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The Honourable Kenneth R. Kowalski, Speaker

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[Errata, if any, appear inside back cover]

Legislative Assembly of Alberta

7:30 p.m. Wednesday, November 5, 2008

Government Bills and Orders
Committee of the Whole

[Mr. Cao in the chair]

The Chair: Hon. members, I'd like to call the Committee of the Whole to order.

Bill 24
Adult Guardianship and Trusteeship Act

The Chair: We are now on amendment A1. The hon. Member for Red Deer-South.

Mr. Dallas: Thank you, and good evening. I'm pleased to rise in support of this bill. I was also a member of the Standing Committee on Health. Through thoughtful discussion and dialogue I believe Bill 24, the Adult Guardianship and Trusteeship Act and, of course, the additional amendments to the proposed act will enhance the legislation and ensure protection for adult Albertans.

One of these amendments includes changing the reference to a 17-year-old who is the subject of a co-decision order to a person who is, quote, one year under the age of majority. Amendments to sections 11, 24, 26, and 115 using that term, one year under the age of majority, ensure a consistent approach during the appointment process for individuals one year under the age of majority. This amendment allows further flexibility and a smooth transition if the age of majority changes. It also makes clear that the public guardian can apply for guardianship one year under the age of majority.

In section 33 the amendment ensures that there is a clear process to approve guardianship plans and review changes to the guardianship plan. If a guardian makes a significant change to the guardianship plan, it must be brought to the attention of a review officer. The review officer determines whether it is necessary for the change to be brought to court, and this will be less time consuming for guardians.

Bill 24 is a significant improvement from the Dependent Adults Act in that it allows an application to be made prior to the age of majority but only take effect when the person reaches majority. This ensures a smooth transition from youth to adulthood, with no gaps in the process. By requiring guardianship plans, guardians need to plan and think about their responsibilities prior to taking them on. The amendments to Bill 24 are necessary to ensure that we continue protecting Albertans and ensure that their needs are represented. These changes demonstrate how Bill 24 is adaptable legislation that reflects our changing needs.

Thank you.

The Chair: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you very much. I am also a member of the Standing Committee on Health together with the Member for Red Deer-South.

Most people who know me know that in my past life I was a lawyer, and I dealt with many issues families face in these matters, especially when a loved one is ill or disabled and can't make decisions for themselves. I was thinking over dinner that I have grandparents 90 years old and 91 years old, and this is an issue that faces many of us as people become older.

I am pleased with the introduction of Bill 24. I think that the provisions of the Adult Guardianship and Trusteeship Act are a more modern and family-friendly approach to situations where a relative needs to make a decision on behalf of a loved one. The bill provides a more streamlined process when a family member needs to make an application to become a co decision-maker, guardian, or trustee and provides relatives with options beyond simple guardianship and trusteeship, such as specific decision-making. From my standpoint, this is a pragmatic and realistic approach to many circumstances that Albertans may find themselves facing.

I'm also in support of the guiding principles in part 1 and provisions clarifying capacity assessment in sections 101 and 115. It's important to understand that mental capacity is a legal concept. It's a legal creation. As such, a capacity assessment involves a clinical or a medical assessment and provides an opinion as to whether or not a person is able to make a decision with a personal or financial matter. I'm also pleased that the bill outlines a process to ensure that a more consistent assessment model is used, consistent, obviously, with the principles of the rule of law.

As the population of Alberta is changing and aging, it is important to have effective tools for decision-making. Personal directives and enduring powers of attorney are extremely helpful to plan ahead for a time when you are not able to make decisions, but it's also very important to have an effective court process for the appointment of guardians, trustees, and co decision-makers when people have not planned ahead or have had a significant lifelong disability since childhood.

Bill 24 offers significant improvements in the area of guardianship and trusteeship, and I, as well, am pleased to support the bill. Thank you.

The Chair: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Chair. It's my pleasure to rise and speak to Bill 24, the Adult Guardianship and Trusteeship Act. The Standing Committee on Health, of which I'm a member, has had many discussions around Bill 24. A consistent thread in our discussions and the cornerstone of the legislation was the importance of an individual's dignity and autonomy.

The provisions of the Adult Guardianship and Trusteeship Act, which offer potential guardians and trustees more assistance and information at the time of the application, will help alleviate a great deal of anxiety and confusion for families. The bill also provides better direction for guardians and trustees when making decisions. For example, in section 2 the term "best interests" from the Dependent Adults Act is now a principle, and there is clarity on what this principle means. This will assist guardians and trustees when they are faced with difficult decisions such as those near the end of one's life.

Ideally, Albertans would plan ahead and write a personal directive to outline their wishes in the event they become unable to do so. The recent amendments to the Personal Directives Act have made this even simpler by establishing a voluntary form. This new form is readily available on the Ministry of Seniors and Community Supports website and guides Albertans to consider various personal decisions.

Even with these improvements there will be situations where a personal directive has not or cannot be completed. In these circumstances Bill 24 improves the current situation as it provides decision-makers with greater guidance. Bill 24 provides guiding principles that include honouring a represented adult's autonomy and making decisions in the represented adult's best interests.

The bill even goes one important step further and offers meaning to the term "best interests." Bill 24 identifies that best-interest decisions include consideration of the adult's known values and

beliefs. Guardians can feel more confident basing their decisions on what the represented adult would desire. Given a situation where a decision may be very difficult, such as a decision involving life end or health care, Bill 24 provides direction for families faced with those decisions.

I appreciate the Member for Calgary-Varsity sharing his family's experience. I believe that the Adult Guardianship and Trusteeship Act can offer guidance in these situations.

I'm pleased to support Bill 24. Thank you, Mr. Chair.

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

Ms Pastoor: Thank you, Mr. Chair. I'm delighted to be able to make a few more comments on a bill that I think everyone in the House will realize, if they listened to me this afternoon, that I think is a very good bill. Certainly, it's 30 years in coming. We all know how much our society has changed in terms of family structures and just how important it is that the vulnerable people in our society are allowed to remain independent as long as possible and that they are also treated with the respect that they would want to be treated with and that their desires would be met whenever that had to be.

Section C amends section 11 of the bill regarding co decision-making. One of the things that is very important is that people can make the decision for disabled children at the age of 17 so that when they become 18, with the transition into a different segment of a department, they can still be looked after, and also should something happen to their parents, they will be looked after. I think that, for many parents of disabled children, it gives them a great sense of security knowing that their children will be looked after, especially knowing that they can't make those decisions for themselves.

7:40

In section D section 17(4) was struck out and the following was substituted. There was a little concern here, and I think that it will show up as time moves on. I'm hoping that I'm wrong, but there is some concern. It's the result of the recommendation by the committee that a guardianship order terminate upon the granting of a co decision-making order, which, of course, is good because then we don't have two people arguing over decisions. It is one person that's responsible.

However, there's a line with the recommendation that, as I say, still has some concerns, that people would have to have money to be able to afford to bring some of these matters before the court. There was a similar amendment proposed by the committee in section 8 on terminating supported decision-making orders. In that case it was a guardianship order. So there's just a small concern that if people want to have this change, money may prohibit them from taking it forward into the court system.

Section 33 is the terms of guardianship order. One of the things is that the new subsection states that the court has the power to terminate. Oh, I'm sorry. I said that that was about the co decision-making orders in terms of the guardianship order so that both are not being applied at the same time.

The amendment of section 54(2) by adding (2.1). Actually, what this amendment does is that where an adult has a co decision-making order and they have an application for trusteeship, the co decision-making order would be stopped, so again we just have one person. What that helps do in both trusteeships and guardianships is really cut down the confusion of who is responsible and who is to make those decisions.

It's a very sad commentary that I have to make that this is the kind of thing that would be able to protect vulnerable seniors from sometimes very greedy families, where they're not treated the way they would want to be. I believe that this leads a long way towards protecting, as I say, vulnerable seniors. More often than not it's a mother, unfortunately, because they usually outlive their husbands. It's very difficult to speak to a mother and try to get her to understand that maybe her children haven't made the decisions that are in her best interests.

The other place that is very important – and I do have some emergency nursing experience – is that when there's one person to make the decision, that decision can be made quickly. It's very, very important for the health care professionals that are working in a very tight time frame, particularly with people who have had heart attacks or strokes, that they be given the direction so that they know exactly what they can do or that what they have decided should be the treatment actually can go forward. If there is no one to make that, two doctors usually make that. Again, that is a time-consuming process.

All in all, Mr. Chair, I think this is a very good bill. I think the amendments have come forward as a result of a great deal of discussion and hard work of the all-party policy field committee on health.

Thank you.

The Chair: Any other member who wishes to speak on the amendment? The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Chair. I will be brief. Even though we have 22 amendments to consider here tonight, I think we can speed through most of these.

