, and I would just say very quickly that it's good that we can do these sorts of minority reports through these committee processes. I think it gives us an opportunity to put slightly different points of view on the record, and I think that's valuable. I recognize the concerns the member has expressed.

I am prepared to go with the amendments as proposed in amendment A1, adding (2.1) to the bill. That is saying that "if a complaints officer decides not to refer a complaint to an investigator, the complaints officer shall provide written reasons to the complainant." I think that opens up a back-and-forth process that can continue. I don't know that it will guarantee satisfaction, but I don't know that the court process guarantees satisfaction either. It does usually guarantee a fairly hefty legal bill getting to the point of determining whether there's satisfaction or not. I would be inclined to try this out and see if it's sufficient and whether it will represent everybody's best interests or not before we necessarily go further on that.

Beyond that, I note that there are others who will be wishing to add to the debate at the committee stage when we return to this bill this evening, I believe. With that, if I could move adjournment of debate on Bill 24.

[Motion to adjourn debate carried]

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

Mr. Renner: I'm sorry. It has been awhile since I've been back. Mr. Chairman, I move that the committee now rise and report progress.

[Motion carried]

[Mr. Mitzel in the chair]

The Acting Speaker: The hon. Member for Lethbridge-West.

Mr. Weadick: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on the following bill: Bill 24. 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 with the report?

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 10

Security Services and Investigators Act

The Acting Speaker: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you very much, Mr. Speaker. It's my pleasure to stand and move third reading of Bill 10, the Security Services and Investigators Act, on behalf of the hon. Member for Airdrie-Chestermere.

This bill is designed to strengthen the security and investigator industry through enhanced professionalism, consistent training to help ensure the safety of those employed in the industry, the creation of safeguards for the public who access or come into contact with security or investigative services, ensuring that the public's civil rights and liberties are protected and deterring those whose backgrounds may make them unsuitable for the security and investigator industry.

This proposed legislation is the result of those in the industry contributing their ideas to improve the industry. We believe that we have struck the right balance between the needs of the industry and the protection of the rights of the citizens of Alberta. We have also consulted extensively with investigators, security guard companies, loss prevention workers, locksmiths, and those who provide the services of guard dogs. Mr. Speaker, we will continue to seek their input on an ongoing basis as we develop the regulations and policies to accompany this act.

Mr. Speaker, the proposed Security Services and Investigators Act will better reflect the realities of today and modernize the regulatory and legislative framework for this industry by clarifying the roles and responsibilities in the security industry, improving the quality of service by addressing safety issues through training, strengthening screening and qualifications, improving accountability through a rigorous audit and the inspection process to ensure legislative compliance, streamlining the regulatory system by increasing the portability of licences and renewals, and increasing communication between the industry and the Alberta Solicitor General and Minister of Public Security.

As I mentioned before, Mr. Speaker, this legislation has had an extensive consultation process. It has also undergone careful scrutiny by the policy field committee and rigorous debate here in this Legislature, and I am confident that this legislation will serve Albertans and the security industry well.

Thank you.

The Acting Speaker: Any other members wish to speak? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. I apologize to members of this Assembly if they've heard this comment before. When we don't have the regulations, we're missing a key component of this particular bill because without the regulations the stewardship, the governing principles are missing. Therefore, what we have is a whole series of different levels of security services. We have some overview governance principles, but when it comes to how the services will actually be governed, to whom they're responsible, what level is at the very bottom as we proceed to the higher ranks of security services, those regulations become extremely important. Therefore, I tend to and I will ride this horse until such time as we discuss within the legislation what the regulatory process is.

4:50

Something that's not clear to me from Bill 10, the Security Services and Investigators Act, is I guess what you'd call almost a pecking order in terms of almost like a commissionaire. Where in the security order of importance or rank does a commissionaire fit? Where does a bylaw officer fit? Where does a sheriff fit? Where does the authority of a municipal police force end and the authority of the RCMP begin?

While we have a series of independent regulations governing each of the various organizations, I had hoped that Bill 10 would be sort of the omnibus bill that would provide almost the equivalent of a thesaurus of information, a playbook, a rule book where we would start and we would find: okay, for this particular service the bylaw is sort of at the bottom level of the expectations.

I've asked this type of question previously of the Solicitor General, and I haven't got an answer as to how an individual, through experience or education, could move up through the ranks of the security services. For example, a young person just out of high school, going to university decides to do the midnight shift for a security service at a construction site. That person's experience qualifies them in the sense that they can add it to their resumé, and by the fact that they've managed to stay in this particular job for a certain amount of time, they could then move to a higher level of security service provision with possibly greater remuneration. But Bill 10 doesn't spell out how a person would then move up that ladder or the education, training, equipment required to do that transition.

