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The 27th Legislature
Fourth Session

Alberta Hansard

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Issue 39a

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.

Wednesday, November 23, 2011

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. We give thanks for the bounty of our province, our land, our resources, and our people. We pledge ourselves to act as good stewards on behalf of all Albertans. Amen.

Please be seated.

Introduction of Guests

The Speaker: Before I call on the first of those who will introduce, let me extend congratulations today to one of our members who has arrived at a certain anniversary of his birth, the hon. Member for Calgary-North Hill. Happy birthday. [applause]

The hon. Minister of Infrastructure.

Mr. Johnson: Thank you, Mr. Speaker. It's a great privilege to rise and introduce to you and through you a few very special people, one of them the reason this job is so difficult for me and also the reason why it's so important, my 11-year-old son, Jamieson, who is here from Athabasca with his school group. I'll introduce them in a second. The other one is my father. Many of you know LeRoy Johnson, who served as MLA in this House for 11 years for Wetaskiwin-Camrose. It's a real treat to have them here today. I see they've risen, so I'd ask that you give them a good round of applause.

Mr. Speaker, I do have one other introduction. Although they're not here, I would like to introduce them. It's Jamieson's class, who are touring the Legislature right now, but they will be joining us in a little bit during question period. This is a class of 26 kids from Landing Trail intermediate school in Athabasca. The French immersion class is led by their fantastic teacher, Jennifer Jones. Melanie Opmeer, Trevor Yeaman, and Leo Chiesson are also here as parent helpers. I'd like in their absence for you to give them a warm round of applause and welcome them to the Legislature.

The Speaker: The hon. Deputy Premier.

Mr. Horner: Thank you, Mr. Speaker. I have two introductions if the Speaker would indulge me today. The first one: it's an honour to introduce to you and through you to members of the Legislature a group of grade 6 students from Woodhaven middle school in Spruce Grove. They are part of two groups of students from the school to visit us this week. Tomorrow I'll be introducing some more of these bright, energetic students. They are accompanied by Mrs. Dalowe Dilling, Mr. Robert Coulas, and Mrs. Miranda Niebergall and by parent helper, Mr. Brent Taylor. I believe that they are in both galleries today, and I would ask that they all rise and receive the warm welcome of this Assembly.

Mr. Speaker, my second introduction today: it's an honour to introduce to you and through you to members of the Legislature Tony Rafaat and Janice Shoep. Janice is a member of the RCMP and currently works as a school resource officer in the community policing section of the St. Albert detachment. Tony is a junior high school teacher at Sir George Simpson junior high school. Tony and Janice enjoy gardening and keep nine honeybee hives in the St. Albert area, and I was pleased to be presented with some of that honey today. While attending the St. Albert food bank annual auc-

tion back in April, Tony bid on a special tour of the Legislature, and I'm pleased that he was the highest bidder. I would also like to mention that Janice currently sits on the food bank board in St. Albert. They are seated in the members' gallery this afternoon, and I would ask that we all give them a warm welcome as they rise in the gallery.

The Speaker: The hon. Member for Edmonton-Mill Creek.

Mr. Zwozdesky: Thank you very much, Mr. Speaker. It's always a pleasure to introduce students from one of my favourite schools in all of Alberta, Julia Kiniski. We have 36 visitors who are here observing the process today. They are joined by their teacher, Dale Mandryk; by their education assistant, Darrel Shymanski; and by parent helpers Vicky Deacon, Monica LeMoignan, and Mrs. Anna Creighton. I would ask all of these members from Julia Kiniski to please rise and receive the thunderous applause of this Assembly. Thank you for being here.

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

Ms Notley: Thank you, Mr. Speaker. I have two sets of introductions today. The first is a group of 33 visitors from the Academy at King Edward, a fabulous school which is just across the street from the elementary school where my kids went and go. I'm very pleased that they're able to be here today because often kids in my riding end up coming here in the morning, and I don't get to introduce them. They are accompanied today by their teachers and group leaders: Lucia Besko, Chris Giasson, and Jonathan Clarke. I would ask that all of my guests rise and receive the warm welcome of the members of this Assembly.

My second introduction today, Mr. Speaker, is two members from my constituency who are seated in the public gallery. Both Edward and Sarah are first-time visitors to the Legislature and are eager to learn more about the proceedings within this House. I would now ask my guests, Edward Davies and Sarah Grieve, to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Service Alberta.

Mr. Bhullar: Thank you very much, Mr. Speaker. It's a very esteemed pleasure for me today to rise and introduce a large delegation of individuals here from Calgary, all associated with the Drug Awareness Foundation. The hon. Premier as well as many colleagues from both sides of the Legislature took time to meet with this group over the noon hour. I'll ask them to rise as I read their names: the man that walked across Canada to raise awareness in the fight against drugs, Mr. Balwinder Singh Kahlon, Avtar Singh Dharni, Baldev Singh Gill, Binnie Singh Grewal, Buta Singh Rehill, Harvir Singh Randev, Harcharan Parhar, Hardy Singh Mann, Harjit Singh Saroya, Manjit Singh Suri, Mohinder Singh Judge, Mohinder Singh Kaler, Pritam Singh Kahlon, Ranbir Singh Parmar, who is the president of the Dashmesh Culture Centre, Sukhdarshan Singh, Sukhram Singh Sandhu, Surinder Singh Dyal, and Virinderjit Singh Bhatti. I ask the Assembly to give them our esteemed welcome.

The Speaker: The hon. Member for Grande Prairie-Wapiti.

Mr. Drysdale: Thank you, Mr. Speaker. It is indeed an honour and a privilege for me to rise today to introduce to you and through you to all members of this Legislature a delegation from the city of Grande Prairie. They have joined us here today to meet with the Premier and several ministers to promote the interests of the beautiful city of Grande Prairie. The talented mayor, coun-

cillors, and city staff are proud of the strong northern community and are incredibly dedicated to representing the issues of the citizens in this outstanding area of the province.

I'd ask them to rise as I call their names: Mayor Bill Given, Councillor Lorne Radbourne, Councillor Alex Gustafson, Councillor John Croken, Councillor Dan Wong, Councillor Kevin O'Toole, and from administration Janette Ferguson. The Member for Grande Prairie-Smoky and I would like to thank this hard-working group for visiting the Legislature today, and I'd ask them to remain standing and receive the warm welcome of this Assembly.

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

Mrs. Sarich: Thank you, Mr. Speaker. It's truly an honour and a privilege to rise today to introduce to you and through you to all Members of the Legislative Assembly eight guests seated in the public gallery. They are strong leaders within the Ismaili community. I would ask if they would please rise as I mention their names: Mr. Ayaz Bhanji, president, Ismaili Council for Edmonton; Mrs. Zahra Somani, honorary secretary, Ismaili Council for Edmonton; Ms. Zafira Bhaloo, deputy communications co-ordinator, Ismaili Council for Edmonton; Mr. Irfan Kherani, youth representative of the Ismaili community; Mr. Amin Valani, leadership from the Belle Rive Jamatkhana congregation; Mr. Hussein Ali, leadership from the Belle Rive Jamatkhana congregation; Mrs. Tamizah Valji, chairman, Ismaili Tariqah and Religious Education Board for Edmonton; and Ms. Shameen Ladhani, honorary secretary, Ismaili Tariqah and Religious Education Board for Edmonton. I would now ask that the Legislative Assembly warmly give them the traditional welcome.

Thank you.

1:40

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

Mr. Kang: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the Assembly some good friends and supporters of mine, and those are all the delegation from the drug awareness walk under the leadership of Mr. Balwinder Kahlon; the president of the Dashmesh Culture Centre, Mr. Ranbir Singh Parmar; and Virinderjit Singh Bhatti, Amarpreet Singh, Preetinder Tah, and Sunny Banipal. Amarpreet is the former Liberal candidate in Calgary-McCall, so he knows about this business. All the members of the delegation have been around politics for a long time, and they know all about this politics business, too. They are all seated in the gallery, and I would ask them to rise and receive the traditional warm welcome of the Assembly.

Thank you.

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo.

Mr. Boutilier: Thank you very much, Mr. Speaker. It's my honour to introduce to you and to the members of the Assembly today a young man who over the last year went through medical trauma when he was diagnosed with a brain tumor. He's only in his twenties. He and his fiancée, Lisa, and their 18-month-old son Kohen and his mom and dad are with us today to witness question period on important health care topics. I'd ask them to all rise and receive the traditional warm welcome of this Assembly.

The Speaker: Are there others? The hon. Member for Edmonton-Strathcona.

Ms. Notley: Thank you, Mr. Speaker. On behalf of the Member for Edmonton-Highlands-Norwood I'm very pleased to introduce to you and through you to this Assembly my guests, who are seated in the public gallery, from Women Together Ending Poverty. Women Together Ending Poverty is a grassroots group of women who have come together to take action on poverty. They are here today to present nearly a thousand signatures they have gathered from ordinary Albertans calling on the Premier to raise the minimum wage to a living wage and to keep her promise to raise AISH benefits. I would now like to ask my guests to rise and receive the traditional warm welcome of the Assembly as I call their names: Rose Ing, Cecilia Miguel, and Jackie Carrier. I'd ask all members to join me in welcoming them to the Assembly.

Members' Statements

The Speaker: The hon. Member for Calgary-North West.

Drug Awareness Foundation Calgary

Mr. Blackett: Thank you, Mr. Speaker. I am pleased to rise today to recognize a great organization, the Drug Awareness Foundation Calgary, and the important work that they are doing to make a difference in our communities. This foundation, which was established in 2006 by Mr. Balwinder Singh Kahlon, has done some truly outstanding work in raising awareness about the dangers of tobacco, alcohol, and drug abuse not only within Calgary's Punjabi community but throughout Alberta and Canada.

Through campaigns, radio talk shows, community events, and youth presentations they have encouraged countless Albertans, including our children and youth, to make good decisions when it comes to drugs and alcohol. They have also provided critical support to many individuals living with addiction to help them turn their lives around.

Mr. Speaker, in addition to all of the work they have done to prevent and reduce addiction in our province, this year the Drug Awareness Foundation Calgary hosted its first ever Walk across Canada. Beginning in St. John's, Newfoundland, this April, Mr. Kahlon and his team of committed team members from our Punjabi community walked an incredible 8,000 kilometres to Victoria, B.C., to spread a message across Canada of the importance of leading a drug-free lifestyle.

Mr. Speaker, it takes a great deal of courage to undertake an event of this magnitude, and it takes a lot of heart to do it to help others. I would like to sincerely thank all of those who are involved with this inspiring organization for the valuable contribution that they are making and to encourage them to continue their important efforts because they are indeed making a difference.

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

Sikh Community Annual Blood Drive

Dr. Sherman: Thank you, Mr. Speaker. The Sikh faith is about truth, justice, equality, and human rights. Sikhs are renowned for their contributions to the community and their good works. So today I want to thank all Sikhs in Canada and in Alberta for the annual acts of charity that have saved over 55,000 lives in Canada alone in addition to the hundreds and thousands who fought alongside all of our warriors to defend democracy in the world wars.

Before I do that, I'd like to recognize another way that Sikhs are helping our community. Mr. Bill Kahlon is in the Legislature today. He has led a team across the country, walking to raise

awareness of the dangers of illegal drug use. Bill and his team represent a fine example of the good work Sikhs have accomplished across the nation. I'd like to thank him and his team today. Thank you, Bill.

For over 10 years thousands of Sikhs around the world have participated in an annual blood drive to memorialize the many lives lost during the wave of anti-Sikh violence that erupted after the assassination of Prime Minister Indira Gandhi. Sikhs have responded to this tragedy by giving life. Their annual blood drive has saved tens of thousands of lives since it began in 1999. Sikhs are donating blood in Edmonton and Calgary to continue this life-saving tradition. The world's Sikh community has responded to a great human tragedy with love, tolerance, charity, and hope.

This gift comes at a very opportune time, Mr. Speaker, for this month also marks the National Day of Remembrance for Road Crash Victims. As an ER doctor and former STARS doc I can tell you how vital blood is for the survivors of car wrecks. As we gather on November 23 to remember those who have lost their lives in traffic collisions, we can be grateful that Alberta's Sikh community is at this very moment giving the gift of life to Albertans who need blood transfusions, many of them traffic accident victims. How fortunate we are to have such generous souls in this province.

On behalf of the Official Opposition I thank the Alberta Sikh community for the annual drive.

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

Belle Rive Jamatkhana and Centre

Mrs. Sarich: Thank you, Mr. Speaker. I rose earlier to introduce and welcome to the Alberta Legislature representatives from the Edmonton Ismaili community and from the Belle Rive Jamatkhana and Centre. On August 14, 2011, it was my honour and privilege to have been invited by the Aga Khan Council for Edmonton to participate in the public tour of the Belle Rive Jamatkhana and Centre.

Mr. Speaker, the Belle Rive Jamatkhana and Centre is a place of prayer, contemplation, and gathering. It is the first purpose-built Jamatkhana in Edmonton, celebrating its 14th year of establishment and proudly serving approximately 1,000 Ismaili residents in the community. The focal point of this special place is the prayer hall, which displays outstanding Islamic architectural beauty and serves the Shia Imami Ismaili Muslim congregation of Edmonton.

The Belle Rive Jamatkhana is a collection of architectural spaces that never fail to stir the occupants deeply, whether you are in the prayer hall, the library, the classrooms for religious education, or the social hall. It is a place that is very welcoming and a wonderful addition within our local community.

Mr. Speaker, the first Ismailis arrived in Canada in the mid-1960s as part of a pool of professionals that emigrated from western Europe. The Edmonton Ismaili community consists of active and long-standing dedicated volunteers who actively lead and engage with other partners in enrichment and outreach initiatives such as the Capital City cleanup, Habitat for Humanity, the citizenship court tea, and the Eid al-Adha celebration, which is commemorated here at the Alberta Legislature.

I would like to convey my heartfelt thanks and appreciation to the Ismaili Council for Edmonton and the Ismaili community for adding immeasurably to our city and our great province.

Mr. Speaker, Alhamdulillah. Thank you.

Oral Question Period

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

Public Health Inquiry

Dr. Sherman: Thank you, Mr. Speaker. The Empire of No has established its rule over Alberta with broken promises as its flag, and the Premier's subjects are worried that she's incapable of saying yes even to her own promises. Calling a public inquiry under the Public Inquiries Act is so easy, and the Premier has the sovereign power to do so with the simple wave of a hand. Is the Premier willing to say, "Yes, I will call a public inquiry today under the Public Inquiries Act"?

Ms Redford: Mr. Speaker, the legislation before the House clearly sets out my commitment to Albertans to have an independent public inquiry that will get to the bottom of this, judge led, which is going to allow witnesses to be compelled, and that's critical because that allows witnesses to come forward and actually be protected. This is the way forward that's going to allow Albertans to really get to the bottom of the issues that they're concerned about in health care, and I'm looking forward to the debate.

1:50

Dr. Sherman: Mr. Speaker, witnesses can already be compelled under the Public Inquiries Act. Given that the Premier has said publicly that failing to hold a public inquiry for fear of harming the government's re-election chances is cynical politics, will the Premier now explain to Albertans why her government is playing the same cynical politics that she railed against just a few months ago?

Ms Redford: Mr. Speaker, legislation before the House that can be publicly debated to support a public inquiry is not cynical politics. It's good legislation, it's good public policy, and it's what Albertans want.

Dr. Sherman: Mr. Speaker, we already have good legislation. There's no reason to pass more good legislation.

Given that two AMA presidents, a CMA president, the HSAA, many health professionals, and average Albertans have overwhelmingly endorsed a true public inquiry, why does the Premier continue to disagree with honest Albertans and avoid calling a real public inquiry? Why have you broken your promise, Madam Premier?

Ms Redford: Mr. Speaker, there's no disagreement with average Albertans. There's disagreement with the Leader of the Opposition.

What we need to do in this province is ensure that Albertans can have confidence in public decision-making systems, and one of the reasons we need to ensure that is because much of the commentary that comes from the Leader of the Opposition and other opposition parties undermines the independence of offices and institutions that are independent already in this province. We will strengthen those institutions so that Albertans can have confidence.

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

Dr. Sherman: Mr. Speaker, ample Albertans and organizations have come forward to agree with this Leader of the Opposition.

Mental Health Services

Dr. Sherman: Let's change topics here. These AHS memos from September emphatically state that there's an acute shortage of mental health professionals and a critical demand for mental health beds in the Edmonton zone. As a result, our hospitals are being forced into the inhumane decision of dumping the mentally ill onto our city streets. Will the Premier tell us why her government's policy is to kick them to the curb as opposed to caring for them?

Ms Redford: Mr. Speaker, there is correspondence within Alberta Health Services that is doing exactly what Alberta Health Services should do, and that's manage the health care system. I'll tell you that we on this side of the House are not going to second-guess the competent, professional management that's taking place with respect to mental health in the Edmonton zone.

Dr. Sherman: Mr. Speaker, these memos clearly suggest that discharging the mentally ill to the streets is the government's solution to the overcrowding problem and lack of staff. Can the Premier please tell us and all front-line staff and Albertans why mentally ill men and women are receiving compromised care or no care at all?

Ms Redford: Mr. Speaker, this Leader of the Opposition is jumping to conclusions that are entirely unfounded. This is communication by managers in Alberta Health Services who are capable and competent and compassionately managing the needs of Alberta mental health patients, and that's a fantastic thing.

Dr. Sherman: Mr. Speaker, if I have to jump to stand up for the truth, I'll jump every day. The only one jumping here is the Premier, jumping out of the way.

Given that these damning memos show that the overburdened and demoralized staff clearly could not handle the volume walking in the door, can the Premier please tell us how many mentally ill Albertans have been kicked to the curb and what happened to them afterwards?

Ms Redford: Mr. Speaker, the Leader of the Opposition is jumping to conclusions with respect to events that have not happened. What we know is that Alberta Health Services on a day-to-day basis has to manage volume. That's what we do in a health care system. They've done it competently, they've done it compassionately, and they've done it within their mandate to do it.

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

Dr. Swann: Thank you, Mr. Speaker. To quote the memo, there are currently eight emergency room patients waiting for beds in this zone. "Any possible patient discharges are deeply appreciated." Coincidentally, today the Peter Lougheed reported seven cases in their emergency room waiting for beds. Alberta has 50 per cent of the psychiatric beds per thousand population of the national average. To the Premier: does the Premier see a connection between the lack of psychiatric beds and long emergency room wait times?

Ms Redford: Mr. Speaker, I think we have a number of challenges to face in the health care system. We've been completely honest about those. The direct correlation that the hon. member is trying to make is not an appropriate correlation, and the answer is: no, sir, I do not.

Dr. Swann: The current mental health plan released recently downplays the need for more psychiatric beds in Alberta. How do you suggest professionals deal with critical psychotic cases needing continuous observation and treatment if not as an in-patient?

Ms Redford: Mr. Speaker, I actually believe that the way patients should be dealt with is the way that Alberta Health Services is currently dealing with patients. I expect that they make clinical diagnoses, they ensure what the treatment should be, and they provide the appropriate services. These memos illustrate exactly that competency.

Dr. Swann: How do they do that without the appropriate services and support? How many of our most vulnerable people will die for lack of the essential mental health care? How many more?

Ms Redford: Mr. Speaker, this is a serious issue. We should not be playing politics with this. This is an unfair correlation that causes people to be afraid when they have no reason to be.

Thank you.

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo.

Out-of-country Health Services

Mr. Boutilier: Thank you very much, Mr. Speaker. This Premier has indicated she supports public health care, and I applaud her for that, as does anyone in this House. We have a policy. The policy is that if you get sick and no one in Alberta can perform the surgery, such as my constituent who has a brain tumour that, in fact, is very rare – his doctor recommended that he had to leave Alberta and Canada to get the treatment. The treatment was done. He was going blind, and he now stands up there a year later, alive and well, with his 18-month-old son. My question is to the Premier: can you give us a review of the actual review that the former minister of health was doing on this very critical case?

The Speaker: The hon. the Premier.

Ms Redford: Thank you, Mr. Speaker. I did have an opportunity over the summer to meet the hon. member's constituent and am pleased to know that progress is happening. What we need to do in this case is ensure that we're following the procedures that are in place. I understand there has been dialogue between the department of health, that actually reviews this file, and the person in particular, without going into too many details, that would allow for more information to be considered, and I'm happy to facilitate that.