Again, as I said earlier this afternoon, my congratulations to the Standing Committee on Health for, I think, some very good work on this bill and, by and large, some very good amendments, very solid amendments that have been proposed. I just really want to get one or two things on the record, and these are more in the line of concerns rather than deal breakers as far as I'm concerned.

In the fourth amendment we are dealing with, section 17(4) is struck out, and the following is substituted:

> (4) If a guardianship order is in effect in respect of an adult who is the subject of an application for a co-decision-making order, the Court shall, if it makes a co-decision-making order in respect of the adult, terminate the guardianship order in the co-decision-making order,

which in and of itself is good and comes about as a result of a recommendation by the committee that a guardianship order terminate upon the granting of a co decision-making order. I guess the concern, really, here is the involvement of the court and the cost of that. We're dealing here with situations where families are often under a fair amount of emotional stress, and they may be under some financial stress as well. I have some concerns about how people will have the money to be able to afford bringing such matters before court.

On the one hand I very much like and, frankly, treasure, based on my own experiences with my parents, who both passed away in another province last year within a few months of each other, the attempt in this bill to build in as much flexibility as possible. This is not a linear continuum, where you start out at a certain level of capacity and as you age or as you become more ill or more incapacitated or whatever, you go into a gradual, steady decline. It's more like, to put it in perhaps somewhat crass terms, watching a graph of stock market performance or something like that. The trend over time may be down, but there may be times in which there's less capacity followed by times in which there's more capacity. I think that from the intent of this bill and, by and large, the way in which

the bill is written, the effect of this bill will be to recognize that and allow for changing circumstances to result in changing degrees of shared decision-making, trusteeship, guardianship, and so on and so forth.

In principle a wonderful idea, but in the practice of that principle I have some concerns, which perhaps the minister could speak to or provide some written answers to, if that's necessary, in a timely fashion. There's some concern about whether this could end up being a rather costly process. I mean, we certainly look to the courts as the final arbiter of many of these decisions, as the legal referee, if you will, and that's as it must be. But any time you involve the courts, it seems to me there's the risk that you involve the possibility of running up a fairly horrendous legal bill no matter how responsible all parties are. It's the effect of the system. I'd be interested to hear what the minister has to say about that.

Again, as I think I expressed earlier this afternoon, I'm pleased specifically with the amendments – they would be K and L primarily – that deal with the issue of a complaints officer, and I think they go at least some of the way, perhaps all of the way, perhaps not. We'll see as the bill is proclaimed and then applied if these amendments are enough to do what's required or not. Certainly, in both cases it puts some constraints on the complaints officer to simply dismiss a claim as frivolous or vexatious without giving the complainant any written reason as to why that decision was made.

Those are my concerns. I don't think, as I said before, that they're deal breakers, but I would be interested in hearing what the minister has to say specifically about the potential for ringing up some fairly high legal bills at a time when families are not necessarily best equipped to deal with that.

With that, Mr. Chair, I'll take my seat. Thank you.

The Chair: Any other hon. member who wishes to speak on amendment A1? The hon. Minister of Seniors and Community Supports.

7:50

Mrs. Jablonski: Thank you, Mr. Chair. I'd like to close by saying that this is a good bill. I was very appreciative to hear the Member for Lethbridge-East and the Member for Edmonton-Strathcona agree with it with some concerns, and I understand that. Just like anything in life, we have worked very hard, and there have been hundreds of hours put into this bill to try and make it the best possible legislation out there. As the Member for Calgary-Currie pointed out, it does allow a lot of flexibility. It isn't just a one-way street; it's a two-way street. But it's not perfect.

In the meantime I do want to thank the Standing Committee on Health. I know they spent a lot of time with this bill, and I think we had the sincerest members looking at all the possibilities and all the corrections on this bill. I'm talking about amendments because these are amendments that they spent so much time on.

In answer to the members who have raised concerns, on the one about the complaints process I can assure you that the complaints by represented adults will be treated very seriously. My ministry is committed to consulting with stakeholders on the investigation process and policy development, particularly when complaints are screened out. There will be two sets of eyes before someone who has made a complaint gets the written answer. That will be in policy, and it will be published so that people can see that that is a process.

As far as court costs are concerned, this bill was written explicitly not to have big court costs for families, and that's why there are so many different levels in this bill.

Having said all that, Mr. Chairman, I'm very proud of the amendments to this bill because it shows there was a lot of thought, a lot of consideration, and a lot of co-operation put into the amendments. I would urge everyone in the House to support amendment A1. Thank you.

The Chair: The chair will now call the question on amendment A1. Since there is no indication of grouping, you'll bear with me. I will call the question 22 times.

[Motion on amendment A1A carried]

[Motion on amendment A1B carried]

[Motion on amendment A1C carried]

[Motion on amendment A1D carried]

[Motion on amendment A1E carried]

[Motion on amendment A1F carried]

[Motion on amendment A1G carried]

[Motion on amendment A1H carried]

[Motion on amendment A1I carried]

[Motion on amendment A1J carried]

[Motion on amendment A1K carried]

[Motion on amendment A1L carried]

[Motion on amendment A1M carried]

[Motion on amendment A1N carried]

[Motion on amendment A1O carried]

[Motion on amendment A1P carried]

[Motion on amendment A1Q carried]

[Motion on amendment A1R carried]

[Motion on amendment A1S carried]

[Motion on amendment A1T carried]

[Motion on amendment A1U carried]

[Motion on amendment A1V carried]

The Chair: The whole amendment A1 has been passed.

Going back to the bill as amended, the hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Chairman. I have also an amendment that I would like to make, and I will pass these up to the table.

The Chair: The amendment copies are being distributed. This amendment shall be known as A2.

The hon. member.

Mr. Mason: Thanks very much, Mr. Chairman. I would like to move on behalf of my colleague the MLA for Edmonton-Strathcona that Bill 24, Adult Guardianship and Trusteeship Act, be amended in section 76 by striking out subsection (2). This amendment, prepared by my hon. colleague, flows from her minority report to the committee with respect to this legislation. I'm just going to be making some remarks based on her minority report.

It, of course, has to deal with the complaint process. Section 76(2) now says, "A complaints officer may refuse to refer a complaint to an investigator if the complaints officer considers that the complaint is frivolous or vexatious." This has just been amended to add a (2.1), that says that if a complaints officer does not refer a complaint, then they have to provide written reasons.

This is not, in our view, a satisfactory solution to the problem that's created by this. The clause now allows for a complaints officer to basically act as a gatekeeper to the complaints and investigation process that dependent adults rely upon in the event that they are dissatisfied with the actions of their guardian or their trustee or the public guardian or the Public Trustee. It allows the complaints officer to make a judgment about the frivolousness or vexatiousness of the complaint and to bar the dependent adult from the complaints process altogether. Moreover, the decision is made subjectively by the complaints officer without the obligation to inquire into the matter with the same breadth as would be required if an investigation were undertaken.

8:00

This leaves the dependent adult with no remedy except to commence a judicial review of the decision of the complaints officer in the Court of Queen's Bench. That's time consuming, Mr. Chairman, and it's expensive and very difficult for a dependent adult to undertake independently. In most instances I think it is almost impossible for someone in that position. I understand from my colleague that committee members heard through public consultations that dependent adults often lack the resources to find or fund legal assistance in these cases.

This act will give guardians and trustees extensive authority to make critical decisions on behalf of the dependent adult. The level of authority given to the guardians and trustees under this act is extensive and touches on the most fundamental aspects of the dependent adult's life.

Mr. Chairman, this amendment would allow complaints to go forward. My colleague notes in her report that this elimination "would result in the obligation for every complaint to be investigated." She goes on to suggest that as an alternative

> some form of independent appeal process could be considered wherein a third party would, at the request of the dependant adult, hear the representations of both the dependant adult and the complaints officer and then issue a decision about whether the investigation should go forward.

I think it's important that we don't lose sight of these facts. They're important. Complaints often relate to the most fundamental aspects of a dependent adult's life. We know that we currently face a crisis in care for dependent adults. We know that the number of dependent adults is expected to grow in the future. She concludes her minority report by saying, "As we struggle to address these challenges, we must strengthen, not dilute, every opportunity for transparency and recourse."

Just to summarize very briefly, the argument here is that if a complaints officer decides that in their view the complaint is frivolous or vexatious, it essentially stops there because the dependent adult can only go to the courts for remedy, and dependent adults without the support of their trustee or guardian are, except in very rare cases, incapable of undertaking such a thing for financial reasons and other resource reasons. So what it really means is that there is no real, realistic appeal of the complaints officer's initial decision. That's the flaw in the bill, and that's what this amendment is designed to remedy.

Thank you, Mr. Chairman.

The Chair: The hon. Minister of Seniors and Community Supports.

