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Fourth Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta
The 27th Legislature

Fourth Session

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 23, 2011

[Mr. Zwozdesky in the chair]

Government Bills and Orders Second Reading

Bill 25 Child and Youth Advocate Act

[Adjourned debate November 23: Mr. Hinman]

The Acting Speaker: Is there anyone who wishes to speak to this? The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. Through you and to all members of the astute Assembly gathered here tonight I'd like to provide a little background information for our online pay-per-view participants tonight in the WNFC bout that we're about to undergo, the Wednesday night fight club edition of the ADD, Alberta darkness democracy, debate. Our first contested bill is Bill 25, the children's advocate act. In the blue corner, weighing in at a combined weight of several thousand pounds, representing the pro/con Conservatives, the tag-team Tories, we have our wonderful individuals. Over in the red and currently orange corner we have the democratic Liberals, and I'm sure we'll be joined soon by the wild Albertans. [interjections] I'm being called for relevance.

It's important, hon. member, that those who choose to participate with us tonight, whether online or in spirit, understand the rules. I want to welcome to our square circle our newest referee. Wearing black and white and carrying the whistle for this government's activities and representing all members is the hon. member, the mighty member from Mill Creek. Without further ado, let us get the match going.

Now, the hon. member who smiled – and it's a nice way to begin – the hon. Government House Leader, yesterday mentioned that Alberta was the first jurisdiction to have a children's advocate. That's extremely worthy of note, Mr. Speaker, but also worthy of note, and what Bill 25 is all about, is that finally we're going to be the last province to have the children's advocate report directly to this astute Assembly. For that I am very grateful.

Mr. Speaker, having talked to a number of front-line workers, they have been concerned that previously the child advocate has been muffled. The feeling from front-line workers who have tried to have issues raised previously was that there was a type of whitewashing going on. Examples that came to mind that were very specific were children who had physical or mental disabilities and were placed in foster homes that did not have the understanding or capability to provide them with the greatest degree of care. The children's advocate was not able previously to do his job, and that was to advocate for all children.

Mr. Speaker, as you and the members of this House well know, the most significant portion, grossly overrepresented, of children in the system are First Nations children. Currently their participation in the new Ministry of Human Services is 67 per cent, and that participation rate for aboriginal children is slated to go as high as 70 per cent next year. So the advocacy role is extremely important. Aboriginal children or aboriginal First Nations individuals, being the fastest growing portion of the population, currently represent only 12 per cent of the population, but as I indicated, they are vastly overrepresented by the number of children who have been taken into care or custody. So I am

hoping that one of the major roles, when the restraints are taken off the child advocate, is that they will be able in good conscience to report their concerns directly to the Assembly.

Over the last 10 years over 60 children have died while in the custody of this province, Mr. Speaker. The majority of those children, again, who have died or been injured severely have been aboriginal children. I'm not suggesting that the children's advocate immediately but potentially at some point in the future be considered for a qualified First Nations' representative who has a cultural understanding of the circumstances and is able to speak for all children. It is just a thought. I don't believe in special minority provisional circumstances, as we have seen in the United States, but it would be worth considering. We definitely need to have more First Nation front-line workers in the Ministry of Human Services. That's a thought I wanted to put out.

Mr. Speaker, I am hoping, as I say, that the children's advocate will have an unfettered opportunity to report unfiltered to the Assembly. It's a difficult position in the sense that the government is the person who provides the employment and also the remuneration for this person. Hopefully, the individual that takes on this position is sufficiently strong and their integrity unquestionable so that they can stand up and reveal circumstances that have previously not been permitted.

Far too often, in the name of protecting the child's family or the child itself, even though they have been killed in the system, the details surrounding the death or injuries have been withheld. Now, Mr. Speaker, it would not be necessary for the name of the child to be revealed, but what we have currently is a two-tier information system. For a child who is injured but not a part of the provincial care system the details of their injury – even their name, their family, and their circumstance – is revealed. We learn something from that experience, which we, hopefully, going forward can prevent. This, of course, is a significant role of the children's advocate and what Bill 25 is recommending. Hopefully, that opportunity will be provided, and the children's advocate can look more closely into cases where children have been injured and provide advice going forward so that we can prevent future instances of not only death but also of injury. Currently that's not possible.

The government has hopefully turned a new page with the creation of the Ministry of Human Services, which in-house is referred to by front-line workers as the ministry of humongous services. But I am hoping that it will become a one-stop service provision place for individuals, in this case children in need.

Mr. Speaker, children have been warehoused previously in hotels. We know that there's a shortage of group homes. I'm not sure to what extent the children's advocate can change our current system. Obviously, we need greater provision for particularly troubled youth. But I'm hoping that in their advocacy, in their reporting directly to the Assembly, we will have an opportunity to participate more directly in improving the conditions of Alberta's children.

7:40

I support the direction of this legislation, Mr. Speaker. I believe the hon. House leader suggested that the position of children's advocate was first created in Alberta in 1989, and here we are basically 20 years later and finally catching up with the rest of the provinces who initially followed our example. I suppose the expression "better late than never" applies to this circumstance, and therefore I welcome the notion of the improved transparency and accountability provided by the children's advocate being able to report directly to our Assembly.

Mr. Speaker, children are among our most vulnerable. That's an obvious statement. But there are other vulnerable individuals, seniors and those on AISH, and we need to have advocates for them. We need to have the same type of independence for seniors' representatives and for the disabled. Bill 25 is a good first start, and it's a great way to kick off tonight's debate.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available. Any questions or comments regarding the previous speaker? None? Okay. We'll proceed, then.

The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Speaker. I'd like to stand up and support the government's Bill 25, the Child and Youth Advocate Act, 2011. I want to compliment – I'm sorry he's not here – the hon. Member for Calgary-Glenmore on his speech on this this afternoon. It was eloquent and very touching.

I just wanted to quickly give my support for it. I do have one comment on it that I am worried about, though. I guess in committee, maybe, we can get some clarification on this issue. One of the positive things that this bill does is that it makes the youth advocate specifically accountable to the Legislature as opposed to the cabinet, as opposed to the government, which is a very good step. But I am worried that if that's what we're going to do, then I think that we should make sure it is the Legislature that chooses the children's advocate under this legislation.

I don't think we should just transition the current one, who was not picked by the Legislature but picked by the government, by the minister. It's nothing against the individual. The individual might be fantastic. That's the point. We don't know. If we're going to make this person an officer of the Legislature, then I think that it's critical that they be truly accountable to the Legislature and chosen by the Legislature. We'll bring some amendments forward when we get into committee on this to see if the government is willing to entertain that possibility.

I would like to note that our party, the Wildrose, has been calling for an independent advocate reporting to the Legislature for some time. We released our policy on this a while back, and it's something that we've been pushing. Clearly, the hon. Member for Edmonton-Strathcona has been pushing it longer, and I certainly congratulate her.

Ms Blakeman: We had a private member's bill.

Mr. Anderson: I'm informed that the Alberta Liberal caucus has also been pushing this as well. That's great. This is a good-news story for them and a good-news story for everybody in the Legislature because it's long overdue. That's a very positive piece of this legislation.

We're also calling for a better sharing of information between public bodies and clarification around issues of confidentiality on issues involving children. We hope that the government will take a look at that.

There are many issues that still need to be dealt with, but we certainly believe that this is a positive step. I hope that in committee that we can really hit this one out of the park as a House by making sure that the person who becomes the Child and Youth Advocate will be someone that is chosen by this Legislature. That is really my only caveat to supporting this bill, but I will be supporting it in second reading and would hope that all members will do the same.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available should anyone wish to pose any questions or comments to the previous speaker. The hon. Member for Calgary-Mountain View on 29(2)(a).

Dr. Swann: Yes. Thank you, Mr. Speaker. I would appreciate the comments of the hon. member on the existence in the act of the council for quality assurance, a council appointed by the minister to review quality in child care. One of the members, I understand, would be the advocate on that council. Should there come a time when a public inquiry might be needed for children in care, what is your view of the need for an independent body, new powers to that quality assurance council? Do we need a new act to empower them to do public inquiries on children and the sensitive issues around the poor outcomes of children and families?

Mr. Anderson: Well, you know, I think it's clear that the Child and Youth Advocate needs to clearly have the ability to call, if the need arises, a public inquiry. I'm not really sure how that would be best conducted in legislation. We do have the Public Inquiries Act. Of course, that can only be called by the government, by cabinet. They have to call that, so I don't know if that would necessarily be the right avenue in this case.

I guess I would say that, you know, the critical thing here is that when it comes to the safety of our children, when it comes to their welfare, we have to make sure that this individual, who is essentially their protector after families have failed or after there's been a failure or a breakdown in that child's immediate family circle, is the last line of defence. This Child and Youth Advocate is really the last line of defence. So if there is a systemic issue occurring that is endangering children's lives, then I think that it's critical that they have that power, that this person has the power to call a public inquiry independently.

Now, I don't know what criteria that should include and so forth, but I look forward to hearing your comments in committee, when we get there, as to how you would see this taking shape.

Thank you for the question.

The Acting Speaker: Thank you.

Anyone else under Standing Order 9(2)(a)?

If not, we'll entertain any other speakers on Bill 25. The hon. Member for Edmonton-Strathcona, then.