The Speaker: The hon. member.

Mr. Boutilier: Thank you very much. Given, Mr. Speaker, the medical trauma that this family faced over a year ago – it's almost an anniversary – and, of course, now the financial burden of over \$200,000 that the family faces, they're fund raising. Obviously, what he and his family are looking for, like any other Albertan, is that if your doctor says you have to leave the country to get this new type of surgery, Alberta health services will reimburse. Is there any kind of indication of measurement to this family? They've been waiting now almost a year.

Mr. Dallas: Mr. Speaker, I truly feel for the whole family, but I'm very confident that the physicians and other professionals that are on the Out-of-Country Health Services Committee and also the Out-of-Country Health Services Appeal Panel have a good process in place and that they followed that process.

Mr. Boutilier: Mr. Speaker, in fact, that same panel the member makes reference to told the family of a teenager in Airdrie that they would not receive the funding, but they eventually did with the review by the former minister. I'm asking that the same review be done because the committee that you make reference to actually said no to my constituent as well. That simply is not acceptable to Albertans, to anyone who would face this situation. What can we do to in fact enhance this because of the pressures that this family is facing?

Ms Redford: Mr. Speaker, I think it is important to be sure that we're clear on the information. My understanding is that there has been the opportunity for the committee to ask the family for further information. I'm happy to take that away and try to resolve it.

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

Legislative Workload

Mr. Mason: Thank you very much, Mr. Speaker. If this Premier had her way, this fall session wouldn't even be happening. Now that it is, the government is trying to force its agenda through as fast as possible, creating one of the shortest sessions in Alberta history. The government insists that the Legislature go into the wee hours to debate important bills. It's legislation by exhaustion. My question is: why does this Premier show such disrespect for the democratic institutions of this province?

2:00

Ms Redford: Mr. Speaker, I was in the House last night for a short time later on in the evening, and it was very important to me to see so many members of the government here willing to debate those issues. I'm pleased we're having a session. It's important to pass legislation that matters to Albertans. Our legislative agenda for the fall reflects what Albertans are concerned about, and I'm looking forward to the next two weeks of debate.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, given that this Premier said yesterday that openness and transparency on the part of her government were demonstrated by the fact that we have question period and that the opposition input was limited to debate on bills the government has already decided to pass, will the Premier admit that she has broken her promise for a more open and democratic and transparent government?

Ms Redford: Mr. Speaker, one of the fantastic things that I had the opportunity to do this summer and what I've done since I became Premier is to meet with an awful lot of school groups that come to this Legislature to learn about democracy. What they're taught is that this is a public forum where the governing party introduces legislation, and that legislation is debated on the floor of the House, and it is either passed or it's not. I think that's a great process. It's a process that children in grade 6 understand, and I certainly hope the leader of the party will understand it, too.

Mr. Mason: Mr. Speaker, how can this Premier claim that she's demonstrating a democracy in practice to children when debate on very critical issues is taking place past their parents' bedtime?

Ms Redford: Mr. Speaker, I really don't think that the hon. member wants to get into a debate with me about what democracy is or why it matters.

What I will say is that legitimate public debate in this House follows the rules of this House. We are committing to getting that legislation passed, and we're looking forward to the debate for the next two weeks.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Olds-Didsbury-Three Hills.

Mental Health Services

(continued)

Mr. MacDonald: Thank you, Mr. Speaker. A memo by Alberta Health Services dated September 14, 2011, regarding bed pressures, addiction, and mental health, Edmonton zone, reads: "The Edmonton Zone is currently experiencing a critical demand for inpatient mental health beds in the region. Any possible patient discharges are deeply appreciated." Why is this government now throwing the mentally ill out on the street?

Ms Redford: Mr. Speaker, Alberta Health Services is competent and capable of managing our health system. Alberta Health Services communicates, I'm sure, by e-mail, BlackBerry, and memos. I don't think that it would be a surprise to any Albertan to know that on a day-to-day basis the managers in Alberta Health Services have to shuffle resources. I think that's what people do in every part of their life every day. There is no reason to believe this suggestion that there's anyone whose life is at risk as a result of the fact that Alberta Health Services is doing their job.

Mr. MacDonald: Mr. Speaker, if this government was competent and capable, these outstanding recommendations from the Auditor General's report, which are three years old, would have been met by now.

Given that we have this memo that indicates that you are throwing mental health patients out on the street, is this this government's idea of wait-time management for those who are mentally ill?

Ms Redford: Mr. Speaker, there are so many ways that I need to answer this question. The first is that it's an unfounded allegation. To draw conclusions from a two-line memo that's been written by someone who is a competent manager in Alberta Health Services I think is suspect.

The second thing I'll say is that with the report of the Auditor General what we see are substantial and solid recommendations that the government of Alberta has accepted and is implementing. Now, I'll tell you, Mr. Speaker, and I think Albertans know that sometimes, once a recommendation is made, it takes some time to implement. We are committed to responding to those reports. We did so again yesterday and will continue to.

Mr. MacDonald: Again, Mr. Speaker, in the Auditor General's annual report there are at least eight outstanding recommendations on how to improve mental health and mental health program delivery in this province, yet we find this government is using a memo and discharging the mentally ill onto the street. Why is this government failing again to protect the mentally ill by forcing them out onto the street because of your incompetence and your inability to manage the health care system?

Ms Redford: Mr. Speaker, there is nothing in that memo to support the allegations that the hon. member has made. There is no doubt that mental health is an issue that's important in public health. I'll tell you that one of the things this government has done is invested in mental health beds in the past three years under the

safe communities program, including 18 new beds in Medicine Hat. This government takes that issue seriously, and we're acting on it.

The Speaker: Hon. members, four of the six questions thus far have referred to a memo or memos. I hope that these memos have already been tabled or will be tabled today.

The hon. Member for Olds-Didsbury-Three Hills, followed by the hon. Member for Edmonton-Centre.

Additional Funding for School Boards

Mr. Marz: Well, thank you, Mr. Speaker. In this province \$33 million is spent each and every day on our K to 12 education system. This is a very important investment, and Albertans have a lot of questions about how those dollars are being spent, particularly the 107 million additional dollars recently announced to school boards. My questions today are to the hon. Minister of Education. Much has been said about layoffs prior to this recent \$107 million cash injection. How many teachers were actually laid off prior to this announcement, and were they classroom teachers or teachers holding administrative positions or a mixture of both?

Mr. Lukaszuk: Well, Mr. Speaker, first of all, I choose to use the term that Albertans invest \$33 million in Alberta education every day, not spend. But you will be hearing of me announcing a 10-point plan in the next few days, and one of the points that I'm planning to address is accountability. I want to make sure that all Albertans, because education matters to all Albertans, know how they invest the money, where the money goes, and what return they get out of the investment. I suggest they get a very good return on that investment. Part of that will be the \$107 million, and I expect that school boards will be reporting on how and where they spent the money.

The Speaker: The hon. member.

Mr. Marz: Thank you, Mr. Speaker. Given that a lot of the parents are talking about these layoffs, school boards told me that not all of them will be hiring teachers this particular school year because they're already set. Is the minister confident that all of the \$107 million will be used to put more teachers in classrooms, if not this year, in the coming year?

Mr. Lukaszuk: Mr. Speaker, I was very clear that the expectation was upon the school boards to invest the dollars in pressure points that they have identified within their respective jurisdictions. Each school board knew at that point in time where the pressure points were, so they made decisions. They were given latitude. Some may have hired additional teachers or teaching assistants, some may have put in some extra programs, and some may have allowed for additional supports for children who need additional support. So the decisions were made at the local level. However, I am confident that they benefited the children.

Mr. Marz: Perhaps the minister doesn't yet have this information, but my last question is: how many teachers will be rehired this school year as a result of restoring these dollars? Because that would be good news. If he doesn't have the answer now, I'd be happy to get it at a later date.

Thank you.

Mr. Lukaszuk: Well, I will be sharing it, actually, very gladly with the hon. member and with the Legislature and, frankly, with all Albertans. I put a clear expectation that all schools boards

report to me how they spent that \$107 million and actually go one step further and tell us what impact that money had in each classroom in each jurisdiction. Once I get that information, I will be reporting it to the House and to Albertans accordingly.

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

Greenhouse Gas Emission Standards

Ms Blakeman: Thanks very much, Mr. Speaker. This government throws out a whack of options to companies on greenhouse gas intensity emissions, allowing companies four measurements and five calculation methods, but in the end the government doesn't know what was measured, how it was measured, or how it was verified. Bottom line: Albertans don't have an accurate picture of whether emissions are getting lower. There is a total, but we don't know if it's accurate. To the minister of environment: on what information is the ministry basing its assertion that this program is working?

The Speaker: The hon. Minister of Environment and Water.

Mrs. McQueen: Thank you, Mr. Speaker, and thank you to the member for the question. First of all, I'd like to say that we support the Auditor General and the help he is giving us to fine-tune our system. It is a good system, but it's still new, and it's one that we still need to refine, but we're committed to constant improvement with that. We've worked with the Auditor General to identify some of those gaps. We're happy that his team was able to work with us, and we'll work on continuous improvements in these areas.

2:10

Ms Blakeman: Goodness gracious, that was a lot of talk and no information.

Back to the same minister: how does the government know if Albertans are getting value for this program?

Mrs. McQueen: Well, there are a number of ways that we're getting value for the program. With regard to some of the issues that the hon. member has mentioned and that the Auditor General has mentioned, it's with regard to the review of the protocols that we have. We ensure that protocols are reviewed with regard to tillage protocols and the issues that the Auditor General has raised with regard to that. Protocols will be updated by the end of this year to address those issues as well.

Ms Blakeman: Oh, boy. Back to the same minister: will this minister continue to employ the strategy of confusion and conflicting instructions, which makes it impossible for anyone to, one, comply and, two, confirm the results? Is any of that going to change?

The Speaker: The hon. minister.

Mrs. McQueen: Thank you, Mr. Speaker. What we'll continue to do is make this system a world-leading system in North America. We will continue to refine it and make it a better system as we go on. When you look at North America, there are not places that are doing the kind of work that we are doing with reducing greenhouse gas emissions and addressing the issues that we are. And through the protocols and the review of the protocols and working with the Auditor General, we will continue to have continuous improvement. There were several protocols, and only a couple of them didn't pass the audits report.

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

Police Car Collisions

Mr. Bhardwaj: Thank you very much, Mr. Speaker. My questions are to the Solicitor General and Minister of Public Security. I know they're hard-working and dedicated to safe streets, but there have been 171 EPS cruisers involved in collisions so far this year. What is the reason for these high numbers from one police service?

The Speaker: The hon. minister.

Mr. Denis: Thank you very much, Mr. Speaker. Crime can be very dangerous, but so can fighting crime. What we need to remember is that these collisions were as a result of simply the Edmonton Police Service members doing their jobs. This is under the oversight of my department, but regularly there is an internal committee that, I understand, is doing an investigation. I have every confidence that it'll get to the bottom of it.

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. To the same minister. I understand, Mr. Minister, but that doesn't answer the question of who is liable for these collisions. Who is going to be paying for this?

The Speaker: The hon. minister.

Mr. Denis: Thank you very much, Mr. Speaker. It's my understanding that only in extreme situations should a police officer be personally liable in cases of negligence and other areas as well. It's very easy to look back and say that these things should have been done, but they make split-second decisions. My understanding is that to fix the vehicles comes out of the EPS annual budget.

The Speaker: The hon. member.

Mr. Bhardwaj: Thank you very much, Mr. Speaker. My final question is to the same minister. Taxpayers, Mr. Minister, should not be on the hook for this. What steps are you taking to prevent this or to minimize this in the future?

Mr. Denis: Mr. Speaker, there is an internal process by the Edmonton Police Service. I'm looking forward to meeting with Chief Rod Knecht about this. We also have to consider that if a police officer is going to be liable for every accident resulting from a split-second decision while protecting the public, that doesn't make for good policing policy in Alberta.

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

International Trade Offices

Mr. Chase: Thank you, Mr. Speaker. First, without a competitive job interview process the Premier dispatched her main political rival to Hong Kong. Then the Premier nominated her envoy to Washington with a similarly closed and opaque process. This leaves us wondering about the Premier's promise to review the province's international strategy. To the Minister of Intergovernmental, International and Aboriginal Relations: what was the point of your department's review of our international strategy last year when the new Premier has unilaterally disregarded its findings?

Mr. Dallas: Thanks to the hon. member for the question. Mr. Speaker, in fact we did not review all of the operations of our international offices last year, and we are, as the Premier has indicated, conducting such a review now. We're looking very carefully at our trade relationships, the locations of our offices, how those offices are resourced, and how we need to position to get the maximum benefit for Albertans.

The Speaker: The hon. member.

Mr. Chase: Thank you. Given the Premier's promise of transparency and accountability, will the minister defend taxpayers' dollars and commit to making international offices accountable for their expenses, which currently they are not?

Mr. Dallas: Mr. Speaker, all of the expenses of the ministry are accountable and transparent, and we're responsible for all of those. I'm not sure where the member is coming from on this.

The Speaker: The hon. member.

Mr. Chase: Thank you, Mr. Speaker. I previously asked the hon. minister to table the evaluation of money for risk in those offices. Given that many international offices have little to account for, will the minister provide to Albertans a detailed breakdown of their accomplishments, especially for trade, agriculture, and tourism? This is the second time I've asked.

Mr. Dallas: Mr. Speaker, I'm not entirely sure that's correct. However, we do report on an annual basis on the operations. But I have and the Premier has committed, too, that as part of this strategic review we'll carefully contemplate the outcome measurements that we're looking for, and we'll report on those measurements.

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

Counselling for Victims of Sexual Assault

Mrs. Leskiw: Thank you, Mr. Speaker. My first question is to the Minister of Human Services. Both Bonnyville and Cold Lake victim services have been working together to try to obtain counselling services for victims of sexual assault for the past four years. The closest area to obtain these services is currently found in Lloydminster. This is a necessary service to have for my constituents and one that needs to be provided locally. To the minister: what is being done to address this issue in my constituency?

The Speaker: The hon. minister.

Mr. Hancock: Well, thank you, Mr. Speaker. It's a very important question. We work to support the important work of Sexual Assault Services right across Alberta. In 2011-12 Human Services is providing \$1.7 million in grant funding for nine sexual assault centres, including the centre that was referred to in Lloydminster and to the Association of Alberta Sexual Assault Services. Sexual assault centres have told us that their funding has allowed for greater program stability and service expansion. I understand that the association is working with people in the Bonnyville-Cold Lake area to look at how we can provide better counselling services in that area.

Mrs. Leskiw: My next question is to the same minister. Given that many of these victims simply cannot afford to travel to Lloydminster, why has this government not provided something closer for these people?

Mr. Hancock: Well, again, Mr. Speaker, that's a very important question. In times of trauma like that we need to make sure that people have access to counselling services. I'd be very happy to work with this member and with the association of assault centres and the communities to see how we can get those kinds of services into those communities. It's very important work. It's important to be able to support victims in that way.

Mrs. Leskiw: My last question is to the same minister. Given the incredible amount of collaboration that has occurred between the Bonnyville and Cold Lake victim services, when does this minister plan to work more closely with these organizations to ensure that these services are provided for my constituents?

Mr. Hancock: Well, Mr. Speaker, my understanding is that the Association of Alberta Sexual Assault Services has worked with the communities of Cold Lake and Bonnyville to provide the counselling services. We'll continue to support AASAS regarding its ongoing strategy to seek support with the broader domestic violence community. But I can assure the hon. member that I will make a priority of talking with the association, with the communities, and with her to ensure that we can resolve this issue at the earliest possible date.

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

Child Poverty

Ms Notley: Thank you, Mr. Speaker. Sunday was children's day, but so far this week is full of grim news for children in Alberta. Yesterday the respected early childhood education index rated Alberta as the second-lowest province in the country, especially for failings around child care. Today a report from the Alberta College of Social Workers and others begins with the shocking news that child poverty in Alberta has increased by 40 per cent. To the Minister of Human Services: on behalf of the first minister of broken promises can that minister tell us why this government has not yet acted on the Premier's commitment to a poverty reduction strategy, something seven other provinces have had in place for years?

Mr. Hancock: Well, Mr. Speaker, the Premier has acted on her promise. She has appointed a Minister of Human Services and mandated that minister to put together a social policy framework, working with other social services ministers in government to make sure that there is a comprehensive process within government to make sure that there are no gaps in service, to make sure that vulnerable children are protected and supported and that families are supported appropriately so that every Albertan can live with human dignity and so that children can have the opportunity to maximize their potential. Exactly the mandate that this minister has been given.

Ms Notley: Well, given that it sounds like actually no action has been taken on the poverty reduction strategy and given that 1 in 8 children under the age of six, 34,000 little children, live in poverty in Alberta and that nearly half of them live in homes where at least one person works full-time, will the minister agree to immediately undo the shame of this government having the lowest minimum wage in the country?

2:20

Mr. Hancock: Well, in fact, Mr. Speaker, the hon. member ought to know that the lowest minimum wage is not the only circum-

stance in this province. We have the highest personal exemptions for taxes, the lowest tax rate for individuals, and a much higher than the hon. member indicated after-tax take home for individuals. She should also know that we have the highest participation rate and the lowest unemployment rate; therefore, most families have the opportunity for a good job in this province. But we are working through Alberta Works with those families that need to improve their skills so that they can get a better income. There are very few people actually earning the minimum wage in the province, but we want to ensure that every family has the opportunity for a good job and a good income.

Ms Notley: Well, given that the minister doesn't understand the minimum wage, I'll ask my next question to the Minister of Municipal Affairs. Given that extensive research identifies secure, affordable housing as an essential component of dealing with the poverty experienced by these children, will this minister reverse the decision to cut funding to Edmonton and Calgary, the termination of which will see over 1,000 Alberta families out of their homes this Christmas?

Mr. Griffiths: Mr. Speaker, the funding that was given was block funding to municipalities over a five-year period so that they could build affordable housing. Eleven municipalities chose to use it for rent supplements. The provincial rent supplement program still exists. They don't operate on a first-come, first-served basis. They give it to the most high-needs people in each municipality. Our programs work fantastically.

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

Southwest Calgary Ring Road

Mr. Kang: Thank you, Mr. Speaker. The failure to build the Calgary southwest ring road frustrates Calgary commuters, businesses, and truckers, and it seems like now the talks with the Tsuu T'ina Nation are on the back burner. To the Minister of Transportation. The Premier committed during the leadership campaign to either secure an agreement with the Tsuu T'ina Nation or build a road through Bragg Creek along highway 22 or 22X. Can the minister tell us what plan is going forward?

Mr. Danyluk: Well, Mr. Speaker, first of all, I want to say that I have been talking to the chief of the Tsuu T'ina Nation, and I will say that we've had good discussions. We met. I had some questions, and so did he, and we're going to meet in the future.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. Given that the Premier stated in her first election campaign that if elected MLA, she would get the southwest ring road done and still after almost four years nothing has been done, can the minister, with a straight face, tell us: is progress being made?

The Speaker: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Speaker. In fact, progress is being made all the time. As I said a couple of seconds ago, I had discussions with the chief of the Tsuu T'ina Nation, and we are continuing to have discussions. So is progress being made? Very much so.

The Speaker: The hon. member.

Mr. Kang: Thank you, Mr. Speaker. I think the progress being made is at a snail's pace. I think we have to speed things up, Mr. Minister.

To the Minister of Transportation again: given that Alberta Transportation's own website lists ongoing consultation of new possible roads for the ring road, none of which fulfill the Premier's campaign promise, will the minister commit to ending the Calgary southwest ring road planning study started in December 2009 or . . .

The Speaker: The hon. minister, please.

Mr. Danyluk: Well, Mr. Speaker, I need to say that when we have discussions with the Tsuu T'ina Nation, we are having discussions, progressive discussions, about the needs of the Nation as well as the needs of Calgarians and the surrounding province.