Mrs. Jablonski: Thank you very much, Mr. Chairman. In response to the concerns that have been raised by the Member for Edmonton-Highlands-Norwood I would like to state that the complaints process is a very sound process and reflects the best practices from across the country. All jurisdictions with investigative authority have a screening process to ensure that appropriate complaints are dealt with in a professional and timely manner. The complaint process focus is on the protection of the represented adult's interest and concern for their well-being. It also balances the rights of the decision-maker to have a fair due process.

Screening for frivolous and vexatious complaints is a common element of the process, and it is a very high threshold to meet. Courts have interpreted these terms in case law. It appears in over 60 enactments in Alberta. To not have a screening process would lead to an ineffective process where malicious complaints or complaints without merit are given equal treatment as complaints where there is a significant risk to the represented adult. It would also lead to high costs and misuse of staff resources if, for instance, one complainant made complaints about a thousand private trustees. These investigations are time intensive and significantly impact all the individuals involved: the represented adult, which is the new name for the dependent adult, the decision-maker, the family, the complainant, the service providers, and ultimately the courts. Without a screening process to determine merit, it would put an unfair burden on private guardians, co decision-makers, and trustees who may be doing a fine job, but a complainant is trying to maliciously attack their reputation. Most decision-makers are family members, and we need to ensure that there is a fair process.

Our ministry does not agree with deleting 76(2), and I do not support this amendment.

The Chair: The hon. Member for Calgary-Egmont.

Mr. Denis: Thank you very much. I wish to echo the comments that the Minister of Seniors and Community Supports has mentioned. While I do believe the leader of the third party is well intentioned here, I also do not support his amendment. The process that is governed here ensures that there are always two sets of eyes on this. As well, the terms "frivolous" and "vexatious" are legal terms, and I've just taken the time to go to dictionary.com, which indicates a brief definition for both of them. Frivolous is defined as "characterized by lack of seriousness or sense," and vexatious is defined as "instituted without sufficient grounds and serving only to cause an annoyance to the defendant."

Now, in this case, if we allow this amendment to proceed, there really is no stopgap here whatsoever. There's nothing to say that the system won't get bogged down. As the Minister of Seniors and Community Supports indicated, there is a cost factor associated here, and what I'm particularly more concerned about than anything else is that if we don't have this measure, the disallowance of frivolous and vexatious complaints, it's going to affect legitimate complaints. We're going to have a longer wait time. We're going to have greater costs. We're going to have no stopgap whatsoever to the system.

As well, I wanted to also indicate that amendment K also indicates 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 must disagree with the leader of the third party saying that this is it. Any of these are appealable in a court of law, and if there are written reasons, that becomes written evidence in that court if it goes further.

Those are my submissions. Thank you.

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

Ms Pastoor: Thank you, Mr. Chair. I wonder if I might just maybe get a clarification from the Minister of Seniors and Community Supports. The hon. member speaking ahead of me referred to two pairs of eyes. I'm wondering if she could just explain that process because it probably would alleviate any problem that I might have with that. How does that process work?

The Chair: The hon. Minister of Seniors and Community Supports.

Mrs. Jablonski: Thank you, Mr. Chairman. Yes, I would like to answer the question from the Member for Lethbridge-East by telling her that a complaints officer never makes that decision by himself. He makes that decision with the supervisor, and he can also consult with the public guardian or the Public Trustee. So there are always two pairs of eyes looking at the complaint. It's never just one person that dismisses the complaint.

The Chair: The hon. leader of the third party.

Mr. Mason: Thank you very much, Mr. Chairman. I just would quickly like to respond. If it is, in fact, the trustee or the guardian whose decision is being challenged, it hardly counts as a second set of eyes. If that is the person whose decision is being challenged, they're hardly objective and cannot be considered to be part of a review or appeal process.

The Chair: Any other member who wishes to speak on amendment A2? The hon. Member for Wetaskiwin-Camrose.

Mr. Olson: Yes. Thank you, Mr. Chair. I also would speak against the amendment. I'd just like to reiterate a couple of the comments I made in earlier debate. Again, I think we're looking for balance here. One end of the spectrum, of course, would be to have no review at all, no process for complaints, which is what we have in the current legislation. The other end of the spectrum would be, you know, a heavy administrative process.

Either way we always have the court process as kind of the last resort if things can't be resolved without having to go through that. I would just like to take issue with the inference that adding yet another process is somehow going to be very easy, no cost, not intimidating for people, and so on. Frankly, I don't know that people would distinguish between it, necessarily, and a court process.

8:10

I think that the minister has made some very significant efforts, as has the committee in their recommendations, to address the whole issue of some sober second thought when it comes to rejecting a complaint. One of the things that was added in this amendment was to require that the rejection be in writing. I think that is significant in that it does provide a record for which somebody could challenge a decision. I think that on the whole this is a good compromise. It's a good balance.

I would ask members to vote against the amendment.

Mrs. Jablonski: Mr. Chairman, I'd like to respond to the leader of the third party's last question. Once a complaint officer decides whether or not to investigate, if the answer is no, he provides a written reason to the complainant. If the complainant still has some concerns, that complainant is given options to provide additional information or can ask for a review of the decision of the complaint officer. When that review goes forth, the review of the decision is directed to a public guardian in another area or to a senior manager in the office of the Public Trustee, so it's not dealing with the same people the complaint may be against.

The Chair: Any other hon. member wish to speak on amendment A2?

Hon. Members: Question.

[Motion on amendment A2 lost]

The Chair: Now we go back to Bill 24. The hon. Member for Edmonton-Meadowlark.

Dr. Sherman: Thank you very much, Mr. Chairman, and good evening. It is a pleasure for me to rise to support Bill 24 not only as an MLA but also as a son to aging parents and as a future dependent adult and as a member of the Standing Committee on Health. First, I'd like to thank the hon. minister and the ministry as well as all of my colleagues – and this is a very important topic – all of my colleagues on the government side as well as all of my colleagues in the opposition and my hon. colleague from Edmonton-Strathcona for participating in this very important bill.

It's been 30 years since we've had this discussion. As you know, the baby boomer population: by 2011 we'll have an ever-increasing number of seniors and dependent adults. Now, the committee listened intently to criticisms, expert opinions, suggestions, and many personal stories relating to guardianship and trusteeship legislation. As a result, Bill 24 provides a clear synopsis of these concerns and aims to safeguard Albertans when their decision-making ability is impaired.

However, Mr. Chairman, I'm speaking today in favour of this bill not only as a government member but also as a practising emergency room physician. I'd just like to tell you a couple of stories that I have seen on a daily basis and that my colleagues involved in health care see on a regular basis every day. Maybe, let's say, you have a patient who is functioning normally, but for some reason they become ill and lose their capacity to make decisions. Many times they're unconscious. Many times they have a stroke. They're conscious, but they're unable to make any rational decision. Many times they have mental disorders, mental health issues. It's at these times that a bill like this really comes in handy.

I've seen first-hand the need for all of us to plan ahead for a time when we may not be able to make important decisions without help from others. The need may be as common as making appropriate financial choices as well as as extreme as agreeing to potentially life-threatening and life-saving emergency medical procedures. I was very pleased to see that section 100 of Bill 24 strengthens the emergency health care provisions, allowing a physician to provide health care in order to preserve a life, prevent serious physical or mental harm, or alleviate pain when a person is not able to make decisions, as I suggested, because they're unconscious or when there's no legal decision-maker present. Also, I think it's important that the bill allows for a second consultation with another physician or health care provider in an emergency situation in order to make sure that the appropriate treatment is provided to the appropriate patient.

When there is no emergency but a health decision must be made, sections 86 to 98 allow the health care provider to grant temporary decision-making ability to a family member meeting the criteria of the act. If no suitable family member is available or if the family is in dispute, the amendment in section 88 affords the office of the public guardian the power to appoint a responsible third party.

Mr. Chairman, I personally had a brush with this. My own father had fallen ill a number of years ago. He had a stroke after having a surgical procedure. He was incapable of making these decisions. We as a family appointed an appropriate decision-maker. We didn't have to get the office of the guardian involved or the courts involved, and his mental health eventually improved to the point where he was able to make decisions again.

As a precaution this interim decision-making option only applies if there is no court-appointed guardian or agent under a personal directive, so I encourage everybody to have a personal directive before that need arises. Essentially, it allows for timely decisions to be made until such time as a formal court application is approved. It's encouraging to see that for many years other provinces such as Ontario, British Columbia, and Saskatchewan have had success with similar measures in their legislation.

Likewise, Mr. Chairman, Bill 24 sets specific, reasonable, and necessary goals. The act will ensure that the maximum amount of autonomy and dignity is afforded to all individuals and their families regardless of age or health status. It will provide positive options, not limitations. It will offer increased information and assistance to individuals and their families as well as to health care providers. In short, Bill 24 allows families and health care professionals to work together for the best interests of their common person, who is the vulnerable in our society.

What I was most impressed by was the ability for everybody in this House to actually come together and agree on 99.99 per cent of this bill. The hon. members for Edmonton-Strathcona and Edmonton-Highlands-Norwood have brought up a point, and the hon. minister has given reasonable solutions to that issue.