I'm sure there are a number of young individuals who initially found the requirements of a sheriff less demanding than, say, a city police officer or an RCMP, but it was their intention to move up through the ranks, get their foot in the door. The sheriff is a higher position, I'm assuming, than a bylaw officer. Therefore, they would have a greater potential to demonstrate that they've done a good job as a sheriff regardless of whether they were in a court duty situation or on the highway. They could then theoretically take that resumé, that experience, the approvals, the evaluations made by their superior officers to a city police force and say: "Look. I've done this, this, and that in terms of providing security services. I would like you now to consider my application for duties as a city police individual."

I'm sure there is a similar desire or potential, now that the RCMP aren't being shifted around the country to the extent that they once were, that it would be possible for a person who is currently an officer in Lethbridge or Calgary or Edmonton on a city police force to move to a higher level of investigation within the RCMP, but the bill doesn't indicate what qualifications or what requirements are necessary to make those changes. It doesn't indicate whether moving from, say, a city police force to an RCMP officer is a lateral shift or a vertical shift.

It would be extremely helpful, either in this bill or bills that follow, to lay out in one spot the expectations: the training required, the education required, the various levels of equipment that a person has to be knowledgeable about in order to use that equipment. Unfortunately, Bill 10 is rather vague in these areas, and until such time as that very specific information that delineates the various levels of security is provided in definitions, I'm afraid that I can't be supportive of this bill.

The Acting Speaker: Any other members wish to speak? The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. Just a couple of comments that I wanted to make on this one. One of my concerns is in terms of business licences. In most municipalities people can come in and

say, "I'm going to run such and such a business," and they just get licensed to conduct the business. They don't really ask them what they're going to do or what kind of people they're going to hire to do this business. One of the examples that I would use, of course, is massage parlours. They don't really have to do anything. They just come in and get their licence. Of course, I know that we have something that we are going to discuss in terms of classifying massage practitioners.

However, it sort of applies in the same way. You can just go and get a business licence, call yourself a security operation, and hire – who knows? I just believe that for people who are in places of authority, even if it is just doing security, a night watchman in, say, even a used car lot or something, there's training that really should be required for people that have these jobs. The training should go both ways. It isn't just so that they would behave in a manner that should be expected of someone who's in an authoritarian position but also training to be able to protect themselves. Often they do these jobs at night. Sometimes even security in a mall are alone, and I think they need to be trained for their own protection.

The other thing is that the Solicitor General should make it mandatory for the Alberta serious incident response team to investigate matters that involve serious injury or death. I think it would be a reasonable request at this point in time that that happen. There are young people out there without training that are working as security agents or bouncers in bars, any of those number of things, sometimes working concerts, where they can get into trouble, and because of their lack of training they could easily, in the heat of the moment, injure somebody. I believe that certainly with a serious injury or a death the serious incident response team should take a look at that.

Thank you.

The Acting Speaker: Any other members wish to speak?

The hon. Member for Calgary-Egmont on behalf of the hon. Member for Airdrie-Chestermere to close debate.

Mr. Denis: Yes. I would move to close debate, Mr. Speaker.

[Motion carried; Bill 10 read a third time]

5:00

Bill 39**Court Statutes Amendment Act, 2008**

The Acting Speaker: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you very much, Mr. Speaker. Getting a bit of a workout today on my feet. I just wanted to thank all members today for debate on Bill 39, the Court Statutes Amendment Act. I'm very encouraged by the support this legislation has received to date. Just to recap, this legislation will make Alberta's civil justice system more effective, more efficient and accessible. I'm confident this legislation will meet the needs of the justice system and the needs of Albertans, particularly those who are unrepresented when they attend court as a plaintiff or defendant or as a witness. As such, it is my pleasure to move third reading of Bill 39, the Court Statutes Amendment Act.

Thank you.

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

Mr. Chase: Thank you. I very much appreciate the intent of Bill 39 to facilitate a speedier form of justice and to provide the supports necessary to individuals in terms of advice and offering alternatives to either a judge or jury situation. I'm very much in support of Bill 39 and the highlights as follows.

It renumbers and redrafts portions of many other acts to reflect recent legislative changes and other housekeeping matters. So it brings us up to date. It also amends the Provincial Court Act and the Judicature Act in order to deal with the manner in which a judge may be dismissed or removed from the bench. It also makes slight changes to how default judgments are registered, the proper manner by which a pleading can be struck, provides a greater degree of protection against situations involving unjust enrichment, et cetera. So what it does is that it not only provides support to litigants, but it also provides support and recognition to members of the legal profession, including judges. My appreciation extends to the fact that this does what Motion 511, a unified family court process, was intended to do and improves the carrying out of justice and the co-ordination of justice.

