



Province of Alberta

The 27th Legislature  
Fourth Session

# Alberta Hansard

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The Honourable Kenneth R. Kowalski, Speaker

**Legislative Assembly of Alberta**  
**The 27th Legislature**

Fourth Session

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## Legislative Assembly of Alberta

1:30 p.m.

Monday, March 21, 2011

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon.

Let us pray. At the beginning of this week we ask for renewed strength in the awareness of our duty and privilege as members of the Legislature. We ask for the protection of this Assembly and also the province we are elected to serve.

I'm now going to invite Mr. Paul Lorieau to lead us in the singing of our national anthem, and I would invite all present to participate in the language of one's choice.

**Hon. Members:**

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

### Introduction of Guests

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

**Mr. Stelmach:** Thank you, Mr. Speaker. I wish to introduce to you and through you to all members of the Legislature 24 visitors from Mundare school. We have accompanying the students today teachers Mrs. Tanyss Rogers and Mrs. Bernice Komarnisky and parent helpers Mrs. Lisa Rozumniak and Mrs. Josephine Galandy. They are seated in the visitors' gallery. I would ask everyone to give them the traditional warm welcome of our Assembly.

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

**Mr. Sandhu:** Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to the members of the Assembly 30 grade 6 students from York academic elementary school. York academic is the northeast district site for the gifted and talented program. The challenge program provides a rich and challenging environment for the students throughout grades 1 to 6. The students are accompanied by their teacher, Ms Dora Strasdin, and parent helpers Brenda Berg, Mrs. Galina Brindza, and Mrs. Mary Palamaruk. They are seated behind me, and I would like to ask them to rise and receive the traditional warm welcome of this Assembly.

Thank you.

**The Speaker:** The hon. Member for Athabasca-Redwater.

**Mr. Johnson:** Thank you, Mr. Speaker. I've two introductions this afternoon. First, it's my pleasure to rise and introduce to you and through you a very special group of 26 students from Guthrie elementary school in Lancaster Park, which is at Edmonton Garrison and part of Sturgeon school division. These students are accompanied by their teachers, Colleen Tremblay and Becky Williams, and parents Rhonda Draeger and Mrs. Jackie Mewett. Of special note, all these children have parents serving in Canada's

military, so we'd like them to take back our best wishes to their parents as well. I'd ask them to please rise and receive the traditional warm welcome of this Assembly.

Mr. Speaker, I'm also pleased to introduce to you and through you some elected officials and some important staff that we have with us from Smoky Lake county. I have the distinct pleasure of working with this group, and that has certainly been a privilege for the last three years. They're seated in the members' gallery. I'd ask them to rise one by one as I call their names: Reeve Dareld Cholak, Deputy Reeve Randy Orichowski, Councillor Ron Bobocel, Councillor Lori Danyluk, Councillor Rick Cherniwchan, CAO Cory Ollikka, Assistant CAO Lydia Cielin, and Public Works Foreman Doug Ponich. I'm really pleased that they're here today. They're here as part of AAMD and C meetings. I'd ask the Assembly to please give them the traditional warm welcome.

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

**Mr. Olson:** Thank you, Mr. Speaker. It's my honour today to introduce to you Lilly Lewis, who celebrated 90 years as an Alberta citizen just recently. She has got members of her family here with her. She and her husband were veterans of World War II, served in the Canadian Forces. She also served a number of cabinet ministers here in this building. As a new minister I was thinking that maybe she could help me out, but she's enjoying her retirement, I think, and isn't available. After retiring she also did work in missions around the world. She's here today, as I mentioned, with her children, and they're in the members' gallery. If they could please rise and receive the welcome of the Legislature.

**The Speaker:** The hon. Member for Cardston-Taber-Warner.

**Mr. Jacobs:** Thank you, Mr. Speaker. I'm pleased to rise today to introduce to you and through you to all members of this Assembly some of my friends and council members from the MD of Taber who are visiting us today and are here in Edmonton for the AAMD and C convention. I would like them to rise as I call their names: Reeve Brian Brewin, Deputy Reeve Ben Elfring, Councillor Don Johnson if here, Councillor Duff Dunsmore, Councillor Dwight Tolton, and their administrator, Derrick Krizsan. I thank them for coming and invite my colleagues to give them the warm welcome.

**The Speaker:** The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Thank you, Mr. Speaker. I'd like to introduce through you and to you Fatima Remtulla, a dear friend and a supporter who has been spending the day shadowing me and the rest of caucus. I'd like ask Fatima to rise and receive the warm welcome of the Legislature.

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

**Dr. Sherman:** Thank you, Mr. Speaker. It's my honour to introduce to you and through you to all members of this Assembly somebody very important to me through a very interesting and challenging time in my life. I'd like to ask my partner, Sharon MacLean, to rise and receive the traditional warm welcome of the Assembly.

**Mr. McFarland:** Mr. Speaker, although my colleague introduced all the fellows from the MD of Taber, he did miss one, and he's the newest one. I'd like the Assembly to recognize Bob Wallace from the Hays district, who is a newly elected MD of Taber councillor.

## Ministerial Statements

### International Day for the Elimination of Racial Discrimination

**Mr. Blackett:** Mr. Speaker, it's an honour to rise. March 21 is the International Day for the Elimination of Racial Discrimination. This significant day is observed around the world to focus attention on the harmful effects of racism and the need to promote racial harmony. March 21 was declared in honour of those who lost their lives in the Sharpeville, South Africa, massacre, where during a peaceful protest 69 anti-apartheid protestors died and 180 were wounded.

Proclaiming the day in 1966, the United Nations General Assembly called on the international community to redouble its efforts to eliminate all forms of racial discrimination. Canada was one of the first countries to support the United Nations declaration.

Although the majority of Albertans believe their human rights are protected, racism and discrimination continue to exist in Alberta. Mr. Speaker, on Saturday I happened to be in downtown Calgary with some of my colleagues, and we were walking to an event. We noticed that there were police surrounding the area that we were walking through. There were riot police. There were sharpshooters. There were all kinds of people. It was a little disconcerting because we didn't know what was going on. Then it came to our attention it was a white supremacist march. We went into our function and came out, and we were told we might have to stay because these two groups, the people supporting our fight against racism versus the white supremacists, were going to meet and there could be a clash. I never really gave it much thought.

**1:40**

As I walked out of there with the Member for Calgary-Montrose and the Minister of Housing and Urban Affairs, we started talking about it. The Minister of Housing and Urban Affairs suggested how disgusting it was that in 2011 we still have to deal with that issue. I looked at the Member for Calgary-Montrose, and I said: I guess we're the ones they're poking their fingers at. It just brought back all these different memories. At that moment I wasn't an MLA. I wasn't a cabinet minister. I was just an individual. I went back to my car, and I thought about that. You know, it brings back all those memories of racism that you endure as a child, but I remembered one thing quickly, and that is that we live in Alberta, and it's 2011, and we have to snap out of that.

We have the Alberta Human Rights Commission, which offers education programs and resources to help Albertans resolve human rights complaints. Eighteen per cent of those complaints, Mr. Speaker, that go to the Human Rights Commission are based on discrimination for race, colour, or creed.

We also, though, are proud to say that there are 10 municipalities in Alberta that have joined the Coalition of Municipalities against Racism and Discrimination: Wood Buffalo, Calgary, Grande Prairie, Edmonton, Drayton Valley, which was brought forward by the current Member for Drayton Valley-Calmar, Brooks, Lethbridge, St. Albert, Innisfail, and most recently the city of Wetaskiwin in September 2010. Each has made a commitment to follow key principles in order to combat racism and discrimination and help build welcoming and inclusive communities and workplaces.

Mr. Speaker, as hurtful as it was for me, it's no different for those victims of the Holocaust or their descendants or those of the Holodomor and their descendants. To think that people don't understand that what they say isn't only something that's offensive — those hurt people, and we in Alberta have to be vigilant to make

sure that people in our communities feel welcome and safe and are able to raise their families in an environment like that.

Mr. Speaker, safe communities are strong communities, and strong communities are safe communities. Albertans expect us to bring that forward and continue in our fight to do that, and they deserve no less.

**The Speaker:** On behalf of the Official Opposition the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. People of good character have been advocating the virtues of mutual respect and tolerance just as long as racists have been spreading hatred. I believe the forces of tolerance and acceptance have made great progress, but racial discrimination continues. Many citizens of our First Nations people remain systematically marginalized, with higher rates of homelessness, poverty, and incarceration. Immigrants are often the targets of misdirected blame when unemployment rises. Cultural practices and religious beliefs are often misunderstood or misinterpreted. Some people are still upset about decisions that recognize the right of Sikhs to wear turbans while performing as RCMP officers and allowing girls to play sports while wearing a hijab.

I just spoke with Changing Together, my favourite organization helping immigrant women, and their executive director noted that immigrant women face special challenges and underemployment because their credentials aren't recognized here. There's no easy path to upgrading those credentials, with few courses to get these women up to speed and even fewer with any form of subsidy. This sort of discrimination may or may not be conscious or deliberate, but it does have a real impact on the ability of immigrant women to integrate as well as hampering their ability to participate fully in the life of the province.

This year's cuts to funding for English as a second language programs will increase the challenges for all immigrants, a short-sighted decision given education's power to discourage racial discrimination. Fortunately, there are teachers and educational opportunities everywhere.

Many years ago I attended an antiracism symposium, and one of the speakers gave me the best bit of advice that I've ever heard on how to fight racial discrimination on a daily basis. Her advice was this: simply look people in the eye, smile, and say hello. That simple act recognizes the inherent worth of any person you acknowledge, and we don't do it as often as we should or could.

Thank you very much, Mr. Minister, for your remarks. As the minister said, fighting racism is a year-round effort, and we all have a role to play.

Thank you.

**The Speaker:** Hon. members, on an occasion such as this I know that additional members would want to participate. In order to do so, we need unanimous consent of the Assembly to proceed. I'll ask one question. Is anyone in the Assembly opposed to allowing additional members to participate? If so, please say no.

[Unanimous consent granted]

**The Speaker:** I'll recognize the hon. Member for Calgary-Glenmore, then the hon. Member for Edmonton-Strathcona, then the hon. Member for Calgary-Currie, and additional members should send me a note.

**Mr. Hinman:** Thank you, Mr. Speaker. It is my honour to speak on behalf of the Wildrose caucus in support of International Day for the Elimination of Racial Discrimination. I believe and I know

that in the minds of our children racism does not exist. This is an important lesson that we can learn from our children. Through the eyes of a child the purest and kindest message for humanity is so evident for in the final analysis we have much in common with all creeds and races. We all breathe the same air, drink the same water, and we all inhabit this small planet together and cherish our children's future, a future that should be free from racial discrimination and abuses. As Martin Luther King said: judge me by the content of my character, not the colour of my skin.

Today in our global economy we have good reason to be hopeful of a better future as we turn to the rising generation. Our youth today are truly more global citizens. They are by far freer of the discrimination that we have witnessed in years gone by. Seeing a child in kindergarten playing with her fellow classmates free of any judgment or discrimination is the world we all seek for everyone.

I recently had the privilege and honour to speak with all grade 7 social studies classes at John Ware junior high school. In 1967 I listened to Lieutenant Governor Grant MacEwan talk about his book, *John Ware's Cow Country*, in my grandmother's house. John Ware became a childhood hero of mine. He inspired me to buy a bullwhip and practice for hours so I could handle this important cowboy tool as well as he did. He was a master with cattle, and I wanted to be just like John. It didn't matter to me the colour of his skin. It only mattered to me that he was a great man and had lived here in Alberta.

Alberta is today what it has always been, a land of opportunity where people of all races and creeds come to pursue a better life. While there are still unfortunate cases of racial discrimination in our province, never has civil society been so squarely intolerant of racism. I am confident that we will continue to be a beacon for the world when it comes to ending racial discrimination by the example we continue to set.

On Friday I had the privilege of attending the immigrants of distinction awards in Calgary, a great mosaic of Calgarians from around the world. I am hopeful that in the coming years virtually all the children in Alberta will be able to maintain their virtue as we have eliminated racism.

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

**Ms Notley:** Thank you, Mr. Speaker. On this day as we renew our commitments to work to end racism, we are aware that this hateful perspective still has life in our province. Within the past few weeks people have been arrested in Edmonton, charged with racist attacks. We've seen a white power rally and the home invasion of a prominent antiracist spokesperson in Calgary.

The minister has noted that a significant percentage of the human rights complaints received last year by the Human Rights Commission related to such matters. The commission knows from its own polling that this is a larger issue than the numbers of actual complaints and that much of what is happening is in informal situations that do not lead to formal complaints but do add to the stress and fear for many people in our communities.

We are still a long way from abolishing racism. The adverse effect of systemic discrimination in particular requires effective strategies. We see the evidence in the overrepresentation of indigenous people in prisons and children in government care. We see it in overrepresentation of racialized populations in low-income groups. We move in the wrong direction when we cut support services for immigrants as we are doing in this budget.

One of the best tools for creating equality is education, but we need effective programs, not just superficial marketing gimmicks, and we need education in workplaces, not just classrooms.

This government must make legislative and administrative changes to eradicate racism and ensure human rights for all. We should not see the Human Rights Commission's authority decreased or limited, as has been advocated sometimes by some members of this House in the past. Instead, what we must do is work more closely with groups such as the Centre for Race and Culture, the John Humphrey centre for human rights, and the Sheldon Chumir Centre for Ethics in Leadership, all of which are doing exemplary work to eliminate racial discrimination in our province.

Finally, as members of this House we need to renew our commitment to work against racism, both overt and systemic. Until we recognize and combat both types of racism, we will eliminate neither.

Thank you.

1:50

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

**Mr. Taylor:** Thank you very much, Mr. Speaker. Today is a significant day as we rise in this House to commemorate the police brutality experienced by peaceful anti-apartheid demonstrators in Sharpeville, South Africa, 51 years ago. It is imperative to remember not only this event but the Holocaust, the Holodomor, and so many other stains upon our shared humanity because public displays of racism and racial discrimination still occur in our province. Just this weekend a white supremacy demonstration took place in Calgary. Fortunately, Mr. Speaker, the group was outnumbered at least 10 to 1 by antiracism demonstrators, Albertans standing in solidarity to say: this is not what we are about.

However, Mr. Speaker, let me repeat some of the minister's own words. "The strength of our province lies in the diversity of its people." While ours is a much more diverse population today than it was 25 years ago when I arrived here, it is a strength that still too often is underrecognized, sometimes ignored altogether.

Too many of our visible minority immigrants are lagging behind native-born Canadians in terms of access to opportunity. Sure, language is a barrier for many, but it is a barrier that we don't do nearly enough to remove, and it's not the only one. Professionals arriving from other countries, fully trained in their respective fields, are still facing barriers to practising in their chosen fields here in Alberta. Further, there is research that indicates that the children of immigrants do not have the same opportunities as children of native-born Albertans, and Alberta's First Nations continue to suffer from institutional racist barriers which impede their hope for future success.

Mr. Speaker, we are all Albertans, some of us by the accident of birth, some of us by deliberate choice. A lost opportunity for one is a lost opportunity for us all.

Thank you.

### Oral Question Period

**The Speaker:** Before we begin the Oral Question Period, I'd just like to congratulate and thank all members for the wonderful decorum experienced in this Assembly on Thursday last. Along with that congratulations, of course, comes a hope on my part as well that needs no further declaration.

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

### Health Quality Council Review

**Dr. Swann:** Thank you very much, Mr. Speaker. From 1999 to 2008 Capital health authority was headed by a leadership team that included Sheila Weatherill, CEO; Neil Wilkinson, chairman;

and Noela Inions, legal counsel. This was a period when many physicians and others felt intimidated and signed nondisclosure agreements. Today these three people are, respectively, a board member of AHS, the provincial Ethics Commissioner, and the AHS ethics and compliance officer. To the Premier: how is the culture in the health care system now different from the culture then, given that the same people who led it then maintain leadership positions now?

**Mr. Stelmach:** Mr. Speaker, the Alberta Health Services Board is the board responsible for delivery of health services across the province. They have negotiated with government a five-year funding agreement. They've anticipated, of course, increases in population and demand for increased services. That is the first agreement of its kind that has been entered into in this country of Canada and shows that they have the best interests of Albertans in their mind.

**Dr. Swann:** Well, nice dodge, Mr. Premier.

Given the United Nurses of Alberta stated that the Alberta Health Services ethics and compliance officer dismissed their complaint in 2009 without interviewing complainants in one specific case, what confidence can Alberta Health Services employees have that their concerns are taken seriously? The same people are still calling the shots.

**Mr. Stelmach:** Not true. But for anyone that comes forward that wants to bring to the Health Quality Council any issues, personal experiences, the terms of reference that were issued last week by the Health Quality Council are very broad. They're very robust. And as we heard over the weekend, Dr. John Cowell will listen to anyone that comes forward to present evidence to the council.

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

**Dr. Swann:** Thank you, Mr. Speaker. Given that the Health Quality Council of Alberta review may take nine months to complete, and this Premier promised the same review by letter during the 2008 election, will the Premier just admit he's trying to sweep all this under the rug?

**Mr. Stelmach:** Mr. Speaker, I believe Dr. John Cowell said that they were looking at an interim report in about three months, one at about the six-month interval, and then the final report within nine months. I think that speaks to trying to anticipate how many people will come forward. There are a lot of, I'm sure, files to look at. If a lot of people come forward, it will take more time, and if fewer people come forward, they may be able to deliver their report, but at least he said six months leading up to nine months.