Ms Notley: Yes. Thank you. It's a pleasure to be able to rise and speak to Bill 25, the Child and Youth Advocate Act. This is a very important bill, and it's one that I have devoted a great deal of time to addressing since I was first elected three and a half years ago. It raises a number of very important issues because, of course, it circumscribes some new initiatives on the part of the government to potentially enhance or give some support to what is an otherwise failing system in terms of ensuring proper attention to our children and youth in care.

7:50

My concern about the bill, though, is that – well, let me back it up a bit. You know, as an opposition member there are times when you spend a lot of time raising issues with the government, critiquing the government, raising public awareness about issues that the government would otherwise not have fully debated within the public sphere. And there are times when you question: well, how does that actually change the agenda? Does it or doesn't it? And you like to at times convince yourself that maybe the government has moved a little bit in reaction to some public opinion that you may have had a role in swaying or generating.

For the most part it's few and far between that opposition members are able to look at a piece of legislation and think: oh, well, I had a hand in ensuring that this is here. I have to say that I think that on behalf of the NDP caucus Bill 25 is probably an exception to that rule in that I think we probably did have a hand in ensuring that this bill is here by creating a sufficiently broad-ranging level of concern amongst Albertans that it became one of the issues that the newly elected Premier decided to talk about in her campaign.

It's a long overdue issue. Other provinces have had independent child and youth advocates for up to decades, and it has been really a blight on this province that we've not had an independent Child and Youth Advocate. So when I heard that this bill was coming forward, I have to say that I was incredibly encouraged and very, very pleased to see that, finally, after stating the obvious repeatedly to a point where it must have been – I can't imagine that it wasn't – somewhat embarrassing to the government, they decided to move forward on this piece of legislation.

It was then, I have to say with some profound disappointment, that I finally had the chance to sit down and read through the legislation in its entirety, and I discovered how the government had structured this new piece of legislation. I was really quite disappointed. Those folks over there like to talk about made-in-Alberta solutions, but I have long since come to the conclusion that made-in-Alberta solution is Toryspeak for "our extraspecial way of ensuring that we stay in power," and "We don't do as good a job as we could otherwise for the voters of Alberta." That's what made-in-Alberta solutions tend to mean when those guys over there talk about that. Unfortunately, Bill 25 is exactly that all over again.

Now, I know that the members over there have been around long enough to understand what the concept is of an officer of the Legislature, and I think that we've all been elected long enough to understand that an officer of the Legislature is important because they are appointed by and are accountable to this body. In theory that ensures that we actually end up with an independent person who is slightly less intimidated to speak out on issues that might embarrass the government and, in so doing, to represent and fulfill their mandate as set out in their legislation. That's why it's so important that an officer of the Legislature be selected by the Legislature. That's why I was so incredibly disappointed to discover that, no, what we have is a made-in-Alberta junior officer of the Legislature piece of legislation here.

What we're doing is that we are not having an officer of the Legislature who is selected by Legislature. No, Mr. Speaker. We are creating something which I think may or may not even be entirely constitutional. I'm not sure. We're creating an officer of the Legislature who is selected by the minister behind closed doors. Five years from now we will get an officer of the Legislature in reality, but what we're going to get right now and for the next five years is an officer of the Legislature who while they may answer to the Legislature has been and will be appointed by this government behind closed doors, by Tories, without a transparent process.

So we have no idea whether the current Child and Youth Advocate, who by virtue of, I believe, section 24 of this act will become the Child and Youth Advocate, meets the requirements of ensuring the independence and the transparency and the backbone that is required to ensure that they speak up in favour of and on behalf of some of the most voiceless Albertans that we have in the face of a 40-year-old government that's awfully darned sure of itself, that in other forums is currently being investigated for a variety of different intimidation tactics.

Instead, what we have is a career bureaucrat, from what I can tell, whose expertise arises from having faithfully served within the bureaucracy for many, many years in a different province. There is no indication that the child advocate we have now has any record of ever going against the grain, of ever standing up publicly when it's difficult, of ever risking the negative reaction of their boss or the media or anybody to whom they are accountable because it's the right thing.

There are certain people out there that have that in their background, and you can count on those people to stand up for people without a voice. But that's not the criteria that was used to select the Child and Youth Advocate that we currently have; therefore, that is not the criteria that will have been in play when the government behind closed doors at the direction of the previous minister selected this advocate. And now this advocate will be in place for five years.

What this legislation actually is doing, folks, is giving us an independent officer of the Legislature five years from now. In the meantime it's giving us a career bureaucrat who happens to have the title of independent officer of the Legislature between now and then. That sounds just really very typical of so many of the promises, the so-called promises, that this Premier has moved forward on. When you get to the fine print, you discover that it's not exactly what they're calling it. It's not exactly what they're calling it.

Yes, this new advocate, hired by the former minister of child and youth services behind closed doors with no transparency and no accountability, will now be accountable to the Legislature. But a lot of it comes down to whether they were hired for that purpose in the first place. And they were not hired for that purpose in the first place, so we have no idea whether this person is going to be able to carry on that function. We really have an unfortunate, disappointing shell of an advocate.

Now, frankly, if that issue were fixed, I could get over my other concerns that exist in the act, because I do have other concerns about what's in this act as well. If that's not fixed, I cannot support this legislation because this is not an officer of the Legislature, and this government has not fulfilled the promise that the Premier made during her campaign. It will be yet another broken promise. So if that's fixed, I can probably get over my other concerns.

Let me talk a little bit about some of the other concerns that I think also compromise this process. The first one is that the scope of authority of this new advocate – and let's talk about the advocate that we're going to have five years from now, the independent advocate that the Legislature will select in five years. That advocate even then will not have the scope of review that other child advocates have in other provinces. Their ability to engage in systemic review will be limited to those occasions where there has been a serious incident or, heaven forbid, a fatality.

That's a concern because the idea is that we are engaging in a preventative activity. Why do we have to wait for the system to go so terribly wrong that a child almost loses their life or does lose their life before this advocate will have the capacity to engage in a systemic investigation that might well alert the members of this Assembly to some emergent changes that need to be made before somebody dies or is seriously injured? I'm very concerned about the mandate that is being given and the limited nature of that mandate as it relates to other children's advocates across the country.

8:00

Another concern I have is the ministry of children and family services' version of the quality council as it currently exists. Now, it's a great idea to get together a bunch of experts to review things periodically. That's lovely. There's a certain amount of accountability there, I suppose. But, again, that group will be appointed by and subject to the direction of the minister. That group will work day in and day out with that child advocate, who will be part of that group, and that group has actually greater ability in terms of the scope of their mandate to engage in systemic investigation.

I am very concerned that we're going to have the kind of scenario where you see a tragedy like any of the ones that we probably heard discussed by members on this side of the House over the course of debate about this bill. We might find ourselves in a situation where there's a tragedy like that, and people go to the advocate and say, "Are you going to investigate it?" and the advocate is going to say: well, you know, the internal council is investigating it right now, so I don't want to interfere with that. So it's going to be used as a cover for a period of time. Then that council will write a report, and that council will be filtered through and managed by the minister's office. Then when that report is released, the advocate will say: well, you know, I'm satisfied by the report of the council; I don't think I need to do any further investigation.

This internal council structure is, again, as far as I can tell, the only one of its kind. We have not felt the need to set up a minister-appointed babysitter for our children's advocate in any other province in the country, yet we've decided here that we need to have a minister-controlled babysitter of our children's advocate, the one who five years from now may actually be truly an officer of the Legislature. I'm concerned about why that is, why it is that we just can't let the children's advocate be appointed and selected by the Legislature and then have a broader mandate and then function independently, just like the children's advocate does in other jurisdictions across the country. Why do we feel the need in Alberta to come up with a made-in-Alberta solution that undercuts the public trust that will be put into this advocate for the next five years and undercuts the independence, I would suggest, of the advocate indefinitely through the functioning of that council?

I appreciate that the government was open enough to our concerns to be interested in creating the title and creating the impression that they have created an officer of the Legislature who will stand up for children in Alberta. I just wish that they had been more committed to actually doing it, and I just wish that we didn't have to wait five years to have the real thing actually come into play.

With those comments in mind, I certainly look forward to the opportunity to engage in further debate and opportunities for amendments to this legislation in order to ensure that perhaps the government will improve it while we debate it over the course of the next few days and accept some amendments that might actually result in improvement, specifically to change the appointment process and to ensure that the mandate is expanded to match that of other children's advocates across the country.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you.

Standing Order 29(2)(a) is available. Through the chair, please. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much. To the Member for Edmonton-Strathcona. That's a good point, especially around the transition and the time period. Yes, I think that is fairly simply dealt with in that it could be referred through to the Legislative

Offices Committee to review the current person's resumé or something and then refer it back to the Legislative Assembly rather than just putting in a transitional clause that says that the guy that has it now is the one that's going to have it because it means that we do have five years where we have an officer that is not the same as the rest of the officers under the Legislative Assembly Act.

The question that occurs to me is that when you actually read section 2(1), the appointment of the Child and Youth Advocate, it does not refer in any way to the Legislative Offices Committee doing the recruitment and interviewing and process and the recommendation to the Legislative Assembly. That piece is missing, and that's what I was looking for in the rest of the act. When it refers to the standing committee, which clearly in this act refers to the Standing Committee on Legislative Offices, is there some clause in here that says that the committee will hire or will – what's the word I'm looking for? – vet and go through the process with the next one? It doesn't.