I'm extremely supportive of Bill 39, Court Statutes Amendment Act, and look forward to its passing. Therefore, I will call for the question if that is acceptable to the Speaker unless other people would like to participate.

The Acting Speaker: The hon. Member for Calgary-Egmont to close debate.

Mr. Denis: I would move to close debate, Mr. Speaker. Thank you.

[Motion carried; Bill 39 read a third time]

Government Bills and Orders

Second Reading

(continued)

Bill 41

Municipal Government Amendment Act, 2008 (No. 2)

The Acting Speaker: The hon. Minister of Municipal Affairs.

Mr. Danyluk: Thank you very much, Mr. Speaker. I'm pleased to rise today to begin debate on Bill 41, the Municipal Government Amendment Act, 2008 (No. 2). Strong communities are the building blocks of a strong and prosperous province. This bill will enable Alberta municipalities to access surplus school sites for community purposes, including affordable housing, libraries, and other key ingredients of sustainable communities. In addition, the bill provides clarity to certain assessment and tax provisions of the Municipal Government Act. Bill 41 will create a new designation, the community services reserve, that will allow surplus school sites to be used for community infrastructure such as libraries, not-for-profit daycares, emergency services, or, as mentioned, affordable housing.

This bill fulfills government's commitment to implement the recommendation of the Alberta Affordable Housing Task Force report that such sites should be released to municipalities to address their housing needs. The proposed change will broaden the permitted use for surplus school sites and establish a process to approve suitable new uses for these sites. This change was developed in conjunction with the cities of Edmonton and Calgary and four metro school boards.

Sites must first be declared surplus by local school boards and then approved by the Minister of Education. I want to emphasize, Mr. Speaker, that the development of the surplus school sites will be restricted to the portion of the site intended for the school building and its adjacent parking area. It will not be at the expense of the existing green space, playing fields, or parks. This change will enable municipalities to decide on the most appropriate community

use of sites that would otherwise lie vacant. It will allow them to better address local needs and promote strong communities.

Mr. Speaker, Bill 41 also proposes amendments to two sections of the MGA dealing with assessment and taxation. The bill will amend section 292 of the MGA to clarify that linear property assessments are to be prepared using Energy Resources Conservation Board records as of October 31. There have been several linear assessment appeals on the meaning and intent of this section. Given the amount of ongoing and proposed linear property in the province, this is an opportune time to clarify existing policy and reduce the burden of unnecessary appeals. This change will streamline the assessment process but will not place a new tax burden on the industry.

Finally, this bill includes an amendment to specify that leaseholders are responsible for property taxes on oil and gas machinery and equipment on leased sites. Making this amendment is not a policy change. It simply codifies and confirms existing practice. As you know, Mr. Speaker, one of the Municipal Affairs core objectives is to continually improve the quality of property assessment in Alberta. These amendments are needed to clarify and confirm the process of linear property assessment.

In summary, Mr. Speaker, Bill 41 will broaden the permitted uses for surplus school sites to include fire halls, police stations, libraries, not-for-profit daycares, and affordable housing. In doing so, the bill supports our goal of encouraging more affordable housing in the province as well as supporting Alberta municipalities in addressing community needs. Bill 41 also provides clarity in regard to linear property assessments that affect electric power systems, pipelines, and telecommunications systems.

Mr. Speaker, I would encourage all members to support this legislation, and I look forward to any discussion that they may wish to have. I would like to adjourn discussion at this time.

[Motion to adjourn debate carried]

Bill 43

Emergency Health Services Act

The Acting Speaker: The hon. Member for Calgary-Egmont on behalf of the hon. Member for Airdrie-Chestermere.

Mr. Denis: Thank you very much, Mr. Speaker. I'm pleased to rise today and move second reading of Bill 43, the Emergency Health Services Act, on behalf of the hon. Member for Airdrie-Chestermere.

This is new legislation that enables government to transfer the governance of ambulance services to the provincial health authority. It recognizes that ambulance services are health services and allows the government to integrate these services into our provincial health care system. The proposed legislation provides for a co-ordinated yet flexible system which can evolve over time from our current ambulance transportation model into new models of emergency health service delivery.