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

**Dr. Swann:** Thank you, Mr. Speaker. It is said that once is a chance, two a coincidence, and a third time is a pattern. Well, just hours before the McNamee allegations surfaced, the Premier reversed course to support a Health Quality Council review. Then last Thursday, as opposition parties continued our call for a public inquiry, the Health Quality Council conveniently released its terms of reference that include an expanded mandate to investigate doctors advocating for patient safety. The coincidences keep piling up. Was the Premier or anyone in his office personally aware that the McNamee lawsuit would be released by the media before a decision was made to call the Health Quality Council review?

**Mr. Stelmach:** Mr. Speaker, once again the opinion of the hon. member is wrong. I always said that the door will be open in terms of having an authority listen to any of the issues that may come forward, whether it be from doctors or other health care providers, and we followed up on that. I was very clear in the opinion that I expressed two weeks ago.

**Dr. Swann:** Well, did the Premier or the minister of health or their offices have any dialogue with or provide direction to the Health Quality Council of Alberta regarding expanding their terms of reference to include, quote, physician advocacy in patient safety ahead of the Health Quality Council releasing its terms of reference?

**Mr. Stelmach:** Not from me.

**Mr. Zwozdesky:** Mr. Speaker, not from me either.

**Dr. Swann:** Mr. Speaker, my final question. Did the Premier or his office have any dialogue with the Alberta Medical Association following the Alberta Medical Association distributing a letter to its members supporting the call for a public inquiry but before the AMA softened its position later that day?

**Mr. Stelmach:** Mr. Speaker, this is a very broad question because the issue here is that the government of Alberta, through our negotiator, was involved in long and protracted negotiations with the Alberta Medical Association. As a result of those discussions and negotiations we do have an agreement in principle that will take probably till the end of June to ratify. As I acknowledged last week in my statements, the Alberta Medical Association has shown great leadership. It is a contract that's looking at zero, zero, plus COLA in the third year. That's pretty hard negotiation . . .

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

#### Patient Advocacy by Physicians

**Dr. Swann:** Thank you, Mr. Speaker. This government's "that was then; this is now" approach, dismissing the culture of intimidation that exists, is insulting to health professionals and to Albertans. While this Premier and minister continue to say that there isn't a culture of fear and intimidation in the health care system, respected health professionals like Drs. McNamee, Maybaum, Parks, Nunes, and Houston say otherwise. This weekend the *Calgary Herald* lent its voice to the chorus calling for a public inquiry. To the Premier: when Dr. Maybaum says that, I quote, colleagues are all fearful, and this problem is real, and anyone that suggests it isn't is completely out of touch with health care workers . . .

**Mr. Stelmach:** Well, one thing that this paper he refers to did not mention is that in the letter to the doctors it said: this is not a matter of forcing you to be quiet, but it is a matter of teamwork and leadership. Funny how they always miss out that part of the letter.

**Dr. Swann:** And funny, Mr. Speaker, how he never answers the question.

Was Dr. Maybaum lying when he said that there was a culture of fear and intimidation among many professionals, Mr. Premier?

**Mr. Stelmach:** Mr. Speaker, he's asking me to give an opinion. The doctor is free to appear before the Health Quality Council and deliver the evidence that he may have in his presence. That's why the hearing is there.

**Dr. Swann:** Why does the Premier continue to ignore the growing chorus of respected voices calling for an independent public inquiry into the health care crisis? Will you finally do the right thing and call a public inquiry?

**Mr. Stelmach:** Mr. Speaker, we've done the right thing, and that is asked the Health Quality Council to review the matter. They have drafted their own terms of reference, which are very robust. They're very rigorous. Anybody, according to Dr. Cowell, can bring forward any evidence that they so wish.

**The Speaker:** The hon. Member for Calgary-Fish Creek.

**2:00 Health Quality Council Review**  
(continued)

**Mrs. Forsyth:** Thank you, Mr. Speaker. The Premier continues to claim that the review undertaken by the Health Quality Council into, among other things, the ability of doctors to advocate for their patients is free from government intimidation, is entirely independent, and is at arm's length from the government. My questions are to the Premier. Who funds the Alberta Health Quality Council?

**Mr. Stelmach:** Mr. Speaker, the Alberta taxpayer.

**Mrs. Forsyth:** Mr. Premier, it's Alberta Health Services that funds it. Mr. Premier, are you honestly saying that having the Health Quality Council investigate Alberta Health Services is truly an independent, arm's-length review when the council is entirely funded by the very people they are being asked to investigate? How can you say that, Premier?

**Mr. Stelmach:** Mr. Speaker, the last time I looked at our budget, Alberta Health Services – all physicians, all doctors, anybody working in public health care – is supported by the provincial taxpayer. Also, all people working in Justice, all judges, are all paid for by the Alberta taxpayer.

**Mrs. Forsyth:** Mr. Premier, taxpayers want to know the answers. Given that section 16(1) of the Health Quality Council regulation states, "The Council is accountable to the Minister for the manner in which it . . . exercises its powers," how can you, Mr. Premier, look into the faces of Albertans and tell them that the review is independent when the council reports directly to the very minister that it may be investigating?

**Mr. Stelmach:** One thing that they fail to mention: in the public inquiry it'll be the minister that would be drafting the terms of reference. You know, it's always those little bits of information that don't come forward in this Assembly.

I have great confidence in the Health Quality Council to do a thorough review. They wrote the terms of reference – they're very rigorous; they're very robust – and I'm looking forward to the interim report.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, the Premier continues to contend that the Health Quality Council review is going to be a sufficient inquiry into the allegations of doctor intimidation that we've seen with growing force around the province. My question is to the Premier. If, in fact, there is someone who has in their possession information that could verify a statement made by one of the people who might be interviewed by the Health Quality Council and they refuse to come forward, how will

the Health Quality Council be able to compel testimony from an individual who is refusing to co-operate?

**Mr. Stelmach:** Mr. Speaker, that's the issue here, that if somebody is so compelled, and especially all these doctors that have been named in this Assembly, that if they have all the evidence that they talked about, you would think they would be the first in line to sit before the Health Quality Council in strict confidence and deliver the evidence. If there is evidence of any criminal malfeasance, they should have been at the police months ago.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, if one doctor alleges that he or she was intimidated by an official, say, of Capital region health and they deny it and there's another individual that could corroborate the story, how are you going to make that person come forward so that you'd actually get to the bottom of conflicting stories, which often emerge in situations like this? How will you find the truth by what you're doing?

**The Speaker:** Hon. minister, if this has to do with government policy, proceed.

**Mr. Zwozdesky:** Mr. Speaker, I think it's pretty clear that the Health Quality Council has set its own terms of reference independently. They have presumably looked into whom they want to sit on that health advisory panel independent of government. They will be probably choosing the people that they want to not only advise but also to conduct the review independently, and I think that process is something that this member himself supported as early as two weeks ago. [interjections]

**Speaker's Ruling**  
**Decorum**

**The Speaker:** Okay. Okay. Settle down. Calgary-Fish Creek, you're out of order. You're misbehaving. It may be the feng shui of some of your colleagues that's coming onto you, but you can do better, as can they.

Now, hon. Member for Edmonton-Highlands-Norwood, you have your third question, please.

**Health Quality Council Review**  
(continued)

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, given that nothing that's been said here in answer to the questions today would indicate that the Health Quality Council is going to be able to get to the bottom of conflicting stories or compel anyone to testify in order to clear up these matters, how can the minister and how can the Premier continue to maintain that the Health Quality Council has a ghost of a chance of actually finding out what happened?

**Mr. Zwozdesky:** Mr. Speaker, they have an excellent chance of getting to the bottom of some of these unsubstantiated allegations and perhaps even some of those issues that others have mentioned where certain doctors have come forward. The fact is that in their own news release they said that this is unprecedented, for them as a council to be able to set their own particular terms of reference. That is very, very independent of the other process that he's alluding to.

**The Speaker:** The hon. Member for Edmonton-Riverview will take the sixth question today.

### Congenital Syphilis Outbreak

**Dr. Taft:** Thanks, Mr. Speaker. Intimidation of the health professions can have deadly consequences. People die when good decisions are stifled. Dr. Stan Houston, an expert on infectious diseases, was stifled by this government when he spoke for better care during a syphilis crisis that led to several babies dying. To the minister of health. Alberta's fight against syphilis lost ground when Alberta Health did not renew the contracts of four public health doctors, who were then required to sign nondisclosure agreements. Why did this government muzzle those important voices?

**Mr. Zwozdesky:** Mr. Speaker, the important voice right now is this Assembly, and this Assembly, I hope, will support our budget because in that budget you will see that there is a specific strategy aimed at blood-borne pathogens. That includes STIs, sexually transmitted infections. There's going to be a very, very robust plan that will address syphilis, and it requires the awareness campaign in doctors' offices, in some of the hotels, pubs, bars, and other locations. I certainly hope this member asking the question will support it.

**Dr. Taft:** That was offensive. That was offensive to the babies who have died and the families who have watched them die.

Given that day-to-day issues on treating and preventing syphilis such as how to treat a pregnant woman with syphilis were not being properly addressed because the government, this government, stifled its own experts, will the minister admit that the culture of fear and intimidation this government has imposed on health professionals cost human health and even human lives?

**Mr. Zwozdesky:** Mr. Speaker, I don't know if that was the case or not. If it was, I sincerely hope it wasn't, but I can't correct the past. All I can tell you is what I'm doing to influence the future, and the future is a very aggressive plan to combat syphilis in this province. We have a syphilis problem. We're aware of that, and we're doing something about it.

**Dr. Taft:** Well, this minister is boasting about what they're going to do about the syphilis outbreak, so will he tomorrow table in this Assembly Alberta Health's plan, a so-called robust plan, for addressing the syphilis outbreak? The outbreak is unprecedented on this continent.

**Mr. Zwozdesky:** Mr. Speaker, I'm surprised that he didn't read the five-year health action plan, where on page 27 section 4.18, section 4.19, and section 4.20 talk about our exact strategy, which he's asking about. Perhaps he would like to visit that. We are serious about this problem. I'm thankful that he's raised it. I don't like the tone in which he's raised it; nonetheless, he should know that it is moving forward.

**The Speaker:** We have a point of order arising out of that.

The hon. Member for Edmonton-Centre, followed by the hon. Member for Whitecourt-St. Anne.

### Water Management

**Ms Blakeman:** Thank you very much, Mr. Speaker. This government creates panel after panel to improve water management and conservation and then ignores recommendation after recommendation. The Water Council's recommendations, the wetlands policy, and the South Saskatchewan regional plan are all stalled. Even members of the Alberta Water Council say that this government is failing to implement water for life and their recommendations. Fresh

water is our most valuable resource. To the Minister of Environment: given all of this, who is the minister listening to?

**Mr. Renner:** Mr. Speaker, we listen to all stakeholders in a number of different areas. On these particular policies all of the policies that this member has referred to are at various stages in our internal approval process. That's prudent. That's the appropriate way for us to deal with it. As I've said many times before in this House, they will be moving forward into the public domain at the appropriate time.

2:10

**Ms Blakeman:** Well, that's why there needs to be more transparency, because these internal processes . . .

**The Speaker:** Is that a preamble, hon. member?

**Ms Blakeman:** Absolutely not, Mr. Speaker. Certainly not, since you gave us instructions not to do that.

Why has this minister hedged and reneged on a permanent no-net-loss wetlands policy when wetlands are a significant aspect of greenhouse gas reduction?

**Mr. Renner:** Mr. Speaker, the member is wrong. We have a wetlands policy that is in place in this province, and it applies only to the white zone. It only applies to private land. We've been working very diligently to be able to expand that policy so that it will include Crown land as well. For this member to suggest that that policy is in place is incorrect. We are in the process of developing that policy. The member is referring to . . .

**The Speaker:** The hon. member, please.

**Ms Blakeman:** Thank you very much, Mr. Speaker. Once again to the same minister: why would the minister even consider allowing a system that gives water to the highest bidder rather than distribution based on need, on who's rich, not on who's thirsty? Times have changed; so must the system.

**Mr. Renner:** Well, Mr. Speaker, apparently we've now left wetlands, and we're into something else entirely again. The fact of the matter is that we have had a policy in place for some time, since the introduction of the Water Act, that allows for water licences to transfer from one holder to another. It's the only way, frankly, that we're going to be able to have development, to incent conservation, and to allow for more water users to use the same amount of water that's available.

**The Speaker:** The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Centre.

### Hunt Farms for Cervids

**Mr. VanderBurg:** Thank you, Mr. Speaker. On the weekend in Whitecourt-St. Anne I met with many residents that were concerned about the possibility that hunt farms for domestic cervids are going to be allowed in Alberta. My question is to the Minister of Agriculture and Rural Development. Is there a government plan or something within your ministry that's giving my constituents this idea?

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

**Mr. Hayden:** Thank you, Mr. Speaker. Absolutely not. In 2002 a cross-ministry initiative that went out for direct input from the public and also from stakeholders in different areas looked at this,

and the decision was made at that time that this government would not allow cervids, deer and elk, to be hunted on farms.

**Mr. VanderBurg:** Again to the same minister. At the same meeting some concerns were also raised about the health of farmed cervids. Can the minister tell us what steps are being taken to ensure that farmed cervids are healthy and will be?

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

**Mr. Hayden:** Well, thank you, Mr. Speaker. In 2002 the decision was made that there wouldn't be hunt farms for cervids, and of course that remains today and is our position forward.

With respect to the health from 2003 right up to today these animals have been tested, 3,000 to 5,000 a year. They are completely disease free, and we stay right on top of it.

**Mr. VanderBurg:** My last question to the same minister: again, are you saying that there are no plans, nothing in your ministry plan, for hunt farms for cervids?

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

**Mr. Hayden:** Thank you, Mr. Speaker. That's what I'm saying. There will absolutely not be hunt farms for cervids. Period.

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

#### Integration Services for Immigrants

**Ms Blakeman:** Thank you very much, Mr. Speaker. Today marks the International Day for the Elimination of Racial Discrimination, but in Alberta we seem to be sending mixed messages. Last Friday evening in Calgary we honoured strength in diversity at the immigrants of distinction awards while on Saturday a small but vocal group of people celebrating racism again marched through our streets. To the Minister of Culture and Community Spirit: other than slogans and special festival days what is your ministry doing throughout the year to promote and preserve and protect Alberta's diverse cultural heritage?

**Mr. Blakett:** Well, Mr. Speaker, we do a multitude of things. As we debated the human rights bill here a couple of years ago, I said that we needed to have administrative changes so that we can improve the efficiency and equity of the Human Rights Commission. What we did was we brought a federal judge to oversee the commission, and we were able to through a national search attract a director of national significance in Philippe Rabot. What we've done is we've separated the commission from the department physically. We've added new resources to both the director and the chief commissioner. In addition to that, we have provided . . .

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

**Ms Blakeman:** Thank you very much. To the Minister of Education: given that immigrant students represent the highest statistical dropouts or failures to achieve high school in three years, followed closely by First Nations individuals, what is the minister's rationale for undermining language acquisition skills through further cuts to ESL second-language support programs?

**Mr. Hancock:** Well, first of all, Mr. Speaker, I don't know what the hon. member means by "further cuts." I'm not aware of any earlier cuts.

What has been proposed in this year's budget – and we'll have opportunity to discuss that during estimates – is that the enhanced ESL grant will be eliminated. Members should be aware that there is an ESL grant of about \$1,155 per student for language education. The enhanced grant was put in place a few years ago in order to assist school boards to prepare and improve their techniques for teaching English as a second language to immigrant students to . . .

**The Speaker:** The hon. member now, please.

**Ms Blakeman:** Thank you very much. This next question is to the Minister of Employment and Immigration. Mr. Minister, given that many in your government caucus have personally experienced the challenges faced by new immigrants, especially around functional English language literacy, can you justify your ministry's cuts to English as a second language training programs?

**Mr. Lukaszuk:** Well, Mr. Speaker, there's a topic I can speak to with a reasonable amount of expertise, having arrived in this country not speaking one word of English. I have to tell you that not only my personal but this government's commitment is not only to provide integration services to our immigrants but to actually attract immigrants that will be stimulating our economy for many years to come. However, that member would be interested to find out that immigrants learn in many different ways, and we're exploring ways that are actually very accessible to our immigrants.

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

#### Mine Financial Security Program

**Mrs. Leskiw:** Thank you, Mr. Speaker. The government just announced a number of initiatives it is working on to ensure the progressive reclamation of disturbed lands, including the restructuring of Alberta's mine financial security program. My questions are all to the Minister of Environment. While this program collects significantly more financial security in the long term, aren't you putting Albertans at risk by collecting less security over the short term?

**Mr. Renner:** Mr. Speaker, I must make it abundantly clear: absolutely not. Albertans will not be required to pay for cleanup. What the new program recognizes is the value of the resource as an asset. The program is designed to ensure that at no time during the process should that asset-to-liability ratio go below 3 to 1, or with 15 years left in the mine, then we begin to ramp up and collect full value for . . .

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

**Mrs. Leskiw:** Thank you, Mr. Speaker. My first supplemental is to the same minister. With some critics claiming that even with the changes you've made, there still won't be enough security in the long run, how are reclamation costs determined to ensure that appropriate securities are taken care of?