I would also suggest that if all else fails, there is another recourse: your MLA. The MLAs are independent. There is another recourse. In fact, that's part of the duty of the elected members of this House, to speak up for their constituents when they feel they have not been treated fairly. That's part of our duty and part of the job. To the hon. member I would suggest there is also that option before we head off to court.

Again, Mr. Chairman, I thank all of my colleagues. I thank the minister for this very important legislation. We had great legislation that lasted us 30 years, and the changes and amendments to this bill I believe will serve us well for another 30 years.

Thank you so much.

The Chair: Any other hon. members? The hon. Minister of Seniors and Community Supports.

Mrs. Jablonski: Thank you very much, Mr. Chairman. Just a few comments. I just want to note that I think that this legislation is of very high importance. I truly believe that this is a historical moment because of the impact that this legislation will have on seniors that will benefit from it in the near future and in the far future.

I would hope that each one of us can live a good, strong life and never have to use this legislation on our own behalf. But if we do, I believe this is the best legislation of its kind in the country, and I believe that once we pass this legislation, other provinces will use this as a model for their own updated legislation.

8:20

I just want to say thank you to all the members that spent so much time making this the best legislation possible and ask everyone in the House for their support in the Committee of the Whole reading of this bill.

The Chair: Any other hon. member who wishes to speak on the bill?

Hon. Members: Question.

[The clauses of Bill 24 as amended agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Bill 42
Health Governance Transition Act

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

Mr. Taylor: Thank you very much, Mr. Chair. It's my pleasure to rise and kick off committee stage debate on Bill 42, the Health Governance Transition Act. This is not a bill that I support. This is not a bill that I feel will deliver the results that we all need in this province, which is a more efficient, more effective health care system with shortened wait times, improved access, and continuing quality of care. This is not a bill that is going to give us a health care system in this province that works the way the people of Alberta need it to.

I do have a number of concerns, as I indicated in second reading, that I wanted to specifically address at this stage. So let's take Bill 42 and go through it and read along with the Member for Calgary-Currie if you will.

Mr. MacDonald: Calgary-Egmont he's from.

Mr. Taylor: No, I'm talking about myself. I know the Member for Calgary-Egmont was over there chirping like a little songbird a moment ago. [interjection] And so it goes. When I want your opinion, I'll give it to you. Thank you.

Section 1 dissolves AADAC and the Alberta Cancer Board. I guess the obvious question here is: what about the Alberta Mental Health Board? Back in May, when the minister of health started blowing up the system, he made it pretty clear that one provincial governance board would replace the nine regional health authority boards, the Cancer Board, AADAC, and the Mental Health Board. The Mental Health Board was not dissolved in this bill. I'd like to know why. Not that I support the dissolution of the Mental Health Board necessarily, but given that this goes partway toward delivering the explosive power that the minister promised all those many months ago, I'd like to know why it's not included.

Section 2, on severance and termination pay. This goes through a number of steps. It applies only to employees who are not represented by a bargaining agent. It transfers responsibility for operations of AADAC, the Alberta Cancer Board, and the Alberta Mental Health Board, which is mentioned at this point, "to another entity." So the question would be: what is the other entity? Why are Alberta Health Services Board or Alberta Health and Wellness not named specifically? Why is the definition of another entity so broad? What kind of clarity and conciseness does this provide? No employees of the three boards are entitled to severance or termina-

tion pay if their position is similar to their former position held before the governance change – okay – and so on and so forth.

The winding-up orders are in section 3. I won't go through them all chapter and verse because I know you've all done your homework and hung on every word in this bill, but I do have some questions. Under section 3(1) the minister may by order, subject to the regulations, do a number of things. I guess my question there would be: why is it that all the orders under 3(1) are subject to the regulations, yet the Regulations Act doesn't apply to any orders under this section? Hmm. That's confusing. Just what type of power does this give to the minister of health, who seemingly over the course of the last several months has been gathering quite a bit of power and authority under his wing, and to what purpose?

Mr. MacDonald: All sinister.

Mr. Taylor: Well, you know, it might not be sinister. I have a good friend who's very knowledgeable in politics who has a fifth rule of politics that goes like this: never suspect conspiracy when incompetence will explain it. [interjections] Oh, I hear the Member for Calgary-Egmont chirping again.

Section 4, transitional regulations. This section outlines the powers given to the Lieutenant Governor in Council to make regulations regarding the transition of power, duties, functions, any other matter relating to the dissolution of the Cancer Board, AADAC, and the repeal of the Alberta Alcohol and Drug Abuse Act and the Cancer Programs Act.

Under 4(1)(b) the Lieutenant Governor in Council can make regulations to solve any confusion, difficulty, inconsistency, or impossibility. How could those things, Mr. Chair, possibly result from Conservative legislation? Confusion, difficulty, inconsistency, or impossibility coming from the passing of this bill. Well, seeing as they write in impossibility, what impossibilities, Mr. Chair, does the government, does the minister expect will come from the passing of this bill?

Under 4(2) any regulation made under 4(1) is retroactive to any extent they set out in making the regulation. Huh? Why is there not a limited period of time as to when the regulations made by the Lieutenant Governor in Council can be retroactive up until?

Subsection (3)(a) and (b), regulations made under 4(1) repealed two years after the regulations come into force or if they make a new regulation that repeals the regulation. Did somebody really sit down and write this? Is it customary for regulations to have a time span of only two years? Does this give the government such flexibility because, perhaps, just a possibility, they have no real plan for the changes they're making? Are they afraid to live by the changes they make?

Section 4(4), if a regulation is repealed under 4(3), there is no effect on anything done, incurred, or acquired under the regulation made. I guess the same question: does the government not know what the results will be of the changes they make?

Under section 7(1), "the Regional Health Authorities Act is amended by this section."

Section 7(2) removes the Cancer Board from the Regional Health Authorities Act.

Section 7(3) adds that "section 24 of the Hospitals Act does not apply to information in the cancer registry." It also states that if there is a conflict between this section or any regulation made under this section and the Health Information Act, this section overrides.

Section 11.1(5), the Lieutenant Governor in Council may make regulations regarding the operation of the cancer registry: respecting the continuation and operation of the registry, including the purpose of the registry; on information in the registry; the information required in the registry; the use and disclosure of the information. Why does the Lieutenant Governor in Council need such discretionary powers regarding the personal health information of Albertans?

You know, it's especially worrisome when you look under 11.1(5)(f) "respecting the use and disclosure of information in the registry," where the Lieutenant Governor in Council can make regulations regarding the use and disclosure of the information in the cancer registry. To what end? To what purpose?

8:30

Why is there no public consultation regarding what cancer treatments will be provided by our public health system? That refers to section 7(4), where the LGC can make regulations regarding the drugs "that a regional health authority may provide for the treatment of cancer," and it just goes on and on.

Under 19 – and give me a second here while I turn the page – it amends the Health Professions Act to remove the Mental Health Board, the Cancer Board, AADAC, and the Cancer Programs Act from this legislation. Again, I come back to the role, the confused and confusing role, if any, of the Alberta Mental Health Board. Why is it removed from this legislation, yet section 51(1)(a) still includes reference to the Mental Health Act? There's almost minimal mention here as to what's going to be done with the Alberta Mental Health Board. I think, Mr. Chairman, that I would like to know that. I think that Albertans would like to know that.

I think, Mr. Chairman, that there has been a tremendous amount of conversation recently about the state of mental health and mental wellness in this province, about Alberta being the province with the longest wait time to get in to see a psychiatrist, about the general state of mental health care in this province, which is not where we would like it to be, any of us, I don't think – well, at least not where I'd like it to be. We have the minister saying back in May that he's going to dissolve the Alberta Mental Health Board along with all these others, yet this bill doesn't seem to specifically address that although it goes after AADAC and the Alberta Cancer Board.

As I said in second reading this afternoon, of all the complaints in the four years that I've been an elected representative in this province and the many years before that that I worked in the media, often talking about health care, in all the years that I've been listening to complaints from Albertans about the state of health care and the declining state of the health care system in this province, which seems to decline every time this government gets the bright idea that it's going to reform it, make it more efficient and effective, and it ends up going just the other way, in all those years I can't remember ever hearing a complaint about the governance of AADAC. I can't remember ever hearing a complaint about the Alberta Cancer Board that wasn't also prefaced by the notion that cancer is a very difficult disease to get the upper hand on. You know, you do hear complaints from time to time about cancer care or about the approach that we take to fighting cancer, but those complaints were rarely, if ever, directed to the Alberta Cancer Board.