Bill 43 will replace the current Ambulance Services Act, Mr. Speaker. Currently ambulance services are provided by municipalities under the authority of the Municipal Government Act. Under this new structure ambulance services may only be provided by a health authority or by third parties through contracts with a health authority. This requirement is essential to the development of a co-ordinated system of emergency health services in this province.

5:10

To ensure a smooth transition and provide for provincial oversight, the act requires the health authority to develop a plan for establishing an emergency health services system. Mr. Speaker, this plan may be amended and must be approved by the minister. The

health authority becomes responsible for the system on the date the minister approves the plan. The minister currently has the authority to do what's required to promote, facilitate, and ensure the provision of emergency health services in Alberta. This authority will continue and will apply to the new scope of emergency health services.

This act also includes transitional provisions and regulation-making authority to ensure the proper transfer of emergency health services to the health authority and the continued operation of ambulance services with minimal disruption. Mr. Speaker, because of the scope and magnitude of this transition, the act includes tools for the implementation of services through a number of means and the flexibility to respond to the issues that may arise once the act is implemented.

An integral part of this service delivery model is a system of co-ordinated dispatch. This becomes a requirement under this act. While some flexibility is indeed provided, how the health authority plans to establish this system will be defined in an emergency health services plan that must be approved by the minister responsible. Mr. Speaker, additional requirements for dispatch centres will be set out in regulation.

All ambulances will continue to require a licence. A provincial registrar currently licenses ambulances, and this will continue, Mr. Speaker. The registrar may also suspend, revoke, or impose conditions on an ambulance licence. Inspection authority will be clarified and enhanced so that inspectors can carry out their responsibilities effectively and efficiently without affecting private business interests. In addition to conducting routine inspections to ensure compliance with the act and regulations, inspectors may also conduct investigations in response to complaints or at the minister's request.

The professional requirements of paramedics will continue to be established in provincial legislation. However, Mr. Speaker, the act will prohibit a person from acting as an ambulance attendant or employing a person as an ambulance attendant unless they are a member of a category of qualified ambulance attendants established in the regulation hereto. This will allow the province to ensure that those providing services are qualified. Ambulance operators and ambulance attendants will be brought under the Health Information Act and subject to the same privileges and responsibilities as other health service providers.

Mr. Speaker, I'm looking for the support of the House, and I move adjournment of debate on Bill 42.

[Motion to adjourn debate carried]

Bill 44

Pharmacy and Drug Amendment Act, 2008

The Acting Speaker: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you again, Mr. Speaker. Today appears to be my lucky day. [interjections] I am pleased to rise today and move second reading of Bill 44, the Pharmacy and Drug Amendment Act, 2008, despite the heckles of the member to my left.

I'd like to begin my comments with some background on the Pharmacy and Drug Act which will help explain the amendments proposed in this Bill 44. When governance of pharmacists was brought under the Health Professions Act, a new pharmacy and drug act was provided, and it was drafted to provide for the licensing and regulation of pharmacies. Prior to this time both the pharmacy profession and the operation of pharmacies were regulated pursuant to regulation by the Alberta College of Pharmacists under the Pharmaceutical Profession Act.

Mr. Speaker, the Pharmacy and Drug Act has been in force since 2007. When the act came into force, a new category of licence was created for what are termed mail-order pharmacies. Mail-order pharmacies provide a way to deliver services to patients at a distance. Providing these services is important, especially in cases where Albertans may not have easy access to a pharmacy or can't get to a pharmacy. People in a remote area or a rural area are an example of this. Nursing home patients would be another example.

The licensing provisions inadvertently had the potential to restrict the operation of mail-order pharmacies in Alberta. To allow for time to work with the affected stakeholders and develop legislative amendments that address the provisions in question, a transition regulation was put in place that temporarily suspended mail-order pharmacy requirements. This regulation will expire in the spring, Mr. Speaker, and the requisite changes to the act are required before that time.

I'd like to briefly outline now the amendments to the act proposed in Bill 44. While these amendments were prompted by the need to clarify regulatory framework for mail-order pharmacies, as I mentioned, Mr. Speaker, the amendments apply to all pharmacy services provided by Alberta pharmacies. This bill better defines four categories of pharmacy licences – community, compounding or repackaging, mail order, and satellite – and clarifies the scope of authority of these licences. For example, a community pharmacy provides an in-person pharmacy service while a mail-order pharmacy provides pharmacy service at a distance. The function of, quote, dispensing is now more clearly set out in the definitions as well as the scope of what constitutes a, quote, record.