**Mr. Renner:** Mr. Speaker, some of the criticism that we've heard is making an assumption that no reclamation takes place during the life of the mine, and as anyone that has been involved in mining knows, that's simply not the case. The other point that I think needs to be made is that the cost of security will be dependent upon the actual circumstances in the mine. The cost of reclamation from one mine to another can be significantly different depending upon the nature of the operation. So it's hard to make a gross assumption about costs in the early stages.

**Mrs. Leskiw:** To the same minister: given that only a small parcel of land in the oil sands region has received a reclamation certificate, is the industry not reclaiming the lands it should?

**Mr. Renner:** Mr. Speaker, the answer is that there is a tremendous amount of work that's currently under way on the reclamation side. The fact, however, is that reclamation certificates come at the end of the process, not at the beginning of the process. We feel that it's important that we introduce an opportunity for the public to have more information than that. We will be introducing this summer a web-based map that will allow people to have direct access, see for themselves what reclamation . . .

**The Speaker:** The hon. Member for Calgary-Buffalo, followed by the hon. Member for Calgary-Hays.

### Education Funding

**Mr. Hehr:** Mr. Speaker, this government's recent Education budget reads something like an insurance policy. What the large print giveth, the small print taketh away. At first blush what looks to be a slight increase to the Education budget is just smoke and mirrors. The real picture is significant cuts to grants provided to school boards, that will end up affecting children's future. To the Minister of Education: the minister of health likes to talk about how great this government is for providing long-term sustainable funding, so why does this government not do the same for education?

2:20

**Mr. Hancock:** Mr. Speaker, a number of things in that preamble would be incorrect. First of all, a 4.7 per cent increase to the Education budget is not unsubstantial, and it's not a cut.

This is not going to be an easy budget for education. I've maintained that from day one. It's very difficult. There are programs such as the AISI project that are very important to education going forward that we're working very hard to make sure get maintained, but we are living in a difficult fiscal time, and we do need to be part of that process and that strategy.

**Mr. Hehr:** Given that the Calgary board of education, after adding up all these cuts, is facing a \$61.7 million shortfall, teachers will have to be let go, which will no doubt lead to children facing larger class sizes. Accordingly, does the minister admit that this will be the result of these cutbacks?

**Mr. Hancock:** Mr. Speaker, there are not cutbacks. In fact, there's a 4.7 per cent increase. However, we have had to eliminate some grants because the increase in the budget was short of what was needed to maintain all of the things that we're doing now. We did have to eliminate some grants that we looked at and said: these grants have either fulfilled their intention or are no longer relevant. Yes, it's going to be difficult for school boards, and it may well result in school boards doing some things differently and perhaps even fewer teachers.

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

**Mr. Hehr:** Thank you, Mr. Speaker. This is a fairly simple question. Given that in 2002 this government accepted the Learning Commission's recommendations on class sizes and this government appears now to be moving backwards on this, not forward, has the ministry simply given up on lowering class sizes in Alberta?

**Mr. Hancock:** What the ministry has done, Mr. Speaker, is recognized that in times when there is fiscal restraint and fiscal concern, we need to focus the resources in the areas where they

make the most difference. So we've focused the class size resources on K to 3, where the evidence does show that it could make a difference in students' learning, and in high school classes, where small class sizes are important for safety reasons. We've focused there. We still have the expectation that school boards will meet the class size guidelines in the other areas, but we've focused our resources in the places where the data show it makes a difference.

**The Speaker:** So that no member of the Assembly misses it, in the afternoon of April 19 the estimates for the Department of Education will be dealt with in the Assembly.

The hon. Member for Calgary-Hays, followed by the hon. Member for Airdrie-Chestermere.

### Funding for Nonprofit Organizations

**Mr. Johnston:** Thank you, Mr. Speaker. The community facility enhancement program and the community initiatives program continue to provide much-needed funding for many nonprofit and voluntary agencies. This past weekend the Minister of Culture and Community Spirit was in Calgary, where he made announcements totalling \$2.1 million in funding to four nonprofits in that city. My questions are all for the Minister of Culture and Community Spirit. Given the number of applications for funding from across the province how does the minister justify such a large amount of funding provided to four projects in a single municipality in a single year?

**Mr. Blackett:** Mr. Speaker, the four agencies or organizations in question all deal with the vulnerable, and we wanted to encourage and reward collaboration. The Calgary Urban Project Society deals with the homeless. The Calgary Immigrant Educational Society: that was for a new building so that they can expand their ESL and computer training programs. The Cerebral Palsy Association in Alberta: that was to pay off part of their debt so that they could offer more services in their collaborative efforts. The Community Kitchen Program was a project of 22 different organizations.

**Mr. Johnston:** Mr. Speaker, given the number of nonprofit and voluntary agencies vying for limited grants, many of them so that they can provide services to some of Alberta's most vulnerable citizens, can the minister provide some rationale for giving \$75,000 to the Airdrie Regional Air Show?

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

**Mr. Blackett:** Yes, Mr. Speaker. The Airdrie air show was very successful in 2009. I was approached by Mayor Peter Brown, who said it was very important to the community. At that event we had 40 representatives of sponsors, the volunteers, the board of directors, and other members at large. It's one that provides economic and tourism benefits to the area and is supported by the whole community.

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

**Mr. Johnston:** Thank you, Mr. Speaker. With these government funding programs highly oversubscribed, what is the minister doing to encourage greater private-sector support of community-based nonprofit and volunteer organizations?

**Mr. Blackett:** Well, Mr. Speaker, we join with the different umbrella organizations around the province. We've been working through our dialogue sessions to establish a way to communicate the benefits of the not-for-profit community, the 22,000 that do

such great work and are the underpinnings of our social safety net, and we are now actively engaged with representatives from the different business communities around the province in seeing how we can collaboratively work together to provide better services.

### Health Quality Council Review (continued)

**Mr. Anderson:** Mr. Speaker, as reported in the *Calgary Herald* on Friday, quote, there are people high up in the government who want your head on a platter, unquote. That was the alleged threat by senior health officials in Calgary to Dr. Lloyd Maybaum, president of the Calgary physicians association. There is also a letter threatening the job of Dr. Maybaum for speaking out after the delay of a treatment centre for mentally ill children. To the health minister: do you know who the people are or were high up in government who, allegedly, wanted Dr. Maybaum's head on a platter?

**Mr. Zwozdesky:** Mr. Speaker, I'm so glad the member said "allegedly" because I don't know if that was the case.

What I do know is that the issue that gave rise to this particular doctor writing was mental health capacity in Calgary. It's true that initially there were plans for the south Calgary health campus to build a self-standing pavilion for mental health; unfortunately, that wasn't able to be done. But what is being done is that 33 additional beds are being provided there. Thirteen of them are brand new additional capacity, and that should help.

**Mr. Anderson:** I didn't think he would know, Mr. Speaker, so two questions. First, do you feel it is important for Albertans to know which person high up in the government made and directed these threats? If so, does the Health Quality Council have the power to subpoena those identified by Dr. Maybaum to find the answers? Or are you counting on the goodwill of those who said these things to just kind of come forward and admit to these threats on their own?

**The Speaker:** That's three questions in one.

**Mr. Zwozdesky:** Mr. Speaker, the fact is that the Health Quality Council, in setting its own independent terms of reference, added a section called patient advocacy, and that is an open invitation for anyone to come forward, even those issues that go back many, many years, which, I suspect, is where this one comes from. I would welcome those people to come forward to the Health Quality Council, where these issues can be aired and addressed.

**Mr. Anderson:** I'm sure he'll welcome them, Mr. Speaker, but he can't compel them. That's the point. Given that this minister knows full well that only a public judicial inquiry has the power to subpoena witnesses and compel evidence, will he now call a full, judicially empowered public inquiry, that can use its subpoena powers in order to verify these threats, identify those involved if they occurred, and restore confidence to the public that their health care system isn't being run by a gang of goons and bullies?

**Mr. Zwozdesky:** Mr. Speaker, I don't know why this member is going against his own leader, who on March 11 said words to this effect: I do believe that the work of the Health Quality Council should proceed. That's what we're championing, that that work should proceed. They will invite whomever they wish. They will appoint whomever they wish to do the inviting, and I'll bet they get a very high turnout of participants.

**The Speaker:** The hon. Member for Calgary-McCall, followed by the hon. Member for Grande Prairie-Wapiti.

### Residential Building Code

**Mr. Kang:** Thank you, Mr. Speaker. Last week the Minister of Municipal Affairs suggested that the municipality of Wood Buffalo was responsible for responding to the Penhorwood condo issue. To the Minister of Municipal Affairs: instead of putting all the blame for the situation on the municipality, will the minister admit that his own failure to introduce corrective legislation in a timely manner was a contributing factor?

**Mr. Goudreau:** Mr. Speaker, the issues in Fort McMurray are centred on the approval process and the quality of work there. We're certainly not aware of any issues regarding the content of the building code, but if it shows in the future that the building codes are somewhat at fault, then we would review that as part of our ongoing reviews of building codes. If there is a need to change the building codes, then we're prepared to look at that.

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

**Mr. Kang:** Thank you, Mr. Speaker. I think we have been doing the reviews for too long.

If the minister could speak to the condo residents, who got just 15 minutes to collect their belongings, would he still hold the same rosy view of Alberta construction standards that he has been putting out in this Assembly?

**Mr. Goudreau:** Mr. Speaker, we will continue and we are continuing to take steps to improve residential construction. We are working on a very solid long-term approach that includes things like enforcement and education, some consumer protection and recourse to deal with concerns about buildings.

2:30

**Mr. Kang:** To the minister again. Since the minister keeps dodging questions about assisting Albertans affected by shoddy construction practices, will he at least acknowledge that the Safety Codes Act gives him broad powers to act in these cases and that he could do something now if he wanted to?

**Mr. Goudreau:** Mr. Speaker, you know, just as an example, we're leading the country and we have led the country in making building code changes. One particular example: we led the country in terms of the high-intensity residential fires. We tend to be ahead when it comes to that.

When it comes to municipal inspections, you know, there certainly is a need to look at that aspect. Municipalities are responsible and mandated to do the inspections because they've got better reach and they can do more inspections if required.

### Career and Employment Services for Youth

**Mr. Drysdale:** Mr. Speaker, the Youth Connections program was cancelled for the province. Since then many people, organizations, and private-sector representatives have asked about what will happen when the program ends in the Grande Prairie region at the end of June 2011. My questions are to the Minister of Employment and Immigration. What arrangements are being made to ensure that the 8,000-plus youth per year who are currently being served in the local Youth Connections office will continue receiving comparable services?

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

**Mr. Lukaszuk:** Well, thank you, Mr. Speaker. These young people will continue to receive comparable services. This ministry has 59 offices scattered throughout this entire province. We will be providing them with comparable services except that instead of out of stand-alone Youth Connections offices or locations for Youth Connections, we will be doing this out of our offices.

Also, Mr. Speaker, our young people now acquire a lot of information via social media and webcasts and podcasts, and we will be reaching out to them that way as well.

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

**Mr. Drysdale:** Thank you, Mr. Speaker. To the same minister. Questions have been asked by members of the Grande Prairie region about the timing of the cancellation of the Youth Connections program. Were local Youth Connections offices consulted as to the depth and breadth of services they provided and as to best practices when working with this client group?

**Mr. Lukaszuk:** Well, Mr. Speaker, the timing is not coincidental. This government has made a commitment to have its operating budget balanced, which means that many ministries had to take somewhat of a haircut.

The fact is that the unemployment rate is dropping. Alberta is in second place. Even though young individuals still experience higher than average unemployment rates, job opportunities are becoming more available. We will continue serving them and matching them with employers through our existing offices throughout the province.

**Mr. Drysdale:** Mr. Speaker, given the limited capacity of the remaining services available to youth in the region, is there a potential to look at other career and employment options for youth, especially those identified as youth at risk as they might pertain to the Grande Prairie region?

**Mr. Lukaszuk:** Mr. Speaker, we routinely review our programs, and we see what is the best way in which to deliver a program not only to a young person but to any Albertan. If we identify groups of young people that are not reaching out to our regular 59 offices or if we find that they require a different, a more innovative way of receiving services, we definitely will be open to it. At the end of the day our federal funding has diminished, our provincial funding has been curtailed, and this is the result.

#### **Bonuses for AIMCo Employees**

**Mr. MacDonald:** By law the minister of finance is responsible for the Crown corporation AIMCo. The 2010 AIMCo annual report disclosed in a rather convoluted way that bonuses of \$14.3 million were granted for the 2009 calendar year. My first question to the minister of finance: why is underperformance rewarded at AIMCo with multimillion-dollar bonuses totalling over \$14 million?

**Mr. Snelgrove:** Mr. Speaker, underperformance is not rewarded. As a matter of fact, AIMCo is working very, very well on behalf of the people of Alberta. If the hon. member wanted to check comparable bonus structures anywhere else in the investment climate in the world, he would find that the management of AIMCo are being very prudent with the amounts of and the requirements for the bonuses that are paid to their employees.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. Given that target bonuses at AIMCo are being paid for value-added of less than one-quarter of 1 per cent, why are bonus targets set so low? They can't fail.

**Mr. Snelgrove:** Mr. Speaker, look at what they accomplished at the end of the year. Look at what they've put in the back. They're performing now at about a 7 and a half per cent rate. Leo de Bever has done a lot of good work attracting very talented people who want to come and live in Alberta, bring their expertise. He's paying them well below the scale of Toronto or the New York markets, and they're performing very well in a very modest fee structure.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the same minister: why are there no stakeholder representatives from the pension plans or from your own government now on the AIMCo Board of Directors?

**Mr. Snelgrove:** Mr. Speaker, we work for these pension funds. They present to AIMCo what they want to accomplish with their funds. They may identify investments that are off base for them – they may be ethical investments or green investments – and then AIMCo goes to work to get the very best return for these pension funds. The board is staffed by some of the most talented financial advisers in the world. That's who I hope Albertans would want looking after their money.

**The Speaker:** The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Edmonton-Riverview.

#### **Healthy Food Choices**

**Mr. Benito:** Thank you very much, Mr. Speaker. Health Check is a food information program of the Heart and Stroke Foundation of Alberta. Food companies and restaurants voluntarily submit products or menu items to be evaluated by the foundation. It sounds like an excellent program, but I have some questions for the Minister of Health and Wellness. First, what assurance can you give that this new program will receive ongoing support, not one-time support, Minister, as is often the case?

**Mr. Zwodzesky:** Well, Mr. Speaker, the first assurance I would give this member is that in addition to the \$560,000 that I spoke about over the weekend and at the press conference on Friday, I've just augmented the funding by another \$340,000 for the Heart and Stroke Foundation, who are doing a tremendous job with this program.

The second point is that this specific program is mentioned in our five-year health action plan as a long-term commitment. So we will be there today, and we will also be there tomorrow to ensure that whatever help possible gets to the Heart and Stroke Foundation and to the restaurants who are participating.

**Mr. Benito:** To the same minister: how will we know if this program is accomplishing its goal of making healthier food choices?

**Mr. Zwodzesky:** Mr. Speaker, we'll see some consumer surveys that will yield some important information. We hope to see a growth in the number of restaurants who are participating with the red circle and white check mark inside it that tells you it's a Health Check food item. Thirdly, we'll know by the number of people going to restaurants and using these particular menu choices. Today we have SAGE Savouries, a food company here in

Edmonton, that is participating, and we have 13 Husky restaurants across Alberta. That's already a good indication that it's working.

**Mr. Benito:** To the same minister: given that healthy food choices are only one part of wellness, why aren't you promoting other areas like physical activity programs, for example?

**Mr. Zwozdesky:** Mr. Speaker, the short fact is that we are promoting other aspects of wellness because we know that healthy food choices is an important one, but it's only one. We are promoting better knowledge and awareness of what it takes to be healthy, including the food items that are talked about. We're also doing a program called Communities ChooseWell, which has activity as one of its central points. We're also promoting and funding a program called healthy school community wellness fund, which is about active living and positive mental well-being. The Department of Education is also working hard with us on the Healthy U campaign. So we have a number of ministries that are focused on a lot more than just eating.

#### **Municipal Zoning Exemption for Universities**

**Dr. Taft:** Mr. Speaker, my questions are to the Minister of Advanced Education and Technology. As I explained last week, this government's legislation gives a handful of Alberta universities complete exemption from all municipal zoning, including traffic and parking, density, design, and everything else. No developer, no private citizen, and no business gets this remarkable privilege. Will the minister please explain this week what he didn't explain last week, which is: what is the justification for this policy?

**Mr. Weadick:** Well, Mr. Speaker, I appreciate the question. It centres around the legislation under which those universities were created. That legislation has been in place for many, many years. In fact, the University of Alberta was created around the same time as the province. At that time certain rights and privileges were given within those universities, which is consistent with universities across Canada and in other parts of the world.

**Dr. Taft:** Well, Mr. Speaker, given that it's not consistent with legislation across Canada – in fact, it's not even consistent with legislation in Alberta – let's pursue this issue. Since NAIT, MacEwan University, and all other postsecondary institutions in Edmonton do just fine without this exemption, why does it still exist for the University of Alberta?

2:40

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. It also exists for the other residential universities in the province of Alberta. Our colleges and technical institutes are developed under other legislation, and they fall under the Municipal Government Act in areas of planning and other things. So our colleges and technical institutes do fall within that legislation. As you know, MacEwan University and Mount Royal University were both created under that colleges legislation.