Twinning of Highway 43

Mr. Drysdale: Mr. Speaker, this government made a commitment a number of years ago to twin highway 43 from west of Edmonton to the B.C. border. Here it is many years later, yet there are still several two-lane sections on this road. My questions are to the Minister of Transportation. Can the minister tell me when he expects his department to complete the twinning of highway 43?

Mr. Danyluk: Well, Mr. Speaker, we are making excellent progress. That is a 450-kilometre section of road that we have committed to paving. We have done 400 out of 435 kilometres from Edmonton to Grande Prairie. We are at the point of having only 35 kilometres left, and I can tell you that by 2013 that will be completed.

The Speaker: The hon. member.

Mr. Drysdale: Thank you, Mr. Speaker. My supplemental question is to the same minister. Some of that construction is taking place through the Sturgeon Lake Cree Nation where there were reduced speed limit signs through the construction zone. Can the minister tell me why the reduced speed limit signs are still up even though the construction season is now over?

Mr. Danyluk: Mr. Speaker, the construction season is not over. In fact, the 80 kilometres an hour speed limit has been put up. There is still work being done on that road. It is for the safety of travelers and also individuals that are working. When that road is done and the people aren't there and the construction isn't taking place, I'll remove the signs.

Mr. Drysdale: Mr. Speaker, the Grande Prairie bypass is a priority for the city as it will alleviate a lot of the traffic pressure within the city, which will improve ambulance access to the new hospital. Can the minister tell me when this project will be completed?

Mr. Danyluk: Well, Mr. Speaker, it sounds like a lot of things are happening in the Grande Prairie area. The eastern half of the bypass was completed in 2010. Ninety per cent of the planning and the design is under way for the other portion – we are still in the process of land acquisition – and we're continuing to work on that section.

The Speaker: The hon. Member for Calgary-Glenmore, followed by the hon. Member for Calgary-Bow.

Additional School Board Funding

(continued)

Mr. Hinman: Well, thank you, Mr. Speaker. Perhaps the signature promise of the Premier's leadership campaign was her promise to the teachers' union to pump \$107 million back into that

system. She promised that the money would come from in-year savings and told Albertans she would not dip into our ever-dwindling savings. Last night, however, the Education minister signalled that she may back down from that promise by refusing to say where the money will come from. To the Finance minister: is the Education minister just ill informed, or do you really not know where or how you'll pay for the Premier's education promise?

Mr. Liepert: Well, Mr. Speaker, there's no ill informed on this side of the House. I think there's a fair bit on the other side because what the minister clearly said – I quit counting after about 15, 20 answers, the same answer to these members last night – is that that will be accounted for when we do our year-end accounting.

Mr. Hinman: Mr. Speaker, it's a promise on hope and not on thought.

Again to the Finance minister: given the endless examples of this government's wasteful spending and given the litany of examples that we have suggested where that money can come from, such as eliminating the cabinet pay hikes, scrapping carbon capture, or extending infrastructure projects by one year, perhaps a meeting with our Finance critic on your budget could help you walk through and show you how to prioritize and where to find the money.

Mr. Liepert: Well, Mr. Speaker, I'd like to talk a little bit about the report that was released yesterday by the Fraser Institute. It talked about this province and this province's finances being in the best shape of any state or province in North America. So, you know, these particular individuals can continue to flail away at certain expenditures, but we'll have a time pretty soon when the people of Alberta will pass decision on whether we're spending money appropriately or whether these folks are focusing on something that Albertans really don't care much about.

Mr. Hinman: Isn't it great to brag about a deficit of \$6 billion cash. Unbelievable.

Thank you, Mr. Speaker. I'll direct this question to the other deficit twin, then, since the Finance minister doesn't seem to have a clue. To the President of the Treasury Board: given that your government continues to push back its balanced budget target date because of unbudgeted spending, will you commit here and now to find the \$107 million in this year's budget so that our savings aren't sucked dry and so that your balanced budget target isn't so far away you can't even see it?

Mr. Horner: Well, Mr. Speaker, it's interesting that they're trying to suggest that we have pushed out our targets. I think I answered the question quite clearly in the news scrum, at which I saw some of the hon. members diligently taking notes. They obviously must have lost them, I guess. We did say that our target was 2013-14, and we did also say, when we announced the funding for the \$107 million, that we would find that within in-year savings. The Auditor General has said, as the Fraser Institute has said, that we do the best books in the country and North America bar none. We're pretty proud of that.

The Speaker: The hon. Member for Calgary-Bow, followed by the hon. Member for Calgary-Bufferlo.

2:30 Canadian Energy Company Acquisition

Ms DeLong: Thank you very much, Mr. Speaker. The Saskatchewan government recently blocked the sale of PotashCorp to a foreign company, citing that potash is a strategic resource. Here in Alberta Chinese-owned Sinopec has been shoring up their interest

in Alberta's energy resources, the most recent being the proposed purchase of Daylight Energy. To the Minister of Energy: will the Alberta government allow this sale to go forward?

Dr. Morton: Mr. Speaker, I should clarify, first of all, that the decision of whether or not a foreign company can buy a Canadian-based company when the price is over \$320 million is actually federal, not provincial. It's under the federal Investment Canada Act. The federal government makes the decision: is that in the best interests of Canada?

With respect to Alberta, though, we certainly look at what's in the best interests of Alberta. With respect to Daylight and the oil and gas industry we know that there are hundreds of foreign companies active here. It's a capital-intensive business. Many foreign companies already have a stake here. There's no precedent being set.

The Speaker: The hon. member.

Ms DeLong: Thank you very much, Mr. Speaker, and thank you, Minister. How is this different from the sale of Potash in Saskatchewan?

Dr. Morton: The situation between potash in Saskatchewan and oil and gas here is quite different, as is the situation of Sask Potash. The concentration of resource in Saskatchewan is that it has most of the global supply, and there are only four or five operators there. Sask Potash has 20 per cent of total global reserves of potash. Here in Alberta Daylight produces 37,000 barrels of energy equivalent a day. That's less than 1 per cent of Alberta's total production. So there's no real parallel at all.

The Speaker: The hon. member.

Ms DeLong: No further questions.

Funding for Private Schools

Mr. Hehr: Mr. Speaker, this summer when the now Premier was stumping for her new position, she participated in an educational debate where she said the following: what I am quite concerned about right now is that we could very well see, with the continuing development of private and charter schools, the public system being a second-tier level of education, and that can't happen. To the Minister of Education: since you became minister, has the Premier had a chance to indicate to you this concern, that she previously discussed in the debate at the Alberta Teachers' Association summer meetings?

Mr. Lukaszuk: Well, obviously the Premier, like myself and any other parent, is concerned about making sure we have the best education possible. Every parent as a partner in education wants to make sure their children receive the best education possible.

You know what, Mr. Speaker? A little bit of bad news. I said already in this House that the Prime Minister of the U.K. just told us that Alberta has the best system of education in the entire English-speaking world, and he was referring to the public system. Yes, we do have private schools and charter schools and Christian schools and Islamic schools. The list goes on and on. Altogether that's what makes Alberta Education so great.

Mr. Hehr: To the same minister. Given the Premier's words can the minister explain why this government is currently subsidizing some elite private schools, some that charge parents up to \$17,000 a year, with provincial tax dollars?

Mr. Lukaszuk: Mr. Speaker, again, as I said, that's what makes Alberta Education so fabulous. This member would like to misrepresent private schools. As a matter of fact, the majority of private schools are not elitist. I have a private school in my riding, the Islamic Academy, where I would venture to guess that the average income of the parents could possibly be below the provincial average. We want choice for parents. We want choice for children. Children learn differently. Parents have different values and different expectations. In Alberta we offer a full buffet of education that suits everybody's needs.

Mr. Hehr: Given that my previous example makes it clear that in the main the average working family cannot afford private schooling, will this minister take the Premier's words to heart and look at cutting funding to private schools?

Mr. Lukaszuk: Mr. Speaker, the answer is simply no. Again, what this member is doing is misinterpreting what the Premier may have said. The fact is that I know of private schools – I have private schools in my riding – where, as I said earlier, the majority of children in that school are children of immigrants. The average income is probably below the provincial average. To misinterpret the reality of private schools is simply wrong. Our kids deserve choice. Our parents deserve choice. They deserve the best education possible, and they're getting it.

The Speaker: The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Gold Bar.

Crime and Safe Communities

Mr. Cao: Thank you, Mr. Speaker. From listening to our constituents express their concerns about the police budget in Calgary and the recent incidents of shooting, my questions are to the hon. Solicitor General and Minister of Public Security. Given that safety and security are among the top priorities of our constituents and our government, what can the minister do to ensure the safety and protection of Alberta residents, particularly in Calgary?

The Speaker: The hon. minister.

Mr. Denis: Thank you very much, Mr. Speaker. As I've mentioned before, since 2008 this government has provided \$12 million of funding in lieu to the city of Calgary for 123 new police officers, some of which actually patrol the member's constituency in the inner city in Calgary-Fort. But it's not just about cops on streets; it's also about attacking the root causes of crime, and that's what we're doing through our safe communities initiative.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister: how can the minister be sure that the safety and protection of all communities are preserved in these tough economic times?

The Speaker: The hon. minister.

Mr. Denis: Thank you very much, Mr. Speaker. During this difficult time we are continuing with police funding of \$435 million this year province-wide. Of course, that does include the member's beautiful constituency of Calgary-Fort.

The Speaker: The hon. member.

Mr. Cao: Thank you, Mr. Speaker. To the same hon. minister: moving forward, how will the minister ensure that provincial funding does not simply top up the reduction in the municipal budget?

The Speaker: The hon. minister.

Mr. Denis: Thank you very much, Mr. Speaker. That is a good question. I've mentioned before how the province has stepped up for our cities, our towns, and throughout the province in dealing with police funding. Realistically, whenever one particular municipality goes and complains about funding, it's unrealistic to expect the province to backstop it.

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

Inspection of Long-term Care Facilities

Mr. MacDonald: Thank you very much, Mr. Speaker. A question to the Minister of Seniors, please. Why has this government failed to set uniform province-wide inspection systems for long-term care facilities six years after the office of the Auditor General demanded that it be done?

The Speaker: The hon. minister.

Mr. VanderBurg: Thank you, Mr. Speaker. In fact, our department does set the accommodation standards and the fees. We do inspections. Under the great leadership of the previous minister that was posted on the website so that we can all see it and enjoy it for our evening reading.

Mr. MacDonald: Given that last year Alberta Health Services spent over half a billion dollars on facility-based continuing care services, why again has this government failed to approve updated standards for facility-based continuing care? Your version of this is totally different from what the office of the Auditor General suggested to the media and the public yesterday.

Mr. VanderBurg: Again, Mr. Speaker, I'd really like to tell you that there's a great care facilities review committee. There's great work done by this ministry. Today I had an opportunity to look at the website. You know, if any of you from Edmonton are interested, there's the Dianne and Irving Kipnes Centre for Veterans, the Edmonton Chinatown Care Centre, the Edmonton General Continuing Care Centre, Extencicare Eaux Claires, Extencicare Holyrood, Good Samaritan Society. It's all public. You can read about it.

The Speaker: The hon. member.

Mr. MacDonald: Thank you, Mr. Speaker. Again to the same minister: if all of this is true, why are there so many discrepancies in the current inspection system for those facilities?

Mr. VanderBurg: Mr. Speaker, of course it's all true. It's all on the website. We're transparent. We have a great process and a great group of administrators to make sure that these facilities are reviewed each and every year. If a complaint comes up, we'll address it.

The Speaker: Hon. members, that concludes the question-and-answer period for today. Nineteen members were recognized. There were 112 questions and responses.

In 30 seconds from now we're going to continue with the Routine.

2:40

Members' Statements

(continued)

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

Community Funding in Edmonton-McClung

Mr. Xiao: Thank you, Mr. Speaker. Today I would like to speak about two initiatives of the Alberta government that have made an important impact in the constituency of Edmonton-McClung over the past three and a half years, the community facility enhancement program, CFEP, and the community initiatives program, CIP. Both provide critical funding to support local organizations to improve the everyday lives of Albertans.

Since 2009 organizations in Edmonton-McClung have received an incredible \$1.6 million in funding. CFEP grants have helped almost every community league in the constituency to build or renovate their playgrounds, skating rinks, and other important facilities. Over \$200,000 in CFEP funding has been given to the Ukrainian Orthodox Church of St. Anthony to expand its cultural hall, and another \$200,000 has been provided for facility upgrades at the Jamie Platz YMCA. In addition, government of Alberta grants have helped to make a reality both the west Edmonton water spray park, an investment of \$125,000, and the Callingwood skateboard park, an investment of \$425,000.

Over the past three years 13 out of the 15 schools in my constituency have also received CIP grants to help support technology upgrades, including new computer equipment, Smart boards, and musical instruments.

Mr. Speaker, the schools and community organizations in Edmonton-McClung have been able to do so much for their communities through the aid of CFEP and CIP, for which they are most appreciative. I'm pleased that our government has been able to support their admirable community spirit and initiatives through such funding.

Thank you.

The Speaker: The hon. Member for Calgary-Mackay

Adoption Awareness

Ms Woo-Paw: Thank you, Mr. Speaker. I'm pleased to rise today in recognition of Adoption Awareness Month. Each November we recognize Alberta families who have opened up their hearts and adopted children and youth, giving them a permanent, loving home of their own. This gift is something that many of us take for granted.

This month is also a time when we need to think about the children and youth in government care who are still waiting to be adopted. Alberta has approximately 200 children or youth ready and waiting to be adopted by families who will help ensure that these kids have the love and support they need to reach their full potential, something all children and youth deserve.

Alberta's adoption program does a terrific job of placing children and youth with families who really care. As a result, our program is considered by many to be one of the best in the country. In the last fiscal year 551 children or youth were placed in permanent homes, which, I'm pleased to say, more than exceeded our government's goal.

Our adoption programs take a proactive approach with initiatives such as the successful *Wednesday's Child* televised segments and its unique website that profiles Alberta children and youth available for adoption. This program also includes A Child's Hope, which is a grassroots strategy that gets people talking about the many benefits of fostering, providing kinship care, adopting or mentoring a child or youth.

Mr. Speaker, our government's involvement in adoption does not stop at the time an adoption is successfully completed. We also offer postadoption supports and services that include financial assistance through the supports for permanency program. This program provides financial support to families who adopt children in government care to help cover the costs of the child's day-to-day needs and some of the additional services the child may require.

We are also available to provide postadoption information and reunion services through the postadoption registry. To find out more . . . [Ms Woo-Paw's speaking time expired]

The Speaker: The hon. Member for Airdrie-Chestermere.

Premier's Election Promises

Mr. Anderson: Thank you, Mr. Speaker. On October 2 this Premier surprised quite a few people, including most of those sitting on that side of the House, when she was selected leader of the PC Party by just over 37,000 PC Party members. She won that vote by a razor-thin margin of 1,600 votes over her chief opponent, Gary Mar.

How did she pull off this narrow and improbable victory? Well, quite simply, she made a whole lot of promises. She said that if PC members elected her, she would usher in an era of openness and transparency and end the era of the good old boys' club. Well, it worked, barely, but it did work. Enough people bought into the promises, and our new Premier was crowned.

What has followed, though, has been a literal tsunami of broken promises and half measures. Her promise to call a judicial public inquiry to be conducted prior to the next election, gone. Her promise to set fixed election dates turned into fixed election seasons. Her promise to find in-year savings to pay for \$107 million in education cuts, out the window. Stopping bills 50 and 36, nada. Her promise to be more democratic turned into a cancellation of the fall session and then four days to debate six highly controversial and complicated bills before they are rammed through faster and more crudely than her predecessor ever did.

One has to ask: would we have a Premier Gary Mar today if PC voters knew how many promises the current Premier would eventually break? My guess is, especially in such a close race, that Gary Mar would indeed have been our Premier today. It appears the broken-promise strategy worked and worked well. Fool me once, shame on you; fool me twice, shame on me. The bad news for this Premier is that Albertans are nobody's fools.

Thank you, Mr. Speaker.

The Speaker: Hon. members, before we move on, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests

(continued)

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

Mr. Hinman: Thank you, Mr. Speaker. It's always an honour to rise and introduce to you and through you to all members of this Assembly individuals who wish to come and visit Edmonton. We have a couple of youth groups from Lindbrook and their leaders. They visited earlier today with the hon. members for Cardston-Taber-Warner, Calgary-Shaw, and myself and asked many pointed questions to government. I'd like to introduce them. I believe they're in the members' gallery: Dana Adams, Cristin Cahoon, Roberta Tiedemann, Samantha Woodruff, Haley Roe, Cailin

Cahoon, Sam Cahoon, Jazmin Roe, Kana Oshima, Mei Tsuboi, Betty Lou Roe, and Will McCauley. I wish to have everybody give them a warm welcome.

Tabling Returns and Reports

The Speaker: The Minister of Finance.

Mr. Liepert: Thank you very much, Mr. Speaker. In accordance with the Gaming and Liquor Act and the Government Accountability Act I am tabling the appropriate number of copies of the 2010-11 Alberta Gaming and Liquor Commission annual report.

The Speaker: The hon. Member for Calgary-Centre – sorry – Edmonton-Centre, then Calgary-Buffalo.

Ms Blakeman: Thank you very much, Mr. Speaker. As you know how delighted and honoured I am to represent the fabulous constituency of Edmonton-Centre, I would like to provide the Assembly with the appropriate number of copies of three tablings that the Leader of the Official Opposition referred to during his questions in question period today. The first is a copy of an *Edmonton Journal* article, Emergency Waiting Times Not Improving.

The second is a copy of the Alberta Medical Association president's letter dated November 14, 2011, in which they are specifically referencing the interim report of the Health Quality Council of Alberta and in which it validates allegations of physicians being intimidated.

Finally, stapled copies of two memoranda issued by Alberta Health Services, both of them dated the 14th of September – one of them is actually timed – one referenced about critical demand for in-patient mental health beds and associated discharges, then an additional one on addiction and mental health bed pressures, that was more widely circulated. Those were referred to. There you go.

Thank you very much.

The Speaker: Calgary-Buffalo.

Mr. Hehr: Thank you, Mr. Speaker. I have two tablings today. The first is a letter from Ms Kathryn Braun in Calgary, who has a letter addressing her concerns on Bill 50 and what it could do to the electrical system here in Alberta.

The second letter is from the Canadian Civil Liberties Association to Lauri-Ann Turnbull, board chair of the Greater St. Albert Catholic schools, asking some pointed questions about the legal basis for not providing secular schooling in that area and asking for a meeting to explain the position.

Anyway, I believe that I have the appropriate copies to be tabled as we speak.

2:50

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

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to table the appropriate number of copies of a petition which contains 923 signatures gathered by Women Together Ending Poverty. The petition reads:

We, the undersigned residents of Alberta, petition the Legislative Assembly to introduce measures into the 2012 budget that: 1) increase the minimum wage to \$14.00; 2) reform Alberta Works policy and increase benefits in accordance with the living wage; and 3) increase AISH benefits in accordance with the living wage.

I have the appropriate number of copies.

Thank you.

The Speaker: Others? Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker. I'm sorry. I neglected to table a very important tabling, and that is from one of my constituents who is asking for help to implement a publicly funded insulin pump program for Albertans with type 1 diabetes. She notes that Alberta is one of only three provinces that don't pay for this and that "Albertans with annual incomes greater than \$15,000 face the highest out-of-pocket costs in the country."

Thank you very much, Mr. Speaker.

Privilege

Misleading the House

The Speaker: Hon. members, on October 24 the hon. Member for Edmonton-Strathcona gave notice to the House about wanting to rise on a point of privilege. We heard submissions on that date, we heard submissions on November 21, 22, and today it is the opportunity for the hon. Member for Edmonton-Mill Creek to enter his thoughts into the record.

Mr. Zwodzesky: Thank you very much, Mr. Speaker. I've had a chance to read through the hon. member's purported point of privilege, in which she alleges that I somehow misled this Assembly. This is absolutely false and otherwise totally incorrect.

I have enormous respect for this Assembly, for all the members who sit in it, and also for the democratic process, and I feel honoured, as all members do, to be sitting here serving my constituents and all Albertans. I take my duties and my responsibilities very seriously in that regard, and I know other members do, too. Therefore, regarding the baseless claims that were made in the member's submission, I appreciate this opportunity to respond and to defend myself.