It refers to: "The Lieutenant Governor in Council," which is cabinet, of course, "on the recommendation of the Legislative Assembly, must appoint a Child and Youth Advocate to carry out the duties and functions set out in this Act." Does this mean, then, in the opinion of the Member for Edmonton-Strathcona that, in fact, we might never have one that goes through the same process as the other officers of the Legislature: the Chief Electoral Officer, the Ombudsman, the FOIP Commissioner, the Ethics Commissioner, and the Auditor General? To me, it looks like this is somehow coming through the Legislative Assembly, but there is no mention of the standard process from the Standing Committee on Legislative Offices. Given this Assembly, it means that it's a government appointment because the majority vote in this Assembly is always a government majority vote. That's essentially saying that as long as this thing is in play, that's how it's going to happen. So I'm wondering if the member has a comment on that.

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

Ms Notley: Thank you. In fact, I mean, section 2 as a whole, it's my understanding based on our researchers, mirrors the language used with respect to other officers of the Legislature in that when it says "on the recommendation of the Legislative Assembly," the Legislative Assembly has its own processes for how they make recommendations. The processes are to go through the Leg. Offices Committee and create a subcommittee and yada, yada, yada. So I think that section 2 is fine because it mirrors the sections that you would find governing other officers of the Legislature. That piece is fine.

It's section 24 that is the concern because section 24 states that the current Child and Youth Advocate will be "deemed to be" the Child and Youth Advocate, and then it talks about a term of up to five years. That's the concern, that the Child and Youth Advocate will for five years not be an independent officer of the Legislature.

I see the Government House Leader shaking his head, so presumably there will be amendments proposed to clarify that the legislation does not currently allow the current Child and Youth Advocate to remain the advocate for up to five years.

The Acting Speaker: Thank you.

Hon. minister, before you speak, could I just remind members that we're in the second reading of this bill, and the thrust of second reading is to discuss the principle of the bill. The clause-by-clause discussion and debate, of course, will occur in committee. I'm just reminding everyone.

The hon. minister, please.

Mr. Hancock: Mr. Speaker, I'm wondering if I might ask the hon. Member for Edmonton-Strathcona why she would interpret the act the way she does when I think it's very clear. There are two sections of the act that are applicable. Section 2 allows for the appointment of the advocate as an officer of the Legislature. She's quite right; that's the same type of phrase as you'll find in the Ombudsman Act or others. In other words, the Legislature itself sets this process and has a Standing Committee on Legislative Offices that does that process. So that would be done in exactly the same way.

Section 24 is a transitional provision to make sure that there's no vacancy in the office. The current advocate becomes the new advocate. Now, there's nothing that prevents the Legislature from deciding that it wants to appoint a new advocate because this advocate appointed under 24 is in place until a new advocate is appointed. I wonder why she doesn't read it that way.

The Acting Speaker: Thank you.

Are there other speakers to Bill 25 at second reading? Section 29(2)(a) has expired. Any other speakers?

Seeing no one, I would ask the hon. Minister of Human Services to close debate should he wish to do so.

Mr. Hancock: Thank you, Mr. Speaker. Very briefly, I think that this is a timely act. We've had a Child and Youth Advocate in this province for quite a number of years, but I think it is timely that the Child and Youth Advocate become an officer of the Legislature. It creates a more open and transparent process, and I believe the public will have a greater degree of confidence in a Child and Youth Advocate appointed in this way.

8:10

The serious incident review committee, the quality council, if you will, is a very important addition to the process to make sure that whenever there is a serious incident, we can learn from it, we can improve the process, and we can improve the system. I would disagree entirely with the hon. Member for Edmonton-Strathcona when she says that that's a babysitting committee. I think that's a very unfair characterization, unfair to the advocate because the advocate's powers are clear. The advocate clearly has an independence and authority quite separate and apart from the quality council.

To make sure that the advocate has access to everything that the quality council has, the advocate is appointed as a member of the quality council, but it clearly doesn't fetter his or her discretion or ability to deal with any issue that they wish to within the powers and authorities that they're given. So this is a very good step forward, a very important piece of work.

Again I would respond to the concept that section 24 appoints the existing advocate for five years. It does not. The act clearly puts the authority in the Legislature and, presumably, through the Legislative Offices Committee to appoint an advocate any time it wants to. The transitional provision in section 24 says that the current advocate remains the advocate until such time as the Legislature appoints an advocate.

Now, the current advocate does have a four-year contract. Apparently he started in June, as I understand it, so my hope would be that people would be reasonable about the process. The person has been asked to come to Alberta to do a job. My hope would be that he would be able to continue to do that job for the balance of his contract unless Leg. Offices, in reviewing his performance, decided that they wanted someone different. But it is entirely up to Legislative Offices to decide when and if they want to start that process. That's very clear in the act.

With those few comments I would recommend to the House that we pass the act for second reading and move quickly to establish an independent Child and Youth Advocate in Alberta, establish the quality council in Alberta, and get on with making a much, much better system for the protection of children in Alberta.

[Motion carried; Bill 25 read a second time]

Bill 26

Traffic Safety Amendment Act, 2011

[Adjourned debate November 23: Mr. Mason speaking]

The Acting Speaker: Is there anyone else who wishes to speak? We'll go to the hon. Member for Calgary-Varsity, please.

Mr. Chase: Thank you very much, Mr. Speaker. I appreciate the intent of Bill 26, the Traffic Safety Amendment Act, 2011, but I want to provide some caution and concern as to how the intent to save lives may catch the wrong individuals. If I were to use sort of a seafaring, ocean analogy, what we want is a gillnet rather than a dragnet approach. We want to get the specific offenders who are causing the damage, who are over the limit and causing the accidents. We don't want a dragnet approach where a soccer mom – we'll use that term – who has had a glass of wine at dinner and is driving home gets pulled over, has her car taken away and her licence suspended.

To bring another analogy to it and more of an Alberta analogy, is this bill going to serve as a clear-cutting, where the entire forest is taken down, at the .05 level? Or is it going to be applied selectively to those people, such as with our legislation on distracted driving, who come to the attention of a peace officer and, therefore, because of their distracted nature they are pulled over and dealt with? Bill 26 may be the equivalent of a sledgehammer when a watch tinker's hammer is required.

Mr. Speaker, I am concerned about how widespread this particular bill is. You've heard me speak on numerous occasions in favour of distracted driving, wanting to go beyond just the hand-held to the hands-free device because it was the mental activity that was impeded as opposed to just the physical activity, and of course impairment, obviously, is impairing a person's mental capacity and physical ability to safely operate their vehicle. But where we need more support is on the front line. We need more police officers conducting roadside checks to make sure that the individuals that cause the most danger and havoc, the ones that are driving without insurance, the ones that are blowing well over the .05 and causing the concerns, are dealt with.

The other group besides the chronic drinker and driver is the youth of Alberta. The 18- to 24-year-olds, next to the chronic drinkers and drivers, are the ones most likely to run into trouble based on poor judgment, and I'm not sure that Bill 26 provides the education element that would correct that poor judgment. I've previously spoken in this House about some of the poor judgments I made as a youth and the fact that I learned very early on, and thankfully without injury to myself or to others, that alcohol and steering wheels don't mix.

What I would like to see that currently isn't in Bill 26 is a greater education process such as the PARTY program that we see for grade 9s. I would like to see that expanded to deter young people, through an education process, from overconsumption and then getting behind the wheel. Now, the hon. Deputy Premier in debate can explain why he sort of pooh-pooed the idea of the PARTY program being extended, and I look forward to his

explanation. Mr. Speaker, we need two things to happen. We need to be proactive, and that is the education component, and then we need the appropriate enforcement.

We have, obviously, seasonal road checks, and they do capture some of the individuals. I'm thankful for that. But in order to save lives, we have to change attitudes, and changing attitudes is the hardest part of this circumstance. Initially taking away a person's car and their licence because they are at the .055 or whatever point above yet are still able to safely operate their vehicle is a concern. Also, Mr. Speaker, depending on our body size or body chemistry, our tolerance for alcohol varies. So from a human rights point of view potentially this bill is discriminatory for either a smaller built individual or, for example, a woman who is of a slight nature.

8:20

Mr. Speaker, because at a very early age – as I've explained, I'm basically a teetotaler. There is a large part of me that says: "Whatever we can do to eliminate drinking and driving, go for it. Be as punitive as possible." Even on the punitive end Bill 26 doesn't talk about demerit points; it does talk about certain licence restrictions. But just as the distracted driving law doesn't take points off your licence for your bad behaviour, this Bill 26, in its first stages, can be a momentary infringement as opposed to a proactive, permanent solution.

Now, there are some very interesting statistics that came out of B.C. that I'm sure our Premier looked at when considering this legislation, and that was that over a five-month period the number of people killed in alcohol-related circumstances dropped from 45 to 22, which is significant. What is missing is the degree to which the person was at .05 or higher when these fatalities occurred.

It seems to be, from the limited opportunity I've had to speak with emergency physicians, that this bill may be directed at the wrong people. What we need to be clearing off our roads are the unfortunate habitual drinkers and drivers. Bill 26 applies the same sort of expectation across the entire population but does not significantly focus or provide that pincer directed at the worst offenders. Yes, the repeat offenders will have the equivalent of a lock mechanism put on the car after their second offence so they have to blow before they can start their vehicle. That's important, but so much of this is after the fact. The damage has occurred.