The proposed legislation also clarifies the general rule in section 3. This means that certain factors need to be considered by the registrar when considering an application for a pharmacy licence. The same factors apply to each of the four licence categories. Revisions are being made to clarify that the registrar may impose conditions on a licence either when the licence is issued or at a later time. These conditions may be required to protect patient safety, quality of care, or the integrity of drug distribution.

The proposed legislation more clearly defines the obligations of the licensee and proprietor, clarifying that drug dispensing may be carried out in accordance with professional standards of practice under the Health Professions Act and the Pharmacy and Drug Act. Certain standards of practice are incorporated into the act in order to provide greater clarity, Mr. Speaker. These standards include patient counselling and the patient's ability to easily contact the pharmacist.

Drugs dispensed by or through a pharmacist must meet the requirements of the laws of Canada and the laws of Alberta. Make no bones: the laws of Alberta always apply in this province.

Inspection and investigation provisions are also clarified to reflect the college's authority to inspect pharmacy services provided in Alberta. In addition, the authority of a registrar to use and collect and disclose information with other jurisdictions, governing bodies, and law enforcement agencies is strengthened. This provision is important to maintaining the integrity of the drug distribution system.

A reasonable regulatory system needs to be put in place to regulate all pharmacy services provided from Alberta. Pharmacists must exercise due diligence in their pharmacy practice and, in particular, the provision of pharmacy service at a distance. It is critical that Alberta pharmacies operate within the laws of Canada and Alberta, as I mentioned, Mr. Speaker, and in accordance with the provincial ethics and practice standard established by this province. Relationships with prescribers and out-of-province or out-of-country pharmacies must be based on this foundation so that the public is protected.

Mr. Speaker, these amendments will better ensure patient safety and the integrity of the drug distribution system, clarify the reporting and due diligence requirements for our pharmacies, and reinforce the oversight and authority of the Alberta College of Pharmacists. I ask all members for support of this bill, Bill 44.

Thank you.

The Acting Speaker: Are there any other members who wish to speak?

The hon. Deputy Government House Leader.

Mr. Renner: Thank you, Mr. Speaker. I move that we adjourn debate on Bill 44.

[Motion to adjourn debate carried]

Bill 45 Statistics Bureau Amendment Act, 2008

The Acting Speaker: The hon. Minister of Employment and Immigration.

Mr. Goudreau: Thank you, Mr. Speaker. I'm very pleased to move second reading of Bill 45, the Statistics Bureau Amendment Act, 2008, and also for the opportunity to speak to Bill 45.

The current Statistics Bureau Act establishes the Bureau of Statistics office, which collects, analyzes, and shares information and statistics. The office also works with Alberta government departments and the government of Canada on statistical matters. The Bureau of Statistics was disbanded in 1993 although work has continued through individual ministries. Responsibility for the legislation is now shared between the ministries of Finance and Enterprise and Employment and Immigration.

The act is old and in need of updating. The amendments will help to create an official statistics agency for the province of Alberta. The new Office of Statistics and Information will continue to work closely with government of Alberta departments. This collaborative effort will build capacity in the government of Alberta for statistical functions.

The proposed amendments will achieve the following results:

change the name to the Office of Statistics and Information Act, establish the Office of Statistics and Information as Alberta's official central statistics agency, provide clear authority for access to and disclosure of records for statistical purposes, increase fines for offences under the act to make it more consistent with other jurisdictions and with federal legislation, and provide authority for the office to enter into joint agreements on collection of statistical information with the government of Canada, other provincial departments, municipalities, and organizations.

5:20

These amendments support the Premier's mandate to create the Office of Statistics and Information to consolidate, collect, and disseminate information. Ultimately, it will allow us to consolidate official statistics and other key government data so that the information we need is available and consistent.

Employment and Immigration is working closely with Finance and Enterprise and all other ministries with an interest in this legislation. I ask you to support these amendments to the Statistics Bureau Act to ensure that the best information is available when making policy decisions. Mr. Speaker, the proposed amendments will go a long ways towards ensuring that we are able to make informed decisions on behalf of the Albertans we serve.

Thank you, Mr. Speaker, and I move to adjourn debate on this.

[Motion to adjourn debate carried]

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

Mr. Renner: Thank you, Mr. Speaker. I'm going to propose that we move to adjourn until this evening. I seek some advice from the chair, though, before doing so. It's the government's intention to resume debate in Committee of the Whole on Bill 24 this evening. Is it appropriate to make a motion to return in Committee of the Whole? I see yes, so I will, then, move that we call it 5:30 and adjourn until 7:30 p.m., at which time we reconvene in Committee of the Whole.

[Motion carried; the Assembly adjourned at 5:22 p.m.]

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