Look, I wouldn't have done it this way. I would have chosen another way to go about making the public health care system more efficient and more effective and better managed than to blow up the nine health regions and try and fold them all into one superboard. Our experience in this province has been to go from nearly 200 hospital boards down to 17 health regions, which made the system clunkier and more bureaucratic and less responsive and more expensive, and then we thought we'd get added efficiency if we just boiled the 17 down to nine, and it got even bigger and clunkier and harder to turn and more expensive, and now we're going from nine to one. You know, past performance being the best indicator of future results, what does that suggest? If it got worse going from 200 to 17 and still worse going from 17 to nine, is it really going to

get any better going from nine to one? I think not. I certainly would have gone a different direction than what the government has done.

I must say, Mr. Chair, that at least in all of those years that I've been fielding comments, questions, complaints, thoughts, opinions from Albertans about the state of our health care system, I certainly have heard complaints about the regional health authorities and how they're run and how they're running the system and the problems that people are running into with it. But this bill – this bill – seems to want to go out and shoot the innocent, go after the Cancer Board and AADAC, who don't seem to be causing anybody any significant problem.

I must confess, Mr. Chair, as I so often am when we get down to looking at some of the legislation that comes across our desks from these guys, I am baffled. I hope to get some answers although I'd be amazingly surprised – one might even say gobsmacked – if they turned out to be the right answers, but I'll leave it at that for now. Thank you.

Mr. Chair, if I might move adjournment of debate at this point.

[Motion to adjourn debate carried]

Mr. Snelgrove: I move that we rise and report progress on Bill 42 and report Bill 24.

[Motion carried]

[The Deputy Speaker in the chair]

The Deputy 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 the following bill with some amendments: Bill 24. The committee reports progress on the following bill: Bill 42. 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 Deputy Speaker: Having heard the report, does the Assembly concur?

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.

Government Bills and Orders
Second Reading

Bill 41
Municipal Government Amendment Act, 2008 (No. 2)

[Adjourned debate November 5: Mr. Danyluk]

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

Ms Pastoor: Yes. Thank you, Mr. Speaker. I rise to speak to this bill. It is pretty straightforward, and it brings clarification for municipalities. It brings clarification to the linear assessments by providing a set date on which records from the Alberta Utilities Commission and the Energy Resources Conservation Board can be assessed. At this point in time it's not entirely clear under the Municipal Government Act. It clarifies that for the purposes of machinery and equipment taxes this tax will be paid by the holder of the leased land or permit from the owner of the land. Basically, it clarifies in legislation a common practice, that industry will pay taxes on its equipment and machines while operating on a landowner's property. This, again, as the previous point was made, is not clear in the existing act.

This amendment also deals with surplus school sites being designated for municipal uses. It creates a new definition called community services reserve and details what land that falls under this new designation may be used for. If a school board declares reserve land to be surplus, the interest in that land goes to the municipality for public infrastructure. These are some pretty straightforward and clear amendments to the existing act.

8:40

Although it is written fairly clearly, I still have a bit of a concern that when land is declared surplus, in fact it truly would go back into a public entity. I realize that it really is only the actual buildings and the parking lots that we're speaking of, which is fine. One of the uses that had been suggested was affordable housing. Again, affordable housing is fine as long as affordable housing is run by a public entity. These are public lands, and they should go back for public use.

I think the other two are fairly clear why they should be actually clarified. I think some landowners have not been collecting certainly the proper amount of money from oil and gas companies that are actually using their land to drill and actually have wells on their land, but there is equipment and machinery that does take up space on their land and takes it out of production for them.

With that, Mr. Speaker, I would suggest that this is a good bill and that we support it.

The Deputy Speaker: Any other hon. member who wishes to speak on the bill? The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you, Mr. Speaker. I will throw in my two cents' worth here, and I will be quick about it. I want to speak specifically to the surplus school sites being designated for municipal uses. This creates, of course, a new definition called the community services reserve and details what land that falls under this new designation can be used for. If a school board declares reserve land to be surplus, the interest in that land goes to the municipality for public infrastructure.

As my colleague from Lethbridge-East said, one of the potential purposes there is affordable housing. Others include libraries, daycares, and public infrastructure that needs to be built. I think, Mr. Speaker – and this needs to be on the record – that this speaks to a very real need because as land becomes scarce in larger municipalities, this allows for land deemed surplus to be used for other municipal purposes. Now, I don't know how much land, necessarily, we will be able to make use of this way. That remains to be seen. But it opens up a possibility that isn't really there at this point.

Of course, the amendment also deals specifically with the physical school structure on that land and the adjacent parking lot or where the school and the parking lot would have been had they been built. It does not allow designated green space to be used. Certainly, for my constituents in Calgary-Currie – which is, you know, an inner-city, primarily residential neighbourhood with limited green space, limited land that has not been developed or is potentially available to be developed for some of these public uses – the possibility of losing green space should a surplus school property be turned over for some other use has been a real and ongoing concern for the members of my constituency and my community. This is a very good move as it preserves and protects the parkland, the playground space, the public space, the public green space in urban areas, and at the same time frees up some of that space for uses that I would say are for the public good.

I am very supportive of this, Mr. Speaker, and will be voting in favour of the bill. Thank you.

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

Mr. Mason: Thanks very much, Mr. Speaker. I'd like to speak briefly to this bill, indicate that I'll be supporting this. This is a bill that arises from an attempt on the part of municipal councils, I think, particularly in Edmonton and Calgary, to make more effective use of surplus school space. In particular, I know that in Edmonton there has been considerable controversy about the use of surplus school sites for affordable housing, which was one of the main purposes to which it would be put.

I think that this bill facilitates more effective use of surplus school sites by creating a community services reserve that has several purposes, seven in fact: affordable housing; a municipal facility providing service directly to the public; a nonprofit special-needs facility; a nonprofit senior citizens' facility; a nonprofit daycare facility; a police station, a fire station, or an ambulance services facility or a combination of those; or a public library. These are all things that are valuable and necessary, and it will require the council to pass a bylaw. As such, the normal rules affecting municipal bylaws come into effect, including the necessity of a public hearing. The municipality does not have to say at the time specifically which of these uses will be used, only that it is going to be designated a community services reserve.

I think this will facilitate the effective transfer of surplus school sites to municipalities so that they can be put to use for good and necessary public services of a variety of types. As such, I think it deserves the support of this Assembly. Thank you, Mr. Speaker.

I would like to move that we adjourn debate on this bill.

[Motion to adjourn debate carried]

Bill 43
Emergency Health Services Act

[Adjourned debate November 5: Mr. Denis]

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

Mr. MacDonald: Thank you very much, Mr. Speaker. Certainly, when we look at Bill 43 and we realize the discussions that have occurred in the province regarding a province-wide ambulance service and the discussions around who's going to pay for this service, this bill is a step in the right direction. However, after I say that and after we consider the Ambulance Services Act and the Edmonton Ambulance Authority Act and the transfer of the responsibility for delivering emergency health services from municipalities to the Ministry of Health and Wellness, well, I don't really have any objections whatsoever to that. However, the role of Alberta Health Services in this is yet to be determined, and that is where I would have some reservations or some caution.

Now, this idea of a province-wide ambulance system goes back, of course, to the days of Grant Mitchell, when he was in this House. He presented some very, very good ideas on how to improve the ambulance service throughout the province. But there's no doubt that we need a framework for a co-ordinated system of emergency health services.

Whenever we look at what is currently being provided in emergency health services by municipalities, Mr. Speaker, we've got to remember that in 2005 ambulance services were supposed to be transferred from the municipalities to the ministry of health. The municipalities in good faith planned on this happening and reallocated the funds that were going to be used for ambulances to other budget items. Then one month – only one month – before the transfer was to take place, the minister of health at the time decided not to go ahead with this transfer. Municipalities were very sad with this change of plans as funding for ambulance services was already reallocated. [interjection] Yes, hon. member, they were sad. They were hurt. They were disillusioned, quite frankly. But the health minister thought: well, they're very sad.

8:50

Mr. Mason: She felt bad.

Mr. MacDonald: She felt bad. She felt so bad that she provided $55 million to be distributed across the province to all municipalities.

Mr. Mason: They must have felt better then.

Mr. MacDonald: They did feel better then, hon. member.

Currently ambulance services in Alberta are provided directly from the municipalities, or the municipalities in some cases contract out to providers. This bill, as I understand it, will allow flexibility for Alberta Health Services to provide ambulance services either directly, themselves, or contracted out to third-party ambulance service providers. Now, I want to get to that a little bit later, hopefully, if I have time.

As I understand it, the government also indicates that once the transfer is complete, ambulance users will still have to come up with some of the costs, but it will be not as much as they're currently paying. Now, I'm going to wait and see. In most cases ambulance users now have to pay one-third of the cost, but under the new system it's speculated that they will pay 10 per cent. This bill, Bill 43, will allow, again, emergency health service providers to decide which patients should be transported to emergency rooms or to other health providers.