It is clear at the outset, Mr. Speaker, that the Member for Edmonton-Strathcona's point of privilege is based on a fundamental lack of understanding of government processes and is based on a misinterpretation of some of the facts. It is a known fact that the government of Alberta embarked on various information-gathering initiatives over the past several years and that this information was gathered through, by, and/or from surveys, meetings, and consultations with stakeholders and with Albertans in general. In many cases Albertans were encouraged to also submit their own comments, ideas, and opinions voluntarily, and the response was quite outstanding.

Mr. Speaker, Alberta Health and Wellness staff routinely administer surveys that support these province-wide consultations, and they also personally attend many of the consultation meetings across the province, and they also review the submissions. Thereafter it is these hard-working staff members who compile, collate, categorize, and otherwise organize that information, and then they may provide it as confidential advice to the minister for his or her consideration. It's apparent to me that that's precisely what occurred here.

In fact, on page 1 of that document, which was tabled, it clearly states under the title Issue, "The Ministry of Health and Wellness is seeking approval-in-principle of core concepts that may be reflected in a new health Act." Clearly, it is a ministry document. In other cases the information gathered may be used to inform or guide a printed report for the public such as the report from the Minister's Advisory Committee on Health, which I received last year and immediately released to the public.

In reality, we hear from the public and from stakeholders all the time regarding health care matters. With respect to the source of the information that informed the analysis of the Minister's

Advisory Committee on Health report and with respect to what appears to have been reflected in the PowerPoint that was tabled in this Assembly, the truth is that the source really was Albertans. However, I must also add that in them being the source, which is what I said, I necessarily did not agree with everything that came forward in the form of advice. In fact, in this Assembly I indicated that there were certain parts that I outright rejected.

However, I also want to make it clear that when you are reviewing the myriad of issues that comprise health care, the department may do additional research on its own, and that might include reviewing information and data from other levels of government, from other provinces and jurisdictions, and even from other countries. Therefore, I did not mischaracterize the source of the information, as the member alleges.

Moving on, Mr. Speaker, I certainly did not deliberately mislead the House through any statements that I made here. The member is challenging a statement that I made when I said that a document tabled in this House by the Member for Calgary-Mountain View, a document which he later stated was a PowerPoint dated July 12 of last year, is not a document that I authored. I did not author that document. In fact, as I indicated one year or so ago, it was created by officials in the Department of Health and Wellness. So once again I have been forthright about who wrote or compiled the document or the documents referenced by the member.

Let me also address the member's contention and/or inference that I was responsible somehow for an alleged government plan to privatize health care. Nothing could be further from the truth, Mr. Speaker. My commitment to a strong, publicly funded health care system remains steadfast, as evidenced by my own actions. Look at the historic five-year funding plan for health care that I introduced as part of our budget, a plan that guarantees for the first time in the province's history and for the first time in any province's history across Canada a commitment of 6 per cent increases to health funding in each of the first three years, followed by increases of 4.5 per cent in years 4 and 5.

Look at the five-year health action plan that I introduced, a plan that sets out a clear road map for the direction of health care in Alberta, along with 50 very specific key performance measures to publicly monitor our progress. Look at the multibillion-dollar infrastructure plans for health facilities and equipment that I coannounced in 2010 and 2011. Mr. Speaker, most of all, look at the Alberta Health Act, that I presented and defended in this Assembly last year, an act that clearly states in law our commitment, including obviously my personal commitment as a minister, to the principles of the Canada Health Act, as requested by Albertans.

When one considers these factors, I would challenge anyone to conclude, as the Member for Edmonton-Strathcona erroneously did, that somehow I had a privatization agenda in mind. Clearly, I did not, and my actions certainly prove that. It should also be noted that these plans I just referenced and all of these commitments are all public documents and that all of them support our publicly funded, single-tier health care system.

In summary, I did not fail to acknowledge the actions of my ministry, as the member alleged. In fact, on December 2, 2010, in response to Calgary-Mountain View's question in this regard, I stated, "That is a departmental document that reflected views, opinions, comments, and ideas by Albertans, so you might say that it came from a variety of sources right across the province."

Earlier, on November 30, I also said, "It is not a document that I authored," which is also true. I did not write that document.

Furthermore, the member herself acknowledged this fact just two, three days ago, when she referred to the document in question and said that it was “a document that was prepared for the minister.” Then later on in her speech on Monday, a few days ago, she again stated: “We know that the document prepared for the minister in May 2010.” Clearly, Mr. Speaker, through her own statements in this House just a few days ago she understood that the documents she was referencing were not my creation. Why she would attempt to make it sound otherwise is baffling indeed. They were, in fact, departmental documents, as I indicated and as I acknowledged.

3:00

Mr. Speaker, I did not give any false information to this House ever, which the member again incorrectly alleged. She may have a misunderstanding of some of the facts and a general lack of knowledge of government processes and so on, and I can understand that. However, the facts remain as I stated them in this House about one year ago. I believe I already elaborated on that in my comments earlier today.

Finally, I most certainly did not prevent an honest and open debate regarding health care issues, as this member has alleged. In fact, Mr. Speaker, I encouraged that kind of debate at every opportunity, and my actions in this House and outside this House, with over 1,000 meetings, would prove that to be true. For example, I introduced Alberta's first-ever Alberta Health Act last fall, and that led to a very important, very lengthy, and very significant debate about health care right in this House, a debate that I felt was both open and honest even though I may have disagreed with certain things that some opposition members may have said. As Minister of Health and Wellness I also supported the Standing Order 30 motion in this House that prompted a so-called emergency debate in this Assembly regarding health care. It doesn't get more open and honest than that.

I can certainly cite other examples where I have encouraged and supported open and honest dialogue and debate regarding health care and other issues that are important to Albertans.

In conclusion, Mr. Speaker, I wish to indicate quite emphatically that I did not make any misleading statements. There may have been some misinterpretations of some of the comments as understood by some of the members but certainly nothing that could be construed as a deliberate attempt to mislead. Therefore, I feel there is no basis to this point of privilege raised by the hon. member, but I shall await your final ruling in this respect.

Thank you.

The Speaker: Hon. members, it'll be my hope that I'll be able to rule on this purported point of privilege tomorrow.

Orders of the Day.

Mr. Mason: Mr. Speaker, may I participate in the debate?

The Speaker: I'm sorry. No, sir. We've concluded it.

Mr. Mason: Okay. Thank you.

Orders of the Day

Government Bills and Orders Second Reading

Bill 25

Child and Youth Advocate Act

[Adjourned debate November 22: Mr. Boutilier]

The Speaker: Before we proceed, the hon. Member for Fort

McMurray-Wood Buffalo concluded the discussion of this at second reading. He was the third member. Was the five-minute question-and-answer section applied? It was? Okay.

Hon. Member for Calgary-Buffalo, please proceed.

Mr. Hehr: Thank you very much, Mr. Speaker. It is always an honour to be able to speak in this House as I acknowledge the extreme privilege it is for us to be in this Legislature and to actually get to participate in the debate, the discussion, and the direction that this province goes in and continues to go in. I just note that over the course of the last number of years, I recognize the extreme privilege of being able to do that, and it is so again today.

If you look at Bill 25, the Child and Youth Advocate Act, you have to give the government credit for bringing in what looks like a very good bill that's going to help and assist many of our province's most vulnerable youth. Unfortunately, many youth in Alberta do not have the solid backing or the solid foundations that many of us here in this Legislature have been privy to, a loving family with food on the table and with parents doting over them to get to public education, skating, swimming: the whole thing. In fact, many children here in Alberta do not have the privileged an existence at all. Some may even say that it's downright disappointing, the existence of some of our youth. That was indicated today, I believe, in question period when it was highlighted that 34,000 children right now are living in poverty. That to me is something we should all be concerned about in this Legislature and we should be moving forward on.

But the Child and Youth Advocate Act can assist in some ways in dealing with youth who find themselves in turmoil, find themselves in a place of loneliness, in a place of despair. Whether that be in terms of violence in the home or even troubles with the youth criminal justice system many of these individuals have nowhere to go. You know, there are probably numerous reasons for this, some of which this Legislation can't always assist in. I understand there are limits to what a government can do to try and even the scale, so to speak, to try and give everyone an opportunity to the good life.

I noted today in the *National Post*, as it relates to the Child and Youth Advocate Act, that there could be some connections between this. The *National Post* was going through the rankings of how this province stacks up compared to other provinces in terms of support for, essentially, child daycare spaces, assisting families who are starting out and on their way. They noted that other provinces – Quebec has a \$7 a day daycare system that tends to support young families, gives people opportunities to build lives and careers as well as ensure that their children are supervised and taken care of in a fashion that's reasonable and commensurate.

I also noted that it wasn't just Quebec but the provinces of Prince Edward Island and Ontario who also scored very highly on this. In fact, if memory serves – and I just read the article three hours ago, so it should – Alberta scored towards the very bottom of this country in terms of supporting these types of programs, which they noted not only assisted families economically as it allowed them to participate in the workforce; it assisted children in their development as it gave them a place where they could be nurtured and cared for when families are pressed to earn a daily wage and to try and put food on the table.

Possibly we need as a province to move in some of that direction to try and even the scales, to try and provide for these essential services, as other jurisdictions are doing and having quite a bit of success at, that would hopefully maybe not eliminate the need for a

Child and Youth Advocate Act. I believe these situations will always exist, but it's still something to consider when we look at the number of youth in Alberta who are having difficulties and who need a service like the Child and Youth Advocate to not only protect their rights but to sometimes shepherd them through a system and a storm of life that is not necessarily their problem. It is their problem but is not necessarily caused by them directly, and they simply need that guidance and direction and that help and that hand up that governments are supposed to give people, especially the most vulnerable and even more so if the most vulnerable are our youth. We can never turn our backs on human potential.

3:10

That's what this act actually does. It assists in helping the lost, the people who are having difficulty finding their way, the people who have fallen through the cracks. In my view the government should be applauded for bringing in this act.

One of the neat things about this is that oftentimes on this side of the House we have called for an independent officer of this Legislature. That means they report directly to this House. There is no vetting of the report. There is no changing of the report. There is no politicizing of the report. The Child and Youth Advocate is prepared and able to do his work. We are allowed to see an unfettered, unpoliticized look at the good, the bad, and the ugly of what children are going through in our society. In my view, we can then get the best handle on how to assist those individuals when the storm of life is upon them.

This legislation also provides the legislative authority you need to establish the child and family services council for quality assurance and spells out its roles and functions and powers. This can be a very powerful tool. I know we were talking earlier in question period about a poverty reduction strategy and how this government is apparently going to a crossministry analysis and, I'd assume, a cross-services analysis, how this could play a role in the elimination of the poverty that was mentioned, where 1 in 6 children in this province are facing living in poverty. In my view, we have more wealth in this society, probably, than we have ever had.

The difficulty, when you think about that, is that if our society is wealthier than we've ever been, how is it that seemingly more children are living in poverty? You know, it's difficult to talk about the good old days because you always run into the question: were the good old days always that good? Nevertheless, I think if you go back in the annals of time here in Alberta, at least pre-1985, there were fewer children who were living in poverty and who were finding themselves in difficult circumstances. There seemed to be more emphasis on the public good and on our collective roles and responsibilities rather than the stockpiling of individual wealth and individual pursuits, which is something where I am hopeful that the new Premier may take us in a new direction if I may say so. I think that direction can be accomplished here. I believe that our electorate is ready for that direction and a new embracing of what it means to be an Albertan. Let's hope some of that plays out.

I think this might be sort of the tip of the iceberg. It may be one of those things that I'm hoping will signal this change in the way we have done business over the last 25 years in this province. If this does in some small way look to eradicate some of the differences and difficulties that some of our youth are facing, well then it's definitely worth it.

I know on this side of the House – and the good Member for Edmonton-Centre can correct me if I'm wrong – we've advocated for this for quite some time, long before I have been in the House.

If I have the history correct, we've been advocating for this for the last 12 to 14 years. We on this side of the House have seen this as a truly needed part of our social fabric and a recognition that things aren't always easy out there for youth.

If we look at some of the roles this youth advocate can play, one is with the criminal justice system. As you are aware, I'm a recovering lawyer, and I often found it difficult to wrangle through the rules of court and muddle through a legal file. I can only imagine the difficulties that many of our youth are facing, with difficult decisions and difficult options and always with a view to what can best assist them not only through that trial but being in front of a magistrate, a judge, who has their immediate punishment in their hand. But the youth advocate then possibly can follow up with that youth and say, "Hey, now that we're done with this, let's try and move on to the next thing," which looks for the bettering of that individual's future and the better of our society's future.

In the main I'm very happy that this act has been put forth. I applaud the minister for bringing it forth, his first bill as new Minister of Human Services. Let's hope this signals a new direction for what a future Alberta could look like, maybe with a little more emphasis on human potential and the development of that spirit and our public contributions to each other, which, from my view, would be a breath of fresh air.

Those are my initial thoughts. I look forward to taking part in this debate at a later time, and I will leave it to others to comment further on this bill, which, as stated earlier, I find is a refreshing step towards some openness, some transparency, providing this Legislature with the means to do some good on behalf of Alberta youth.

Thank you very much.

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

All right. Who should I recognize next? The hon. Member for Edmonton-Centre.

Ms Blakeman: Yes. Thank you very much, Mr. Speaker. I'm pleased to be able to join in the discussion on second reading of Bill 25, the Child and Youth Advocate Act. I haven't had time to read through the *Hansard* comments of the minister – these bills are moving quickly through – so I apologize for that. I may ask some questions that, in fact, he answered yesterday. I just haven't been able to read the *Hansard* completely to be able to prohibit myself from asking the question again.

A few things have occurred to me as I've gone through the act, and I'll just throw those questions out to begin with and then get into a general discussion. I'm wondering why under the office of the Child and Youth Advocate there are exemptions. Certain things do not apply to the office of the Child and Youth Advocate or any employee of them, and I'm wondering why this was done. Is this a regular clause that goes into bills like this? I don't remember seeing them. I guess that's why it kind of jumped out at me, the fact that it's an exception. It says that it doesn't apply in the matters of financial administration of the Public Service Act. So if I can get an explanation about that. This may well be a standard clause. I just don't know.

The next thing that struck me as a little odd – and I think I know where this is coming from, but let me just ask the question. When it's talking about the reports that are done after an investigation of a child who is a ward of the government – and I'm sorry; that's old-fashioned language. I'm not sure what is the language that's used now. I'm just looking for what the minister was referring to, but I'll call them wards of the state or children that are under the guardianship or protection of the government. It does say that when

there is a report, the report “shall not contain any findings of legal responsibility or any conclusions of law.” I suspect this is because they’re not lawyers and it’s not court, but I’m still hoping that there is an expectation that the findings of the advocate would in fact have some finding of responsibility, if not legal at least some responsibility of where this went wrong, and also conclusions. So I understand that they can’t be legal conclusions, but I hope there are going to be conclusions. I’m just double-checking that.

3:20

This report that’s done when there’s a child who has a serious injury or a death: the name is not going to be disclosed. Again, I thought we were trying to get away from that. So I’m curious as to why it’s still in there. That was one of the big points people were talking about, that having the child advocate report to the Legislative Assembly rather than through the government process was making them more accountable; in other words, that it doesn’t get buried under a government ministry.

One of my things – and I’ve been pretty vocal about this in public and in the media – was that the name of the child shouldn’t be hidden if, in fact, the child has died while under the protection of the government. Yet I see in this clause that the report “must not disclose the name of, or any identifying information about, the child to whom the investigation relates or a parent or guardian of the child.” So exactly the same clause seems to be in there, and I don’t understand why. I thought that was going to come out.

What ends up happening is that we end up with mystery children. You know, we’re not able to put them in our consciousness as reminders that we should never do this again. We have all kinds of sayings in our society that try and remind us to not forget or that we will remember. Never forget this day. We’ve got all kinds. Today is remembrance day for motor vehicle collision victims. They’re there to make us remember these things.

When we can’t name a child, we lose them. They’re just nameless. They disappear into the system. Soon even the circumstances around their death disappear, as horrible as this is, referring to them as, you know, the hanging or the suicide. They become a “the something,” and then eventually nothing because we can’t distinguish this “the suicide” from that “the suicide,” so we refer to them by the manner of their death rather than by a name. I’m quite distressed that that seems to be the case.

You know what? Sometimes I read this legislation wrong, so perhaps I am wrong. I’m sure the minister will correct me if that’s the case.

We have the usual clauses about setting up an office and hiring people and having a budget and how they report and all of that, but I think overall this is something that people wanted. I think Albertans are very aware of our collective, our societal responsibility for vulnerable children, children that may not have the support of one or both parents or the support of a legal guardian. They’ve come into conflict with the law, or their families haven’t been able to provide for them, et cetera. They are vulnerable children, and the government has stepped in and taken over responsibility for them.

What the advocate does is provide a voice, an alternative that is nongovernment for a child to be able to go to and say, “I don’t think I’m being treated right,” or “I want to have a say in decisions that are being made that affect my life.” This is what the advocate can provide for them and, in fact, I think has provided for them all the way along. We’ve had a long history where we’ve had some really wonderful children’s advocates who have worked very hard, and this cannot be an easy job. It just can’t. You’re seeing children who really are distressed, and things have not gone well for them. This cannot be an easy job to go to Monday to

Friday 8 to 4, and I bet you this job extends beyond those hours and those days as well.

We’ve had some children’s advocates who’ve really done a great job on advocating what the government needs to change in order to better look after children that are under their guardianship, but it’s always been surrounded by a great deal of controversy. We’ve certainly heard from some past children’s advocates that the government made it almost impossible for them to do their job, or the bureaucrats working under the instructions of cabinet ministers made it very hard for them to complete their mandate. They’ve gone public with that, which in this province is particularly difficult to do. Certain individuals in positions of power in the government have an ability to make life pretty tough for people that go public on them. We’ve got another bill in front of us that’s actually dealing with exactly that issue, with the doctors feeling intimidated by people set on them by the government.

Then we started to see that the government actually started to hire children’s advocates who were pretty quiet to begin with, and we actually weren’t hearing very much and then found out, to some dismay, that there’d been a failure to file for a very long period of time. It wasn’t even possible for the public, to whom we answer, really, any public that was out there, interested group or anybody working in children’s services, that wanted to see what the government was being told about how to improve their services and where things were going wrong. The reports I read did reference how many children’s cases they’d taken for children that had been injured or how many had been in trouble with the law or how many had died and some vague references like the suicide that referenced how they died.

Even what was being brought forward in reports eventually seemed to have been minimized, and as I said, I think it was five years’ worth had not even been filed. Eventually the minister or someone caught on to the fact that they hadn’t been filed. There was a big to-do in the Assembly at the time, and that caused the most recent round of advocacy from members of this Assembly but also from people concerned about vulnerable children outside of the Assembly, advocating to the government that this particular position and the office and support surrounding it be moved out from underneath the ministry and into a position that would make it now the sixth officer that responds to the Legislative Assembly, joining, of course, the Ombudsman, the FOIP commissioner, the Auditor General, the Chief Electoral Officer, and the Ethics Commissioner. This will be the sixth one.

I, in fact, sit on that Standing Committee on Legislative Offices. Indeed, they come before us several times a year to put their business plan before us and to get approval for their budgets and to answer questions that we have for them.

So it’s been a long history to get to this point. It once again proves that if you advocate consistently and firmly long enough, you will probably manage to change the government’s mind. I’m sure that the presiding minister is very happy to be starting off his stewardship of this particular department with a good-news bill, which is what this is.

Again, I’m trying to talk and read his comments at the same. I can see him in here talking about publication bans designed to protect the privacy of the children being clarified and simplified, but again I think that there’s a certain point where it’s in the public interest to know what went wrong and what happened. There is a certain witnessing function that the public takes over government actions that is important to uphold and to provide information for.

I think that this does expand the mandate. It does, I hope, make it more transparent. Certainly, there’s been a number of provisions put forward in the act that make the entire process more transparent.