**Dr. Taft:** Mr. Speaker, this is going to be a long debate. I am asking the minister to justify this law. Saying that this law is justified because it's the law is not an answer. What is the justification for a complete exemption by the universities of Alberta, Calgary, and Lethbridge from all municipal zoning? Why do they get the privilege?

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

**Mr. Weadick:** Well, thank you, Mr. Speaker. I know this is an issue within the riding in Edmonton because of south campus and that there have been some discussions around access to programs and to projects being built. We believe that the university in Edmonton continues to work with the city and with neighbours to ensure that that facility is being developed in the best interests of both the city and the neighbours as well.

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

#### **Job Preparedness in Northern Communities**

**Ms Calahasen:** Thank you, Mr. Speaker. Pardon me. I almost fell over.

Alberta Employment and Immigration announced closures of three Alberta Job Corps sites in the northwest and will continue to close them all in my understanding. Alberta Job Corps has provided numerous people with the opportunity to develop employment skills, particularly in the trades, and helped them get jobs. My question is to the Minister of Employment and Immigration. Where are unemployed Albertans going to get the supports they need so that they can . . .

**Mr. Lukaszuk:** Well, Mr. Speaker, I'm glad to know that the hon. member is falling over me. That's really good.

Mr. Speaker, we have made a decision to make sure that adequate services are provided. In some parts of the province we have facilities that could be better utilized by Advanced Education to allow Albertans to develop skills and certificates in areas such as welding and other professions, but we continue to be committed to providing Albertans with foundational learning as we have in the past.

**Ms Calahasen:** Mr. Speaker, just like all men, he wishes.

To the same minister: now that you're taking away the tools to help many people prepare for the workforce, what are you intending to do to replace that preparedness which has worked so well in the past?

**Mr. Lukaszuk:** And I shall continue wishing, Mr. Speaker.

I will tell you that foundational learning is very important to individuals that perhaps haven't had a chance to be fully engaged in employment, and there are many different means by which we can provide foundational learning. Even though the responsibility for Job Corps has now been transferred, the facilities have been transferred to Advanced Education, where they will be able to better utilize those facilities, in many cases very expensive, well-equipped facilities. We will provide foundational learning in more appropriate settings through more appropriate vendors.

**Ms Calahasen:** As much as I'd love to keep . . .

**The Speaker:** Aw, come on. No more preambles.

**Ms Calahasen:** My last question is to the Minister of Advanced Education and Technology. Are you co-ordinating with the Minister of Employment and Immigration to ensure that colleges like Northern Lakes can access that equipment so they can increase access to postsecondary education, especially in northern communities?

**Mr. Weadick:** I'd like to assure the member that we are working together to ensure that programs are available in northern communities. We know it's critically important to have training available, and these facilities are extremely fine facilities. A good example would be in the community of Slave Lake, where the facility that

has been mentioned will be transferred to Campus Alberta, to Northern Lakes College. They're going to deliver carpentry and welding programs for the students there and continue the good work of Campus Alberta.

**The Speaker:** Hon. members, 19 members were recognized today. That was 114 questions and responses.

We have one additional business, though, arising out of the question period last Thursday. The hon. Minister of Municipal Affairs would like to supplement an answer. That will allow the member who was involved with the minister to raise an additional question. The hon. minister.

#### Telecommunications Tower Siting

**Mr. Goudreau:** Well, thank you, Mr. Speaker. I just want to clarify a comment that I made last Thursday during question period, and that was to questions from the Member for Calgary-North Hill. I indicated to the member that I was still waiting for a response from the federal government. In fact, I had received an answer from the hon. Tony Clement, the Minister of Industry, whereby he did indicate to us that land-use authorities – and that's concerning the telecommunications towers – are encouraged to facilitate the implementation of radio communication services by establishing their own consultation process for the siting of antenna systems. I just wanted to put that on the table.\*

**The Speaker:** Okay. Hon. Member for Calgary-North Hill, if you wish, you have a question.

**Mr. Fawcett:** Thank you very much for the information. I don't have any further questions.

#### Members' Statements

**The Speaker:** Hon. members, we have seven today. Because of the time we're going to proceed immediately.

The hon. Member for St. Albert.

#### Safe Digging Month

**Mr. Allred:** Thank you, Mr. Speaker. April has been designated in many jurisdictions across the continent as Safe Digging Month. Alberta has one of the most comprehensive and complex systems of underground infrastructure, that provides the essential electricity, natural gas, communications, water, and sewer to our homes, businesses, and industries.

Today's society depends heavily on the safe operation of all these buried facilities, which are estimated to span more than 1 and a half million kilometres within Alberta, including 400,000 kilometres of high-pressure pipeline. We are always one improperly conducted ground disturbance away from a fatality. These countless transmission and production lines can be just a few feet below the surface. Failure to call before you dig is the most frequent cause of facility damage.

The Alberta Damage Prevention Council is dedicated to minimizing damage caused to underground facilities from unauthorized contacts and is mandated to promote safe working environments for all agencies involved in development and construction. When an individual or organization is planning any ground disturbance, they must contact Alberta One-Call in advance of the construction to have all buried pipes, cables, and other facilities marked on the ground to ensure that they do not come into contact with those facilities, causing damage to the

facility and/or danger to themselves. There's no cost for the service. Costs are all borne by the individual utility companies.

For something as simple as planting a tree, putting up a fence, or installing a mailbox, call 1-800-242-3447. Call at least two working days before you plan to disturb the ground. Then Alberta One-Call will notify the buried-facility operators, who will then mark their facilities. Only then can you safely dig.

It's better to be safe than sorry. Be safe. Call Alberta One-Call before you dig. Safe digging is no accident. Next week being constituency week, I challenge members to take this message back to their constituencies.

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

#### Kirti Kumar Sherman, 1939 to 2011

**Dr. Sherman:** Thank you, Mr. Speaker. After a life full of joy, love, happiness, and hope, yesterday, Sunday, March 20, my father, Kirti Kumar Sherman, completed his journey at the age of 73. He is survived by his loving wife of 54 years, Santosh, his four sons, and nine grandchildren. He is predeceased by his sister Vijay and survived by his sister Krishna and numerous relatives and friends.

Born in Sakruli, a humble village in Hoshiarpur, Punjab, India, the son of Pandit Bal Mukand and Parsini Devi, my father was an accomplished state-level athlete and soccer player. He graduated with a master's degree in political science from Punjab University, where he studied with India's Prime Minister Dr. Manmohan Singh. He was politically active and became dear friends with President Giani Zial Singh. He went on to become a schoolteacher and in 1965 emigrated to Vancouver, Canada, in search of a better life for his young family.

He worked as a mailman in Prince Rupert, a prison guard at Oakalla penitentiary, and held numerous jobs at the mill in addition to being a member of the volunteer fire department and union rep for the IWA at the Weldwood lumber mill in Squamish, B.C., until his retirement.

He comes from a family of public servants. As a 17-year-old his father arrived in Canada in 1906 and took a leadership role in B.C.'s lumber industry, India's freedom movement, and as a supporter of Prime Minister Mackenzie King. Dad's grand-uncle Munshi Ram was a passenger aboard the *Komagata Maru* ship in 1914, an unfortunate incident in Canadian history for which Prime Minister Harper apologized.

His finest qualities were honesty, integrity, and hard work. He will be remembered for his jovial nature and sense of humour and commitment to his family. He instilled in his children the same values that his parents instilled in him, the duty to serve. He had a deep and abiding love of life and for all the people within it. He'll be dearly missed by his family and all those who came to know him.

My family and I would like to thank Edmonton EMS, all the health care staff, including his nurses and doctors, for the excellent and compassionate care that he has received over the years and ask Albertans to make a donation to the Heart and Stroke Foundation.

Dad, we thank you for all you've done for us. We love you and bid you farewell. May God bless you.

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

2:50

#### Ward of the 21st Century

**Ms DeLong:** Thank you very much, Mr. Speaker. Many in this Assembly have heard me talk about the amazing health research happening in Alberta, and today I'd like to tell you about an amaz-

\*See page 429, left column, paragraph 4

ing place where health research is being put into action, Calgary's ward of the 21st century at the Foothills hospital.

Mr. Speaker, the W21C, as it's fondly known, is where health care providers, researchers, and innovators work together to test new products and ideas for improving care. What makes this facility special is that it's also a real, functioning medical unit where doctors and nurses help patients every day.

The ward of the 21st century gives researchers and innovators an opportunity to test how new approaches to care and new technologies can work in a real health environment. Right now the ward is home to more than 20 active projects supporting this priority, projects like specialized computer keyboards that limit the spread of infection and mats that allow caregivers to continually monitor pressure points that are a primary cause of bedsores.

This unique facility allows health care providers and patients to interact with tomorrow's tools of medicine and improve upon made-in-Alberta health innovations, and that makes it something all of us as Albertans can be proud to call our own.

Thank you, Mr. Speaker.

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

#### East Calgary Health Centre

**Mr. Amery:** Thank you, Mr. Speaker. I rise today to recognize the recent opening of the east Calgary health centre in the eastern quadrant of the city. The centre opened last fall, and residents of Calgary-East are very appreciative of the new facility because of the essential services it provides to the whole community.

The highly dedicated health team at the east Calgary health centre provides standard public checkup examinations and other services such as chronic disease management, language, addiction, and mental health services, just to name a few. In all, more than 30 different clinics and programs are available at the facility. I must concede that it would be even better if there was an emergency centre attached to the facility, but having this new 75,000-square-foot site still provides many very essential services under one roof.

New health centres are made possible through the five-year funding plan put forward by the Ministry of Health and Wellness, which allows for continued access to high-quality health care services throughout the province. Mr. Speaker, the east Calgary health centre is truly a great model of community-based health care as well as a facility that works for patients, the staff, and the community. The government of Alberta has taken into account the diverse needs of all Albertans and has strategically invested in the health system to support patients and communities to stay healthy, and the opening of the east Calgary health centre is a wonderful example.

Mr. Speaker, looking forward, it would be ideal, again, if an emergency centre could be added to take the pressures off the hospitals as well as provide such essential services locally.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Calgary-North Hill.

#### State of the Health Care System

**Mr. Fawcett:** Thank you, Mr. Speaker. The rhetoric in this House over the last several weeks has caused me to think very seriously about how lucky we are as Albertans. This is because what I've been hearing from Albertans does not match the health care apocalypse being espoused by the opposition here in the Assembly.

For example, I've recently spoken to a constituent who shared the following story with me: on March 10 I went to the emergency room of the Rocky View hospital in Calgary; when I arrived at the hospital, the triage nurse took my blood pressure, which at that

time was 195 over 120; I was immediately taken to a bed and within moments was being monitored by several nurses and a doctor; my wait time was under five minutes, and the care I received was excellent.

Just to show me that this story was not an exception to the rule, she followed up with this story, Mr. Speaker: during the H1N1 outbreak my son, who is a type 1 diabetic, had a fever of 40 degrees Celsius, and his blood sugar was around 22; normally the level is 5.5; after calling Health Link, I was advised to take him to emergency; we waited about 10 minutes in the ER before being seen; he was stable and home in about four hours with Tamiflu.

Mr. Speaker, also, on Sunday I had the chance to visit my grandmother at the new Michener Hill Village seniors' home in Red Deer. Wow, what a great facility, and the staff there are providing great care. My grandmother, despite some health-related issues and the natural uneasiness of having to move from a familiar situation at the age of 86, is very happy with her surroundings. However, I was appalled last fall when certain hon. members of the opposition and special-interest groups attempted to exploit the uncertainties and fears of seniors making this transition to this facility, all in the name of political gain.

Mr. Speaker, there's no doubt, even with the evidence of all the good things happening in health care today, that we do have challenges. However, I can stand here today with more conviction and say that the rhetoric of the past several weeks has not contributed even one bit to improving our health care system.

Thank you, Mr. Speaker.

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

#### Pigeon Lake Ice Golf Tournament

**Mrs. McQueen:** Thank you, Mr. Speaker. This past Saturday, March 19, Jim and I had the pleasure of attending the ice golf tournament in Mulhurst Bay on picturesque Pigeon Lake in my constituency of Drayton Valley-Calmar. It was an absolutely wonderful day to get outside and have a great time with family, friends, and constituents, with over 145 registered golfers. This annual tournament is a popular event for many who live in the area, and this year was the 15th annual tournament, which made it even more special.

The unique 18-hole course was carved out of ice and snow on Pigeon Lake. The tournament was fun for all ages, with a Texas scramble. The golf tournament was supplemented by a delicious dinner, an awards presentation, and a silent auction. There were many prizes, trophies, and raffles, which were a great deal of fun for the more competitive golfers and those of all ranges of abilities who just wanted to come out and have a good time. I am not sure how, but our team managed to come in second, and I know it was not my skills but those of my fellow teammates.

For those who wished to enjoy the day in Mulhurst Bay but were not avid golfers, there were family sleigh rides on the lake, concessions on the beach, and restaurants to sit down and enjoy a bite to eat.

I would like to thank the Pigeon Lake Regional Chamber of Commerce for putting on this fantastic event and the entire community of Mulhurst for hosting it. I was proud to be a part of this event as the whole community pulled together to support this event from several local businesses and volunteers.

Everyone had a great time enjoying the warmth of spring, fun and exercise in the outdoors, and fellowship with golfers and their neighbours. Special thanks to all the golfers who participated and to City TV and the *Pipestone Flyer* for coming out and promoting our event.

Thank you, Mr. Speaker.

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

### Pythagorean Theorem

**Mr. Elniski:** Thank you, Mr. Speaker. The hon. members for St. Albert, Edmonton-Beverly-Clareview, Edmonton-Manning, and others are likely all very familiar with Pythagoras and his theorem, which states that the sum of the squares of the sides of a right triangle are equal to the square of the hypotenuse. As a quick refresher, the hypotenuse is the triangle's longest side, the legs being the other two sides, which meet at a right angle. This theorem, as most will recall, can be written as an equation relating to the lengths of the sides  $a$ ,  $b$ , and  $c$ , and thus we have the Pythagorean theorem of  $c^2 = a^2 + b^2$ .

This theorem and its rather intimidating moniker is nothing more than the elegant and universal 6-8-10 rule, which skilled tradesmen use every day to square a wall, calculate the length of a stair stringer, or commence a boundary survey of real property. It is such a beautiful and flexible thing that you do not have to simply stick to 6-8-10. You can use any division or multiplication of this sequence. For example, 3-4-5 or 12-16-20 can also be used.

Pythagoras died in 500 BC, but his rule influences us today, about 2,500 years later. Even today we have direct evidence that the work of Pythagoras was accurate. His law has stood the test of time, and it is comforting to know that there are things that are reliable and can be spoken of with absolute precision. I find this a rare thing, Mr. Speaker.

Our work in this House is not based on such reliable laws as Pythagoras but, more likely, upon *Beauchesne's Parliamentary Rules & Forms*, section 494, which begins, "It has been formally ruled by Speakers that statements by Members respecting themselves and particularly within their own knowledge must be accepted" and ends by saying, "No imputation of intentional falsehood is permissible. On rare occasions this may result in the House having to accept two contradictory accounts of the same incident." There we have it, Mr. Speaker, proof that freedom exists for members of this Assembly to take contradictory positions, even with themselves, whenever they find it convenient to do so.

Thank you.

3:00

**The Speaker:** Hon. members, our standing orders read, 7(7) . . .

**Ms Blakeman:** Mr. Speaker.

**The Speaker:** Yes. Sit down.

. . . "At 3 p.m. the items in the ordinary daily routine will be deemed to be concluded and the Speaker shall notify the Assembly," and the Speaker is notifying the Assembly.

Now the hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Speaker. I had sent a note to the Speaker earlier requesting that I be acknowledged because I would like to ask for the unanimous consent of the Assembly to waive Standing Order 7(7), which is the one that has us proceed immediately at 3 o'clock and which the Speaker just read out. We have other business to conclude in Routine, and I would appreciate the support of the Assembly with unanimous consent to complete the Routine today.

**The Speaker:** The hon. Member for Edmonton-Centre has asked that the Assembly declare unanimously its desire to waive 7(7) so that we may continue the Routine. I will ask the question so that it will allow only one answer, and the question will be the follow-

ing: does any member oppose the waiving of Standing Order 7(7), allowing us to go back to the Routine? If so, simply say no.

[Unanimous consent denied]

**The Speaker:** We did have a point of order, though, and it's always been my practice to deal with points of order, so we'll deal with that. The hon. Member for Edmonton-Riverview.

### Point of Order Factual Accuracy

**Dr. Taft:** Thank you, Mr. Speaker. I called the point of order on the Minister of Health and Wellness, and I will cite our standing orders plus *Beauchesne*. The sections of the standing orders that are relevant are 23(h), (i), and (j) and particularly 23(h), which refers to making allegations against another member. Two passages in *Beauchesne*: the first paragraph I want to refer to is 417, "Answers to questions should be as brief as possible, deal with the matter raised and should not provoke debate," and as well *Beauchesne* 97, which I think is quite powerful. It says:

The Speaker has stated: "While it is correct to say that the government is not required by our rules to answer written or oral questions, it would be bold to suggest that no circumstances could ever exist for a prima facie question of privilege to be made where there was a deliberate attempt to deny answers to an Hon. Member, if it could be shown that such action amounted to improper interference with the Hon. Member's parliamentary work."

With those in mind – and I can come back if you like, Mr. Speaker, to *Beauchesne* 97 because it's so powerful – I thought, first of all, I would briefly set the context and then address my concern. The context was around a series of questions concerning the intimidation of medical staff who work in my constituency. One in particular had raised concerns about being stifled and intimidated when they raised their own concerns about how the syphilis outbreak was being handled or, as it were, mishandled by this government. That provided the general context.