Now, we all know that municipalities have been waiting anxiously for years for the province to take over the delivery of the emergency health system. Our party, the AUMA, and this House over the years have had many discussions on this, and I think this system that could be created by this bill is a step in the right direction, but one of the issues that we have to consider is how we're going to deal with municipalities with integrated services, fire and ambulance. Will they continue to provide integrated services? What will happen with the assets that municipalities currently own?

Also, are we going to fund – and the we here is the province of Alberta – emergency medical services to a sufficient extent that Albertans everywhere, regardless of location, will receive the services they need. I'm not convinced with this superboard that we've created here, this Alberta Health Services Board, that there are going to be equitable medical services provided. I think rural people in particular should be very cautious. They should be questioning this government as to how this superministry is going to protect their local hospitals and ensure that there are medically necessary services available to them when they need them, and that applies for ambulance service as well.

Will the government commit to not totally privatizing emergency medical services throughout the whole province? We also have questions on this side of the House regarding the fact that the minister is given three pages' worth of permission to make regulations regarding emergency medical services.

It's interesting to note the regulations that are created in this province, Mr. Speaker. Perhaps I will get an opportunity to discuss this in committee, but I thought I would look at the number of regulations in 1998 that were created by this government and the number 10 years later and see how they rank. I'm not going to spend too much time on this because I have a lot, particularly

regarding the privatization of our ambulance services by Alberta Health Services, and I want to talk about that.

The number of regulations created in 1998 was 284. In 2007, the last complete year of the numbers that I have here, there were 266. The highest was in the year 2000, when 333 regulations were created by this government. I guess it had something to do with the millennium. I don't know. It might have been Y2K. They were busy protecting us.

An Hon. Member: And now it's just why.

Mr. MacDonald: It was just why. Okay.

There are some interesting numbers in there as far as regulations and governing through regulation, but I want to do some more research and see what other jurisdictions do and how they compare to the creation of regulations in Alberta. I'm sure the minister in charge of Service Alberta would be anxious to get rid of as much red tape as possible. I just know the hon. member would be. I just know it.

Mr. Snelgrove: I'm not in Service Alberta anymore.

Mr. MacDonald: You're not in Service Alberta. That's right. Time passes by. Yeah. Absolutely.

Mr. Speaker, this emergency medical services transition business plan that is dated August 29, 2008, Alberta Health Services. These are the individuals or the outfit, the minister's outfit, the one that he has direct control over, that is planning in 2009, on the 1st of April, to get this system set up. If our bill here, Bill 43, becomes law,

> Alberta Health and Wellness has defined the following public policy principles for the delivery of . . . Emergency Medical Services:
>
> • . . . must be responsive to urban and rural needs

I hope so.

> • EMS must be aligned with the delivery of health care
> • . . . must maintain a public safety role
> • . . . must have active and consistent medical oversight
> • . . . must have predictable and transparent costs
> • Responsibility for EMS stewardship is proportionate to the funding contribution
> • EMS service provision is performance based

I don't know how that's going to work for someone, for instance, in Coronation or a little bit east of Oyen or maybe north of Manning. I don't know how you can have something performance based if a person is ill. If they're in an accident and they need an ambulance, they need an ambulance. It's that simple.

Now, we have this transition team that has been established by Alberta Health Services, and they have quite a detailed business plan as to how we would set up and co-ordinate this organization. How it's to be paid for, how much, if any, of it is to be contracted out remains to be seen. The transition planning funding – this is interesting, Mr. Speaker. Alberta Health Services has requested that the Health and Wellness department

> allocate one time transitional funding of $27.5 million in 2008-09 to enable the health system to assume responsibility for the operational governance and delivery [system] effective April 1, 2009. This amount will also fund the AHS Provincial Transition Team and required resources.
>
> Alberta Health Services has requested central funding from Alberta Health and Wellness [again] and will centrally manage funding for EMS Transition Planning through the Business Planning Office. It is the intent of Alberta Health Services to have the transition funding span over a two year period to support integration planning and implementation activities beyond April 1, 2009.

Well, I guess they automatically assume we're going to pass this bill.

9:00

Mr. Mason: They assume we'll pass everything.

Mr. MacDonald: They assume we'll pass every bill. Now, I find that interesting, to say the least. There are other words to describe it, but I'm in polite company.

EMS system funding. Alberta Health Services understands the current funding committed to the program as $190 million. There's provincial funding: $55 million in grants to municipalities, $10.4 million in discovery project funding, $25 million in social services subsidization, $38 million in interfacility transfer funding. There's another $40 million in municipal government contribution, $3 million from the government of Canada in funding for First Nations, and $19 million in fee for service, patient copay.

Now, $217 million is to be the amount that is to be – the President of the Treasury Board looks like he's getting nervous over there. The bill is going up. It's going to be $219 million in 2009-10. I'm not going to go through this in detail, but there will be, again, $19 million anticipated in fee for service. It's the same sort of fee for service that's going to be planned in the hospitals, as I understand it. Perhaps the President of the Treasury Board can fill us in on all the details right now on how he is proposing this patient-focused funding scheme the minister of health has organized. I'm sure he's going, you know, to have a good look at that and organize it, so hopefully it will work.

There are many special considerations to this plan. There are existing contract obligations. The transition phase, the post-transition planning: all this is worked out in advance of this Assembly passing this bill, Bill 43, the Emergency Health Services Act. The new Health Services Board in its wisdom has decided that this bill is going to become law, and they're already working at that. I know they're doing some work on our health care delivery system. I know there are plans to privatize part of that, and it's going to be interesting to see how that works out. We'll see how this service is contracted, whether it will be private, public, or a mix of both.

With that, Mr. Speaker, I would certainly agree that this is a step in the right direction in transferring responsibility for ambulance services from the province's municipalities to the provincial government. I think that if it's done right, it will improve emergency health services to all Albertans, rural and urban. However, I do have some concerns about the Alberta Health Services Board and their ability to get this organized in that time frame, and by that I mean through to April 1, 2009. I know they've got a lot of work to do already. I know the President of the Treasury Board is on top of it, and if the minister of health gets out of line, he's going to blow the whistle, stop the play, and get everything organized. He's going to work hard at that.

I for one am not convinced that this superministry is the way to go. Now, perhaps if we had a cost-benefit analysis done and we could see first-hand the savings that are going to be provided, the reduction in wait times, and the improved access, if those three measures could be done, then maybe my concerns are unwarranted. I was as surprised as everyone else to read the written response we received in the Public Accounts Committee from Paddy Meade before she left the deputy minister's office and went to the continuum of care end of this Alberta Health Services Board. Paddy Meade admitted that there had been no cost-benefit analysis done prior to the firing of the health boards, and it just amazes me that the government would gamble with our public health care system to that extent.

With those remarks I cede the floor to another hon. colleague regarding Bill 43.

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

Mr. Snelgrove: Thank you, Mr. Speaker, and thank you to the hon. member. The concerns are well founded because they're our

concerns, too. Is there not only a cost benefit? Is there what you might want to call a common-sense benefit? I think the hon. member would agree that if an ambulance comes from Lloydminster and delivers their patient to a hospital in Edmonton and then has to go home to Lloydminster empty when someone is ready to go back to Vegreville or Vermilion or Wainwright or St. Paul, it would make really practical sense to go back there. I would think that everyone in this Assembly would agree that that would be the right thing to do.

Whether it is a privately run operation in Lloydminster or a publicly funded joint system in Strathcona county or St. Albert or Lakeland shouldn't matter. With the quality and the level of staffing, if the people that are in that ambulance are qualified to do that job, then one would think that it shouldn't be a discussion about: should we make that happen, or could it happen? The better argument would be: why didn't we make it happen before? Why wouldn't we be building a centralized ambulance system? You know, the taxi systems in Edmonton would operate on: "Where are you? Pick that person up." Private industry is able to identify that really quickly.

Now, sometimes we let, I would think, protectionist things get in the way, like the airport, for example, where you can only use that taxi to go out there. I'm not sure that in anybody's business sense except for that particular operation it makes sense. We have to look at the ambulance system under the collective good of all of those who need to access that system, for the collective good of all of us that are paying for that system. We need to be able to organize whoever brings that person to a hospital and say: "You got him here." "You did your job." "Now you get to go back out and do the job you do," not sit in an ambulance or in a hospital and wait for it.

For the same ambulance from Lloydminster, if they happen to come into Edmonton and deliver someone and on the way back out come across an accident at Baseline Road and highway 21, they have to be able to say: "I'm trained to deal with this. I not only have the right; I have an obligation to stop and take that person to the nearest health facility. They need care." Under the different regions, as obvious as it may seem, that probably wasn't happening. Maybe it could have, but it didn't. We tried to go down the road a few years ago to organize the ambulances. Unfortunately, that exercise became: let's buy them all and run it. That's what that department wanted at that time.

That's not what this bill is about. This bill recognizes the systems that are in place and the organizations. Whether they be integrated with others, privately run, municipally run, it recognizes the strengths they already have and says: if you want to work with us, we're just perfectly willing and happy to work with you, but let's make it work for all Albertans.