3:30

My wholehearted support of this bill is tainted by that clause that I've discovered that, again, says that the name of the child won't be published if they have died under care. I can certainly understand and would totally uphold not naming anyone or anyone attached to them if the child is still alive. They don't want to have to go to school and have all the kids or teachers saying stuff to them in the hallway. I mean, other people just don't need to know that about you. They really don't. But I think if a child has died while in government care, that's a whole different ball of wax. It should be a whole different process in which we understand that there is something to be learned and something to be witnessed, and things should probably change as a result of that. At least we have to understand why. What were the circumstances that caused that with the child?

So thank you very much for the opportunity to speak in second reading. I am very supportive of the principle of this act, and I look forward to hearing other members, hopefully some government members, speaking on how they think this act is going to affect their constituents or people that they work with.

I don't have a lot of kids in the fabulous constituency of Edmonton-Centre. Mostly my children tend to be coming from families that are new Canadians or recent refugees or immigrants, and those communities tend to take care of their own. Their children – and I'm generalizing carefully here – tend not to end up in the system, so I actually don't have very much experience with, for example, child welfare cases as compared to some other constituency offices that probably deal with them on a regular basis. We get one a year, and we sort of freak out because we can't remember who we're supposed to call to try and work our way through this. Other things? Oh, yeah. Mental health? Yeah. We deal with it all the time. But children? Not so much.

I am pleased to see the progress that has been made here. I think it's a good thing, and I hope it's a good thing. Thank you very much, Mr. Speaker.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The hon. Government House Leader on this matter, question and answer. Proceed.

Mr. Hancock: Thank you, Mr. Speaker. I'm sorry I missed the first point, so I'll have to go back and catch it. But the hon. member mentioned two points that concerned her: the section under 15(2) about no liability being found and section 15(3), I believe, about the name not being disclosed.

With respect to section 15(2), no liability to be found, I'd be interested in knowing whether the hon. member would agree that it's important that an investigation of this nature would not in any way be seen to impede or taint any criminal investigations so that liability can be found in the appropriate place.

I'd also be interested in her comments with respect to provisions of the act which allow for publication, in appropriate circumstances, after applying to a court so that the court can actually look to see who else's rights might be affected by a disclosure and whether she doesn't believe that the provision which says that the name will not be disclosed in the report is a safeguard, understanding that that particular child is dead but understanding that disclosing that child's name would disclose status with respect to the rest of the family and perhaps other children and others that might be affected. Therefore, it may be more appropriate to actually have the application process for the publication of a name in appropriate circumstances.

Ms Blakeman: Thanks very much to the minister for the question.

To respond to his first question – did I agree that the advocate shouldn't do anything that would impede a later legal finding or any kind of further legal process? – yes, but in a lot of cases there is no further legal process. I just don't want to see this kind of disappear into the ditch where we don't get any conclusive findings from the children's advocate. It never goes any further, so what did we learn? It's not there, right? I think there have to be some conclusions that are found by the advocate. Yes, I agree that it shouldn't impede any legal findings, but a lot of times you don't have legal findings. So how does that get balanced? I guess I'll throw that question back at the minister.

I'm not clear on the publication ban because I actually haven't been able to read enough about that to understand where it comes into play. Yes, as you know, I'm very interested in privacy rights. I'm very interested in who is holding information about whom and who else gets to see it and for how long it's kept and all the rest of that. My concern is that we fail to learn the lessons and we fail to share the lessons that we've learned if we make a child nameless. I'm hearing the difficult situation that's presented because if you go out there and say, you know, "Johnny B, who died in this manner," a number of people would be able to connect that one way or another with the Black family who had had a child die in a certain way and would be able to figure this out. Therefore, the taunts aren't transferred to the child no longer there but to siblings and parents and people associated with the family.

To be honest, if the child wasn't a ward of the government, wasn't under government care and they died in a playground mishap or disturbance or event or in a motor vehicle collision, their name would be shared. Their family is still out there, you know, with people knowing that somebody died in a certain way connected with their family, and they deal with that.

So I think we've got to weigh this very carefully, and I'm not sure if we've weighed it enough in what I'm seeing in this bill. That's my hesitation around this. I will look carefully as debate moves forward to see if it's been answered.

Just to refresh the minister's memory, the other question that I had was under section 8(3), the exemptions that are listed about the advocate: the standing committee can order that regulations under the Financial Administration Act or under the Public Service Act do not apply to the office of the Child and Youth Advocate.

The Speaker: Thank you very much.

Are there additional speakers on this bill? The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Speaker. I'm pleased to stand up and speak to Bill 25, the Child and Youth Advocate Act. I'm actually pleased to support this piece of legislation, but I'd like to get some clarification, and I have some questions, like the hon. Member for Edmonton-Centre, in regard to the legislation. I'm hoping that some of that we can deal with in committee because we're currently in second reading.

I'd like to say that I think this is a long overdue piece of legislation. I know as a member of the Wildrose that in our policy one of the things that we brought forward was having a child advocate and having an independent child advocate, so it was nice to see the minister bring this piece of legislation forward. I do particularly want to say that there are some things I like about the legislation; there are some things that I'm not so sure about the legislation. I think by saying that I'm not so sure, it's probably that there's more clarification needed.

[The Deputy Speaker in the chair]

I will say, though, as the former minister of children's services that it was an honour and a privilege and a pleasure for me to be able to work with the staff in the ministry of children's services. Their dedication within that ministry and what they try to do with children on a daily basis is absolutely beyond the call of duty. It's not a nice portfolio, as I'm sure any of the former ministers can attest to. The ones that seem to hit your desk as the minister are the ugly, ugly, ugly things. I think probably Albertans would be quite shocked if they knew some of the things that went on in this province and what was happening to our children in this province and what was being done to our children in this province. The dedication of the staff that work in the ministry of children's services.

3:40

I did have the privilege also, when I had the briefing with the minister – well, it was blind, actually, because it was over the phone, and I didn't have a copy of the three-column document. I know that one of the staff that was involved in the conference call is a lawyer that I've had the privilege of working with before. Her dedication to the area of children's services goes way back because, interestingly enough, she was assigned to me when the Protection of Children Involved in Prostitution Act was made Bill 1 in the Legislature by the Premier. She also showed a great deal of knowledge and a great deal of love for children in this province. I was feeling a little more comfortable knowing that Susan had actually been working on that piece of legislation, so I know that probably 70 or 80 per cent of this bill is done right.

I guess where I'm coming from is that I need to understand some things, and I'm hoping that during the debate – and I know the minister's staff is probably listening to this – they will be kind enough to provide some answers to some of the questions that I need to understand to make sure that the children in this province, under the auspices of the child advocate, will be well taken care of, and quite frankly we will have an advocate act that's probably the best in this country.

Unfortunately, I haven't had a lot of time to do research. The one thing about being a member of this opposition – and I've made this comment in the Legislature before – is that there are four of us. I have five critic positions plus one. We have limited staff. We have limited researchers. So a lot of the time my colleague from Calgary-Glenmore and I and my other colleagues that are sitting in this Legislature are spending an enormous amount of time doing our own research and, like all of the people in this Assembly, are working very, very hard to represent our constituents. But we're also trying to do five or six different critic positions, so time is very valuable in our lives.

I do know, Minister – and I know you're listening – that one of the pieces of legislation on the advocate, as I was doing research, that I quite liked and we have done some research on, that is being touted as probably one of the best pieces of legislation across this country at this particular time and having the biggest impact on children in the province, is the legislation coming out of British Columbia. We have diligently tried to go through their legislation and compare it to our legislation. There are some things that stand out, particularly in the B.C. legislation, that I think our minister needs to look at and, quite frankly, consider. He needs to be able to maybe tell me, when I look at some of the stuff that's happening in the B.C. legislation that I like – and I will apologize right now because I'm looking at a 30-page bill, and I haven't had the time to go word by word through the legislation. We will probably

have that opportunity as we move through the process, more likely into committee.

But I would like to ask the minister about part 3, Representative's Functions and General Powers, which is the advocate's responsibility. They have a part in there that talks about:

The representative is responsible for performing the following functions in accordance with this Act.

And they talk about:

- (a) support, assist, inform and advise children and their families respecting designated services, which activities include, without limitation,
- (i) providing information and advice to children and their families about how to effectively access designated services.

Not a problem. I mean, I know the advocate does that now. I can see where that is more or less included in part (ii) of the advocate's roles, functions, and general powers.

- (ii) advocating on behalf of a child receiving or eligible to receive a designated service.

No problem. I can see where that would be a fundamental responsibility of the advocate.

- (iii) supporting, promoting in communities and commenting publicly on advocacy services for children and their families with respect to designated services.

A motherhood and apple-pie statement. I'm sure it's incorporated in all the advocate's responsibilities under Bill 25.

Now, Minister, here's something that maybe you can explain to me so I can explain to the constituents of Calgary-Fish Creek and, quite frankly, Albertans. You know as well as I know that there's nothing that tears more at people's hearts than to see a child that's hurt or sick or has died in custody or care or, you know, unfortunately, an animal. I need to understand. Under the B.C. legislation they have a section that reads:

- (b) monitor, review, audit and conduct research on the provision of a designated service by a public body or director for the purpose of making recommendations to improve the effectiveness and responsiveness of that service, and comment publicly on any of these functions.

When we were looking at researching, that means that the advocate has the ability to take it upon themselves to look at any issue even though it hasn't been brought forward by the government. That's one of the strengths of the B.C. legislation and, I would suspect, one of the criticisms of the B.C. government because the advocate has that ultimate responsibility to initiate on their own and to conduct and research on anything that you're providing.

Now, Minister, I have looked through here. I have not been able to find that in any of your sections, but I'm sure that you will clarify that for me.

Mr. Hancock: In 9(2)(g).

Mrs. Forsyth: He says 9(2)(g), undertake or collaborate. Is that the one you mean, Minister? I know we're supposed to talk through the chair. The minister is trying to talk to me, Mr. Speaker, so excuse me. I see 9(2)(g) is: "Undertake or collaborate in research related to improving designated services or addressing the needs of children receiving those services." What you're suggesting is similar to what is incorporated in the B.C. legislation. I appreciate that, and I'm not going to respond till we get some more clarification on what you're saying and what the act in B.C. is suggested to say.

Minister, I'd like to ask you a couple of other things. The B.C. advocate was allowed to access cabinet documents and reports on problems and how she found out how cabinet was handling things. Are you going to give the advocate the same power? There is nowhere in this document, in your bill that allows the power of the

advocate to do that. I know that's a question where I look forward to your answer. The other question is: will the privilege aspect of information and reporting be something that protects the minister's office, or will it instead really be the removal of the barrier?

Now, the thing I see in here is more of a clarification if you don't mind, Minister. The advocate talks about raising the age of the mandate from 19 to 20, especially when you're dealing with developmental disabilities and things that have happened recently. I know that under your act you currently talk about "a person under the age of 18," including a youth who is receiving services, so that's under the age of 18. You then go on under the Child, Youth and Family Enhancement Act to "a person under the age of 22" because you've got that particular piece in your legislation that allows you to be able to access.

3:50

The last thing that I'd like to ask. One of the problems that we continually hear about is the high-risk youth who currently aren't receiving care. They're in and out of the system. They're receiving benefits under your department; then they're not; then they are. I think that's one of the areas that have to be caught. If you have a high-risk student or a high-risk child or youth, I guess, that's been in and out of the system, that's been on benefits and not having benefits – I don't see anywhere in there where you have these high-risk students. I know that the government has talked about capturing these high-risk children. If they're not receiving benefits but have been under your care, can they still be captured under the advocate?

That's about all I have to say right now, Mr. Speaker. I look forward to hearing the minister's comments. I also look forward to committee, and I'll be very interested in listening to the rest of the debate.

The Deputy Speaker: Under Standing Order 29(2)(a) five minutes.

Seeing none, the chair shall now recognize the hon. Member for Calgary-Bow on the bill.

Ms DeLong: Thank you. There's just a question I wanted to get on the record regarding the children's advocate. Section 9(1) talks about the role of the advocate. I wondered: when it talks about the rights of the children, what does it mean by the rights of the children? Could it include a child's right to access to their parents? I just wanted to get that question onto the record and hope that we can get some clarity on that.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a).

Seeing none, on the bill the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. The highlights of Bill 25, the Child and Youth Advocate Act, are to establish the Child and Youth Advocate as an independent officer of the Legislature; to provide legislative authority to establish the child and family services council for quality assurance and spell out its role, function, and powers; to clarify and simplify publication ban provisions; to clarify confidentiality of information; to authorize the sharing of a child's personal information in specific circumstances.

In this bill the Child and Youth Advocate will become the sixth officer of the Alberta Legislature, joining the Auditor General, the Chief Electoral Officer, the Ethics Commissioner, the Privacy Commissioner, and the Ombudsman. Also, rather than reporting to the Minister of Human Services, as the child advocate currently does, the advocate will now be an independent body, which is what we've been asking for for a long time, and will report directly to the Legislature.

The scope and authority of the advocate will also be expanded to enable the person to monitor a child's welfare, which is paramount, and undertake systemic review at his or her discretion. The advocate currently has no authority to do so. As part of an expanded mandate the advocate will also ensure that children who find themselves in the youth criminal justice system have legal counsel by either appointing or facilitating the appointment of a lawyer to represent them.

The bill also authorizes the Minister of Human Services to establish a child and family services council for quality assurance, whose role will be to identify effective practices of and recommend improvements to the child intervention system. The council will also conduct preliminary reviews which are considered necessary of serious injuries and deaths of children in the child intervention system and will refer incidents to the expert panel it appoints for further, in-depth review.

The members of the council include the chair, who will be appointed by the minister. Interestingly, the Child and Youth Advocate will also be a member by virtue of holding that office. Given that the child and family services council for quality assurance can investigate incidents where a child in care is either seriously injured or dies and that the advocate is a member of the council but is unlikely to be the chair, this raises a question as to how the advocate can function objectively and independently at the same time that he or she is a member of the council of appointees that are beholden to the minister.

The bill will also clarify and simplify publication ban provisions and clarify confidentiality of information in instances when a public body is authorized to share the child's personal information.

Section 20 specifies that all information provided by a child to the advocate and all documents and records created as a result of the confidential communications between a child and the advocate are privileged information. Documents and records of the child cannot be used as evidence in legal proceedings.

Overall, Mr. Speaker, there are some questions about the bill, but having an independent advocate, I think, will be good. For those reasons I'll support the bill.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments.

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

Mr. Hinman: Thank you, Mr. Speaker. It's an honour to get up and address and ask a few questions about Bill 25, the Child and Youth Advocate Act. Very pleased to see this coming forward.

There are two roles of government, in my mind. The first one, that we often think of as we come together as citizens, is that we want government to protect our life, our freedoms, and our property, but the second and most critical part is to pass laws and legislation that protect those who can't protect themselves. To me, this is what Bill 25 comes under. We need to protect those tragic cases where our youth are not able to protect themselves. We've had a sad history here in Alberta of not responding in adequate time or in appropriate ways too often. [interjection] Edmonton-Centre, stay calm.

Some of the tragic experiences as an MLA are to see people come into our offices that are facing life crises. My hon. Member for Airdrie-Chestermere was able to help an individual who had life-threatening surgery try to get reimbursed. Again today Shane Wambolt was here, who needed life-saving surgery, and it didn't happen. These were people that were in a situation where they could go out and take it into their own hands and do something

though the government still hasn't responded in an appropriate time.

The reason why I bring those up, Mr. Speaker, is because when these tragedies hit Albertans, every one of us is vulnerable to that. There are times when government just for whatever reason gets bogged down, caught in technicalities, and doesn't seem to be able to move forward with common sense and immediate actions. When we go into our hospitals, if it's not a crisis or an emergency, often people wait for eight hours, 12 hours to get a response. When there's been an accident and they've come in on air ambulance or are critical, it's right now, and we've got some of the best in the world in response. But there are areas where we can't.

I want to talk a little bit about my struggles with Baby Elizabeth and the problems that they faced as the grandparents tried to save their grandchild from a tragic situation. They contacted the minister's office. They contacted social services and told them the problems. They went to the doctors. They went to the police. Nothing was done.

4:00

This child lost its life because of the inadequacy of our children's services here in this province. Mr. Speaker, it's wrong. The struggles that I've seen the grandparents have as they've come in and showed 42 days of trying to get and rescue their granddaughter, saying, "We will even look after them," with no response was just wrong. I hope that as we study and look at this bill, we'll realize that we need to act. It shouldn't take 42 days when a child goes in and has X-rays and has two broken limbs, and the medical people say that this is abuse, and nothing was done. It's wrong. When we have meetings that are held and questions asked but no notes kept, you have to ask: why would there be no notes kept? It just seems like all they were doing was covering themselves but not protecting those who needed to be helped.

Mr. Speaker, I apologize for getting emotional on this, but I've been with the grandparents, I've gone through this case, and it's tragic. It shouldn't have happened in Alberta, and it shouldn't happen while we're here. I hope that as we go through, we'll take the time to look at the details to make sure that we have a child advocate that can act, that you can call, and that something is done, and not go through weeks and months looking for an answer and then losing a child.

One of the concerns that I do have here – and our Premier talked about this in her leadership – is to have a serious incident review team, and I'm not sure that this is in here. One of the things that to me is critical, just like our emergency rooms, is that when someone comes in they can act and they can move now. I mean, the discussions that there were quotas, that we've taken too many children out of the home already, that we don't want to act prematurely: this is a real struggle. When we're trying to protect someone who can't protect themselves and who as a child can't even often speak for themselves, this is critical. We need to have the best people employed there. We need to give them the resources that they need so that they can act in a speedy and quick way.

As I said, Mr. Speaker, again, this legislation is all coming so fast and so quick. I appreciate the need of this coming forward, but we need to make sure that we have this right, not like some of our other bills where after three years we're still struggling to get it right.

Like I said, we need to have a response team. We need to empower the advocate so that they can actually move out and take the action that is needed. Again, sometimes we're going to

perhaps overstep, but with the tragic deaths that we've had here in this province, we can't go forward the way that we have.

With that, Mr. Speaker, at this point I'd just like to move to adjourn debate.

[Motion to adjourn debate carried]

Bill 26

Traffic Safety Amendment Act, 2011

[Adjourned debate November 22: Mr. Danyluk]

The Deputy Speaker: The hon. Member for Calgary-McCall on Bill 26.

Mr. Kang: Thank you, Mr. Speaker. Drinking and driving is an issue not only here in Alberta but all over the world. In my family we are victims of an accident which involved drinking. We are still feeling the pain. Although it happened in 1972, we are still feeling the pain and the suffering from that very tragic accident.

In 2008 in Alberta 22.5 per cent of drivers involved in fatal collisions were judged to be consuming alcohol prior to the crash, compared to 5.3 per cent of drivers involved in injury crashes. As people drink more, the severity of the collision increases as well. This does not only affect the vehicles on the highways and on the streets, but off-highway, too. Use of all-terrain vehicles is another source of alcohol-related deaths. Of Alberta's 100 ATV fatalities from 2002 to 2008, 39 people were found to be over the limit of .08 per cent. Those were out of the 85 who were tested.

In Alberta impaired drivers can face sanctions defined under the Criminal Code and those defined provincially by the Alberta administrative licence suspension program within the Traffic Safety Act. On the roadside an officer who has reasonable suspicion that the driver or person with the care and control of a motor vehicle has alcohol in their body may demand a roadside screening device test. Suspicion of alcohol in the body may come from physical signs, driving patterns, or statements made.

The roadside screening device doesn't measure the actual blood-alcohol level but instead gives a basic indication of whether or not the person's ability to drive is impaired by alcohol. The device indicates a pass, fail, or warning. While failing the roadside screening test is not against the law, it does give officers reasonable and probable grounds to hold a person further and demand they take a breathalyzer test. The breathalyzer is a machine which measures a person's actual blood-alcohol level. The intent of Bill 26 is to curb drinking and driving to make the roads safer.

Under the Criminal Code there are three offences: impaired driving, operating a vehicle with a blood-alcohol level over 80 milligrams of alcohol in 100 milliliters of blood, and refusal to provide a sample.

With Bill 26 we are not really aiming at repeat offenders, the drivers who are double the limit when they have their accidents. The bill is trying to change the culture – that's what the minister said – surrounding drinking and driving by lowering the limit for automatic punishment, licence suspensions and vehicle seizures, to .05 from a BAC of .08. That is going to not only affect the drivers which are under the influence of alcohol, that is going to hit Albertans who drink responsibly and who have a social drink.