I think it's important to note that I'm quoting the particular expert here. His name is Dr. Stan Houston, a globally recognized specialist. He said just the other day, quote: How are our syphilis rates doing? They're not improving at all after five long years. End quote.

My question specifically concerned a report – and I don't know if I need to table this, Mr. Speaker, because it is a government of Alberta report – dated December 2010. It's titled *The Syphilis Outbreak in Alberta*, and it's from the office of the chief medical officer of health.

Now, the minister alleged I had not read a different report, the five-year action plan, as he calls it. In fact, Mr. Speaker, I have read it, and I am aware of two things. First of all, the five-year action plan was actually published before the report called *The Syphilis Outbreak in Alberta*, so it's logically not possible that the five-year action plan would have addressed a report that came out after the five-year action plan was made public. I think it's also worth noting that the five-year action plan does not ever refer to the word "syphilis," and when it addresses sexually transmitted diseases, it does so in a very cursory and brief manner, just a few short lines as opposed to this long, multipage, and very detailed report that came out after the five-year action plan.

I think it's worth noting that *The Syphilis Outbreak in Alberta* report makes a couple of crucial, indeed, Mr. Speaker, life-and-death statements. I will quote from page 1.

In Alberta in 2009, there have been seven confirmed cases of infants born with congenital syphilis; another six infants remain

under investigation. By contrast, in 2009 there has been one case of congenital syphilis reported in one other Canadian province.

That gives you a sense of how far out of standards Alberta is with all the rest of the country. I did raise that in my question, and that's what's motivating my question.

Then this report also goes on and gives several pages of recommended actions. It says, and I quote from page 5, "Our response needs to be bold, innovative and compassionate." Then it addresses a recommendation to reduce the risk of getting the disease. It has subrecommendations: educating populations at higher risk, exploring more innovative ways to promote condom use, reducing transmission through screening and early prophylactic treatment. It addresses sex trade workers, aboriginal communities, examples of other screening and prophylactic treatment opportunities, and it addresses tracking infected individuals and partner notification, improving access to STI services province-wide, and finally . . .

**The Speaker:** Please. Please. I have now permitted nearly eight minutes. I'm still waiting to try and determine what the point of order is. That eight minutes to rise on a point of order is an inordinate amount of time to begin with. Points of order are not to be used to continue debate in a subject. I would like to know what the point of order is, please.

**Dr. Taft:** I did mention partway through, Mr. Speaker, the justification for my point of order: the allegation by the minister that I had not read and should have read the five-year action plan is simply untrue. He made a false statement against me. Beyond that, *Beauchesne* 97 says, "While it is correct to say that the government is not required by our rules to answer written or oral questions, it would be bold to suggest that no circumstances could ever exist for a prima facie question of privilege." I didn't raise a privilege, but I could have.

**The Speaker:** No, sir. Please. You misunderstand the intent of these points of order. Sorry, but, due respect, we understand what the point of order is. The point of order has to do with a member of the Assembly saying that you did not read something. Is this correct?

**Dr. Taft:** Mr. Speaker, that's part of it. The other part is that he did not address the issue, and as a point under *Beauchesne* 97 that's an unfortunate offence of the tradition.

**The Speaker:** Yeah. Okay. I understand that.

Government House Leader, do you want to participate in this?

**Mr. Hancock:** Well, thank you Mr. Speaker. I don't believe there's a point of order there. With respect to the first point – and I did pick up that that was what the hon. member was concerned about – that there was an allegation that he wasn't doing his homework or that he hadn't read the five-year action plan, the minister may well be within his right to have assumed that given the nature of the debate. But as you have said many times in this House, an hon. member is to be believed, and the hon. member did say that he has read the five-year action plan. I think that takes care of it.

On behalf of the minister I would be prepared to apologize to the hon. member for an insinuation that he didn't read it when he has clearly said that he did read it. That will leave aside any question of whether he understood it or whether or not it had any relevancy, and we can get into a discussion in another place on that particular topic at some appropriate time.

### 3:10

The question that's most important here, though, is the very important question that the hon. member raised about the outbreak of syphilis in Alberta and what's happening about it. The minister did say – I heard him respond to that question today as I heard him respond earlier – that there is a plan in place, a campaign to alert Albertans to the seriousness of this issue. In fact, I think that today in the Blues it will show that he indicated that the public relations campaign will be in doctors' offices but also in bars and other public places. So the issue with respect to whether this government is taking the issue of the syphilis outbreak seriously I think was very clearly answered by the hon. minister.

If the hon. member is really talking about what took place two or three or four years ago relative to the question, that may be another question that he may want to raise at another time, but clearly the gist of what I heard him ask today was: are you taking this very important issue seriously? Clearly, the answer was that we are.

**The Speaker:** Thank you. I'm going to repeat what I said earlier. The purpose of points of order is not to continue debate. I heard a withdrawal or an apology. That almost in all cases deals with the matter, so that matter is finished.

I also, though, want to make some clarification, and I ask the hon. Member for Edmonton-Gold Bar to return to his seat. If hon. members would look at *Hansard* on March 17, 2011, at page 433, I wish to point out to all members that I am guilty of mishearing something, and I want to make sure that the record and *Hansard* actually have it clarified.

There was an exchange on Thursday last when the Government House Leader stood up and the Member for Edmonton-Gold Bar was speaking. The hon. Government House Leader said that he was rising on a point of order. I was listening, I thought attentively, and I thought I heard the hon. Member for Edmonton-Gold Bar say: there certainly is a point of order. What the hon. Member for Edmonton-Gold Bar said was: "There certainly isn't a point of order." I heard the "is" but not the "n't." Then I got up a little later and I said: well, both members agree that there was a point of order. Then there was an exchange about the hon. member's mother, and I had some fine words to say about her.\*

I just wanted to clarify in the *Hansard* that the hon. Member for Edmonton-Gold Bar did say, "There certainly isn't a point of order," when I thought he said: there certainly is a point of order. I want the *Hansard* to read that because I don't want some archaeologist 4,000 years from now to come in here and, you know, get totally confused about what happened.

That clarifies that.

## Orders of the Day

### Written Questions

[The Clerk read the following written questions, which had been accepted]

#### Jackfish Oil Sands Wellhead Failure

Q1. Ms Blakeman:

How much oil was spilled as a result of the wellhead failure at Devon Energy Corporation's Jackfish oil sands site, which sent a plume of bitumen-laced, high-temperature steam into the air for nearly 36 hours on July 10 and 11, 2010?

\*See page 433, left column, paragraph 10

### Previous Wild Rose Foundation Grants

- Q2. Ms Blakeman:  
Which groups that previously received funding from the Wild Rose Foundation but were no longer able to receive funding after the program was cut were unable to obtain similar funding through publicly funded grant programs such as the community initiatives program?

### Land Expropriations

- Q11. Ms Blakeman:  
How many times and under what circumstances has the Lieutenant Governor in Council authorized expropriation of land under section 9(2)(h) of the Alberta Land Stewardship Act?

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

### Occupational Health and Safety Prosecutions

- Q6. Mr. Chase asked that the following question be accepted.  
How many occupational health and safety cases has the Ministry of Employment and Immigration sent to the Ministry of Justice with a recommendation to prosecute for each of the years 2003 to 2010?

**Mr. Chase:** Thank you, Mr. Speaker. I believe the hon. Minister of Employment and Immigration would like to read his amended proposal.

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. Indeed, the member is correct in his presumption.

I move that Written Question 6 be amended by striking out “cases has the Ministry of Employment and Immigration sent to the Ministry of Justice with a recommendation to prosecute for each of the years 2003 to 2010” and substituting “investigation files has the Ministry of Employment and Immigration sent to Alberta Justice between 2003 and 2010 for its review to determine whether the evidence supports laying charges.”

Mr. Speaker, the reason I'm doing this is that it should be well known to all members of this Assembly but also to all Albertans that all a ministry from which an investigation arises can do is lay the information before the Crown prosecutors' office. It is unbiased information that is deemed to be factual by the investigators. Then having reviewed not only the evidence put before them but also the applicable law, it is the Crown prosecutors' office, in isolation from the Minister of Justice and in isolation from the minister for whom an investigation arises, that makes the ultimate determination whether charges will or will not be laid. In this case the question suggests that somehow this minister influences the Crown prosecutors' office in whether they should or should not lay charges, and that simply would be misleading in its question.

**The Speaker:** If I recognize the hon. Member for Calgary-Varsity, that in essence closes the discussion and the debate on the amendment. Does any other member wish to participate before I call on the hon. Member for Calgary-Varsity?

Then you, sir, close the debate on the amendment.

**Mr. Chase:** Thank you very much, Mr. Speaker, for this opportunity to discuss the amendment. I am aware that there is a different responsibility for the Ministry of Justice and the Ministry of Employment and Immigration. I'm also aware that in the past year only nine files were sent along for the ministry to potentially

prosecute whereas at the same time in Saskatchewan 47 files went forward from the labour ministry to the Minister of Justice for prosecution. I understand what the Minister of Employment and Immigration is saying in terms of what his responsibilities are versus those of the Ministry of Justice. However, my concern is that it's up to the Minister of Employment and Immigration to forward files, and if the Ministry of Justice doesn't receive the files, they can't then go forth and prosecute.

However, to the minister's credit, I appreciate the fact that he will be supplying the information indicated in his amendment to my written question, and I'll look forward to receiving that information.

[Motion on amendment carried]

**The Speaker:** We've got discussion and debate here now and a motion as amended. Additional speakers?

Should I call on the hon. Member for Calgary-Varsity to once again close it all or call the question?

**Mr. Chase:** Thank you. Speaking to the motion as amended, while it does not distinguish between the rules of the Ministry of Employment and Immigration and the authority of the justice system, it is up to the minister to decide which cases he thinks should be sent along based on hazards, injuries, and deaths at a workplace. The information that he's willing to provide will be of some help, and therefore I am accepting the amendment because to not do so, Mr. Speaker, would mean I would have nothing.

[Written Question 6 as amended carried]

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

### Bitumen Royalty in Kind Program

- Q7. Mr. Hehr asked that the following question be accepted.  
What are the monetary values attributed to bitumen, per grade per barrel, for each company included in the Alberta bitumen royalty in kind program?

**Mr. Hehr:** Well, thank you, Mr. Speaker. I'm asking the government to provide some very important information. I find that this would be very pertinent for us in the opposition to have as at this time we are moving forward with great speed on our Alberta bitumen royalty in kind program. I for one find it a very good program that we should in fact be capitalizing on, possibly expanding. Getting the information of which companies are taking part and what the amount is of the value-added materials we are getting from this bitumen royalty in kind program could really serve my purposes as Energy critic. It would be very helpful

3:20

If you look at where we are today, we're still upgrading roughly about 67 per cent of our bitumen here in this province. In my view, we should continue ramping that up. If we just stay where we are today, even with the announcement of the North West upgrader project, if we just stay with that one project, even with what's going on up at the Suncor plant, we could be back in a situation where we're only upgrading 60 per cent of our bitumen here in this province within 10 years if we don't continue to work on striving to produce more of this bitumen, which, in my view, is very important to this province's future, maximizing every dollar we can get out of this one-time gift. If you want to take a look at oil and gas resources in that view, we should look at maximizing what they can do for the Alberta people.

That's what the Alberta bitumen in kind program could and should do. Hence, getting this information from the government

would be very important for me. For instance, we can look at whether we can stimulate other companies to take part in this, whether it be a suggestion from the opposition on how to incent the marketplace or whether we are talking about, with the Minister of Energy, whether there is, in fact, right now an open place in the marketplace where possibly some government investment in an actual upgrader may actually be wise at this time and to have that discussion and debate.

If we look back to a situation like it was in 1970, when Premier Lougheed started the Alberta Energy Company, is it time for us to do that with an Alberta bitumen company? I don't know, but it's something to be discussed and something where this information would go a great ways towards enhancing the opposition's knowledge and at the same time, then, enhancing all Albertans' knowledge on this very important issue.

Those are my comments, and I'd wait to hear the government's response to this matter.

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

**Mr. Denis:** Thank you very much, Mr. Speaker. I'm rising today on behalf of the hon. Minister of Energy with a few points that I'd like to make with respect to this particular question to the Member for Calgary-Buffalo. First off, bitumen values in the market fluctuate on a daily basis, just like pretty much every other commodity on the open market. Another issue is that we're still developing administration of the bitumen royalty in kind program and that the process of how we implement this is the focus of the current consultation with the industry. Over the course of this year we will continue to develop the rules and regulations of implementing the BRIK program, and I can assure the Member for Calgary-Buffalo that Albertans will receive the best value for their particular resource.

We must also keep in mind that the information on bitumen valuation provided to us from specific companies would be considered confidential information pursuant to the Mines and Minerals Act of this province.

Mr. Speaker, we can't really answer this member's question, and I would suggest that we respectfully reject it. In the meantime, in order to get a sense of the market values for bitumen, I would respectfully advise this member to check out publicly available data with respect to the western Canada select and Lloydminster blend heavy crude prices. In fact, the Minister of Energy has offered to send him a note outlining some websites that publish that information.

**The Speaker:** Hold on, hon. member. If I recognize the hon. Member for Calgary-Buffalo, that closes the debate on this matter. Is any other member wishing to participate?

Then the hon. Member for Calgary-Buffalo to close the debate.

**Mr. Hehr:** Well, I thank the hon. member for the comments given on behalf of the Minister of Energy, and I can say that I'm disappointed. I think I outlined a reasonable case why the opposition should have this information and should be privy to it at all times. Yes, I guess there probably is some opportunity for me to gain knowledge on what the price of bitumen oil is, but whether I would have the knowledge of the government on who exactly we've made contracts with, who exactly we have accepted bids for, and who exactly we are doing the upgrading at, that is information that they would have.

Further, I understand that there was some reference to the Mines and Minerals Act and how this would somehow be classified information. I don't accept that. This would really be one of those cases, in my view, where the information could be provided very

easily. I think that referring to some obscure passage in the Mines and Mineral Act that may apply to this information, that should be readily available to members of this House, is simply borderline ridiculous. I think this information should be provided, in particular on something that is going to affect Albertans going forward for a long period of time.

In my view, the traditional oil and gas sectors are on their decline and, in fact, on their way out of production. If you look at what we've done over the last 40 years, what you can say is that we've significantly found a way to spend every last dime of fossil fuel resources that has come into this Legislature's hands. For better or for worse, I think we've got to get a handle on how we manage that resource in the future to try and get some sort of long-term, sustainable mechanism that recognizes this is a one-time opportunity to maximize a resource for the Alberta people.

One of the ways to do that is through the bitumen royalty in kind program. I think it's an excellent program that the government has come out with. I think it can lead to development of an upgrader industry here in Alberta, that we can upgrade more bitumen, but in order for the opposition to do its job, to provide maybe some options for the government to do something, to maybe lead a public debate on it, to discuss it reasonably and rationally, we need some of this information. On that front I'm disappointed that the government didn't give the information right now, but at the end of developing these rules and regulations, I will again, if I am so honoured to be in this Legislature at that time, put another request on the Order Paper, and maybe the information will be forthcoming at that time.

[Written Question 7 lost]

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

#### Requests for Exclusion from a Course of Study

Q9. Mr. Hehr asked that the following question be accepted. How many times have parents requested that a student be excluded from instruction, course of study, educational programs, or the use of instructional materials under section 11.1 of the Alberta Human Rights Act since the section came into force on September 1, 2010?

**Mr. Hehr:** Thank you very much, Mr. Speaker. In the course of my time here in this honourable House there have been few debates that have really, I guess, assumed the public's attention or even this honourable House's attention like Bill 44 did and the changes that were made to the Alberta human rights act, which essentially recognized gay and lesbian rights as being protected under our human rights code and enshrined them and listed them. That's something we had not done since the Vriend decision – I believe it was 1997 – that actually mandated us to do so by the Supreme Court of Canada. For some reason unbeknownst to me this government didn't move very quickly on that. We did in Bill 44 enshrine that piece of the legislation.

At the same time we brought in, in a little bit of a backhanded way, some restrictions on what, in fact, is going to be taught in our classrooms. I believe the wording of this section was: any time that sexual orientation was discussed in the classroom. This in our view was one of those terms that it was unfortunate to use when terms like human sexuality would have covered it off just fine. Nevertheless, given that it was Alberta, given that in our view there was a divided caucus and there were some members in caucus who believed that there may have been a difference in what sexual orientation is, we believe that was part of the reason that that came up.

3:30

Also, we on this side of the House believe that this bill interferes with learning opportunities as they arise in the classroom. For instance, when the topic of human sexuality comes up as a one-off, this will stifle the ability of a classroom teacher to sort of deal with the matter and to hear a reasoned and measured approach to how these things should be dealt with.

One of the arguments we put forward at that time was that there were going to be, possibly, large numbers of parents writing in requesting they be excluded from instruction, course of study, or educational programs because of the changes to the human rights act, which in our view would not be very conducive to a learning opportunity. In fact, in a day and age like we are discussing today, when Alberta should be moving forward with the protection of human rights or recognition that all citizens regardless of race, religion, or sexual orientation should be respected and that there should be no difference that occurs, whether in our human rights legislation or in the way we deal with that in our classrooms, that should be an affront to any people in this province, and this government should lead the charge on it.