This Bill 43, about emergency health services, has a lot more to do with organizing in a businesslike, common-sense, client- or patient-centred approach than anything else that you may want to bring into the discussion around single governance, multi-governance, privatization, whatever you might want to use as a red herring around the topic. The fact is that this reorganization of the ambulance services in Alberta is a very timely first step towards a more efficient, more client-centred health care delivery model in Alberta, and we need to go forward with it.

9:10

The Deputy Speaker: There are five minutes for questions and comments. The hon. leader of the third party.

Mr. Mason: Thanks very much, Mr. Speaker and the hon. President of the Treasury Board. I certainly appreciated what he was saying and the intent behind the changes. I don't have a disagreement about that.

I just have one question. It has to do with treating ambulances as if they really worked anywhere, which is, I think, what he's saying. In certain instances it didn't matter if the ambulance was from Lloydminster. If there was work for them to do and they were needed in Edmonton, they would be assigned calls in Edmonton. If I misinterpreted him, please correct me.

But here's the thing. That may be better in terms of the overall efficiency of the system and moving units around, making more effective use of them. From that point of view it's good. From the point of view of patients it's good. Unfortunately, these ambulances are driven by people who have homes, you know, who live in communities. One of the concerns that we've heard is that people would be required to work without advance notice and perhaps stay overnight because they've been assigned some other work when they're outside of their community. I wonder if maybe this is just a needless concern, and if it is, I'd appreciate the minister setting that straight.

Mr. Snelgrove: Mr. Speaker, obviously, it wouldn't be the intent to put any of the people operating these ambulances in a position where they'd work past where not only labour legislation but common sense would say that they could do a good job. I wouldn't expect that this would become: head for Edmonton with a patient, and then hope you don't get sent to Whitecourt. Nothing against Whitecourt. I'm saying that there are efficiencies that can be worked into it.

There are, obviously, agreements with existing contractors around the scope of practice, and they'll be worked in, too, but it's mostly about being able to use some common sense in delivering what might be there. I don't expect, hon. member, that one would come to Edmonton and not know where you're going after, but simply if the opportunity arises to facilitate an intercity patient transfer or back to a community near you, we would take that.

Mr. Speaker, if there are no more questions . . .

The Deputy Speaker: Actually, there is a follow-up one. The hon. leader of the third party.

Mr. Mason: Thanks, Mr. Speaker. I guess one of the concerns that I have – during the time that I served on Edmonton city council, I also served as chairman of the Edmonton Ambulance Authority for a couple of years when that structure existed within the city. One of the problems you have with ambulance systems is that in major metropolitan cores there's high demand, so ambulances tend to get drawn into that and get sucked into it, leaving hinterland areas, outlying areas, without ambulance service. I just wonder if the minister has thought of how we would deal with that situation.

Mr. Snelgrove: Mr. Speaker, there are some very different circumstances from what I think you might call the really high-intensity, big-city ambulance services that are just about constantly on the go. That's far different from the ambulance in Vermilion, which, you know, in many cases hopefully doesn't get a call. They are different. You know, in the legislation there is nothing that prohibits a well-running ambulance system from continuing to do the really good stuff they do and not expecting Edmonton ambulances, that are already stressed, to start looking after Sherwood Park or St. Albert or others.

Mr. Mason: If they come into Edmonton, they'd never get out again.

Mr. Snelgrove: Well, there is also an obligation to ensure under just fairness to other residents that they maintain coverage. In many

cases it could be said that if you are going there, then the ambulance from Fort Saskatchewan or from Leduc needs to be on standby for this particular area. With the information, computer systems, and GPS tracking that we have now, I think the hon. member would agree that you could have a pretty good indication of where you may be short on coverage or where you need to transfer to. In the bigger picture that would be far easier than what might be considered in just a small municipality or one even as big as Edmonton and the surrounding areas, just having the bigger pie to give the to-and-fro would probably make, certainly, the transfer of patients . . . [Mr. Snelgrove's speaking time expired]

Mr. Speaker, with that, I'd like to adjourn debate on Bill 43.

[Motion to adjourn debate carried]

Bill 44
Pharmacy and Drug Amendment Act, 2008

[Adjourned debate November 5: Mr. Renner]

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

Mr. MacDonald: Thank you very much, Mr. Speaker. Bill 44, the Pharmacy and Drug Amendment Act, 2008, as I understand it, is going to provide pharmacies with the ability to conduct business or increase their sales through mail order and also over the Internet. Now, I could be wrong about this – and I hope I am – but I have concerns that if these prospective sales trends occur, how are we to protect the customers' health information and other personal information?

We are looking at compounding and repackaging pharmacy service, which means repackaging drugs for a licensed pharmacy or institution pharmacy that dispenses or sells these drugs. There are any number of things, in my view, that could go wrong here regarding the personal or the private – whatever way you look at it – information of the patient or customer.

On first glance at this bill one would think that it is very well thought out. You know, records are going to be kept, and there are going to be audits of such records, and there are going to be professional bodies overseeing this. There are going to be licensing requirements that are going to be stringent, and they're going to be met for whatever category of drug dispensing or sale that is to go on. When we look at all this and we look at the rest of the world and we think of patients, not only of their personal information, we also have to consider, Mr. Speaker, their safety.

Now, I'm surprised to learn that China is becoming the biggest producer of pharmaceutical ingredients in the world, Mr. Speaker, but the FDA in America inspects just a tiny fraction of China's drug plants. I would have to ask the question – and, certainly, because it also applies to this country. The Food and Drug Administration in America has seen significant changes in their ability to monitor and inspect any number of consumer products that are entering America. If Bill 44 is to become law, we're obviously going to increase potential sales to people in this province and elsewhere of pharmaceutical products that have their initial manufacturing occurring in China.

9:20

Now, whenever we look at inspections – and there is, certainly, a section in here – we seem to be only concerned about what goes on here in this province, but with globalization, Mr. Speaker, unfortunately we have to be able to rely on other jurisdictions and their ability and their commitment to inspecting what is produced there for sale here. Let's just have a quick look at some of the things that are occurring in China. The record is not very good in China. Over the past six years the Food and Drug Administration has managed to inspect annually an average of just 15 of the 714 Chinese drug plants that export to the United States. How much of that makes its way up here I have no idea. But at its present pace the Food and Drug Administration would need more than 50 years to visit all these Chinese plants. By contrast, when the Food and Drug Administration inspects domestic drug plants, there is a turnaround over two and a half years.

Maybe this shouldn't matter. Maybe I'm just overly concerned here, or maybe I'm reading too much on the weekends when I'm not here. But when we look at China, China's leap to one of the biggest suppliers of pharmaceutical ingredients in the world has happened over the last 10 years. As the Chinese government subsidized the construction of manufacturing plants that would undercut prices everywhere, generic drug makers in America, where price competition is fierce, were the first ones to seek the cheaper drug ingredients from China.

Last year generic drug applications to the Food and Drug Administration listed 1,154 plants providing active pharmaceutical ingredients: 43 per cent of them were from China, 39 per cent were from India, and only 13 per cent were from our neighbours in the United States. Branded drug makers, with their fatter profit margins, resisted buying ingredients from China for years, but with their businesses now suffering, major pharmaceutical companies like Bayer, Baxter, and Pfizer have announced deals to outsource manufacturing in China. The majority of Aspirin production, I'm surprised to learn also, doesn't come from France or Germany; the basic ingredients come from China.

These manufacturing practices and inspection habits are important when we look at what will happen if Bill 44 eventually becomes law. I don't know if I should phone Alberta Health Services and see if they've got the inside on whether this bill is going to become law, too. I don't think that's necessary, Mr. Speaker.

When we consider what we're potentially setting up with Bill 44, we've also got to consider consumer safety, and we also have to consider, again, what will happen with the information that is provided by the customer to one of these dispensing units regardless of what type it is. Hopefully, as we progress in debate on Bill 44, Mr. Speaker, we will get further clarification from the hon. Member for Calgary-Egmont on this bill. When you look at it first, it sounds like a very, very good idea, but when you study the issue, one has concerns. There's no doubt about that.

Again, we will get an opportunity to have our questions answered. I look forward to further discussion on Bill 44 in committee and, hopefully, again at third reading.

At this time, Mr. Speaker, I would like, please, to adjourn debate on Bill 44. Thank you.

[Motion to adjourn debate carried]

Bill 45
Statistics Bureau Amendment Act, 2008

[Adjourned debate November 5: Mr. Goudreau]

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

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. Bill 45, the Statistics Bureau Amendment Act, 2008, is a bill that initially I thought one could support and support enthusiastically. But I've read it. I got some assurances from the hon. minister of labour that it is a great bill. I thought about it, and initially I thought he was right. I'm not against having our own statistics branch. We used to have one. In fact, I still go to the library and look up some of the statistics that used to be provided. It was a former regime of the Progressive Conservative Party that had this stats bureau downstairs in the library, and it was, I'll use the words, a wealth of information.