4:10

According to the Canadian Restaurant and Foodservices Association, as the minister said, the hospitality industry has concerns that these proposals are not targeting those dangerous, legally impaired drivers that are responsible for alcohol-related

accidents and fatalities. Alberta accident statistics confirm that the vast majority of alcohol-related injuries and fatalities result from impaired drivers at twice the legal impaired limit of .08 and legally impaired drivers who repeatedly drink and drive. They don't support the administrative penalties targeting ordinary responsible Albertans who occasionally enjoy a social drink with family and friends or a glass of wine or beer with their meal when eating out.

I know we have this law in British Columbia. The accidents have come down within that five-month period from a 45 average in the last five years to 22.

Ms Calahasen: You don't even drink.

Mr. Kang: I drink, but I drink responsibly.

Bringing in this law will bring unintended consequences for both the hospitality industry and the government. There is the potential for people who drink responsibly and drive to be wrongfully punished without a fair and impartial hearing under the law. There are significant business, employment, and family hardships for first-time offenders, losing their vehicles for a minimum of three days when they are not legally impaired. There is the potential for someone who operates a vehicle while legally impaired to avoid a conviction under the Criminal Code. Eighty-eight per cent of B.C. licensed CRFA members lost 21 per cent of their business in liquor sales in the six months following the new penalties. That will, in turn, have job losses.

That's not to say that, you know, we are against this bill or that we are supporting this bill, but we have to find some happy medium here so that the people who have an occasional drink or who have a social drink are not punished.

According to the CRFA a survey was done and licensed Alberta CRFA members confirmed that 84 per cent of respondents, 68 per cent strongly and 16 per cent moderately, oppose Alberta introducing tougher .05 to .08 BAC administrative penalties, and 82 per cent of respondents believe that introducing tougher .05 to .08 BAC administrative penalties will have a negative impact on their business, 63 per cent say very negative and 19 per cent say somewhat negative.

CRFA members do support alternative, more effective solutions designed to get dangerous impaired drivers off the road. Their survey indicates that 88 per cent of respondents support accelerating penalties and sanctions against impaired drivers the more they are over the legal impaired .08 BAC limit; 73 per cent also support stricter graduated licensing provisions for new drivers.

Implementing these penalties for a person who enjoys a social cocktail drink, a glass of wine, or beer with dinner will result in prosecution of responsible Albertans who are a questionable safety risk while devaluing the importance of criminal court sanctions.

There is no evidence that people between the limit of .05 to .08 are responsible for fatal accidents or are responsible for all the carnage on the road. According to the stats done by the Canadian Council of Motor Transport Administrators, most driver fatalities in Canada involve a nondrinking driver. For 2008, the most recent available data, 61.3 per cent of all fatally injured drivers had a zero blood-alcohol level. Of the fatally injured drivers who had been drinking, 85 per cent exceeded the limit that's allowed under the Criminal Code, so that's a blood alcohol limit of .08. The remaining 15 per cent were within the legal limit. For all the provinces the largest proportion of drinking driver fatalities is at blood alcohol concentration levels of more than .08.

Breaking down the BAC levels further, most fatally injured drivers who were tested had BAC levels more than double the

legal limit. In Canada 22.6 per cent of fatally injured drivers had blood-alcohol levels greater than .16, with 10.3 per cent from .081 to .16. Only 2.2 per cent had blood-alcohol levels from .05 to .08. So it is only 2.2 per cent of people who have been involved in some kind of accident under the influence of alcohol. That really is a minimum, really a small number to be punishing almost everybody who is going to have a social drink or who is going to have a glass of wine with their dinner.

For the provinces this pattern also held, with only a small percent of driver fatalities in the .05 to .08 blood alcohol range. Overall in Canada a declining trend is evident with respect to the problem of impaired driving. Between 1995 and 2008 the number of people who died in motor vehicle crashes involving a drinking driver fell from 1,296 to a low of 790, a 39 per cent decline. Similarly, the percentage of alcohol-related crash fatalities decreased from 38.8 per cent in 1995 to 33.6 per cent in 2008.

According to Statistics Canada in the last two decades the number of impaired driving charges in Canada fell from 111,917 to 65,183, or by 42 per cent. The rate of impaired driving charges fell from 512 per 100,000 population aged 16 and over to 232, or by 55 per cent. At the provincial level, similar large declines in number and rate also occurred over the same period of time. More recently, following three consecutive annual increases, the rate of impaired driving charges in Canada fell 6 per cent in 2010 from the previous year.

4:20

The object of the bill is to touch a main area in the subject of road safety. It greatly strengthens administrative penalties for driving while impaired, including lowering the threshold for impairment by alcohol to .05 mg alcohol per decilitre of blood from .08. It does not introduce new driving restrictions on vehicle operators within the first six months of being granted a graduated licence. These changes are proposed through a separate regulation.

The act is increasing penalties for drivers with blood alcohol over .08. Alberta currently has a mandatory ignition interlock for repeat offenders, drivers with blood-alcohol levels more than double the legal limit, and those refusing breathalyzers. Alberta now has licence suspensions but no vehicle seizures for drivers above .08.

A change to penalties laid for drivers with blood alcohol over .08: an immediate suspension, which is ongoing until criminal charges are resolved. Will this stand up in the courts? People are going to challenge it. What is happening to the principle of innocent until proven guilty? This will also clog up our court system, which is already clogged up.

The first offence: ongoing licence suspension and a three-day vehicle seizure. Second offence: ongoing licence suspension, seven-day vehicle seizure. Third offence: ongoing licence suspension, seven-day vehicle seizure. Mandatory ignition interlock after a criminal conviction over .08 limit: one year for a first offence, three years for a second offence, and five years for a third offence.

For drivers found with blood alcohol of .05 and above, the board will also be empowered to make mandatory ignition interlock use by an individual after two suspensions or disqualifications within 10 years if it so chooses or if the board receives direction to conduct a review from the minister, the courts, or the registrar.

For drivers found with blood alcohol of .05 to .08, currently Alberta rules can nail a driver for impairment when the driver provides a breath sample below .08 if they have probable cause to suspect impairment, but in reality enforcement is near absent below .08 today.

The new rules would create new easy-to-implement and legally specific charges and penalties. Drivers are not subject to Criminal Code prosecutions below the .08 limit.

The first offence is a three-day licence suspension and three-day vehicle seizure.

The Deputy Speaker: We will continue the debate on the bill. The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Speaker. It's my pleasure today to rise and speak to this government's Bill 26, which proposes changes to the Traffic Safety Act concerning drinking and driving. The two main points are that those charged with impaired driving over .08 will have their licence suspended at least until their trial is settled, and those blowing between .05 and .08 will lose their licence and have their vehicle seized for three, 15, or 30 days.

I want to say, first off, that I appreciate and fully support the goal behind this bill. I hope every person in this Legislature understands the carnage and the pain that drinking and driving causes on our streets. Frankly, it's a plague, and it kills so many innocent people in our midst, not the least of which, of course, was the horrendous – horrendous – accident that occurred in Grande Prairie very recently. These are terrible things, and we should be doing everything that we can to eliminate intoxicated driving from out of our midst.

However, I want to be equally clear that this law, in my view, will not achieve that goal. In fact, I fear that because it will be so ineffective in doing so and will cause such a distraction to law enforcement, it may even result in the exact opposite, and I'm going to explain why.

Alberta's drinking and driving rates are higher than in most provinces, and this is unacceptable, as everyone here would agree. Clearly, with this bill the government recognizes that it needs to do a better job, and that is a good first step. Albertans do need to know that drinking and driving is not acceptable, and it is clear this government is not getting that message through as well as they should. I've often commented that I haven't been through a checkstop in at least 10 years in this province. That's a problem. That says to me that we're not doing a good enough job on our streets enforcing existing drunk driving penalties.

I'm going to explain why I think this drastic law uses the wrong tools and targets the wrong people. First, the suspension of licences until trials are over, I believe, is a legally flawed step because it presumes guilt on what is a pretty serious allegation, that of driving under the influence. This isn't a parking ticket. It's not one of those things where, you know, the car is parked in an illegal spot, and you get a parking ticket. There's a presumption that you need to pay that parking ticket. If you don't show up, you know – it's just presumed that it's a strict liability offence, as it's called, and you're going to pay the parking ticket.

This is not a parking ticket. This is much more serious than that. It is not only much more serious, the evidence surrounding whether someone is intoxicated at the wheel or not is a lot more difficult to prove. These breathalyzer tests are often not accurate. Most of the time they are, but oftentimes they're not. There are many different factors that go into proving somebody has driven under the influence. So it's not as simple and straightforward as a speeding ticket or a traffic ticket, for example. In other words, presuming someone is guilty essentially until proven innocent I don't think should be allowed in this case.

Second, it is pretty arbitrary in terms of the penalty. I feel that the penalties in this act penalize people more in parts of the province that have longer court delays than others. The Minister of Transportation admitted in the paper just the other day that it

could be two years or more before a court would even get to hear this, depending on where you are in the province. Now, even if you support this punishment for people who haven't been proven guilty yet, it just isn't fair to punish some people more simply because their local courts are more backed up.

Like most Albertans I don't have any sympathy for drunk drivers who cause death and carnage on our streets, and I do think the government needs to find ways to make punishments more intimidating. That's the key. We need to hammer, absolutely throw the book at – criminally and administratively throw the book at – those who are the problem, drunk drivers, those who are blowing over .08, those who are repeat offenders, who go out and endanger lives over and over and over again. Those are the folks that we need to crack down on hard, not the folks that are blowing between .05 and .08.

I will say, though, that tougher penalties aren't the only thing that we can do to reduce drunk driving, and they probably aren't even the most effective. I think that more education, more public service announcements in our high schools in particular, and more checkstops – most importantly, more checkstops – and enforcement of our existing laws are the first steps we should be taking. Again, I haven't been through a checkstop in over 10 years. I travel that highway 2 between Airdrie and Calgary when I'm home in the constituency many times a week, evenings and weekends, and there are just never checkstops on that road. And I know there are drunk drivers. I've seen them on the road.

4:30

The bigger concern for me in this bill is the proposed administrative penalties. Seizing the car and licence of Albertans found with a blood-alcohol level of between .05 and .08 is very troubling to me. I don't think you have to be a lawyer to see what's wrong with this one. Today I'll narrow it down to four main criticisms.

My first point is that cracking down on drivers between .05 and .08 is going after the wrong people. I'm talking about the couple who are out on a date who have a glass of wine or two or a beer or two over dinner or someone who stops for a beer or two with his pals after work on a Friday night. Let me clarify one thing. This law doesn't affect me personally because I don't drink. These are the regular folks out in Alberta who will be affected, and they shouldn't be affected. They're law-abiding citizens that present no danger to the public.

The stats that I've seen are pretty clear, and they fit with common sense. According to a 2008 report of all the drivers who have been killed on our highways, about 60 per cent of the perpetrators of the accident, the ones who caused the accident, had no alcohol in their system. Of course, that's just because, obviously, there are a lot of accidents on the streets. So 40 per cent did have alcohol in their system. The next largest group are those that were double the legal limit, so they were more than .16 over the legal limit. That's about 22 per cent of those folks who caused fatal accidents.

So 60 per cent no alcohol; 22 per cent twice the legal limit. Then it's drivers between .08 and .16. That group is around 11 per cent of all fatalities caused on the roads. Then, if you can believe it, next place are drivers with an alcohol content between .01 and .05. They equal roughly 3.5 per cent of the accidents caused on our streets by everybody. Bringing up the rear, between .05 and .08 is that group. Around 2 per cent of the fatalities on our roads are caused by people who had a blood-alcohol level of between .05 and .08. Two per cent. This sounds like a very low level of causation to me.

People who are in favour of this law point to British Columbia. They point to how the law there has cut down drinking and

driving and fatalities on the road caused by drinking and driving. Correlation, Mr. Speaker, is not causation. We should all know that by now. The administrative penalties in B.C. – and there are some differences in the legislation between B.C. and Alberta. In B.C. there's a lot of very stiff fines attached to this .05 to .08 level. Our proposed legislation here doesn't have those same fines. There are kind of indirect fines of impounding vehicles, and so forth, but there's no direct fines.

Because of that money, all of a sudden that became a cash cow. Of course, when you give politicians or police officers or police agencies, who obviously need money to do their work, when you make a cash cow out of something, guess what? Enforcement goes up. So there were more checkpoints, there was more enforcement, and because of that, yes, they caught more of the folks, not just between .05 and .08 but the people above .08. Correlation is not causation. The B.C. law did not cause a decrease in traffic deaths. The decrease in traffic deaths because of drunk driving was caused by more enforcement in the province of British Columbia, which is a good thing. That's good, but we should be able to do that in Alberta without resorting to these draconian measures.

I'm sure the government has found some different stats and studies, and I look forward to hearing about them. I do. But I don't think anyone can argue that the real danger in Alberta – I don't think there's any report that's going to be circulated here that doesn't conclude that the real problem, those who are causing by far the most carnage on our streets, are those who are blowing above the legal limit, particularly two times above the legal limit, but definitely over .08.

This is certainly what the federal government concluded. They examined a proposal recently to reduce the Criminal Code level to .05 and decided that it was actually a bad idea. They acknowledged that some people are impaired between .05 and .08 but decided that the existing laws were adequate; namely, the ability of officers to charge people with impaired driving regardless of what the hand-held breathalyzer says if the driver shows signs of impairment. That was good enough. They were not convinced that every driver between .05 and .08 deserves punishment, and neither am I. If an officer isn't sure and wants to err on the side of public safety, that's what the 24-hour suspensions are for.

I'm going to quote from today's *Calgary Herald* editorial just because I think that it brings forward some good points in an articulate way. They said:

The current 24-hour suspension is reasonable for public safety, referring to what I just talked about,

but stiff penalties for people who are not convicted of any criminal offence is going too far, especially considering that hand-held roadside testing devices can be inaccurate and their results are not even admissible in court.

That's what the *Herald* editorialist thinks. Granted, that's just one opinion, but I think it's a practical one and a true one.

The power to hand out the 24-hour suspensions makes a lot of sense. If the police feel that a person might be a little bit impaired but not enough to warrant a criminal charge, they can suspend the licence for 24 hours, get that person off the road just to make sure. They can just err on the side of public safety. They're not sure if the person is intoxicated or not, so err on the side of public safety. I think that's good. I think we already have the tools in place to deal with these folks on the border, in the red zone.

The other issue is how this law is more unfair for rural Albertans. It's easy for the Premier or any other person from a large city centre to say that if you want a glass of wine with dinner, just take public transit home or a cab home. But I know that even in Airdrie cabs are not always convenient, and in more

rural parts of Alberta they are nonexistent. My hon. colleague from Calgary-Glenmore can elaborate on this point in his comments as I know he's brought it up before.

I'd also mention the fact that the policeman on the side of the road is judge and jury on the spot. That's a problem. It's not something that I think I'm comfortable with within our legal system, to just have for such a serious offence the police officer be judge and jury.

Now, I'm going to jump to the argument that this new law will actually reduce the number of DUI charges and distract from the goal of actually getting dangerous drivers off of the road. Let me explain. I mentioned that police already have the 24-hour suspensions for those they judge to be mildly impaired or who blow between .05 and .08. They call you a cab, they fill out a one-page form, and they get back to keeping the streets safe. That's what they do now. But these mandatory seizures are going to tie them up a lot. They're going to have to babysit a person's car until the tow truck comes. Instead of 15 minutes, they're going to be tied up for an hour or two because your car needs to be taken away.

So my question would be: how many folks with a blood-alcohol level over .16 or over .08 are going to drive by this officer while he's waiting for someone's family car to get towed away? Our police are overworked as it is, and this is not a good use of their time. The .05 to .08, these people are not the problem. It's the .08s and above.

The other danger is that this penalty is strict enough that the police might start using it instead of going through with criminal charges for drunk drivers. [Mr. Anderson's speaking time expired]

The Deputy Speaker: Standing Order 29(2)(a). Hon. Member for Calgary-Glenmore, on Standing Order 29(2)(a)?

Mr. Hinman: Yes. I'd like to ask the hon. Member for Airdrie-Chestermere if perhaps he couldn't just finish what he was so eloquently sharing with us. It sounded quite pertinent.

4:40

The Deputy Speaker: The hon. member.

Mr. Anderson: Thank you, Mr. Speaker. I'm almost done.

The other danger is that this penalty is strict enough that the police might start using it instead of going through with criminal charges for drunk drivers. They might say, "Look, we've got this other way to get them; let's not go through with the full criminal charges on the problem drunk drivers," the ones that are really blowing over .08, because that's much more complicated than just taking the person's car away at .05 or .06. While there will be a bit more paperwork than the 24-hour suspensions, it will be quite swift compared to a proper criminal investigation. I fear that this easy penalty has enough teeth that not only will the innocent be overpunished but the guilty will be underpunished.

In closing, I want to repeat that certainly I – and I'll let my own caucus speak for itself – side with the Albertans who are not happy with the job this government is doing to curb or prevent drunk drivers from menacing our roads, but I'm not convinced that the legally dubious suspension until trial provision and especially the targeting of those who have blood-alcohol levels between the .05 and .08 range is the way to go. I do not feel that this law is going to reduce drunk driving, I do not feel it is effective, and I feel that it is going to target people who are simply not the problem.

It's certainly going to hurt different industries, the hospitality industry for example, as we've seen in B.C. If we were really targeting and reducing significantly the amount of deaths on our

roads because this law was effective – you know what? – the damage to the hospitality industry would probably be justified. But that's not the case. We're going to be damaging an industry, and we're not going to see any real improvement in traffic safety. That's what I fear.

I hope that the members opposite in the government would consider at least maybe putting this to an all-party committee so that we could take a look at it, so that we could get all the studies in, so that we could get all the facts in and try to come up with a solution that's actually going to make sense to the average Albertan.

With that, Mr. Speaker, I close my arguments.

The Deputy Speaker: Hon. Member for Edmonton-Centre, on 29(2)(a) or the bill?

Ms Blakeman: On the bill.

The Deputy Speaker: On the bill.

Ms Blakeman: Great. Thank you very much, Mr. Speaker. I'm pleased to be able to rise in second reading and comment on the proposals that appear under the government's Bill 26, the Traffic Safety Amendment Act, 2011, which sounds so innocuous considering the amount of to-do that is going to come out of this bill.

I just want to say from the outset that I really hope that I hear some of the government people on this. I know they always say: oh, we've already discussed this and made our decision, and that's why we don't say anything when it's in front of us. As a result I get your constituents writing to me, saying: why did so-and-so do blah, blah, blah? I have to say: I have no idea because they didn't debate. You know, what does Rocky Mountain House think about this? Or Calgary-Mackay? Or Drayton Valley, or Leduc, or Edmonton-Ellerslie? Boy, these seating plans change so fast.

An Hon. Member: That's because we're adding members.

Ms Blakeman: Yeah. Well, okay. Fair enough.

But, you know, what does the Member for Calgary-Lougheed tell his own constituents about how he feels about this bill? So I really do hope that we hear from those members and others in this debate even given the speed at which the Government House Leader would like us to clip along with this bill. You guys should be on the record with this one, so let's hear you.

I want to go back and start from the beginning. This bill actually is bookended by two pretty good ideas, which I suspect a lot of people are not aware of if they haven't actually read the act. The government talked about four things they were going to change here. One of them is not in this act at all and I gather is going to come from the regs, and that was the one about restricting or changing the number of passengers that young drivers or learner drivers or whatever they call them who are not family members – how many other people they were allowed to have in the car. I gather that they're going to do that through regs because I don't think it's in the act. That, I think, is a stellar suggestion because we do know that in having a lot of kids together in a car – and I can speak from experience – you do egg each other on and get to doing some stupid things, some stunting or talking and distractions from the road. It's a good idea to restrict that although, in fact, it's not appearing in anything to do with this bill.

What we do have in the bill are new administrative penalties around the mandatory alcohol interlocks for a period of time on the vehicles that are to be driven after current automatic suspensions are connected to Criminal Code convictions for

driving over .08. Good idea. Good move. You've done that well. Glad to see it in the bill.