I'm very anxious to put in the proactive part of the bill: get across the idea that drinking and driving is not only foolish; it's a critical concern. When things are done properly – I reference the PARTY program in junior high school – kids do start to get it. Mr. Speaker, you and I have kind of a common background. We know what our students are capable of. They in general have the capability, the intelligence, the understanding right at the junior high level and take it down to the elementary level. Elementary children, I know very well from my grandchildren, can give their granddad or their mom and dad a terrific scolding if they figure the behaviour that they're demonstrating is inappropriate. Deal proactively in the schools in larger community circumstances about the dangers of drinking and driving and potentially that one drink is too much.

Currently in the restaurants the portions that are served in a glass of wine are six ounces or nine ounces. You're offered that choice when you go to The Keg, for example, or any other restaurant. For a small woman or a light-framed youth that six ounces puts you over the .05.

Mr. Speaker, while I appreciate the intent, I think there have to be amendments to ensure that the scope of this act deals with the problem as opposed to just catching a whole variety of people in the net in an inappropriate fashion, a balance of a person's human rights and safety, the avoidance of carnage on our roadways.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you.

Standing Order 29(2)(a) is available for any questions or comments pertaining to the previous speaker. The hon. Deputy Premier.

Mr. Horner: Thank you, Mr. Speaker. The hon. member pointed out that I was opposed to some PARTY thing or something. I have no idea what he was talking about. Frankly, I don't like to be accused of something when it's not true. I'd just ask the hon. member to clarify his remarks if he may, please.

Mr. Chase: Thank you very much, hon. Deputy Premier. I'm sorry. Potentially what happened is that you were caught in that larger net which I was describing. I interpreted the laughing or the joviality associated at the same time as I mentioned the PARTY program in grade 9. Potentially you were receiving a humorous anecdote from the Minister of Energy, and your joviality had nothing to do with the mention of a very good PARTY program. If you were caught up in that large net, which to me is a concern, I apologize for having caught you inappropriately.

The Acting Speaker: Thank you.

Deputy Premier.

Mr. Horner: Thank you, Mr. Speaker. That is truly an example of making an assumption when it isn't warranted and looking at something that isn't true and putting it on the floor of this House as a truth. I am not opposed to any of the programs that would keep our young people from drinking or driving under the influence of any of those substances that we want them to stay away from. Indeed, I've often and always told my kids: if you're going to drive, don't drink. It won't have any effect on any of these bills that we're doing because if you don't do the crime, you don't need to worry about the time.

The Acting Speaker: Thank you.

Standing Order 29(2)(a) is still available. Hon. member.

Mr. Chase: Thank you. I very much appreciate that clarification. I am sorry for, as I say, having miscaught you. Hopefully, as part of the magnanimous catch-and-release program, you'll accept my apology for misinterpreting your actions during the discussion of the party program.

I know you're a father. I know you care. I have similar concerns for my own family and the well-being of my grandchildren. I appreciate your clarification. Thank you for straightening out myself and this House.

The Acting Speaker: Thank you, hon. Member for Calgary-Varsity, for your clarification and your apology.

Are there any others under 29(2)(a)?

Seeing none, I would then ask for Calgary-Glenmore to rise and speak, please.

Mr. Hinman: Well, thank you very much, Mr. Speaker. I'd like to recognize you and congratulate you on your sitting there in the chair. I appreciate the efforts that you make to ensure the proceedings go forward in a fair and equitable way.

The Acting Speaker: Hon. member, just before you proceed, might we just interrupt you briefly to revert to the introduction of visitors quickly? Does everybody agree?

[Unanimous consent granted]

Introduction of Guests

The Acting Speaker: Thank you.

The hon. Member for Calgary-Cross.

Mrs. Fritz: Thank you, Mr. Speaker. May I begin by saying that it's good to see you in the chair this evening.

Also, something else very special has happened. We have three young guests here in the audience. It's a pleasure to see you here as well. I just noticed that they've arrived here in the Legislature. The one person I'd like to introduce that I personally know is John Hampson, who is visiting here this evening. John, as some of you may know and recognize, worked as a summer student in the former ministry of children and youth services and was very highly regarded for the good work that he did there. Just as importantly, though, John was a very strong contributing member of the Youth Secretariat with the ministry of children and youth services. John, I welcome you, and I welcome the two other guests that are here with you this evening as well and would ask that you please rise and receive the warm welcome of the Assembly.

The Acting Speaker: Thank you very much, hon. members, for that courtesy.

8:30 Government Bills and Orders Second Reading

Bill 26 Traffic Safety Amendment Act, 2011 (continued)

The Acting Speaker: Please, could we ask Calgary-Glenmore to continue with his comments?

Mr. Hinman: Well, thank you, Mr. Speaker. It's always nice to have visitors here in the House to watch the proceedings as they go forward.

I'd like to take this opportunity to talk about Bill 26 in second reading. I guess I'll start off by saying that I understand the intent. I think the intent is admirable, but I'm very concerned about the consequences and what we're really trying to accomplish in this bill. To read from the government's press release on the 21st of November, it says:

With 96 deaths and 1,384 injuries caused by impaired driving on Alberta roads last year, Alberta has introduced new legislation aimed at improving safety on the province's roads.

Bill 26 . . . introduced in the Alberta Legislature by Transportation Minister . . . imposes tougher sanctions on impaired drivers, especially repeat offenders.

That is excellent to that point. The problem, as the Member for Calgary-Varsity just pointed out, is that it's stated here that it's supposed to go after impaired drivers. Impaired driving, to my understanding, at this point in Canada is over the blood-alcohol level of .08, but there's a lot of content in this bill that talks about below .08. I'd like to talk a little bit about that at this point and my concerns and perhaps more especially the Albertans who have contacted me.

I just spent the last hour and 40 minutes over at the U of A talking to a class there about government, about laws, legislation. I asked them if they thought we should lower the blood-alcohol limit to .05. I thought there might be a little bit of discussion on it, but it was unanimous. They all said no. We talked a little bit about the science of it and why they thought so. The key is that the studies – and again I'll start, I guess, by saying that this really should go to committee, I believe, because we need to do more research on this. If there's something new or new evidence that

I'm not aware of, I would change my position, but my understanding, Mr. Speaker, is that .08 is the legally impaired level of driving, where the laws of the land say that you're impaired and that you're not to drive at that level. The biggest content of this bill is more about the .05 to .08, and that's a concern.

The intent. We've all heard that story that with good intentions we've paved the road to some destination that we don't want to arrive at. I feel that this is a lot of good intentions, but when we arrive at the end, we've put a lot of people at that destination that they don't want to be in when I don't think they've done anything illegal or really endangered others around them. That's the question and what the debate should be.

I was disappointed to be down in the press room this afternoon to listen to our Premier talk about this to the press. She said that she wants this passed by Christmas. What was interesting to me is that she said: we had a robust discussion in caucus. We talk about free votes, but I'm going to be amazed – I am personally going to be amazed – if there is one member, let alone 10 over there, that's going to stand up and vote against this. The Premier talked about a robust discussion and about a more honest, a more open, a more transparent government, yet I will bet they're going to be whipped, and they're all going to vote for this because they've lost that discussion in caucus, where they say that the democratic process really takes place in the province of Alberta.

Again, I look at that as another broken promise to Albertans. This isn't more open and transparent. I do hope that I am wrong on this in the next few days. Again, the velocity at which she's pushing these bills through concerns me greatly. We're not doing the research. We don't have the evidence being brought forward to say that this is what it is. If we did, I think that the federal government would be coming in with a law saying that we need to reduce the impaired level to .05, and they would present a case, but there's been no case presented. It's kind of interesting.

Again, because of the speed at which this stuff is coming forward and the size of our caucus and the funding to our caucus, we don't get to do the research that we'd like to, so sometimes we have to take things at face value. I don't have time to double-check it, but according to the stats that I've been given, Mr. Speaker, only 2 per cent – 2 per cent – of the fatally injured drivers who were tested were in that .05 to .08. So when you take these numbers that we start with, the 96 deaths and the 1,384 injuries, and go by 2 per cent, in my opinion we are running after pennies when there are gold coins rolling along the ground beside us. We're focused on these pennies when the bigger problem or the bigger opportunity is being missed.

There have been many members that have talked eloquently about the importance – and this is where it really is – of enforcing the laws that we have in our land now. I am confident that if we were to ask, there is nobody in here – we would vote unanimously – that wants drunk or impaired drivers on the road. The Minister of Education then got up and said: well, there's zero tolerance. Then let's pass the legislation if that's what our intent is, zero tolerance, but I don't believe that is the intent.

When we look at those accidents, only 40 per cent of those deaths, according to the stats that I've received, are people that were impaired at .08 or above. Forty per cent. Mr. Speaker, what that says to me is that there's a bigger problem. Though this is a big problem, there's a bigger problem with the other 60 per cent. I don't see any legislation coming forward. Perhaps this government thinks that that will all change next year because we can't drive while we're holding a cellphone. I don't know.