It was very interesting to go through this. But it was cut back. It was scaled back.

An Hon. Member: That, too?

Mr. MacDonald: That, too. Not only did they get rid of social services; they got rid of the statistics branch. I stand corrected, Mr. Speaker. They didn't get rid of social services. They cut it back so significantly that it's still damaged today, among other government departments. But this was a victim of the cutbacks.

Now we're coming back in here. It is a good bill, it is a good idea, but there are some things in it. Maybe I will support it eventually if these things that I find unnecessary are removed through amendment.

In fact, maybe I'll start, and I will satisfy the President of the Treasury Board. I'm not sure why we need to have in section 8 an amendment to have this bill prevail over sections 40 to 43 of the Freedom of Information and Protection of Privacy Act.

Now, there are some interesting things that can happen not only in section 8 of this amendment but also in section 7.1 and the other agreements that the minister may enter into in section 6 and 6.1. Now, the minister may enter into an agreement with a "ministry, municipality, corporation, business or organization," even the government of Canada. Some of that is reasonable, but I don't know why we need to have this act in this section prevailing over sections 40 through 43 of the Freedom of Information and Protection of Privacy Act. The minister may be able to explain this.

9:30

Also, in the following section under Limited Right of Access: "This section prevails over section 6(1) of the Freedom of Information and Protection of Privacy Act." I don't know why that is necessary either. Section 6(1) of the freedom of information act deals with obtaining access to records.

> Information rights
>
> 6(1) An applicant has a right of access to any record in the custody or under the control of a public body, including a record containing personal information about the applicant.

That's to start with.

Now, whenever we look at section 40, where we're going to have this provision where the minister of labour can override – and I'm going to use that word "override." This proposed legislation prevails over. Same thing.

> Disclosure of personal information
>
> 40(1) A public body may disclose personal information only
>
> (a) in accordance with Part 1.

It goes on at length here from (a) through (z) and then beyond.

I'm not saying that there aren't a lot of loopholes in the Freedom of Information and Protection of Privacy Act, but what parts of the act are there, in my view, should remain to protect the personal information from disclosure.

Now, whenever we go on even further to section 41, which deals with consistent purposes, and section 42, which deals with disclosure for research or statistical purposes, it's interesting to note, Mr. Speaker, that a public body may, not shall but may

> disclose personal information for a research purpose, including statistical research, only if
>
> (a) the research purpose cannot reasonably be accomplished unless that information is provided in individually identifiable form or the research purpose has been approved by the Commissioner.

Approved by the commissioner. That's interesting: the minister of labour talking directly with the commissioner. Now, maybe the minister of labour or his officials have talked to the commissioner, the office of the Information and Privacy Commissioner in Edmonton here, Mr. Frank Work, an officer of this Legislative Assembly. Maybe they've already talked. Hopefully, they have, Mr. Speaker.

There are any number of stipulations here, and I'm not going to go through them in detail.

The last part of this, of course, is disclosure of information in the FOIP Act for the Provincial Archives. I was very curious about the reaction of the commissioner. I'm not saying that it's his personal statute but the statute that he operates from. How does he feel about this act and the minister of labour's attempt to prevail over what I consider to be important sections of the Freedom of Information and Protection of Privacy Act?

Yesterday, Mr. Speaker, I wrote a letter to the commissioner, and I was writing regarding Bill 45, the Statistics Bureau Amendment Act, 2008. I'm going to read this: "I have some concerns about certain provisions of this Bill and want to ask your opinion on them and whether or not they will in any way prevent you from performing any of your duties." I'll table this document. I have five copies here, and if I could table this to the table officers, I would be very grateful. Thank you.

Hopefully, I will hear back from the Privacy Commissioner in the next few days regarding my concerns. Hopefully, my concerns are not warranted. Hopefully, there is a good reason for this bill to need that authority, if I can say that, Mr. Speaker. I don't see why it would be necessary.

Those are only some of the issues and the concerns I have with this bill. I would also like to know in the course of debate what information – I know this office is planning and promoting, and they're going to consolidate, and they're going to develop social and economic statistical information relating to Alberta. I want to know how much of this information from this office is going to be made public. I hope the hon. Member for Edmonton-Highlands-Norwood doesn't have to use the FOIP laws to get the information that is being collected.

If this office through this act becomes functional again, all the information that's collected should be made public, not some of it, not what the government is comfortable releasing to the hon. member but all of it, including things like poverty rates and the number of children that potentially could be going to school hungry, the number of seniors without an adequate income. There could be any number of programs or groups of stats that could lead to embarrassing questions for the government, so hopefully in section 3 everything they do will be released publicly. Maybe there could be a little section down in the library downstairs with their work, just like there is for Stats Canada.

I can go through this in more detail in committee, Mr. Speaker, but those, essentially, are my questions and my reasons for being skeptical of this bill. I think the idea is generally a good one, but some of the details that are being suggested in this bill I have issues with. Maybe those issues will be clarified by the Privacy Commissioner, and through the general course of debate and discussion in committee and third reading this bill may, as they say, grow on me.

With those remarks, Mr. Speaker, I would like at this time, please, to adjourn debate on Bill 45, the Statistics Bureau Amendment Act, 2008. Thank you.

[Motion to adjourn debate carried]

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

Mr. Renner: Thank you, Mr. Speaker. Given the fact that we've made some significant progress today and the hour, I would suggest and, in fact, move that the House now do stand adjourned until 1:30 p.m. tomorrow.

[Motion carried; at 9:40 p.m. the Assembly adjourned to Thursday at 1:30 p.m.]

Table of Contents

Wednesday evening, November 5, 2008

Standing Committee on the Alberta Heritage Savings Trust Fund
Chair: Mrs. Forsyth
Deputy Chair: Mr. Elniski

Blakeman	Denis	Kang	Olson
DeLong	Johnston	Notley	

Standing Committee on Community Services
Chair: Mr. Rodney
Deputy Chair: Mr. Hehr

Benito	Doerksen	Johnston	Notley
Bhardwaj	Johnson	Lukaszuk	Sarich
Chase			

Standing Committee on the Economy
Chair: Mr. Allred
Deputy Chair: Mr. Taylor

Amery	Campbell	Mason	Weadick
Bhullar	Marz	McFarland	Xiao
Blakeman			

Select Special Ethics Commissioner Search Committee
Chair: Mr. Campbell
Deputy Chair: Mr. Marz

Blakeman	Lund	Mitzel	Webber
Lukaszuk	MacDonald	Notley	

Standing Committee on Health
Chair: Mr. Horne
Deputy Chair: Ms Pastoor

Dallas	Notley	Quest	Swann
Denis	Olson	Sherman	Vandermeer
Fawcett			

Standing Committee on Legislative Offices
Chair: Mr. Mitzel
Deputy Chair: Mr. Lund

Bhullar	Horne	MacDonald	Notley
Blakeman	Lukaszuk	Marz	Webber
Campbell			

Special Standing Committee on Members' Services
Chair: Mr. Kowalski
Deputy Chair: Mr. Oberle

Elniski	Mason	Snelgrove	VanderBurg
Hehr	Rodney	Taylor	Weadick
Leskiw			

Standing Committee on Private Bills
Chair: Dr. Brown
Deputy Chair: Ms Woo-Paw

Allred	Calahasen	Jacobs	Sandhu
Amery	Dallas	MacDonald	Sarich
Anderson	Doerksen	McQueen	Swann
Benito	Fawcett	Olson	Xiao
Boutilier	Forsyth	Quest	

Standing Committee on Privileges and Elections, Standing Orders and Printing
Chair: Mr. Prins
Deputy Chair: Mr. Hancock

Amery	Doerksen	McFarland	Sherman
Berger	Forsyth	Notley	Stevens
Bhardwaj	Johnson	Oberle	Taylor
Calahasen	Leskiw	Pastoor	Zwozdesky
DeLong	Liepert	Rogers	

Standing Committee on Public Accounts
Chair: Mr. MacDonald
Deputy Chair: Mr. Griffiths

Benito	Denis	Johnson	Sandhu
Bhardwaj	Drysdale	Kang	Vandermeer
Chase	Fawcett	Mason	Woo-Paw
Dallas	Jacobs	Quest	

Standing Committee on Public Safety and Services
Chair: Mr. VanderBurg
Deputy Chair: Mr. Kang

Anderson	Cao	MacDonald	Sandhu
Brown	Jacobs	Notley	Woo-Paw
Calahasen			

Standing Committee on Resources and Environment
Chair: Mr. Prins
Deputy Chair: Dr. Swann

Berger	Griffiths	Mason	Oberle
Boutilier	Hehr	McQueen	Webber
Drysdale			

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