That's why we're asking for this information, because at the time we believed that many requests would be forthcoming. The government assured us that very few requests would be forthcoming. This is the time for us to see what, in fact, has happened. Hence, we request this information, and I look forward to a response.

**The Speaker:** The hon. Government House Leader and Minister of Education.

**Mr. Hancock:** Thank you, Mr. Speaker. At this time I would indicate on behalf of government that we are rejecting this request. There are a number of reasons for that. First of all, I would postulate that there haven't been any. I can't guarantee that, but I would suggest that anecdotally that would be the case. But the actual answer to this question is that there is no way of knowing. We don't collect that kind of information. We don't ask school boards to collect that kind of information.

In any event, it would be difficult to know whether or not a request was done under the human rights act or not given that the provision in the human rights act was put in which allowed people to have access to the Human Rights Commission with respect to any concerns about not having been informed and being allowed to exempt their student from teaching under the issue of religious instruction or religion or human sexuality. I believe that is the way it's referenced in the act: human sexuality.

The fact of the matter is that in each of those cases those were practices which were already under way in the Alberta education system. Under section 50 of the School Act parents have the right to have their children opted out of religious instruction. Under the policies with respect to discussion of potentially controversial topics parents have always had the right to be informed of any instruction with respect to human sexuality and to opt their child out of that. So to be able to say that there has been a request under the human rights act when there was always the opportunity to request under those acts and they haven't been labelled would be a very, very difficult issue.

In fact, I can say to the hon. member that the net effect, if there has been one, of the amendments of the human rights act under Bill 44 in this particular area is that we have requested that school boards put in place a more formalization of the process that had been engaged in on a more informal basis; in other words, that there be a standardized way of advising students or parents with respect to times when there was religious instruction or instruction

with respect to human sexuality and of their right to opt out and that each board put in place a process relative to any appeal or concern that was raised by a parent relative to a failure to do so.

While there have been some discussions with school boards relative to how to ensure that they were following appropriate processes in the event that there was ever a concern relayed to the Human Rights Commission, we do not and we have not requested that school boards keep track of particular requests. We never have asked for that. Quite frankly, it's contrary to the process that we've undertaken. We in a time of fiscal restraint, as we should at any time, have gone through value reviews and gone through processes whereby we're asking school boards to not do things that don't add value. We're cutting out a number of areas that we're asking school boards to report to us on with respect to various things if we don't think that they add value. So it would not be our intention to ask school boards to report on this.

This is simply a functional matter which continues a practice that has long been a practice in this province, that parents can opt their children out of religious instruction and instruction with respect to human sexuality. That will continue to be the practice, but it's not something that is of such significance or importance with respect to the process that we would ask school boards to keep statistics on it or report them to us.

**The Speaker:** The hon. Member for Calgary-Varsity on this particular written question.

**Mr. Chase:** Yes. Beyond a doubt, Mr. Speaker, as a teacher for 34 years who taught, amongst other subjects, human sexuality, it was a clear-cut circumstance. Parents were sent home information that human sexuality would be taught on such-and-such a date in the classroom. We usually had a parent meeting beforehand so that they could get a sense of what it was within the human sexuality program that would be referenced.

However, when it comes to the areas of religion and sexual orientation, it's a different ball game altogether. It appears to me from the hon. Minister of Education's response that if you don't ask, you're not going to hear the answer. Bill 44 threw what I believe was a significant wrench into the workings of day-to-day teachers.

With regard to religion, Mr. Speaker, part of my grade 7 social studies curriculum was world religions, and I would talk about the potential number of people who practised a particular religion in a geographic location throughout the world. Obviously, I wasn't promoting a particular religion, but my ability or the ability of a grade 7 teacher currently teaching to handle topics on religion could potentially be compromised by a parent objecting to that child being made aware that there are religions beyond the religion that their particular family practised. Is the teacher supposed to stop his discussion? Where does he put the child who isn't interested in the fact that there are other religions in the world? Are they supposed to be sent to the library? Does that then become the librarian's responsibility? Or does the child stay home for that day? This is part of the confusion. If you think religion and the teaching of religion causes potential confusion, imagine what happens with sexual orientation.

Bill 44 in one sense, as the hon. Member for Calgary-Buffalo recognized, brought in the front door the recognition of the Vriend case of sexual orientation equality for transgendered, lesbian, gay, and bisexual individuals. But then, on the other hand, it said that it's potentially objectionable for any references to sexual orientation to be taught in the school system. In other words, it was institutionalizing prejudice against people whose orientations were potentially different from that of other individuals in the class.

3:40

Mr. Speaker, quite often it can occur as early as elementary school, but by the time junior high hits and by the time high school comes around, a person becomes extremely aware of their sexual orientation and their attraction either to the same sex or the opposite sex or, as in the case of bisexuals, to both. This Bill 44 basically marginalized further those individuals that it was set up to recognize.

Calling for this information was an attempt to track what was happening at the classroom level. Obviously, Mr. Speaker, the government lobbed this grenade into the classroom but wasn't interested in finding out what effects of this grenade occurred. If you don't look and you don't ask, you're obviously not going to see and you're not going to hear. While I find the answer of the hon. Minister of Education unacceptable, I hope that teachers are bringing forward their concerns to their various boards of education. I am grateful that to date no cases have been brought before the quasi-judicial Human Rights Commission for decision because how they would arrive at a decision based on Bill 44 creates an impossible circumstance.

Thank you, Mr. Speaker, for allowing me the opportunity to respond to Written Question 9 by the hon. Member for Calgary-Buffalo.

**The Speaker:** Are there others who would like to participate before I call on the hon. Member for Calgary-Buffalo?

The hon. Member for Calgary-Buffalo to conclude the debate.

**Mr. Hehr:** Well, thank you, Mr. Speaker, for an opportunity to close the debate on Written Question 9. I, too, would join in echoing the hon. Member for Calgary-Varsity's sentiments. It's almost beyond belief that the government hasn't tracked what has happened as a result of Bill 44. As I brought up earlier, we spent hours debating that bill both on our side and the government side. I thank the government members for participating in that debate.

I remember that one of the things that was most contentious was, rightly or wrongly, our contention that including the reference to sexual orientation in the new human rights act unnecessarily, we say, to really highlight some things that were going on that had no business being referenced in human rights legislation – one of the things that was referenced was the fact that we thought this was going to disturb classrooms and the ability to teach human sexuality unnecessarily. The government in response got up and said that we were crazy, that we were on a rant, that we had misjudged this piece of legislation, and that we had no reason to fear that education may be being compromised in Alberta.

When you don't even bother to track something, that's when I get worried. We look at this bill, and really the answer by the hon. Minister of Education was very disappointing to me. The government didn't even bother to track the information from what was passed in Bill 44, a bill that I look on at the end of the day as offensive to our gay, lesbian, and bisexual communities, one that was brought in as a backhanded slap to that community. It was done for those reasons, and I stand by that statement.

I also believe that it made things difficult for our teachers in this province unnecessarily. The information could have been brought very easily to disprove what I've just said by the hon. Minister of Education tracking this information. He could have got up today and said: "Well, hon. Member for Calgary-Buffalo, you were off your nut. You were crazier than a sack of hammers back then when you were arguing that this would interfere with Bill 44 because we tracked these results, and we found that there was going to be no interference with the classrooms." That information could have been presented here.

Nevertheless, now that we've brought it up, I'll ask the government to maybe look into this and to see whether Bill 44 has unduly caused any duress in our classrooms and, in particular, for members of our community who are possibly suffering as a result of Bill 44 unnecessarily including the words "sexual orientation" in there when it had no business being included in human rights legislation.

I thank you for the opportunity to close debate. I look forward to the government trying to track this information and, hopefully, when they arrive at a new leader, possibly looking back at Bill 44 and redoing that piece of important legislation.

Thank you very much, Mr. Speaker.

[Written Question 9 lost]

#### Alberta Creative Hub

Q10. Mr. Chase asked on behalf of Ms Blakeman that the following question be accepted.

What is the current position with respect to funding and staffing of the Alberta Creative Hub corporation, the non-profit organization incorporated to develop and oversee the Alberta creative hub project, and what is the construction schedule for the project?

**Mr. Chase:** I look forward to the government's response.

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

**Mr. Denis:** Thank you very much, Mr. Speaker. I'm rising on behalf of the hon. Minister of Culture and Community Spirit. On behalf of the minister as aforesaid I'd like to reject written question 10.

The Alberta Creative Hub is a project under the auspices of the Alberta Creative Hub corporation. It's a part 9 nonprofit corporation pursuant to the Companies Act, which was formed to build and operate Alberta's film, television, and interactive media facilities being planned for in Calgary. The corporation was formed in December of 2009 by Calgary Economic Development, and questions relating to the funding and staffing of the corporation as well as to the construction scheduled for the project should be directed to the corporation itself.

I would urge members to reject this motion.

**The Speaker:** If I recognize the hon. Member for Calgary-Varsity, this closes the debate. Proceed, please.

**Mr. Chase:** Thank you, Mr. Speaker. The government does a considerable amount of appointing of positions to associations, boards, and commissions. The government provides subsidies to a number of organizations and is involved in the governance of the organization. The government is suggesting that my hon. colleague should go directly to the Alberta Creative Hub corporation to find that information, and I gather that because the government isn't willing to proceed further, a FOIP request will probably be provided to the organization.

I'm sure the hon. minister of housing, probably more likely the minister of community supports, will receive a rewritten question talking about how much funding and what role in governance the Alberta government has for the Alberta Creative Hub corporation, but that is an argument for another day.

Obviously, we're disappointed, Mr. Speaker, but I know we need to move on.

[Written Question 10 lost]

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

### 3:50 New Home Warranty Program

Q12. Mr. Chase asked on behalf of Ms Pastoor that the following question be accepted.

What was the budget surplus, number of claims filed with, and number of claims approved by the Alberta new home warranty program for the 2009-2010 fiscal year?

**Mr. Chase:** Thank you, Mr. Speaker. This question was asked in the name of transparency and accountability. Sometimes a statement is worth less than the paper upon which it is printed. We have raised numerous issues in this province about houses and condos that are falling down because of a lack of government regulation and legislation, and what the Alberta New Home Warranty Program for the 2009-2010 fiscal year is suggesting is: don't worry; this is an insurance policy that will cover any defective construction, any problems that were not picked up in inspections.

Now, when people buy a home, they're assuming that the builder has followed all the regulations set out by the government, but if the regulations, Mr. Speaker, are insufficient, how can an approval take place?

The government has denied the information requested, which is extremely specific. It's for one year, 2009-2010. It's asking for the budget surplus, the number of claims filed, and the number of claims approved by the Alberta New Home Warranty Program. In other words, what we're looking for from the government is governance over this program, protection for individuals purchasing homes, whether condos, apartments, or houses.

I am looking forward to hearing the government's response because it seems like a rather straightforward request having to do with the quality of construction and the value of what, basically, appears to be either an insurance or, at the very least, an assurance program.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Minister of Service Alberta.

**Mrs. Klimchuk:** Thank you, Mr. Speaker. In response to the written question, as the Alberta New Home Warranty Program is operated by member home builders as one of the five that are operated across Alberta, this is an independent organization, and we do not collect this kind of information through the government. I'd respectfully suggest that the member contact the Alberta New Home Warranty Program and request this information directly from them.

**The Speaker:** Hon. Member for Calgary-*Buffalo*, did you want to participate?

**Mr. Hehr:** Well, yes, please.

**The Speaker:** Go ahead.

**Mr. Hehr:** I thank the hon. member for her answer, but frankly I find it somewhat misguided for her department not to be collecting this information. Simply put, this is information that the government could use, that could actually look into building practices, whether people are satisfied with what is going out, and actually look to creating some rules and regulations that actually protect individuals out there. Really, if you're not collecting this information, what information do you find relevant under your auspices or are you supposed to be in charge of? I find it a complete derogation of responsibility to not even bother to collect this information, but I'll leave that for another day. We'll put it on the record, and maybe they'll start collecting this information next year.

**The Speaker:** The hon. Member for Calgary-*Varsity* to close the debate.

**Mr. Chase:** Thank you. In closing the debate, Mr. Speaker, my concerns remain. This is the equivalent of: if a tree falls in the forest and there's no one to hear it, did it actually fall?

As was the case with the lack of collection of information with the Bill 44 question that was raised earlier, it appears that the government, as my hon. colleague from Calgary-*Buffalo* pointed out, doesn't seem to care about the collection of the information regarding the quality of home warranty programs in this province. That should come as a shock to Albertans, especially those that are contemplating or have recently purchased a home, that the government doesn't consider this part of their governance to track the quality of construction and the value, to what extent there is value, to the Alberta New Home Warranty Program. Builders are offering this as a program, an insurance program. What is it worth?

Well, unfortunately, Mr. Speaker, as you noted in calling me to close the argument, we're not going to know the answer from the government. We'll request, as the government has suggested, this information from the Alberta New Home Warranty Program individuals. But governance, building code, fraudulent practices: that all falls under the auspices of the government, and I suggest that they're not doing their due diligence in being able to, first, be interested in compiling this information and then in providing it to us.

Thank you, Mr. Speaker.

[Written Question 12 lost]

### Motions for Returns

[The Clerk read the following motions for returns, which had been accepted]

#### Calgary Airport Trail Tunnel

M1. Mr. Kang:

A return showing a copy of all reports, studies, financial forecasts, and any other materials prepared for Alberta Transportation regarding the construction of the proposed Calgary Airport Trail tunnel.

#### Government Air Transportation

M2. Mr. Kang:

A return showing a copy of all detailed information, including flight records, final destinations, duration of stay, unscheduled stops, and a list of occupants on each flight, however recorded, stored, or archived, by electronic means or otherwise, that relates to the operation and usage of any provincially leased or owned aircraft from January 1, 2009, to December 15, 2010.

#### Alberta Creative Hub

M4. Ms Blakeman:

A return showing copies of documents relating to the participation of the Ministry of Culture and Community Spirit in the development of the Alberta creative hub, including documents created by or submitted to the ministry to assist in the ministry's decision to provide funding for the project.

#### Adult Inmate Population

M10. Mr. MacDonald:

A return showing copies of documents supporting the statement in the 2009-2010 annual report of the Ministry of Solicitor General and Public Security that Alberta's adult inmate population is expected to grow by 23 per cent between 2010 and 2015.

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

### Nuclear Power

M3. Mr. Chase moved on behalf of Mr. Hehr that an order of the Assembly do issue for a return showing copies of all correspondence between Bruce Power and the government regarding proposals for nuclear power in Alberta for the time period between January 1, 2006, and February 20, 2011.

**Mr. Chase:** Thank you, Mr. Speaker. The reason for bringing forth this motion is that Bruce Power has been lobbying the government over the years that we have requested information for with regard to the potential of building a nuclear facility in northern Alberta in the Grande Prairie area. Obviously, given the disastrous events that have recently occurred in Japan, Albertans are justifiably nervous about the potential benefits versus drawbacks of nuclear power, including the disposal of nuclear waste.

I am aware that the current hon. Minister of Energy has indicated that he hasn't directly participated – at least, our current Minister of Energy has not had direct discussions with Bruce Power, but our question goes back to January 1 of 2006. I may stand to be corrected by an hon. member of the government opposite, but to suggest that Bruce Power isn't on the lobbyist registry or has not had any contact with the government I would find surprising.

4:00

If, in fact, there has been contact, whether it's government initiated – and you've heard my expression: if the government comes courting, there's no reporting. I cannot believe that there has not been some type of contact. What we're asking for is the nature of that contact.

Thank you, Mr. Speaker.

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

**Mr. Denis:** Thank you very much, Mr. Speaker. I recognize well that there are many good researchers over in the Official Opposition caucus office. One of the said researchers thinks that they're a big expert when it comes to FOIP, but what we have here by this opposition is nothing more than an attempt to use the rules of this Assembly to bypass the established FOIP process. In the fall of last year there was a similar request from this said opposition.

Mr. Speaker, this process exists for many reasons, which I will not belabour this House with today. Just a couple of them: one of them is to ensure that proprietary information is protected while also ensuring that the public has open access to government information. In this case this member is requesting all public correspondence received in government related to a specific industry regarding nuclear power.

Mr. Speaker, this is a fishing expedition. I think that the FOIP process is an appropriate filter to apply to this request as it safeguards all parties. On that basis I'm recommending that we reject this particular motion. The FOIP process is designed to create a balance between the rights of an individual to privacy but also the flip side of that coin. We don't want to just engage in a fishing expedition over these particular items.

In my previous life as a trial lawyer quite often the judge would say: "This is a fishing expedition. We need some more evidence, and we need some more proof before we give you this particular order." This, in particular, Mr. Speaker, is no different and simply is going too far. I'd request every member in this Assembly to please reject this motion.

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

**Mr. Chase:** Yes. Thank you, Mr. Speaker. The hon. minister of housing misinterpreted what we're asking for. It says: "copies of all correspondence between Bruce Power and the government." You're referring to correspondence between the public and, potentially, Bruce Power or the public and the government. Also, you were alleging that this was an end run to somehow avoid the \$35 fee or whatever it's become for a FOIP request. That belittles the whole notion of concerns that Albertans have with regard to progress in establishing the potential for nuclear power in this province.

For the government to suggest that this is just an opposition end run puts all of the concerns of Albertans, especially those located in the northern location close to a fault line, where the initial nuclear power station was suggested to be built – it suggests that somehow we're Chicken Littles for bringing up a concern that has become a very dramatic concern given what's happened in the Fukushima precinct in Japan.