Again, let's look down the road and be a little bit patient before we run off and pass all these feel-good bills when we don't even know – again, our former Premier always referred to this, and I

love it – the unintended consequences. What are the unintended consequences if we were to pass this and it's enforced by this Christmas? I have a lot of friends, relatives that live out in rural Alberta. They might drive into a small town. They might be there for a hockey night with their children, have a great night. They might stay afterwards on a date, want a glass of wine, whatever else, and then they need to drive home. They're not impaired. They're within the legal limit, yet they can't afford to risk it because our government is going to pass new legislation saying, "No; that's unacceptable; we're going to confiscate your car for three days" or your vehicle, whatever it might be. Again, no judge, no jury. This is just action, the heavy hand of government stepping in and saying, "We know best" and scooping it away.

I'd even take the next step with the unintended consequences. Has there even been an economic study? Is it done by somebody competent? I question that because this government had their economic study done on raising the royalties and said the billions of dollars they're going to get. There have been many referred to, saying that if we raised to a progressive tax, we'd be able to get another \$6 billion.

Ms Notley: Eleven.

Mr. Hinman: Oh, thank you. Eleven billion dollars if we raised our progressive tax. But these people don't understand the consequences, that those people who have moved here will move away to another jurisdiction where they're not taxed so heavily.

An Hon. Member: Would you move?

Mr. Hinman: I was asked: would I move? When I was actually elected a few years earlier, some of the wealthiest individuals that I met with said: "You know what? I don't need to stay here. My money doesn't need to stay here. If they pass this, I'm leaving." I would stay here. I'm not one of these ones who's going to get, supposedly, a million dollars if you change the tax. Those people who are wealthy: they have other residences; they have other places. This one individual I talked to sold 260 properties and liquidated out and left our province because they changed that. People do move. Money and people move with the royalties, and we lost a great individual.

I always say that wealth is wonderful. If there are two individuals that I would love to have here, it's Warren Buffett and Bill Gates. Again, how many individuals are we going to lose, and how many small businesses are going to suffer? [interjection] He's free to pay more. It's interesting that people talk like that, yet they don't do it. Warren Buffett could donate a lot of money to the U.S. government if he wants to, but instead he sets up his own organization and makes sure the money is spent well. He does a better job than the government does by a long shot, in my opinion. [interjection] And he's free to run to be the President as well. There are a lot of wealthy ones down there that are interested in doing that, and I say: go for it.

8:40

Mr. Speaker, the problem with this bill is the unintended consequences. We have no idea what it is going to do to small business, what it's going to do to people, yet what we do know is that it's going to catch very few individuals or decrease, I believe, the fatalities that are on our roads and the carnage, which is what this bill is aimed to do. Again, as with this government so often, when they aim at a target – I don't know – they're cross-eyed or something because they can't even hit the target that they're purporting to shoot towards.

Ms Blakeman: Are you talking about blood-alcohol levels?

Mr. Hinman: Yes, and the small businesses that are going to suffer because the Premier wants to have this bill passed by Christmas.

Ms Blakeman: Okay. I got you. I'm with you totally.

Mr. Hinman: Great.

It's a big problem. I don't even think the economic consequences were considered. This is a feel-good bill with good intentions that is not going to accomplish what the Premier and every one of us in here really wants, and that's to reduce or to eliminate, really, drunk driving. This bill does not address that. So we have to ask ourselves: why would we pass it?

Like I say, the real acid test for me on this new open and democratic government is that I cannot believe that every one of the government members is going to be in complete concurrence with this and vote in favour. When we have our vote, I do not believe that we're going to see any discrepancy over there.

Ms Blakeman: How about Lac La Biche-St. Paul? How does he feel?

Mr. Hinman: Yes. Lac La Biche-St. Paul: I've already talked to him, and he's all excited. He is the carrier of this bill, so of course he's going to vote for it. They're all for it; trust me. We'll do a standing count.

Mr. Horner: Why don't we do it right now?

Mr. Hinman: We'll do it very shortly.

Mr. Speaker, I am very concerned. This bill should be sent to committee. We should do some research. We should have some better numbers to verify why we're wanting to expand this. I believe that this is a desperate government that is looking to be popular. I believe this is a desperate government that needs cash because they don't know how to control the spending that they have, and this is the intent of this bill.

There's no thought here of the real consequences of this bill, so I would urge members to postpone this and, again, really send this to committee. Let's do some research, and if it comes back in the spring or sometime shortly after saying: "You know what? We have a major problem. That 2 per cent that we have right now really is 60 per cent of the fatalities on our roads. We just didn't do a good enough job of collecting the data" – I'm all for lowering this. But I do believe that the .08 – there is a lot of science that went into that. Again, it's called the impaired level, and everybody who is driving is impaired to some extent or another.

Ms Blakeman: So this is not evidence-based decision-making.

Mr. Hinman: No. This is not evidence-based decision-making. This is popularity. This is a need for revenue.

I'm disappointed that the government in its haste wants to bring this forward, with the Premier saying that she wants this by Christmas. Again, all we've done is that we've changed the head of the beast, not the behaviour of the beast, which isn't good enough for Albertans.

Mr. Speaker, I hope that we'll do a little bit more research. I would love to hear if there is a robust discussion in caucus. I cannot believe that you don't want to share some of your robust thoughts with Albertans in *Hansard*. It's amazing.

Ms Blakeman: Cypress-Medicine Hat.

Mr. Hinman: I'll let you ask them all of those things.

Ms Blakeman: Strathmore-Brooks.

Mr. Hinman: Please, let me try and concentrate in my last 30 seconds.

I believe it's going to be small towns and rural Alberta that will be punished the most with this bill. I hope that rural Albertans are looking at this and realizing what this government is going to force through here in the next two weeks. It's wrong. I ask people to vote against this. I will be voting against this. I want to speak out against driving drunk. Driving with impaired abilities is not acceptable. What we need to do – and there is this in the bill – is that we need to raise the penalty and the consequences for repeat offenders and those that are drunk and stop them and get them off the road. But this bill is not going to do it, in my opinion, in the current state.

I'll sit down and hopefully hear some more robust discussion.

Speaker's Ruling Decorum

The Acting Speaker: Thank you very much.

Hon. members, one of the long-standing traditions in this House, of course, is order and decorum. In fact, our Standing Order 13(1) requires the Speaker to maintain order and decorum. It seems that there was quite a bit of kibitzing going on and a lot of discussions occurring, trying to take the hon. Member for Calgary-Glenmore off his stride perhaps. Some of it was done in the spirit of joviality. I realize that. I allowed a little bit more to go on than I would normally do. I will not allow any more of it in the interest of preserving the time that is so precious to us here tonight.

Debate Continued

The Acting Speaker: With that having been said, I would ask if anybody wishes to address the previous speaker under 29(2)(a).

Dr. Swann: Thank you, Mr. Speaker. The point is well taken.

I wonder if the member is party to the Alberta Centre for Injury Control & Research literature on blood-alcohol level. I'd be happy to send it over if you'd like to see it. Their review in 2009 suggests the following:

A compelling case exists in the literature for keeping drivers with a BAC over 0.05% off of the roads. Scientific evidence accumulated over the past 50 years indicates a direct relationship between rising BAC levels and the risk of being involved in a motor vehicle crash.

I'll jump to the punch line.

While there is a wide variation in the effects of alcohol from one individual to another, the evidence shows that driving performance begins to deteriorate significantly at 0.05% BAC. There is also a general consensus that the skills that are most important to driving are also among the most sensitive to alcohol.

A review conducted by Chamberlain and Solomon found in both lab and field studies that driving-related skills such as vision, steering, braking, vigilance, and, more importantly, information processing and divided attention deteriorate after .05.

That's just some information for you.

Mr. Hinman: I appreciate the study and the studiousness in bringing that forward. But then the question needs to be: why don't we make it illegal at .05? Why would we possibly want to have this grey area, where all I see is revenue and punishment, that often is

a consequence for people other than the individual who actually was impaired?

Again the numbers that I've got – and I realize there's that possibility. But if we really want to reduce the carnage on our roads, perhaps what we should do is pass legislation that nobody is allowed to drive without having – what do I want to say? – a policeman or whatever there to make sure that they're paying attention. Sixty per cent of our fatalities are not even related to blood alcohol, which is the majority of our accidents. It's people that are distracted in other areas. We're talking about 2 per cent, according to the studies that I have, of that .05 to .08.

Let's bring all this evidence together, and let's look at it so that we can make an informed decision rather than what I call a political or a revenue-driven decision or a popularity-driven one. We're not doing the research we need. Again, if we've got these other huge areas where 60 per cent of fatalities are, maybe we should be looking at that and saying: what's the problem? Maybe we shouldn't be allowing people to have multiple people in the vehicle because they're distracted when they talk.

The point that I guess I'm trying to make, hon. member, is that humans are subject to error. We have this capacity to be distracted. We are easily involved in other things. I mean, we have all these roadside signs that are up there. We have all kinds of things that can distract us, yet we seem to be focusing right now on 2 per cent out of a hundred and saying: "This is a problem. If we pass this by Christmastime, we're all going to go into the new year in a better place."

I'm very concerned about the consequences to small businesses and to those people that have been enjoying a legal substance. I have to say, Mr. Speaker, that it doesn't affect me. I was very popular in high school and university. I was always the dedicated driver, and I got my free pop. I don't drink, so I have nothing at stake in this personally other than the fact of the carnage of that person coming down the road and whether or not he's impaired.