There's also talk in the bill about permanent interlocks and drug testing and monitoring that could be required for drivers who have two penalties within 10 years of driving. In here it's listed as .05. I would be happy to support that if it was .08, but I'm not agreeing with it at .05. You've got two fairly good things in here and then this political quagmire that you have created for yourselves here.

A number of times I've heard the language attempting to change the culture used in connection with this bill. I guess my question is: what are you trying to change in the culture? Are you trying to get people to not drink? Are you trying to get decent, law-abiding people who have enough to drink that they're over .05 but under .08 to not drink or for people to not drive if they have any alcohol at all in their system? For that I would say: okey-dokey; then pass that law because what we have right now, the administrative penalties that are being put in place here – the reason the government has to do administrative penalties is because drinking and driving under .08 is still legal. It's a legal activity. Nothing says that you can't drive under .08, right? The government doesn't have the flexibility, I would argue, to do this. Oh. He's giving me that look, so he's sure to get up and add something to the conversation.

That's my point. If it's Criminal Code, then there are Criminal Code sanctions. And the Criminal Code is that you can't have a blood-alcohol content of .08 or above and operate a vehicle. It's not to be done. It is determined that judgment is impaired at that point. I heard some of the talk in the media conferences about, you know, how your judgment could be impaired with a blood-alcohol content of less than that. Now you're into a very interesting place. Who determines that and how? Obviously, you're not talking about a lot of drinking. You're not talking about a binge drinker here. You really are talking about the difference between one or two glasses of wine, one or two or three beers. This is not, you know, a half-sack of beer. This is not a mickey that you're drinking really quickly out behind the community league. This is a very small amount of liquor that you are talking about, a very small difference in blood-alcohol content. What this bill is actually talking about doing is increasing administrative penalties for something that is a legal activity, and that I have a problem with.

I go back and say: okay; you want to change this culture. In particular, this appears under section 12 of the bill, which is amending section 88 of the original Traffic Safety Act. [interjections] I so appreciate the support from my colleagues, but if you could take it into the hall, you might enjoy yourselves more. I wouldn't be interfering with your ability to hear each other.

Changing the culture for whom? It appears that you're trying to change the culture for law-abiding, reasonable citizens because these are the ones that are drinking those one or two glasses of wine, those one or two beers. This is really going to affect women, those nice soccer moms that vote for so many of you, generally reasonable people – right? – people who would have a drink or two with dinner, people that might stop with their buds on the way home on a Friday night and take advantage of whatever strange martini they're drinking these days.

Let me point out to you the conversation I've already heard in the media about: oh, come on; you know, any woman could drink a couple of glasses of wine, and for sure they'll be under this; it's really not going to affect them. Okay. Well, the last two nights I've been fortunate or unfortunate enough to be in establishments that serve wine, and I have been very careful to say: "Oh, really? And how much wine is in that glass?" "Oh," they say, "six ounces or nine ounces." Really. Well, I can tell you that this girl, based on

my metabolism, would be in that range. I'd probably be over that range with two nine-ounce glasses of wine. [interjection] It's a lot of wine. Exactly. How are you supposed to be telling this?

4:50

Now, we have the Government House Leader and minister for everything vulnerable in front of me here saying, "Well, if you drink at all, you just shouldn't drive." But I just don't think that's realistic. One, consuming alcohol is still a legal activity in this country. [interjection] I'll come back to that. He's making the point that kids do understand that and have designated drivers. But my argument – see, you got me off track. I'll come back to that one.

I think this is probably going to change the whole culture. I'm already telling the restaurants that I go to: I hope you can now create a four-ounce glass of wine because I won't be able to do the six-ounce or the nine-ounce glass of wine.

Okay. We're changing the culture because we're trying to not have anyone who drinks and drives on the road. I go: well, why? What is the problem here? Well, duh, it's an obvious problem. Drunk drivers kill and maim people, and they cost all of us, every taxpayer, every member of society, a whack of money through the hospitals, through the police services, through the courts, through the effect on production for their businesses, for the wear and tear on their families. It's almost endless.

Who is it that's doing the killing and maiming here? Well, you heard some statistics. I'll refer back to my colleague from Airdrie-Chestermere, who did quote you a long line of those statistics. Essentially, the people who kill and maim have blood-alcohol levels well over .08. These are the people in the .16 range, the .20 range. These are people that are really smashed, really drunk, really impaired. Okay? Not close to .08 but really, really drunk. The question is: why are they still out there?

Mr. Hehr: They're hammered.

Ms Blakeman: They're hammered, my colleague from Calgary-Buffalo says helpfully.

But my question is: so why are they still out there? Why aren't we catching them? Why are we trying to now go after soccer moms and accountants on their way home on Friday? Why are we after them and not after people that have a blood-alcohol content of .16, which is what we know really kills people? Well, it's just the way the funding has been working; there isn't quite enough funding for the police forces to be putting enough checkstops out there, we hear. Ah, I say, so this is a question of funding and money. So the government, instead of appropriately funding the policing services so they can run enough checkstops, which we know are effective, to be able to pick off those people that are truly drunk enough that they maim and kill – no, no – what they're going to do is put it all on all of us. This is just bad legislation. This is just bad planning. I'm sorry, but it is.

Sorry. Let me back up. You have two sections that are quite good in this bill. The section I'm talking about is 88, where they're talking about putting through administrative sanctions, losing your licence, having your vehicle impounded for three days, first offence, for a blood-alcohol content of between .05 and .08. That's what's wrong here. We don't have the funding that's going to policing to allow the checkstops to operate and, I would argue also, just police patrolling. You know, if they're really patrolling a community that they know well, especially smaller communities and outside of Edmonton, they know who's a problem. They know where stuff is going wrong. They're able to take a better watch on people and steer people away from actually getting into their vehicle.

We know, as the minister has pointed out to me, that younger people already have the don't-drink-and-drive mentality. As a generation of parents we've just beaten that into their little heads. Good for us. For the most part, I think, they get it. They go with a group, and one of them is a designated driver. They seem as a generation – and this is a wild generalization; please forgive me for that – to travel as a pack more than we did. So you get two or three of them or four or five of them in a car, and one of them is the designated driver, who doesn't drink at all, and off they go. Good. I have no problem with that, and I have no problem, as I said, with the changes to the graduated learner licences. This would be really affecting our pages, by the way. I know they're very interested in this bill.

But that's not the way the rest of us live. I said to the minister: how often do you carpool to an event so that you can say there is a designated driver? Well, I need to be honest. Usually, I walk. I'm sharing a car with my partner, and he's also in politics. But there do come times when one of us does have the vehicle or is trying to pick up another one, and we're not able to carpool. We just can't organize things like that. Maybe the rest of you regularly carpool on your way out. Good for you. I can't do that, and I see a lot of people in this House that admit that they can't do it either.

One of the other sections that we see in section 88 that concerns me – and I want to be very careful here. I have registered for quite a time my concern with empowering people working in police service who are not as well trained as our traditional police and RCMP officers. They come under different names now, but I noticed in here that sheriffs, that we know have less training than police officers, are some of the ones that are going to be empowered to make these decisions at the roadside. They are going to be investigator, judge, and jury. They are going to be sentencers. They are going to decide whether you are in this vague range of .05 to .08. They're going to decide that you are guilty, and they're going to sentence you to lose your licence for three days.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Yes. Thank you. I was wondering if the hon. Member for Edmonton-Centre had any concluding remarks she wished to make.

Ms Blakeman: Thank you. Sorry. The part that I missed out of all of this is the impact on small business. I think that what the government has done here is that it has taken a really, really, really big stick to hit the wrong people and, no surprise to any of you, we are getting a great deal of conversation happening with people who own small businesses in the restaurant and hospitality industry.

Representing the fabulous constituency of Edmonton-Centre as I do, I of course have a lot of small businesspeople who run such establishments. I am on a first-name basis now with the owner of Hudsons hospitality, for example. But you know what? He has raised some darned good points, and I'm looking forward to getting some information back from him about what would be the effect of this bill on him.

We know that the businesses in B.C. lost 21 per cent of their business. They did come back up again to about 10 per cent. My question to that industry was: did it come back up again? Did it level off? Did they come back to where they were? The answer I've gotten back is: "No. It flatlined at that 10 per cent." So this will sentence our small businesspeople, our hospitality and

restaurant people out there in the beautiful town of Rocky Mountain House, to a 10 per cent loss in their business. That's a hit. That is a hit to any businessperson. Why? Because we want to not allow soccer moms to have a glass of wine or an accountant to have another beer on the way home. I say: why?

You know, the issue has been raised with me about transportation, and these are people that deal with this a lot. Some of the people that I've heard from – Devaney's pub, some of the wine cellars that I have – are frustrated because they're already having to deal with people trying to get cabs and trying to get public transit in a metropolitan city at night. So for people who want to be able to take advantage of a taxi cab, who don't travel in a pack, who don't have a designated driver but don't want to drive, what do we do? Do we say, "Don't go out at all" or "Only go where you can walk"? Well, that's just not realistic for a lot of people.

5:00

I mean, those in rural areas: I hope you get up and talk about this because what is it going to mean in a rural area? What's that going to mean in Stony Plain or Spruce Grove or for somebody living on an acreage outside of that? Are they going to be able to go out at all? What's going to happen to that small business, that mom-and-pop diner that serves wine and beer? Are they going to have to shut down when they lose 10 per cent of their business because of this?

I hope we continue to hear from people. I can certainly tell you that I have spoken directly to the people that have contacted me in my constituency, and those are the issues that they're raising. They know what it's like to try and get their patrons home at night and how difficult that is. I'm talking Edmonton-Centre here, guys. I'm not talking out there in Peace River or . . .

An Hon. Member: Cardston-Taber-Warner.

Ms Blakeman: Yeah. You guys have a lot to contribute to this conversation, and I hope you will.

I think we need to be very careful about who is going to be affected by this legislation, who's going to benefit, and who it is going to harm. We know for sure that it's going to harm our small businesspeople. Is it worth it? Is the benefit worth the harm? That's what we're juggling in this bill.

So let me hear the rest of you get up and talk about whether you think this will harm or benefit your community the way this legislation is going to work.

Thank you very much.

The Deputy Speaker: On the bill, the hon. Member for Calgary-Buffalo.

Mr. Hehr: Yes. Well, thank you, Mr. Speaker. It is always a privilege to discuss things in this Legislature, and it's no different when you look at Bill 26 here, the Traffic Safety Amendment Act, 2011. I tend to look at this in a global sense, and I'm going to try and balance this off many different perspectives that are here in this bill. I would like to start by saying that, Lord knows, drinking and driving is a problem. It's a problem in our society – throughout Canada, throughout North America, throughout the world – and the carnage and the devastation that it causes when it does happen is severe. It's heart wrenching for families. It's heart wrenching for everyone involved, and it is horrible when this happens.

I agree with the hon. members who have spoken before. I am of the view that when people are over .08, I am in favour of them increasing the penalties for those people, whether that be through administrative ways or others, to work toward strengthening those

laws and to ensure that things are done in a uniform fashion that separates criminality from things that are actually legal.

If we look at that, the law is pretty clear in the Criminal Code. We have an offence that says that .08 is the current law in this country as to what our responsibilities are before we get behind the wheel. That's the legal responsibility. There are moral arguments to the effect otherwise, and I guess we're getting into some of that debate.

I agree with the Member for Edmonton-Centre that some of this legislation is a bit of a ham-fisted approach. The way it's put in this legislation could actually be quite good. I like the idea of permanent interlocks or drug testing to monitor drivers with two penalties of driving over .08 within 10 years, if that's what the legislation says. Right now it says .05, but maybe we could see an amendment there that really hits the people who are causing some of the carnage and the concerns out there.

I believe the statistic that's been brought up is that the overwhelming majority of people who are involved in drinking-and-driving accidents, who are causing most of the damage, are blowing twice the legal limit, which is the real nub of the problem. It's not the people who are legally driving with between .05 and .08. It's the people who are driving with 1.6.

Let's talk about that. Why are we not able to do something about the people who are driving that much over the legal limit? Well, I think there are a few things at play in maybe why we aren't targeting more there or we'd have more success in lowering those rates in Alberta.

I've been long on this topic, but I'll just bring it up to remind everyone in this House that our policing numbers per capita here in Alberta are relatively grim vis-à-vis the rest of the 12 other jurisdictions in Canada. We are 11th in police per population. That is a fact. I'm not making up numbers. We all know it here. I know members on the other side get sensitive about that, but it's true.

If you correlate that, then, what our police forces are able to do in terms of checkstops, in terms of enforcing the existing rules, in terms of actually punishing people who are driving in a criminal situation, over .08, is highly compromised. That's a fact. We are not able to get a handle on drinking and driving because we don't have the enforcement capabilities out there. So if we really want to do something about this, let's get policing numbers here in Alberta up to a reasonable fashion, where we can see checkstops on the roads, where we can see enforcement.

I agree with the Member for Airdrie-Chestermere, who said he hasn't seen a checkstop in quite some time. Well, I have a feeling he's at home with his children most nights, but I through luck or not am out quite a bit on Friday or Saturday nights, and I, too, have not seen an abundance of checkstops in the last 10 years. I cannot remember the last one I went through, and I live right in downtown Calgary, near 17th Avenue, where lots of drinking occurs. I have seen zero in the last five years when I'm out. That to me is a problem.

If we can't get a handle on actually having enforcement or checkstops set up to act as a deterrent, that is the major problem here. This is window dressing compared to having that in effect. If people knew that there was going to be a checkstop out there, that there was going to be police on the streets able to enforce existing laws, that would send a significant message to our population that our government was serious about getting tough on drinking and driving, tough on the criminality of the act. Okay?

[The Speaker in the chair]

Simply put, we don't have that capacity here in Alberta. I would ask people to look at our checkstop rates that are up right now on

the Calgary and the Edmonton policing websites. If you compare the amount of checkpoints they do here compared to what they do in Ottawa or Toronto or Vancouver, other jurisdictions with larger policing numbers, we simply don't have the police force capacity to do that, which is really where we should be concentrating the message, towards that. So I challenge us to look at that. If we really want to get a handle on this, let's more adequately support our police officers. Let's actually get behind that and get those policing numbers up to a reasonable level in this province.

Let's talk about a few other things that the Member for Edmonton-Centre brought up. Cabs. Right now in Calgary we have, I believe, 1,300 licences to drive taxicabs to service a population of 1 million people, a very large city that's very difficult to transport people around, with a very large urban footprint. I know that in my community when people call a cab, it's now sometimes taking between two and three hours on a Friday night to actually get a cab. I'm not making this up. This is brought up all the time to me as an MLA. I say: go talk to Mayor Nenshi; I'm not the guy in charge of this. Nevertheless, it is one of those things that Calgary and, I'm assuming, Edmonton and other jurisdictions are facing. It provides a bit of difficulty for people who are actually trying to do the right thing.

5:10

Another thing is that our busing services and our LRTs do not run 24/7. If we are going to have this in effect and still serve alcohol in this society, actually have it as a legal activity, then we have to have some of these other systems in place. You know, one of my favourite shows is *Boardwalk Empire*, but it is not prohibition here yet. It is still a legal thing, drinking in this society. Now, it is illegal to drink and drive. I understand that, and I pointed out here where we should be going: enforcement for people over .08 and the administrative fines heavy for the people who are over that, repeat offenders, and interlocks on people who are repeat offenders and the like. And let's have some significant police presence out there to actually enforce the laws we have.

Now, we go into the aims of the act: to change the culture surrounding drinking and driving by lowering the limit from .08 to .05 and automatic punishments. That's licence suspensions and vehicle seizures. This work also requires mandatory courses for second and third offences. If we look at this, we are now making offences with some pretty severe consequences to them. I believe the act says that you lose your licence immediately, and you're not allowed to drive for three days and the like. These are fairly significant limitations on individuals who are doing a legal activity. I note that it does cause, for some, questions on the legalities of this, whether it's going to stand a Charter test, whether this can be done, and whether it should be done.

I am cognizant of that fact. I know that I've been in contact with some lawyer offices who believe that this is not in view of what civil liberties are in this province and that it actually makes people guilty before they're actually proven guilty in a court of law. That, to me, is something that we should be highly cautious about when we look at introducing penalties. There's a reason we have the rule of law. There's a reason we have innocence before you're proven guilty. We have built our society on that value, and I believe that it's a value worth, in most cases, sticking up for. So when we are going to do this, we have to look at it with a really rational eye towards what is in the best interests of the entire society.

At the same time, I look at it, and there are some significant consequences to our restaurant and hotel businesses. I understand that business is not the be-all, end-all of what's important in society. In fact, sometimes I think we go far to think that it is the

most important thing. But in this case I do have to look at the statistics coming out of British Columbia and note that there has been a significant drop-off in business for what is a law-abiding activity, for something as innocuous as people stopping by the local pub after work and having a drink. That is an issue when you look at a constituency like mine, which probably has 70 or 80 restaurants, pubs, and hotels, maybe more, and which has many of my constituents who work in the service industry in the capacity either as a waitress or as a bartender or as a server working in the hospitality industry. Clearly, this has an impact on their livelihoods. Clearly, it has an impact on the bottom line and on who people are able to hire and whether they're going to be able to stay in business.

I do know that when you look at this, you have to look overall. Overall, is this going to be more protective of society? Is it going to make a real difference in people's actual lives? Is it really going to do what we think it's going to do; I mean, reduce the risk of people dying on our streets? That's something that at this time I am still not convinced about. If I could be fully convinced in weighing out the competing interests, I'd be inclined to support this legislation. At this time I'm still not convinced. I remain to be convinced, and I'm looking forward . . . [Mr. Hehr's speaking time expired]

The Speaker: Thank you very much, hon. member.

Hon. members, Standing Order 29(2)(a) is available for a five-minute question-and-response time. The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. A number of the speakers this afternoon have talked about things like the difficulty of somebody getting home if there are no taxis or if they live in a rural area. I'd just like to ask this hon. member if he really thinks that it's appropriate for someone who's been drinking to say, "It was okay for me to drive home because I couldn't get a taxi" or "because it was inconvenient" or whether he thinks it's more appropriate for people to think about that when they go out and not drink if they're the ones that have to drive home.

The Speaker: The hon. member, if you wish.

Mr. Hehr: Well, that's a pretty silly question, sir. Of course, you're right in that postulation. They should think about that. If they are given a choice between driving home when they would be impaired, of course they shouldn't drive. But are we really setting up a society here where, with a legally allowed thing, .08, we are going to make it criminal now to drink whatsoever? We're on the cusp here, a fine line between where that could occur in certain cases. For instance, people who are 120 pounds go out, have one glass of wine. Is having that glass of wine now going to be a criminal occurrence by this .05 to .08 sanction? We are walking a very fine line here.

I understand what the hon. member is getting at. People should, if they're driving, consider that, weigh that out, and regardless of the fact not drive, and I understand that. Nevertheless, it's not as black and white as that. Until such time as we actually understand whether this has a legitimate rate of return, shall we say, on the safety on our streets, then I remain to be convinced.

The second thing I'd point out is that right now we're having difficulty enforcing the actual people who are over .08. We see this by the repeated drinking and driving offences. We see this by people who are causing the carnage, who are blowing 1.6, 1.7. Those are the people who are killing people. The member knows that our policing numbers per population are so weak that we have difficulty enforcing right now the criminality of this. How are they

going to do the job of enforcing this, the grey area, .05 to .07, and then do the other things? It just simply looks like we're passing the buck here on dealing with the real issue.

The Speaker: Hon. Government House Leader, another question?
5:20

Mr. Hancock: Thank you, Mr. Speaker. Obviously, the member would know, because he's a lawyer and, I think, would be familiar with this area, that criminal law is federal law, and this is obviously not criminal at all. It's administrative and within the province's purview as to who gets to have a licence. The hon. member would also, I think, understand that many of the people who are driving impaired probably don't think they are. If they thought they were impaired, they probably wouldn't drive, so going down to a .05 might encourage them to think about it.

Does the hon. member honestly believe that we should put enough police on the roads so that we can stop every impaired driver, that that's actually an effective use of resources, or does he believe that we should try and encourage people to think more clearly about whether or not they should be driving after drinking? We put up billboards all over the place to encourage people: do not drink and drive.