Now, it's kind of like the children's game Go Fish. That's basically what the minister of housing has said to us as opposition, that this is information privy only to the government. In the name of transparency and accountability and the concerns that Albertans have over the potential development of nuclear power, it's a rather sad response.

I'm sorry that we haven't received the very limited information that we requested from January 1, 2006, to February 20, 2011, a span of approximately five years.

[Motion for a Return 3 lost]

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

### Foundation for the Arts Grant Programming

M5. Mr. Chase moved on behalf of Ms Blakeman that an order of the Assembly do issue for a return showing a copy of any assessments of the new Alberta Foundation for the Arts structure for grant programming that was introduced in April 2010 following the foundation's program evaluation.

**Mr. Chase:** Thank you, Mr. Speaker. This is a pretty straightforward request. We've had the Alberta Foundation for the Arts grant programming taking over from previous programming that the Alberta government has provided. There's been an overall reduction in grants, and that has been previously brought up in question period. Considering that we're almost into April 2011 and that it's taxpayer money that is involved here as well as lottery funds, an accounting of that money and the value of the assessment program of Alberta Foundation for the Arts to me seems like a very reasonable request. It's very time specific. It's basically: how has the program been evaluated over the last year? I don't understand it. It doesn't fall under the proprietary information that has been used as an excuse before. This is an extension of the ministry of culture.

I wait to hear, Mr. Speaker.

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

**Mr. Denis:** Thank you very much, Mr. Speaker. I guess both the hon. member opposite and I are becoming a bit of an expert on a couple of these other ministries today.

All witticisms aside, I do have to recommend rejection of this motion. The member has asked for a copy of any and all assessments of the new grant program structure for the Alberta Foundation for the Arts. The program changes resulting from the Alberta Foundation for the Arts program evaluation have not in fact been fully implemented. I'm not sure if he was aware of that or not. Those program changes that have been implemented have been in place for less than one year.

With respect to all members of this Assembly, Mr. Speaker, my submission is that that is simply not enough time to warrant the conduct of a formal assessment. I'm not saying that this would be rejected at a later date, but at this time I would have to urge all members to reject this motion because, at the very least, it is premature.

**The Speaker:** The hon. member to conclude the debate.

**Mr. Chase:** Yes. Thank you. To close, Mr. Speaker, we're talking about significant sums of money, in the millions of dollars. We're talking about an organization that has existed for almost a year. Transparency and accountability are key to myself, to Alberta taxpayers, and to members of this House.

Mr. Speaker, I take my membership in Public Accounts very seriously. This is an accounting question. I also have a responsibility as vice-chair of the policy field Standing Committee on the Economy. As a teacher I was required to provide updates to parents formally four times a year. For the government to say, "Well, we've only had a year to evaluate, and we were not able to do it," again, I find that answer unsatisfactory, and I think other Albertans would as well.

[Motion for a Return 5 lost]

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

#### 4:10 **Electronic Monitoring of Offenders**

M9. Mr. Chase moved on behalf of Mr. MacDonald that an order of the Assembly do issue for a return showing copies of documents providing analysis of the cost-effectiveness of electronic monitoring of offenders in Alberta as discussed in the 2009-2010 annual report of the Ministry of Solicitor General and Public Security.

**Mr. Chase:** Thank you very much, Mr. Speaker. I do want to note that today is kind of a 50-50 game when it comes to accepted written questions and motions for returns from the government. I am pleased that basically 6 out of 12 have been provided, and I thank the government for that. I'd just like to increase their batting average.

Mr. Speaker, I was at the University of Calgary when the former Minister of Justice who is now seeking the position as leader of the Progressive Conservative Party in Alberta and, in so doing, seeking the premiership was at the University of Calgary when this particular program was revealed. I also was at the University of Calgary because it's in the constituency that I represent. Anything that would prevent harm from occurring to individuals, male or female, regardless of age is obviously, we would hope, of value. Now, the number of times restraining orders have been put out to no effect indicates the need, the potential need at least, for electronic monitoring.

Again, this information was introduced over a year ago, and hopefully some analysis of the cost-effectiveness of this program is forthcoming because, obviously, if we're not getting dollar value, then why would we be continuing the program? Mr. Speaker, my assumption is that this program was brought in because other methods of tracking individuals had failed. I would think this would be one the government would not only want to answer but would want to boast about, the effectiveness of the electronic monitoring of offenders program.

Mr. Speaker, I'm not a lawyer. I was a teacher. But the right of an individual to be out of a jail circumstance or a remand centre, to have certain rights providing they don't interfere with other people's rights, is extremely important. Monitoring would allow an individual to a large extent to go about their day-to-day business without providing a threat to the individual whose circumstance led to their having to be monitored in the first place.

Mr. Speaker, I won't prolong. I'll listen to the answer. Hopefully, this gives the hon. minister an opportunity to provide details to this House and onto the record as to the effectiveness of this program.

Thank you, Mr. Speaker. I look forward to the government's response.

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

**Mr. Oberle:** Thank you so much, Mr. Speaker. I'm pleased to rise and join the debate and, by doing so, move a motion to amend Motion for a Return 9.

Mr. Speaker, I would like to move that Motion for a Return 9 be amended by striking out the words "providing analysis of the cost-effectiveness" and substituting the words "pertaining to the effectiveness." The amended order would thus read: "copies of documents pertaining to the effectiveness of electronic monitoring of offenders in Alberta as discussed in the 2009-2010 annual report of the Ministry of Solicitor General and Public Security." Mr. Speaker, the hon. Member for Calgary-Varsity used those very words in his closing sentence, which was a great segue to the motion for amendment.

Now, if the members are truly seeking cost effectiveness, I can give it to them right now. It costs, Mr. Speaker, about \$12 a day to electronically monitor an offender. Obviously, the program is cost effective. The question is not whether it's cost effective; it's whether it's effective. So by changing the wording of the motion, I will actually be able to provide the member with more information about the actual effectiveness of electronic monitoring. I think that's what he's seeking, Mr. Speaker.

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

**Mr. Chase:** Thank you. I want to thank the hon. Solicitor General and Minister of Public Security because we're after the same end, and that's protecting people. You've also provided the information of the low cost of this particular device, so I would suggest that it's cost effective. I would look now to the results that you've indicated you will provide, and I thank you for providing them.

[Motion on amendment carried]

**The Speaker:** Any further speakers, or should I call the question?

**Hon. Members:** Question.

[Motion for a Return 9 as amended carried]

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

[Mr. Cao in the chair]

**The Chair:** The chair would like to call the Committee of the Whole to order.

#### **Bill 201 Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011**

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

**Mr. Chase:** Thank you. In speaking to Bill 201, Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011, I'd like to begin, Mr. Chair, by recognizing the calmness and the decorum that is present in the House this afternoon. I'm not only very pleased to be on duty with my hon. colleagues from Calgary-Buffalo and from Calgary-McCall, but I'm extremely pleased with the explanations and the co-operation provided by the government. In some cases information was withheld, but in other cases very direct attempts were made to provide information important to Albertans.

Now, Mr. Chairman, when we first were presented with Bill 201, I indicated my support for increasing individual organ donations. I talked about a number of circumstances where organs could be harvested without causing a problem to the individual. We had members talking about bone marrow transplants and blood donations. Some members I think mentioned that they were up to a hundred in terms of their donations. I haven't reached that lofty goal yet, but I'm a regular contributor. Primarily, the bill had to do with that in the event a person was deceased, their organs could be harvested within a time period that would allow them to be used by other individuals, obviously suffering.

4:20

Mr. Chair, one of the areas that I pointed out that to me would best accomplish this intent without any punitive actions being taken was the establishment of an electronic chip-implanted health card, where an individual could provide the information to the government that they were willing upon their untimely death to have whatever needed to be harvested, whether it was ligaments, whether it was organs, whether it was skin tissue. To me, as well as improving the donation of organs, this would also provide a type of portable, substantiated health record which would not be easy to copy and would provide security in health records as well as indicating an individual's desire upon their demise to continue to contribute to society by having their organs continue to operate within an individual.

I have a concern that our health cards are not secure. When I was first elected, back in 2005, the concern was that there were three times as many health cards in circulation as there were Albertans for whom they were supposed to provide access to health and information. I support the notion of improving the donor card. I've described a method that I believe would achieve that improvement, and that's an electronic chip, nonreproducible health card, that would secure information as well as provide it. The first responders would clearly be able to identify this particular card because it would be of at least the same quality and substance as our current driver's licence, it would, hopefully, with the electronic chip be less liable to fraud or counterfeiting, and it would achieve the point of Bill 201, which is to increase donations.

Mr. Chair, I am supportive of Bill 201 minus the punishment part, where people could still get health cards but not with the same assistance and timeliness as is currently available. To me we could achieve that two-birds-with-one-stone qualification by making all health cards electronically viable through a secure card that we would carry on our persons and assist with donation.

Thank you, Mr. Chair, for this opportunity to support Bill 201.

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

**Mr. Sandhu:** Thank you, Mr. Chairman. I'm pleased to rise today in Committee of the Whole to debate Bill 201, the Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011. The intent of this bill is to increase organ donation in Alberta, and I believe that various sections of this bill achieve that

aim. However, I have heard concerns from both my colleagues and members of the medical community about section 22.1(2), so I would like to begin by moving an amendment.

**The Chair:** The hon. member is introducing an amendment, so we'll pause to give time to the pages to distribute the amendment.

Hon. Member for Edmonton-Manning, please continue on the amendment.

**Mr. Sandhu:** Thank you, Mr. Chairman. I am introducing this amendment in response to some of the concerns I've heard raised during second reading. This amendment reads that Bill 201, Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011, be amended as follows:

- A Section 3 is amended in the proposed section 21(h) by striking out "and the requirements for issuing certificates of registration".
- B Section 4 is amended in the proposed section 22.1 by striking out subsection (2).

In essence, this amendment removes a section of the bill that could potentially deny a health card to individuals if they refuse to make a clear choice regarding organ donations. It's not my intention nor is it within the spirit of my bill to deny health care service to anyone. In fact, I proposed Bill 201 to improve our health care system. I believe that this amendment will remove any concern people may have about these issues.

I would also like to take some time and attempt to answer some questions my colleagues may have about this amendment. First, there may be a concern that the amendment might remove the teeth from the bill or make it unenforceable. While I understand this concern, I would stress that this bill is about encouraging Albertans to make an explicit decision regarding their personal organ donor status. It is about creating discussion and encouraging people to talk with their families about their wishes.

Mr. Chairman, there is a great opportunity to increase the number of donated organs in Alberta. Without section 22.1(2) it is indeed possible that we might miss out on a few people who choose not to answer the question regarding their organ donor status, and we may not get a hundred per cent compliance. But even if we were to get 90, 70, or 50 per cent, this could equal a great number of donated organs, and it could equal a great number of lives saved.

The second concern I would like to address centres more on what this amendment does not do. During second reading there was a suggestion brought forward by several members that an organ donation choice be made on a driver's licence rather than a health card. Mr. Chairman, I agree with this proposal, and I think that would be a valuable next step to help push this issue further. However, I feel that this change would be too great for the scope of this bill; it may in fact change the intent agreed upon in second reading. Therefore, this amendment I am proposing today does not address this issue, not because I don't agree with it but because I think it falls outside of what this bill can do. My hope would be that another piece of legislation, either private member's or government, would be introduced to push the driver's licence idea forward.

4:30

Mr. Chairman, I believe that even without this suggested change the amendment that I am proposing today is valuable. I believe that it addresses the concerns that were brought forward in second reading, and I believe it ensures that the original intent of this bill remains intact.

With that, I will conclude my comments and urge all members of the House to support this amendment and to support Bill 201. Thank you, Mr. Chairman.

**The Chair:** On the amendment, the hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you. Yes, speaking to the amendment. The hon. mover of the amendment in part A took out “and the requirements for issuing certificates of registration” in section 3. I’m somewhat confused. The Alberta health card currently is a recognized certificate by the government, in general, that can be used as a piece of identity, the equivalent to a driver’s licence, when asked to produce two examples of who you are. So I’m not quite sure, taking this out, how it relates to that.

The striking out of subsection (2) does not deal with the concern, the punitive aspects. The hon. member was talking about whether you decide: I’m not donating or I am donating or I’m undecided about donating. I’m assuming that part of this amendment was to bring it down to potentially two choices from three. The part of the bill that I think still – if you want to have it closer to perfection, it’s removing the punitive aspects. I don’t believe that this amendment does that.

I’m hoping that there may be someone with greater legal understanding and background that can argue the case. I do see the hon. Member for Calgary-Nose Hill. He can potentially straighten me out on my certificate of registration misunderstanding if at all possible.

Thank you.

**The Chair:** Any other hon. members wish to speak on the amendment? The hon. Member for Strathcona.

**Mr. Quest:** Thank you, Mr. Chair. It’s a pleasure to rise today in Committee of the Whole to discuss Bill 201, the Health Insurance Premiums (Health Card Donor Declaration) Amendment Act, 2011, as amended. By explicitly asking Albertans to choose yes, no, or undecided regarding their organ donor status, Bill 201 intends to increase awareness and the overall number of donors in Alberta.

Once an Albertan turns 18 or if someone needs their health card reissued, they’d be asked to fill out the necessary questionnaire. Current health care card holders would not be required to update their organ donor status. Bill 201 does not apply to those under the age of 18 or to those unable to provide appropriate consent.

Mr. Chairman, while I believe the wording of this bill for the most part reflects its intent, certain sections do not support the member’s ultimate goal. That’s why I’d like to focus my comments on the amendment that the hon. member has brought forward and how I feel this amendment ensures that the integrity of the bill is retained. This amendment will alter the initial Bill 201 by changing the proposed section 21(h) by striking out “and the requirements for issuing certificates of registration.” Further, it will amend the proposed section 22.1 under section 4 by striking out subsection (2), “A certificate of registration shall not be issued to a person 18 years or older unless that person completes the declaration form referred to in subsection (1).” I believe that these are all important changes to ensure that the overall intent of Bill 201 is maintained.

Although Bill 201 requires Albertans to choose yes, no, or undecided when obtaining their Alberta health care card, some individuals may not wish to select one of the three choices. As the declaration form would be improperly filled out, under the current provisions of Bill 201 a certificate of registration may not have been issued. Although this would not impact the care that an Albertan would receive, withholding a certificate of registration such as a health care card is not the intent of this bill. The intent is to present Albertans with the question of whether or not they would

like to become organ donors and encourage them to explicitly make a choice.

Therefore, it’s appropriate to bring forward a provision that ensures that health care cards are still issued even if an individual chooses not to make a decision regarding their donor status. This would ensure that the bill still makes it so that the question is posed to every Albertan; however, there would be no penalty for not choosing. This would continue to encourage Albertans to make a decision and, hopefully, raise donation rates within the province.

Mr. Chairman, ultimately organ donors save lives. Unfortunately, there are more Albertans that are in need of donated organs than there are donors. Donation rates in other countries often far exceed those in Canada. There are nearly twice as many organ donors per million in the United States and triple as many in Spain. In fact, Canada has far lower numbers of consent rates than most North American and European countries.

I know that many of my constituents feel that organ donation is a very personal matter. An individual’s beliefs and personal experiences play an important role when deciding their donor status. Mr. Chairman, options are important, especially when dealing with topics such as organ donation. That’s why Bill 201 allows an individual to choose between yes, no, or undecided. Albertans are not being forced to become organ donors; rather, they’re being asked to think about what may be the best option for them and their family.

At present there are quite a few Albertans who have not filled out the back of their current Alberta health care cards. I’d encourage everybody here to do that now. If an unforeseen accident was to occur and a spouse or family member had to decide the donor status of their loved one, they may be unsure how to decide. Many of these types of complications and barriers are removed by Bill 201 as Albertans could clearly select their donor preference.

Organ donation can sometimes be a difficult subject. It’s based upon unfortunate events in life. However, it’s an important topic and perhaps should be discussed more frequently. Bill 201 aims to clarify an individual’s position on organ donation. Such clarification would prevent the wrong decision being made by a spouse or family member. This is only one example of many.

Mr. Chairman, there are many Albertans for whom organ donation is a matter of life or death, and I can only imagine the severe stress and anxiety for those waiting for a donation. Accidents happen, complications occur, and any one of us could require an organ donation. The same can be said for our loved ones. As a result, organ donation affects the lives of all Albertans. It’s not a topic reserved for a small segment of the population. One or more organ donors can save many more lives.

By allowing Albertans to select their donor status prior to receiving their Alberta health care card, Bill 201 hopes to create increased awareness of organ donation. As Bill 201 provides options for Albertans on donor status and seeks to improve the health of those in need of new organs, withholding a certificate of registration for not selecting yes, no, or undecided is against the spirit of this legislation.

That’s why, Mr. Chairman, I support the amendment that the member has brought forward. Bill 201 as amended would ensure that Albertans would receive their certificate of registration even if they forego selecting yes, no, or undecided as their donor status. The intent of the bill remains intact. With the amendments Albertans would still be asked to think about their organ donor status and decide what they feel is best.

As for those Albertans who feel strongly about their donor status, Bill 201 will provide a clear way to express their decision. Therefore, the amendments to this legislation are important, Mr.

Chairman. Through increased awareness, dialogue, and clarity Bill 201 could make Alberta a national leader in organ donation. Clearly, the amendments do not detract from Bill 201's initial goals.