Let's get out there and really enforce what we have. Let's get the checkstops up. Let's enforce them and raise the punishment and the cost to those repeat offenders and those over the limit. Perhaps it should be progressive – .08, .12, .16 – and have a progressive penalty as it increases. That's where the carnage and the problem is.

8:50

The Acting Speaker: Thank you.

I'd love to have the Deputy Premier and then the Member for Edmonton-Centre.

Mr. Horner: Thank you, Mr. Speaker. As President of the Treasury Board I was acutely interested when the hon. member said that this was somehow revenue driven. As I said before, I'm very concerned about our young people on the road, but I'm also very concerned about those who, frankly, are my age and perhaps are not taking it as seriously as they should.

I do want to ask the hon. member where the revenue generation is that you speak of in this legislation because I don't see it.

Mr. Hinman: An excellent question. I guess sometimes we get caught up in the progressiveness of what they're going to pass. At this point it's just confiscation. I appreciate your point.

Mr. Horner: Progressive or not, hon. member, you mentioned revenue generation.

Mr. Hinman: Yeah, because this government does nothing but talk about a PST. It talks about new health care premiums. I believe there's talk of imposing a cash penalty as well.

The Acting Speaker: Thank you, hon. member. I regret that the time allocated for 29(2)(a) has elapsed.

Are there other speakers at second reading of Bill 26? I have Calgary-Mountain View on my list wishing to speak next, if that's the case, and then I'll recognize the Member for Fort McMurray-Wood Buffalo.

Dr. Swann: Thank you very much, Mr. Speaker. A really worthwhile discussion, and I'm very pleased to be a part of this. I think it's an important initiative that the government has taken on a critical issue of public health, Bill 26, the Traffic Safety Amendment Act, 2011. The primary role of government, of course, is to create the conditions for health, safety, peace, and order in society. With nearly a hundred alcohol-related deaths annually and 400 injuries, the personal loss and costs to our society are very real and very serious. There is a need to review our approach always to drinking and driving as a fundamental responsibility of government. I'm pleased to see the discussion and debate here.

I mentioned a little bit about ACICR, the Alberta Centre for Injury Control & Research. They reported in 2009 that 23 per cent of fatal collisions were associated with alcohol itself. Behaviour change is difficult, Mr. Speaker, and it encompasses a host of approaches, from education, through penalties, inconveniences, and changing cultural perceptions and cultural values.

The scientific literature, again, indicates that there is no specific threshold for impairment. Everybody metabolizes alcohol differently, and alcohol progressively impairs all of us. From the first amount of alcohol entering the blood, there is an impact on our ability to process information and to perform fine motor functions. It's just a reality. The literature indicates, for example, that after .05 very specifically we can measure changes in vision, in steering capacity, in braking response time, in personal vigilance, in information processing, and in the handling of divided attention and being able to respond.

The balance between individual freedom and community interest and security is always one of the great challenges in our democratic society. This legislation attempts to find a new balance, obviously, with greater sanctions and potentially a set of new cultural norms that might follow related to drinking and driving, not unlike the shift that I think we've seen around tobacco in the last 30 years, where there's a new intolerance, I guess, for tobacco use in our society, including in young people. We have seen the rates of tobacco use decline fairly substantially, perhaps mostly related to taxation. I think the evidence in the literature is that the cost of tobacco has had as much or more impact on smoking behaviour than anything else we've done, but so be it. We are shifting the attitudes to tobacco in public places and in private accommodations as well.

With 90 per cent of our collisions related to driver factors – inattention, fatigue, drugs, alcohol, speeding – these are individual behavioural choices. We have to decide what we can legislate without inordinate loss of individual freedom and cost. If we can do it without inordinate loss of freedom and cost, indeed, we should, even if it saves only a couple of lives a year.

The bottom line and the question I think many of the members here are asking is: will reducing the blood-alcohol limit from .08 to .05 result in fewer collisions and fewer deaths? What is the evidence? Where has it been applied? What will the negative effects be on our society if we change?

We hear concerns about potential waste of police activities and lost opportunities in areas where we could get better benefit if police were actually doing something else. We hear about the possibility of loss of income from alcohol sales. That's a concern for the businesses that sell alcohol. We hear about potential

serious disruption of people's lives by taking away their licence and their vehicle. These are real, and they have to be taken into the balance.

Where I see us headed in terms of dashboard distractions is that if we're talking about inattention as being a fundamental cause of injuries and collisions, there are a whole bunch more risks coming in our dashboards, where people can get on a GPS, they can listen to music, they can text by verbal voice command, they can communicate, obviously, in different ways with people. These are a series of distractions that all are cumulative as I would see it. So a younger driver, less used to alcohol, has other people in the car: add to that a little bit of alcohol, and to me it is simply one more factor that is going to increase the risk of injury and death.

From the point of view of measuring risks and benefits, I think there is some real argument for making this shift, one which perhaps will help to shape a new cultural attitude towards drinking and driving. Anyone who has seen, as I have, dead and injured people in vehicles has a particularly personal and passionate feeling about this whole area.

British Columbia has had in place for several years now this provision where a blood-alcohol concentration of .05 is no longer tolerated. They have seen a remarkable drop in alcohol-related deaths. Roughly 20 individuals fewer die each year on B.C. highways.

Ms Blakeman: Well, in that five months.

Dr. Swann: In a five-month period. Thank you. They looked at five-month periods through the Christmas season, to be sure. Over four years of monitoring this for the five-month period each year, there were roughly 20 fewer deaths in B.C. Now, that was coincident with the change in legislation around blood-alcohol concentration. It wasn't necessarily caused by the change in law around blood-alcohol concentration but a very powerful correlation. Twenty lives fewer lost during that period of four years.

It's likely not related entirely to that legal change but to a series of changes that may have to do, in fact, with people taking drinking and driving much more seriously because they were hearing and seeing friends – more enforcement, more personal cost associated with it, more parents getting on their kids because of the cost and inconvenience of losing their vehicles, and so on – and more people perhaps speaking up about drinking and driving. Who knows? All the factors might have been involved.

What I approach this debate with is a healthy skepticism about the impact of laws in our society but a real sense that anything that we can do as legislators to reduce the carnage, to reduce the health care costs, to reduce the disability is something that we should seriously take a look at.

I'll be listening intently to a lot of the debate and looking at any more recent research that can help us make this decision in the best long-term interests of our public.

Thank you, Mr. Speaker.

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

Standing Order 29(2)(a) is available. The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Speaker. I have just one question of the hon. member. That question very much is directed to a comment that was made that said that the rules of impaired driving have changed – I assume you meant the criminal rules – from .08 to .05. I just want to ask the hon. member if he knows what the guidelines are today for a 24-hour suspension for alcohol, in your professional capacity. I can ask you the question, or I can answer the question.

9:00

Dr. Swann: I'd be happy to hear the answer because I don't have the answer to that question.

Mr. Danyluk: Okay. Mr. Speaker, I will say to you that the guidelines are no different. The guidelines today are .05 to .08 for a 24-hour suspension when it's an alcohol-related offence. That is used today as a standard. It is used on a regular basis. Please understand that the front end of this bill is not any different from what it is today. It is the back end where the penalties are. That is the difference. A 24-hour suspension is what was being used and is being used today and what is being . . . [interjection] Sorry?

Ms Blakeman: Three days.

Mr. Danyluk: But that's the back end. The back end is that the penalty is stronger. The culture change needs to happen, but the criteria for the offence are not any different: .05 to .08; .05 to .08. Thank you very much.

The Acting Speaker: Hon. Member for Calgary-Glenmore, 29(2)(a)?

Mr. Hinman: Yes.

The Acting Speaker: Proceed.

Mr. Hinman: Thank you. I have two questions for the hon. member, perhaps three. I appreciate his research and the thought that he's bringing forward. First of all, in that report does it have any correlation and talk about the amount of enforcement? Did it go up over those previous years, and do people know that there's more enforcement out there? Is that perhaps the reason why the offences have gone down?

I also need to comment, I guess, that the tragedies are real. My son is a co-worker of one of the gentlemen who lost their children in that tragic accident up in Grande Prairie. It's amazing how small the world is. My son was devastated by it as well. The discussion that went on in that community about the offence as the families got together were heart-wrenching as well.

The question that we need to ask here, hon. member, is: what really solves our problem? Again, we're looking at a small percentage here. What do we do to solve the problem? I just don't feel like what we're changing here has an effect. Are there many other variables that we could be looking at for this small percentage? Nobody wants the carnage; we totally understand that. Again I ask, you know: do we need safety officers to ride with us? Because that's where the biggest number of accidents are; 60 per cent are from so-called unrelated – just inattention. So does that mean we do that?

You've made mention that if we can even save just two lives, but sometimes the consequence – I do believe that there's a price because humans have that ability to make choices. We all have the choice: do we want to drink and drive? Do we punish everybody to stop, possibly, those two people, and what are the real consequences of that? I have concerns over that, to always say that if we just saved one, you know, all of a sudden the world is going to change, yet then five other people die for some other reason, and we don't always get to the root of what we're trying to do.

The Acting Speaker: Hon. Member for Calgary-Mountain View, is that a quick supplemental?

Dr. Swann: Just answering the question. Thank you. I mean that is the great debate that we're having, the balance. Let me say that

my reading of the literature suggests that only 14 per cent of alcohol-related deaths are between .05 and .08. That's a small number of deaths.