Mr. Hehr: Well, it's not an either/or answer or an all-in-one answer. I don't think that to answer that simply would give justice to the debate we're having here. I think it would be a fair proposition to say that if I had seen a checkstop on the streets in the last 10 years, that might serve as a chill or would serve as a chill to others who are prone to drinking and driving to think about it as well. We would also, then, be hitting the people who, like the hon. member said, are over the .08 limit, who are in the criminality of this under Canadian law. I agree with that. There is also some truth in what the member is saying, and that's where he gets at the culture of drinking and driving and whether having people start to think, "Oh my goodness, am I going to be over the limit after one?" may be a good thing. But we have to look at this on balance as to what we're trying to accomplish and the harm caused.

The Speaker: The hon. Member for Calgary-Currie, followed by the hon. Member for Calgary-Glenmore.

Mr. Taylor: Thank you very much, Mr. Speaker. I will be brief. It is a pleasure to join in the debate on Bill 26, the Traffic Safety Amendment Act, 2011. I would note that there are a lot of countries around the world that have zero tolerance for drinking and driving and at the same time often have more liberal liquor laws than we do. What we're trying to achieve here can be done, but this bill is getting a lot of push-back, and only some of it is coming from the people who own bars, and only some of it is coming from the people who spend too long in those bars and then drive home from those bars. An awful lot of this push-back is coming from very average, very normal, very sober citizens of the province of Alberta who are sincerely concerned about what this legislation may do in terms of its effect on their lives and their lifestyles. These are not people who are going to be breaking the law as it's interpreted by the Criminal Code if this bill goes through.

I think there are two issues here, and it's been very interesting to listen to the debate so far, and some very good points have been made here. There are two issues, the changes to the penalties at over .08 and the proposed penalties at .05 to .08. But no matter how you look at it, this bill seems to have been rushed into this House by a government that often drags its heels notoriously on

solutions to straightforward problems, solutions that are easy to implement, solutions that are easy to pass into law, easy to change policy around. Suddenly on this one we have this almighty rush to get it into the House in time for the fall session.

I want to be careful here, Mr. Speaker, because criticizing the overall intent of this bill is kind of like saying that you don't love your mother, that you don't like puppies, and that you think rainbows and unicorns are horrible things. There's a right way and a wrong way to do this sort of thing, and the right way, when you're talking about this kind of proposed change to people's lifestyles, this kind of proposed impact on people's lifestyles, when no Criminal Code law is being broken, is the process by which you arrive at a piece of legislation like this, before you get it to the floor of the House to debate its merits.

I have a couple of questions around that. One is for the government, and that is: what do Albertans think about the process that the government used to get to this point where they brought in this rushed and, I would argue, seriously flawed piece of legislation? That's the question that I would ask the government. The question that the government should be asking all of the people of this province, at least all the people of age to be licensed to drive or even to have a learner's permit, is this: what do Albertans think about this idea?

The process we should be going through here is asking in a broad-based conversation – and believe me, Mr. Speaker, if the government put this question out there in any kind of meaningful way, any kind of meaningful vehicle for people to communicate back to the government, they would get responses by the bucket-load on this one – what do Albertans think about the ideas expressed in the Traffic Safety Amendment Act? Have the conversation with the people of Alberta first, and then craft the bill accordingly and carefully, without rushing it. Bring it back to the Legislature – bring something like this, something similar to this, but something better than this – in the spring of 2012.

That would be my argument, Mr. Speaker, that this bill was rushed. It may very well be flawed. I think some very convincing arguments have been made here this afternoon that it is. The government needs to pull this bill, consult with the people of Alberta – I don't just mean its friends; I don't just mean police departments; I mean all the people of Alberta – and then bring something better back in the spring.

Thank you, Mr. Speaker.

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

Hon. Member for Airdrie-Chestermere, you are participating in the question-and-answer section?

Mr. Anderson: Yeah. Through the chair, Mr. Speaker, I'd like to ask the hon. member. He said a very interesting point, that the consultation process for this bill has been literally nonexistent. It's just kind of happened. It seemed to come out. She met with the Premier of B.C., I think, when she announced it if I'm not mistaken. She met with the Premier of B.C., and it came out, and all of a sudden we were down the path to substantially changing our drinking and driving laws in a way that will have a huge effect on our hospitality industry and just on people's lives, not so much on my life but on severely normal Albertans' lives.

Mr. Mason: As opposed to you.

Mr. Anderson: As opposed to me, as this member points out.

My question is: why would we pursue it? Do you think this government has taken the requisite amount of time, the proper amount of time to properly consult with Albertans? How would you suggest, hon. member, that the government proceed to do this

consultative process? Should it have forums? Should we refer this to an all-party committee? What would you suggest would be the right way to go ahead and do that?

The Speaker: The hon. member, if you wish.

Mr. Taylor: Thank you, Mr. Speaker. Hon. member, yes, I think this has been rushed. I don't think the proper consultation has taken place by any stretch of the imagination. I will grant that this is a better approach to tackling impaired driving or at least alcohol-impaired driving, because it doesn't really address any other forms of impairment, than what they used to do in Bulgaria in the Communist years, which was that they took you out and shot you for your second drunk-driving offence. So we should be thankful for small mercies.

Mr. Mason: Well, they didn't have impaired drivers, did they?

Mr. Taylor: The hon. Member for Edmonton-Highlands-Norwood makes the point that they didn't have an impaired driving problem. Then they didn't have many cars either, hon. member.

But back to the point here because I don't have that much time. This bill has been crafted without proper consultation, I would argue. I think that while there may be a number of ways to skin a cat on this, hon. member, there is one very, very good way that we have at our disposal in this Legislature, and that is to refer the bill to committee, as we did with the hon. Member for Calgary-Hays', if I remember the sponsor of the bill correctly, private member's bill a few years ago that sought to ban the use of hand-held cellphones in moving cars. That got referred to committee and went through a process that eventually came back to this House as the distracted driving law, that was debated in this House, passed in this House, proclaimed by the government, took effect in this province on, I believe, September 1 of this year.

5:30

I still do see the odd person driving down the highway, usually in the fast lane of the Queen Elizabeth going 70 or 75, yakking away on their cellphone, oblivious to the impact that they're having on everybody else around them, but I think there has been – and this is anecdotal, Mr. Speaker – a marked reduction in the number of people who are driving distracted.

Distracted driving, I would remind the House, is a form of impaired driving, not a form of impaired driving that this bill will address because this bill is very, very specific to wine, beer, and spirits. It doesn't address marijuana. It doesn't address sleeping pills. It doesn't address any other kind of prescription medication. It doesn't address tiredness. It doesn't address anything but the issue of alcohol impairment, not to minimize that as an important issue in our society. As I said at the outset, there are countries, not including Bulgaria in the old days, many countries around the world, many jurisdictions that take a much dimmer view of drinking and driving than we do in this province or anywhere in North America, have more liberal liquor laws than we do, and seem to manage just fine and have, sir, for decades.

We can do this or we can get closer to that if we want to go about doing it the right way, but if we're going to do it the right way, especially with something that involves human behaviour to this extent and especially a level of human behaviour that is not deemed to be illegal by the Criminal Code of Canada, then the only way this is going to succeed is with buy-in from the people of Alberta, and the way you get buy-in is to engage them in the discussion through standing committees... [Mr. Taylor's speaking time expired]

The Speaker: Thank you, hon. member.

I'm prepared to recognize the hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Mr. Speaker, thank you very much. I'm pleased, actually, to see you in the chair because of the fact that I'm going to take us down memory lane a little. I know that you were in this Chamber in March of 2000, when I actually brought forward a private member's bill in this Legislature called the Traffic Safety Amendment Act, 2000. I'm glad to see that you do remember that.

Ms Calahasen: He does. He remembers everything.

Mrs. Forsyth: Yes. Of course.

At that particular time I happened to bring forward a private member's bill to talk about bringing it from .08 to .05, so we're going back 11 years. What the idea of the bill was was to bring the awareness of what drinking and driving can do to you in this province. At that particular time I talked about drivers who were over .05 to have a 24-hour suspension. There was great debate in that Legislature. There were great things pointed out at that particular time in regard to this particular piece, and I know the member from Vegreville-Viking will remember this because he was part of the Assembly at that particular time, and I recall having a great deal of debate with him on this particular piece of legislation.

The former RCMP commissioner at that particular time, a fellow by the name of Assistant Commissioner McDermid, was not really happy with me at that when I brought this piece of legislation forward in response to the RCMP. We had a great, great deal of discussion in caucus on this particular piece of legislation. I see some of my colleagues who've been around, and I have to tell you that it was not received with a great deal of love and support at that particular time in our caucus at all. I was a member of the Progressive Conservative Party at that time, going around and talking to my colleagues about, particularly, supporting me on this piece of legislation just to bring forward the idea and awareness of the effects of drinking and driving in this province and all of the effects and all of the tragedies that had occurred.

When I brought this piece of legislation forward, Mr. Speaker, I had actually dedicated the bill to constituents who had been killed in a tragic accident near Morley, Alberta. On behalf of them the ultimate goal on this was not to penalize .05 to .08 but, really, to make people in this province aware of the seriousness of what happens when you drink and drive. In my speaking notes one of the things that I was very adamant about was the idea of educating the public and telling people what happens when you drink and drive, the serious, serious effects of that.

I have to say, Mr. Speaker, that this particular piece of legislation died on the Order Paper. We didn't get to vote on it, but some time after that, obviously, we brought in the 24-hour suspension. I can tell you that I was then lucky enough to go into the position of Solicitor General from the years 2001 to 2004 and had the opportunity in my travels as the Solicitor General to do ride-alongs with the police and to listen to the police in this province, that were very, very concerned about the issue of drinking and driving and, I can tell you, more so about impaired driving.

I also had the opportunity when I was the Solicitor General to be at checkpoints, which I thought were very, very interesting, as we pulled suspected drunk drivers over, watched them go through blowing over .08 and then realizing the seriousness of the

situation, and at that particular time what would happen to them going through the process after they had been charged.

Mr. Speaker, it's 2011. We're 11 years later, and we have a piece of legislation that's been brought forward into this Assembly, and I question, as I've listened intently to everybody else, what consultation has been done.

In 2007, when I had the honour of chairing the safer cities task force report, I travelled the province for six months straight listening to what Albertans want. One of the number one issues was about drinking and driving, but it wasn't about .05. It was about driving over the legal limit of .08 and what as a task force or as a government, when I was chairing that task force, we were going to do about the seriousness of that particular issue.

In all good faith I tabled the legislation under the auspices of the then Premier, from Vegreville-Viking. It's interesting when you go through all of the recommendations in this particular task force report. That, I can tell you quite frankly, was accepted right across this country as one of the best reports in regard to how to tackle crime within the province.

In this report we pointed out the importance of doing some advertising and some public awareness in regard to the effects of drinking and driving and the devastating effects it can have in this province. The government accepted all of the recommendations, including a report about setting up safer communities, which we now hear the Premier talk about and brag about from her two years as Justice minister, and she brags about what they're doing now as Premier.

We've done some research, and I'm still looking for all of the public awareness advertising that was supposed to be done and was recommended that we do in regard to bringing the effects of drinking and driving to Albertans so that they can understand what's going on with drinking and driving.

5:40

I don't know if anybody recalls the terrific success that AADAC had with a TV commercial several years ago, the bowl commercial, where you had these kids puking their guts out into the toilet. It talked about drinking and driving, one of the most successful commercials done to bring drinking and driving awareness to young kids. It won numerous awards. That's the kind of impact that people need to see. As much as we don't want to see some child barfing into a toilet bowl, that is very effective in regard to telling people. It would be no different than probably showing a drunk driver smashing into a family and killing them, quite frankly, and what happens.

I think what's missing through this whole conversation is what we call the elephant in the room, so to speak. I think that elephant, quite frankly, is: what are we doing with the chronic drunk drivers in this province, that are 20 per cent of the problem, that cause 80 per cent of the work for the police in this province? This bill doesn't touch that issue at all. The people being targeted here are not Alberta's most dangerous drivers. It's the chronic abusers of alcohol that we should be targeting. People like myself or you, Mr. Speaker, if I may, that like to have a glass of wine at dinner, anyone who likes to have a glass of wine for dinner, are not the ones that we should hold responsible and, you know, that we want to have to target.

Quite frankly, Mr. Speaker, I like to have a glass of wine with dinner, but I have to tell you that I weigh a hundred pounds, and if I have a glass of wine, I can guarantee you that if I'm sitting at the table and if we were deciding that we were going to have me tested in regard to blowing, I bet you that if I had the kegger nine-ounce glass of wine, I'd be at .05 for sure. If I was sitting with the Minister of Human Services and he did the same test, I'm not

quite sure that he would reach that same alcohol level as I have, to be very honest with you.

Mr. Speaker, if the government is really serious and they really want to start targeting the chronic drunk drivers, then let's spend our time and our effort on those chronic drunk drivers. I, quite frankly, have to admit that that's what the police want. They want the ability to have checkstops out there, having their police officers pulling people over on a Friday night that are seriously inebriated and that we have to get off the street. They don't have the time, where the minister of human resources and his wife were out for a nice quiet dinner and then are coming home, to pull them over and say: Mister, could you blow into this so we can see if you're at .05? I can tell you that our police want to take care of the chronic drunk drivers in this province, that have caused more problems and more devastation for families, wiped out four kids from Grande Prairie, kids that incited me to come in and bring forward some legislation.

What's interesting, Mr. Speaker, is when I start going through the speaking notes in *Hansard*, and I reflect back on what people say. I reflect back on – and probably the Member for Edmonton-Centre will remember the Member for Calgary-Buffer who was previously in this Legislature – a fellow by the name of Gary Dickson. I started reading through what he had to say in *Hansard*. I'll tell you, he's got it bang on. He talks about the two categories of drivers who are constantly causing the problem. These were statistics in 2000. I would like to know the government's statistics on what they have from 2000 to 2010 in regard to what is happening with the over .08 and what is happening with the .05 to .08.

Obviously, something tweaked to the government so that they thought this particular piece of legislation was so important. Seriously, as someone who stood in this Legislature in 2000 talking about the importance of looking at a 24-hour suspension, they have got to have some knowledge in regard to some statistics, even from 2000-2010 on the fatalities that have occurred from someone driving who was driving between the BAC of .05 to .08. There has to be some sort of information to make the government aware, and the seriousness to bring forward a piece of legislation . . .

The Speaker: Thank you, hon. member.

We're now into Standing Order 29(2)(a) should there be a member who wishes to participate.

Mr. Anderson: The hon. member was in the middle of eloquently speaking about this piece of legislation, and I would like to ask her to please finish her thought as I was paying rapt attention to it.

The Speaker: The hon. member, if you wish.

Mrs. Forsyth: Well, thank you, Mr. Speaker. I guess, just to conclude, as someone who has, I have to tell you, struggled on this because, as I indicated to you earlier, I brought forward a bill in 2000. I wanted to see the 24-hour suspension. And you know what? There's nothing wrong with that.

If I'm driving down the street after having my mega nine-ounce glass of wine at the Keg and I get pulled over and the officer says to me, "Dear driver, you are blowing over .05, and we really think that you shouldn't be driving home, and I think it's a really good idea for you to pull over and to park your car," guess what, Mr. Speaker? I'm going to say, "Yes, sir" because he obviously thinks that maybe there is some question. On the other hand, if I'm driving home after having two of those megaglasses of wine at the Keg and I'm so inebriated, then I guess I should be off the street, and I should face the consequences of my decisions for being so

stupid to knowingly drink that much, knowing very well that I could be killing somebody on the street.

I guess what I'm asking the government is, as someone who brought this forward 10 years ago, to please show me the data that you have to say that it is important for us to start bringing it down from .08 to .05 and that we have conclusive data that shows this.

5:50

The safe communities task force was set up specifically to find out what was going on in this province, what needed to be done in regard to legislation in this province, what the hot spots in this province were as far as policing. I mean, I can show you all of the recommendations, quite frankly, why the need for the safer communities, but I can tell you that I don't recall anybody coming to me or talking to me on the safe communities task force about .08 to .05. The safe communities task force was set up to do some consultation.

They have a whack of money in the Safe Communities Secretariat. They must have the data to prove that this is something that really needs to be done over more mental health beds, more drug and alcohol beds for our kids that are suffering from drugs and alcohol. I mean, there are 27 recommendations that I think the dollars can be used for that would give us a bigger impact.

Mr. Speaker, I'm looking forward to hearing what the government has to say, and at that point I'll sit down and listen.

The Speaker: Other questions under this segment of Standing Order 29(2)(a)?

There being none, shall I call on the hon. Member for Edmonton-Highlands-Norwood?

Mr. Mason: Thank you very much, Mr. Speaker. I'm pleased to rise and speak to Bill 26, the Traffic Safety Amendment Act, 2011. The genesis of this bill was apparently the meeting between our current Premier and the Premier of British Columbia just actually a few weeks ago. The Premier of British Columbia talked about the legislation that they have in that province and the impact that it has had. Based on that conversation apparently this legislation was initiated and has been brought forward.

Now, Mr. Speaker, the question of impaired driving and the sorts of things that we see there are very concerning. I think we're all justified in having a grave concern for innocent people who are injured or killed as a result of drivers whose judgment and reaction time are impaired by alcohol or by other drugs. It's a very serious thing. I want to commend the work of police services around the province and also citizens' organizations such as Mothers Against Drunk Driving, that have done such a good job in raising public awareness.

We have made steps towards dealing with this. I remember – I'm now old enough to remember – as a young person how common drinking and driving was and how different the attitudes were towards it than today. I think we have done a good job in shifting attitudes towards impaired driving. I think that any carefully thought out steps that move us towards further reductions in the incidents of drinking and driving are good and should be supported.

The question really is whether or not this is part of a careful analysis of the problem and a carefully thought out response on

the part of government. I'm afraid to say that I am concerned here that this is something that has been done more for political reasons; that is to say, to appear to be doing more without necessarily taking the best approach that minimizes the harm caused by impaired driving.

Now, it's a characteristic of Conservatives – and apologies to my friends in the Wildrose, who are really conservatives, and some of my colleagues across the way, who are conservatives, but not the Premier, who's definitely not a conservative, in saying this. Nevertheless, the Premier shares one thing in common with real conservatives, and that is that she believes one of the answers to changing public behaviour is to increase the penalties. We can see this with the federal government in Ottawa with their bill – I think it's Bill C-10 – jacking up penalties on all kinds of things because Conservatives believe that if you lock people up for longer, you will prevent the behaviour that you want to prevent. It's a very simplistic view. It's a view that's contained in part in Bill 26.

In my view, reasonable penalties with a great chance of being caught and convicted if you're guilty of the offence are a stronger deterrent. Public education is very important as well. There are a number of components that we need to take into account when we're trying to change behaviour in society that has negative consequences. Certainly, drinking and driving is one of those things.

I want to just suggest that there's a difference between increasing penalties and increasing enforcement. A number of members have talked about the fact that the most serious threat to people in terms of impaired driving comes not from the people in the category of .05 to .08 but from repeat, chronic drunk drivers whose blood-alcohol levels are much higher. That being the case, you would think that the government, if they were carefully analyzing the problem and identifying where the real source of the threat is, would identify that and would bring forward some legislation or some program to deal with that. To me, increased enforcement is, in fact, what we need to do to get the chronic, repeat drunk drivers off the road. I think the government should focus on that. That's something that's within their jurisdiction, which leads me to a second concern.

The federal government has jurisdiction over Criminal Code offences, and they have brought in Criminal Code offences making it a crime to operate a motor vehicle if your blood alcohol is .08 or higher. The provincial government is proposing bringing in administrative penalties for individuals who do not meet the threshold set in the Criminal Code. I think that that's an issue. I think that's something that we should be prepared to talk about.

The other aspect about this: like other bills this government has brought forward in the past, there are administrative penalties applied directly by law enforcement officers without the benefit of a trial taking place. A trial eventually takes place, but the penalties are imposed before, and that is a problem.

The Speaker: Excuse me, hon. member. You will be recognized to participate at the juncture of your speech when the Assembly next comes back to this matter, but right now the Assembly stands adjourned until 7:30 this evening.

[The Assembly adjourned at 6 p.m.]

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