4:40

I'd like to thank the Member for Edmonton-Manning for his efforts in promoting positive change with regard to organ donation. This bill does not force Albertans to become organ donors. If someone is unsure, there is an option of undecided. Additionally, the proposed amendments protect unsure Albertans who may feel uncomfortable choosing undecided. With the proposed amendments in effect, Albertans only stand to gain from this legislation.

Thank you, Mr. Chairman.

**The Chair:** On the amendment, the hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you very much, Mr. Chair. I'd just like to take this time to thank the hon. Member for Calgary-Nose Hill. The beauty of the committee process is that individuals, regardless of their political stripes, can more informally sit together and exchange information. The information that the hon. Member for Calgary-Nose Hill shared with me was very, very helpful.

He indicated that the primary reason for this amendment was simply to eliminate the potential bottleneck of somebody having to decide how they were going to send out the health cards. The three options were: yes, you can harvest my organs; no, you cannot harvest my organs; or at this point I'm undecided. That caused a bit of multiple-choice confusion, but then the most confusing part, Mr. Chair, was if you didn't check one of the three boxes.

What the Member for Calgary-Nose Hill has pointed out is that this is intended to streamline the process, get the health cards out more quickly. It doesn't necessarily address the punitive aspects, but it deals with the logistical nightmare of deciding who got to have their health cards and at what time. As such, I think it goes a considerable way in improving Bill 201.

Thank you, Mr. Chair.

**The Chair:** On the amendment, the hon. Member for Calgary-East.

**Mr. Amery:** Thank you, Mr. Chairman. I am pleased to rise today in Committee of the Whole to speak to the amendment on Bill 201 and on the bill as amended. I'd first like to thank the hon. Member for Edmonton-Manning for bringing forth this legislation. I know that the hon. member has put a lot of work into this bill, and I commend him for that.

Mr. Chairman, the topic of organ donation is an important topic, and the discussion we have had thus far has been very productive. While commenting on the amendment, I will comment on some of the more important amendments that this legislation will make to the Health Insurance Premiums Act. While this legislation does not make a lot of amendments to the Health Insurance Premiums Act, it certainly does make some important ones. As they say, the meat and potatoes of this bill as amended is that it will add section 22.1(1) to the Health Insurance Premiums Act which will state:

A certificate of registration shall include a declaration form concerning organ and tissue donation that specifies the following 3 options:

- (a) yes;
- (b) no;
- (c) undecided.

While other sections of the act are important and no doubt necessary, this is the part that most Albertans are going to hear about,

and I think it is worth while for me to explain briefly why I think that this section is significant.

[Mr. Mitzel in the chair]

I'm sure other members will want to comment on this section, so I will keep my comments relatively brief. However, before I can fully discuss section 22.1(1), we need to consider the definition of certificate of registration, which means:

- (a) a certificate of registration issued under this Act, or
- (b) any other document prescribed by the regulations as being a certificate of registration for the purposes of this Act or the Alberta Health Care Insurance Act.

While this section may sound complicated, Mr. Chairman, in the context of this act a certificate of registration essentially means an Alberta health care card.

Mr. Chairman, as discussed in second reading, we currently have the option of signing the back of our health cards if we wish to donate organs upon our death. This bill will change the current situation and give individuals three choices with respect to their wishes for organ donation. Of course, the obvious thing would be for there to be two choices, yes or no. However, I think the choice of undecided is an important one. After all, people should not be compelled to make a decision about organ donations. They may wish to think about the implications and possibly discuss the matter with their family. Having the undecided option allows individuals to opt out of making an explicit decision until they are comfortable with their choice.

Mr. Chairman, another benefit of having such a choice is that by choosing undecided, individuals are effectively leaving the decision to the discretion of their family. After all, it is impossible to know the circumstances of one's death, and an individual may wish to leave the decision up to a loved one. That way, the family can make a decision, taking into consideration the details of the situation. Ultimately, individuals could be aware that their family's wishes may vary depending on circumstances, and therefore they may wish to remain undecided.

Mr. Chairman, as well, some individuals might be genuinely unaware of whether or not they want to donate organs should they die. I am sure a lot of people don't know the exact details of organ donations, and they may have even heard conflicting opinions and concerns about organ donations from various credible sources. What I'm saying is that individuals may wish to find out more about the subject of organ donations before making their decisions, so it is prudent on our behalf to allow them to choose the undecided option.

Mr. Chairman, another important part of this bill is that it would amend section 21 by stating that the Lieutenant Governor in Council may make regulations

- (h) providing for any matter relating to the completion of declaration forms under section 22.1.

The main clause of this section allows for regulations to be made pertaining to any matter relating to the completion of declaration forms. In particular, this section is important because it will be determined in the regulations exactly how the question about organ donation is phrased. The particular wording is very important and can influence an individual's decision; therefore, it is important to be cognizant of this fact and work towards ensuring that the individual's personal desires are respected. So the fact that this bill as amended allows the Lieutenant Governor in Council to make regulations related to the completion of declaration forms is important so that we can maintain respect for Albertans no matter what their decisions may be.

Furthermore, we will need some time to evaluate the current system by which Albertans receive their health care cards in order

to ensure that the intended goals of this legislation are being met. As it stands now, individuals who need a card can apply in person or do so by fax or mail. Individuals need to provide proof of residency in Alberta, proof of identity, and proof of legal entitlement to be in Canada. Of course, Mr. Chairman, the logistics and costs of such a system are complicated, so it will take careful planning to ensure that we can adapt the system to reflect the changes proposed in this bill as amended.

Another potential complication, Mr. Chairman, is the fact that one partner may have to make the decision for the entire family when applying for a health care card. Some family members may have different thoughts on organ donation, or as children move into adulthood, they may wish to change their choices.

The extent to which such a system is electronic is also important as this could alleviate some logistical hurdles of having a paper-based system. Mr. Chairman, as the system stands right now, an individual cannot apply for a card electronically, but this might be something we want to look at if individuals wish to declare their wishes regarding organ donations without having to visit a registration centre or applying through the mail. Nonetheless, these concerns can be addressed in regulations, where we will consider the particulars of such a system. As such, I feel as though section 21(h) is an integral part of this bill.

Mr. Chairman, overall I feel the wording of Bill 201 as amended accurately reflects the intent. I look forward to hearing more input from my hon. colleagues here in Committee of the Whole discussion.

Thank you, Mr. Chairman.

4:50

**The Deputy Chair:** Any other members wish to speak to the amendment? The hon. Member for Calgary-Bow.

**Ms DeLong:** Thank you very much, Mr. Chairman. You know, I bet there isn't anybody in this Legislature who doesn't want more organs to be available to people who are sick and possibly even dying, but sometimes what seems most obvious to us in terms of a law coming forward can actually create the opposite of what we're trying to accomplish. I'm afraid that this is one of those situations. This amendment does not solve the basic problem of this legislation.

As has been discussed earlier, it turns out that it's actually the family. It's the family of the possible organ donor that actually makes the decision in the end, and sometimes those families hesitate. They hesitate. They're afraid that if they say yes, their loved one, who might otherwise somehow survive, is going to be disconnected and have their death caused by the actual moving forward and the ultimate harvesting of the organs. So there are people who, if they had a choice between yes, no, or undecided, might possibly put in no because they are afraid. You know, they might come from a foreign country where life isn't valued as much as it's valued here. They might be very, very uncomfortable and want to just put a no on there. The no is where our problem is with this legislation.

Right now everyone – everyone – in southern Alberta who could possibly donate their organs is donating their organs, okay? What happens is that if they haven't signed the back of their licence, it's a little bit more difficult to get approval from the family. If you have signed it, then it's much easier for the family to give their approval. If we had people who actually, because of fears, quite reasonable fears in their eyes, said no, legally we would not be able to approach that family to get approval. Right now we are getting 100 per cent of the possible organs donated, and with this legislation we would no longer have that option

available to us because of those noes. Those noes would essentially stop the process.

Even though I'm sure everyone here wants more organs donated, wants to make sure that all of those people out there whose lives depend upon getting organs get organs, by approving this, then we are in a situation of possibly having fewer organs. So I regretfully say that this amendment is not sufficient. It's not sufficient to deal with those noes, so I suggest that we reject it.

Thank you very much.

**The Deputy Chair:** Any other members wish to speak to the amendment?

Seeing none, I will call the question.

[Motion on amendment A1 carried]

**The Deputy Chair:** We are now speaking on the bill as amended. Any members wish to speak on the bill as amended? The hon. Member for Calgary-Nose Hill. You've got about three minutes.

**Dr. Brown:** Thank you, Mr. Chairman. I do wish to speak very, very briefly regarding the bill. I won't repeat the arguments that I made at second reading, but as I said at that time, I do support the bill. It's one step towards increasing the availability of organ donations.

I think it's important to remember that one's specification of one's wishes with respect to organ donation after death is simply that. They are simply wishes. They are not a legally binding directive in any way, shape, or form. It is an expression of a person's wishes as to what should happen to their body after their decease.

It must be remembered that the final decision with respect to any organ donation is with respect to the next of kin, but it's certainly my hope that making one's wishes known to one's next of kin and to the health providers will encourage more people to make donations.

Those are my remarks.

**The Deputy Chair:** Pursuant to Standing Order 8(6) the committee will now rise and report progress.

[Mr. Mitzel in the chair]

**The Acting Speaker:** The hon. Member for Calgary-North Hill.

**Mr. Fawcett:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on Bill 201. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** All those members of the Assembly that concur with the report, please say aye.

**Hon. Members:** Aye.

**The Acting Speaker:** Opposed, please say no. So ordered.

## Motions Other than Government Motions

### Alcohol Warning Labels

502. Mr. Amery moved:

Be it resolved that the Legislative Assembly urge the government to introduce legislation to make warning labels mandatory on all alcohol sold at retail outlets in the province.

[Debate adjourned March 7]

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

**Ms Calahasen:** Thank you very much, Mr. Speaker. I would like to rise today and share some thoughts on Motion 502, proposed by the hon. Member for Calgary-East. This motion urges the government to consider legislation whereby alcoholic beverages would have mandatory warning labels. I would like to commend the hon. member for bringing this initiative forward.

Motion 502 intends to raise awareness of the harmful effects alcohol can have on those who consume it negligently. A wide range of health effects can originate from improper alcohol use, and I think we've all seen that and heard and read much information on this issue. Among these health effects are cirrhosis of the liver, as we know, liver cancer, and fetal alcohol syndrome if it's consumed by a pregnant mother.

As has been alluded to before, Mr. Speaker, the establishment of this labelling initiative is not the entire goal of Motion 502. Rather, this motion seeks to be a first step towards raising awareness and, ultimately, preventing the incidence of impaired driving in our province. Motion 502 could have the ability to change attitudes surrounding impaired driving, and I hope that it does if this labelling is done.

Organizations such as Mothers Against Drunk Driving, otherwise known as MADD, have been vocal advocacy groups on issues relating to impaired driving. They have outlined recommendations designed to curb impaired driving, one of which includes extending an absolute zero per cent blood alcohol content for all Alberta drivers under the age of 21.

The number of vehicle crash fatalities in Canada that are caused by impaired drivers has seen a modest decrease in recent years. Statistics published by MADD Canada show that in the past 10 years there has been a 7 per cent decrease in impaired driving related deaths. Looking at a four-year trend, a decrease of 4 per cent has been seen. Mr. Speaker, while these stats do show an improvement in this regard, it is still a rather modest one. When comparing Alberta to other Canadian provinces, we still have a lot of work to do. Per capita we have nearly double the number of impaired driving related deaths of British Columbia. Again per capita we see triple the number of impaired driving related deaths than Ontario.

5:00

In addition, our province sees some of the most lenient administrative licence suspensions in the country. The duration of Alberta's short-term administrative licence suspensions is just 24 hours for the first, second, and third occurrences whereas provinces like B.C., Ontario, Nova Scotia, P.E.I., and Newfoundland see much more stringent and escalating licence suspensions for each subsequent offence.

Mr. Speaker, it is comparisons such as these that highlight the need for alcohol-related awareness that Motion 502 seeks to bring forward in our province. While impaired driving is undoubtedly a serious issue and alcohol as a whole can be dangerous if used irresponsibly, it is unrealistic to see Motion 502 accomplish an eradication of impaired driving and alcohol abuse on its own. However, I commend the idea and believe it has been brought before us with the best of intentions.

With that I would like to say that I support Motion 502 and again would like to thank the hon. Member for Calgary-East for bringing this initiative before us today. I am looking forward to making sure that this motion passes.

Thank you.

**The Acting Speaker:** Do any other members wish to speak?

Seeing none, I would ask the hon. Member for Calgary-East to close debate.

**Mr. Amery:** Thank you, Mr. Speaker. I am pleased to rise and offer some closing remarks on Motion 502. Before I do that, I'd like to recognize four individuals in the members' gallery, and they are Cathy Gladwin, Shandy Reed, Melissa Visconti, and Crystabel Soza Hernandez, representing the Alberta Centre for Injury Control & Research. Thank you for being here.

Mr. Speaker, the goal of Motion 502 is to help educate the public on the adverse effects of alcohol consumption, especially when consumed in excess or carelessly. Motion 502 urges the government to introduce legislation to make warning labels mandatory on all alcohol sold at retail outlets in the province. Mandating labels on alcohol containers is a concept that has been around for some time now, not just in Alberta but in many jurisdiction across Canada and around the world.

Some of these jurisdictions have taken the idea one step further and passed legislation to this effect. At last count, Mr. Speaker, 17 nations around the world have legislation in place mandating warning labels on alcoholic beverage containers, countries like Argentina, Finland, Taiwan, Brazil, and Portugal, to name a few. The mandated labels in these countries target a wide range of audiences.

In Argentina, for example, consumers are reminded that alcoholic beverages are not for people who are under 18 years of age. They are also reminded that they should drink in moderation. In all jurisdictions health warnings abound. In Finland one label specifically targets pregnant women with messages highlighting the negative effects of alcohol on the fetus. Cautions against driving under the influence are also prominently featured in many jurisdictions. Closer to home, Mr. Speaker, in the United States all liquor products have been carrying warning messages since 1989. Like most jurisdictions, they focus on drunk driving and on alcohol's adverse effects on health.

As has been stated, Mr. Speaker, the establishment of this labelling initiative is not the entire goal of Motion 502. Rather, this motion seeks to be a first step towards raising awareness and ultimately preventing the incidence of impaired driving in our province. Motion 502 could have the ability to change attitudes surrounding impaired driving.

Organizations such as Mothers Against Drunk Driving, otherwise known as MADD, have outlined recommendations designed to curb impaired driving. Specific to Alberta MADD suggests four such proposals. One is to make alcohol ignition interlocks mandatory for all impaired driving offenders. What this alcohol ignition interlock would specifically do is prevent a driver from starting his or her vehicle if the device detects alcohol. A second is introducing a mandatory seven-day vehicle impoundment program for suspended drivers. Currently Alberta's is just 24 hours.

Recommendation number three is to introduce a seven- to 14-day administrative licence suspension for alcohol impairment at a .05 per cent blood alcohol level. A fourth recommendation by MADD is to extend an absolute zero per cent blood alcohol content for all Alberta drivers under the age of 21. Provinces like Manitoba, Ontario, and New Brunswick have enacted such limits already. Mr. Speaker, while the third and fourth MADD recommendations may be too harsh or too extreme to endorse at this point, the overall concept of developing such strategies to help curb this issue is still welcome.

Again, I believe the biggest idea behind this labelling initiative is to raise awareness similar to that raised by organizations like MADD. Mr. Speaker, this could inform citizens who are in the highest risk group, like minors and pregnant women, of the harmful effects of even a little alcohol consumption. To those who are already sensible consumers of alcohol, this motion will have little

effect on them yet still act as a visual reminder that this product must be enjoyed responsibly.

Mr. Speaker, this government continues to take a leadership role in ensuring that people are educated and protected. I'd like to thank each and every one of my colleagues who participated in this motion debate. I value and respect my colleagues' comments regarding Motion 502, and I urge your support.

Thank you.

[The voice vote indicated that Motion Other than Government Motion 502 lost]

[Several members rose calling for a division. The division bell was rung at 5:07 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[Mr. Mitzel in the chair]

For the motion:

Amery	Hehr	Lindsay
Calahasen	Horne	Lukaszuk
Chase	Jablonski	Quest
DeLong	Kang	Sandhu
Fritz	Klimchuk	Xiao
Groeneveld	Leskiw	

Against the motion:

Brown	Evans	Redford
Denis	Fawcett	Rogers
Doerksen	McFarland	Snelgrove
Drysdale	Oberle	Vandermeer

Totals:	For – 17	Against – 12
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[Motion Other than Government Motion 502 carried]

**The Acting Speaker:** Hon. members, pursuant to Standing Order 8(5), which says, "Only one motion other than a Government motion shall be considered on Monday afternoon," I'll call on the hon. Deputy Government House Leader to adjourn.

**Mr. Denis:** Thank you very much, Mr. Speaker. When I was appointed Deputy Government House Leader last year, a few people said to me that my measure of success is in getting people out early. In the spirit thereof – and it's 5:20 – I would move that we adjourn until 1:30 tomorrow.

**The Acting Speaker:** The policy field committee will reconvene tonight at 6:30 for consideration of the main estimates of the Treasury Board. This meeting will be video streamed.

[Motion carried; the Assembly adjourned at 5:20 p.m. to Tuesday at 1:30 p.m.]





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