To your question, it's a small amount, and there are multiple factors in that area, no doubt, that distract and increase the risk of injury. But it's not insignificant because it appears to be 14 per cent.

Mr. Hinman: What is not insignificant?

Dr. Swann: The surveillance effect that you talked about. Is it actually the result of more surveillance contributing to the reduced death rate in B.C.? Very likely.

The Acting Speaker: Thank you, hon. members.

The Minister of Justice and Attorney General on second reading of Bill 26.

Mr. Olson: Thank you, Mr. Speaker. It's a pleasure to have a chance to make a few comments about this very important bill. Before I make my detailed comments, though, I do want to compliment all members here. This has been a very good discussion from all sides. Even though we may not agree with each other on some of the tools that we are proposing, there's no doubt that everybody has the same motivation here. Even those people who ultimately I might end up voting against I think have asked good questions, challenging questions, questions that need and deserve an answer. So I'm going to do my best to answer at least some of these.

First of all, this is obviously not easy. When you look back, we first criminalized in Canada drinking and driving back in 1921. This has been an evolutionary process. There wasn't a magic bullet then; there probably isn't a magic bullet now. There are all kinds of studies. In my job as minister I as well as a number of my colleagues have been actually bombarded by all of the studies. There is lots of information out there. We can all cite many, many studies. I'm not going to try here, although I'm very happy to share whatever I have with any colleague on any side of the House who wants it.

I would like to just summarize a few things that have come to my attention in terms of the studies. I think one of the things that the studies show is that drinking and driving is a behaviour that can be altered. Not all unattractive behaviours, undesirable behaviours are easily altered. I wouldn't say this is easily altered, but drinking and driving, the studies show, is one that can be altered. Another thing that the studies tend to show is that deterrence works. Another thing is that both punishments and treatments and, of course, education have a role. What I'm doing is repeating a number of things that have already been said, obviously. The perception of the risk of detection is very important, and swift and certain consequences are also extremely important.

There are two types of administrative actions that appear to be the most effective. One is licence suspensions. Another is action relating to the vehicle. One thing, interestingly, that the studies seem to show is that fines really don't do a whole lot.

Now, there has been a lot of talk about lowering the limit. This is actually one of my frustrations, and the Minister of Transportation has mentioned this as well. There is a lot of talk about how we're going to reduce the blood alcohol rate to .05. I'm really surprised at how many Albertans don't know that we have and have had sanctions in place, administrative sanctions, at .05 for a long time.

Now, we have to distinguish between criminal law and administrative sanctions. The Canadian Criminal Code, which the federal government has the jurisdiction over, says that it's a criminal

offence to have a blood alcohol of over .08 when you're driving. The provinces do have the right and the power and the authority to levy administrative sanctions. I've heard charges that what we are proposing is the criminalization of drinking and driving between .05 and .08. Mr. Speaker, what we are proposing doesn't involve jail. It doesn't involve a fine. It doesn't even involve demerits. What it involves is withdrawing the privilege of being able to drive as the province has the power to both give and take back.

There have been arguments about the constitutionality of what we are proposing. There are three areas of constitutionality that have been discussed in terms of these provisions. One is that we're crossing over into federal jurisdictions, so it's a constitutional jurisdictional argument. The Supreme Court of Canada and provincial courts of appeal have said that it is not crossing over into federal jurisdiction.

Another argument is that somehow a person's constitutional rights are being taken away from them because they have the right to drive. The courts have disagreed and said that that is not taking away a constitutional right. There has been some criticism in the courts relating to the B.C. solution, which is not the same as the Alberta solution. That is why we have watched carefully what has happened in B.C., and we feel very confident that the measures that we have in terms of administrative fairness are well within what's reasonable and defensible.

9:10

I've also heard criticism that a person – now, this is specific to over .08, and you're going to have your licence taken away until the trial. This is not for when you're between .05 and .08. This is when you have blown over .08. Remember that this is now a federal criminal offence. People who are charged with serious criminal offences sometimes spend quite a bit of time in jail until their trial. The province of Alberta has the ability and the right to withdraw the privilege to drive until that person has had their trial.

Lastly, on the issue of .05, I've heard a lot of talk about how at .05 to .08 there's really no problem. I really appreciated the comments of the member for Riverview referring to a study that suggests otherwise. [interjection] Sorry?

Ms Blakeman: It's Mountain View, not Riverview.

Mr. Olson: Sorry. Mountain View.

There are many jurisdictions who have struggled with these issues. We're not the only ones. I'm going to just give a few examples of other jurisdictions that have administrative sanctions starting at .05 and lower: British Columbia, of course; Saskatchewan, which is actually at .04; Manitoba; Ontario; Nova Scotia; the Territories; Newfoundland; New Brunswick; and Prince Edward Island. Now, I should qualify that Nova Scotia and Prince Edward Island have not yet proclaimed these measures, but they have passed them.

I want to mention a few countries that are at .05 or lower: Argentina, Australia, Austria, Belgium, Bulgaria, Costa Rica, Denmark, Finland, France, Germany, Greece, Hong Kong, Iceland, Ireland, Israel, Italy, Latvia, Luxembourg, Macedonia, Netherlands, Peru, Philippines, Portugal, Slovenia, South Africa, Spain, Switzerland, Thailand, Taiwan, and Turkey. A number of these actually are even below .05 for certain kinds of drivers. They're down to .02 or zero tolerance. Japan, Sweden, Norway, and several others have .02 limits. This is an extensive list, and I just want to suggest that all of these jurisdictions have done their own research. We are not an outlier by using the .05 as a standard to say that people are on the edge, that they're at risk. I also want to say that if we can intervene early with somebody who's at .05,

maybe we're going to stop them from being one of those people who is at 1.6 a few years down the road because we're going to force them to educate themselves, too.

With that, I want to thank everybody who has taken part in this. I think it's been a very worthwhile discussion, and I really ask all of my colleagues in the House to support this legislation.

The Acting Speaker: Thank you.

Under 29(2)(a) I have the Member for Airdrie-Chestermere, followed by the Minister of Transportation.

Mr. Anderson: Mr. Speaker, I wanted to thank the minister for his comments and also just his class in being able to agree to disagree on things and not making it personal and so forth, which is a breath of fresh air.

I would ask him, though. You just cited a lot of different studies and very legitimately so. Like you, and like apparently a lot of us here, we've been bombarded with a lot of information on this, right? It just seems to me, Minister, that for something that is going to affect people's lives to the degree that this will affect them – I mean, this will affect many people's businesses. No doubt about it. You used the example of British Columbia: lots of businesses being affected. Of course, if that's going to save a large number of lives and it's worth that effect, well then, obviously, we have to do it.

It's going to affect people's social habits and what they do. Obviously, if it's in a good way and if it's a reasonable change in behaviour, great. But for a lot of people it means that, you know, they can't take the chance of having a drink or whatever.

An Hon. Member: Speed it up.

Mr. Anderson: I'm going to take longer if you keep distracting me like this. [interjections]

My question is: since we have all this information, wouldn't it make more sense, instead of trying to ram this through in essentially a couple of days, something that changes things this much, to put it to the all-party committee? Let's get this information out there. Let's discuss it as a group. Let's figure it out. Let's have people in from industry, from MADD, from all these different stakeholder groups. Let's talk about it and make sure that we get the right balance here.

One day the Premier just kind of came out of a meeting with Christy Clark, and all of a sudden it was like: "We're going to have new legislation. This is what it's going to be." And it didn't seem that there was very much thought that went into that. So why don't we do something like that?

The Acting Speaker: Thank you.

Would either the Minister of Justice or the Minister of Transportation wish to respond?

Mr. Olson: I would like to respond. Thank you for the comments. I was appointed into this ministry last February. One of the first briefings I had was about the work being done on this legislation by three different government ministries who had been working in collaboration very hard on it for a long time. I know there has been some reaction amongst some of my colleagues about this appearing to be a knee-jerk reaction. Frankly, all you have to do is turn on the TV after any weekend, and you pretty much can hear some bad news about some sort of a very sad event somewhere in the province.

This is not about any one event, any one tragic accident. It's not about any one meeting between several Premiers. This has been in the works for a long time. I think, again, just by the long list of

other jurisdictions that are doing this, there has been lots and lots of talk. I agree that these are strong penalties, and we want them to be strong because we want to send a message.

I can remember as a young person always hearing: don't drink and drive. We seem to interpret that as: don't drink too much and drive. The safest thing is to just not drink and drive. But if you are going to drink and drive, the message is that it's your responsibility. If you go over what is a generally accepted limit, you are going to be responsible. Again, the research shows that a sanction that's immediate and has a bit of sting to it is what's going to be the deterrent.

The Acting Speaker: The Minister of Transportation.

Mr. Danyluk: Well, thank you very much, Mr. Speaker. Maybe I'll just make a couple of quick points, so I let the hon. member opposite have an opportunity.

I think that there needs to be some clarity on some of the discussions you had, hon. minister, because one of the things that has been talked about is that the .05 to .08 is going to have the biggest impact on people. I want you to, again, clarify that .05 and .08 are being used now.

The second part that I would like you to clarify is that when we talk about over .08 . . .

The Acting Speaker: Thank you, hon. minister. I'm sorry; the time for 29(2)(a) has elapsed.

We're going to proceed with other speakers at second reading on Bill 26. On my list I have Fort McMurray-Wood Buffalo, followed by Little Bow, followed by Calgary-Varsity.

I've recognized the hon. Member for Fort McMurray-Wood Buffalo.

9:20

Mr. Boutilier: Are we all going to settle down now, so I can speak and get your undivided attention? And it's impolite to point.

Thank you, Mr. Speaker. I'm glad I have the floor and the attention of people.

Bill 26, the Traffic Safety Amendment Act, 2011, second reading. Mr. Speaker, I actually have consulted on this issue with people that I hang around with at the hockey arena and also at Tim Hortons doughnuts. And guess what they tell me? They want to understand why the government is moving from .08 to .05. That's the question that they're asking. To the minister who's bringing in this legislation, I will give him free advice on this particular point. That's what they're saying, and actually that's what they're saying at the farmers' market in his own constituency, that I was at last Friday between 3:30 and 5:30, the Lakeland county farmers' market. They were asking that very . . . [interjection] I didn't see you there, but I'm sure you are there occasionally. Just so you know.

Mr. Speaker, the Government House Leader has some comments.

The Acting Speaker: Through the chair, please, gentlemen.

Mr. Boutilier: Yeah. Well, that's through the chair. Can you please . . .

The Acting Speaker: You have the floor, hon. Member for Fort McMurray-Buffalo.

Mr. Boutilier: Thank you. The Member for Fort McMurray-Buffalo has the floor.

The Acting Speaker: Correct.

Mr. Boutilier: Not the Member for Edmonton-Whitemud. Okay. I'm glad that's cleared up.

The Acting Speaker: Carry on.

Mr. Boutilier: Well, Mr. Speaker, in proceeding with giving free advice to the minister bringing this legislation in, the people I talk to, the hockey moms and dads and the people that hang around in doughnut shops – I don't want to give free advertising to one particular doughnut shop. In fact, doughnuts are actually not even good for you.

My point is this. They are concerned that they, driving their families – the story that had come out was that discretion sometimes is not used properly even though many times it is. In doing so, the situation was that cars had been impounded when they were at .05, and the mom and dad could not drive their children to extracurricular activities for the next seven days, I believe it was, because of this discretion that was used by an officer of the law in British Columbia, who actually was fairly new to the position and lacked experience. Having said that, though, Mr. Speaker, this is the penalty that was invoked, and it placed quite a lot of undue burden. Clearly, they were within the legal limit, and I can say that the hockey moms and dads that were meeting with those hockey moms and dads – it was quite a discussion.

I can assure you that what was being proposed to the minister was not held in favour because B.C. and Alberta are similar even though I notice the minister has deliberately tried to say that we have learned from what B.C. has done wrong. Of course, I welcome some questions to him at a later point on what they have done wrong, and then, actually, the same position can be used in terms of what this government, I think, has been premature in presenting here.

Why you want to ram through something like this within two weeks I just don't get. It's going to upset your constituents. It is not going to make our highways any safer. I say that with a four-year-old who travels highway 63 on Fridays, when everyone else is coming out of Fort McMurray and I'm driving home with my wife and my four-year-old son. Believe me, no one is more concerned about highways, about infrastructure and transportation, or in terms of what people are doing when it comes to safety on our highways.

Mr. Speaker, I believe one of the suggestions that was sent across the way to the Attorney General has been that, quite simply, this needs to be brought to a committee because I've heard a variety of statistics being quoted by numerous members from the government and from different parties. Really, for the average Albertan they're looking at these statistics, saying: what is it that I'm to believe? So I think there is an opportunity for members of this Assembly to come together rather than something being jammed through in a two-week period, something that the PC caucus had not even talked about before your new leader had been talking about it. Now it seems like everyone likes the idea. I can tell you right now that I know everyone over there doesn't like the idea and that you are being whipped into shape to vote the way the Premier wants you to vote as opposed to what your hockey moms and dads are saying in hockey arenas and in doughnut shops across Alberta.

That creates somewhat of a dilemma for you. Who are you going to listen to? Your PC leader or your constituents, your real bosses? Just remember that you're going to be going back to your real bosses in a very short period of time. I look forward to going back to my bosses, and I'm sure some people in here are going to be looking forward to going back to their bosses with confidence.

As I speak about the farmers' markets that I've been attending and when I think of the feedback that I've been receiving, there are seriously some unproven statistics. We do not want to see anyone die on our highways because of alcohol-related accidents. What we do want, though, is greater enforcement. Greater enforcement by having more police on the highways. Greater enforcement by having more checkpoints on the highways. Clearly, I believe there is more work to be done. I don't blame the police. I want to ask the question to the government of the last 40 years: why aren't there more police on the highways? Why isn't there more enforcement? Why? Why is that? Because the question is: does this government have a commitment to enforcement? [interjection] Are we finished with the conversation so that I can continue? Just trading barbs there.

The Acting Speaker: Hon. member, please continue.

Edmonton-Centre, please allow him to continue freely. Thank you.

Mr. Boutilier: Mr. Speaker, I want to say that, clearly, the former Solicitor General and, in fact, this member over here from Airdrie-Chestermere: I know they worked very powerfully together as a team. They were an incredible team, so powerful that they actually had bulletproof vests on. I'm looking forward to the new Solicitor General putting on a bulletproof vest. In fact, I'm even willing to be the guy with the taser gun.

Because of the issue of enforcement on this issue of alcohol-related deaths, we want to ensure that enforcement is beefed up. I thank the previous Solicitor General because that was something, I know, that he was committed to. He talks to the same people I talk to, people at Tim Hortons doughnuts and people at hockey rinks and people at farmers' markets. I strongly suggest that the minister who's tabling this legislation should consider the same because it's amazing what you hear when you talk to Albertans. They're our bosses.

Right now I believe more work can be done within committee before a government tries to ram through something because of one Premier meeting another Premier in B.C. The minister knows that's exactly how it happened. In fact, I won't name the members on the other side who were 100 per cent against the piece of legislation that you have brought forward based on what the Premier has told you to bring forward.

That being the case, Mr. Speaker, I think that if we go back to committee, if we go back to do this bill right, we can better serve Albertans in the future to protect my four-year-old son and all Albertans who drive on our highways. But let's not penalize people that are on the highways today, from the moms and dads to the soccer moms and the hockey moms and dads that are out there taking their children from point A to point B.

I believe that we should take a more thoughtful, a more centred approach to this rather than this entitlement of saying: we know best, so listen to us. Why doesn't this government listen to their bosses? If you listen to your bosses, you don't even need a focus group to tell you what the right thing to do is on this particular issue. Not only that, but I know the minister would be very interested to realize how this is going to be an extremely undue pressure on people in rural Alberta. It's not like you're in downtown Calgary or Edmonton and can call a Yellow Cab within the next minute or two, by the way.

This particular piece of legislation has not been thought through clearly, just like it hadn't been thought through clearly in British Columbia, and now British Columbians are now paying the price.

9:30

Mr. Speaker, we do not want to see one death on a highway in Alberta. One death is too many. In fact, I don't ever refer to them as accidents anymore because they are all preventable. Ultimately, what I think is most important is that all of us in here follow the law when it comes to highway safety and, in fact, what takes place in Alberta. You know, my wife and I were driving back with our son last weekend on highway 63, the highway that hasn't seen any pavement in the last four years. I want to say that one thing is for certain. When I take my son driving on that highway, one thing for sure is that I'm not concerned about the driving of my wife or myself. I'm concerned about the drivers that are coming that are over .08. That should be enforced because of a checkpoint along the way.

Right now your focus is wrong-headed, okay? It's like the horse in front of the wagon. It should be where we're enforcing those on the road that are driving highway 63 today that are clearly driving at limits that are endangering my family. Spend your energy on enforcing those who are over the .08 limit rather than making people criminals that are trying to get their children from point A to point B and enjoying this quality of life that we enjoy in Alberta.

Thank you, Mr. Speaker.

The Acting Speaker: Thank you.

We're going to proceed to 29(2)(a). I think, Edmonton-Centre, you had indicated that you wished to comment, and Calgary-Glenmore did as well and then the Minister of Transportation. If we could ask people to be a little bit brief, we can perhaps get all the people who wish to speak in on the roster.

Ms Blakeman: Thanks very much. I'm just following on a thread that has been moving through here for a while. There are some claims from the members opposite that this is nothing new, that it's been in the legislation for some time. If they're referring to the Criminal Code, fair enough, but when I look at this legislation, I see that section 88 has been replaced. In the old section 88 it clearly says under the immediate roadside sanctions section: "Where . . . a peace officer has reasonable and probable grounds," blah, blah, blah. It goes down to under section 88(2)(b)(i): "That person's blood exceeds 80 milligrams of alcohol."

In the new section that is replacing it, under section 2(b) it says: "The peace officer has reasonable . . . grounds," blah, blah, and "in such a quantity that the concentration of alcohol in that person's blood is equal to . . . 50 milligrams of alcohol." So it is a change in your legislation from what you had before specific to sanctions, which I think was the point that the minister was trying to make. When I looked in the original Traffic Safety Act, there is a 24-hour disqualification for alcohol and drugs. It doesn't specify anything until you get down to the voluntary, and again it specifies 80 milligrams. That's section 89(1)(5)(a) and (b).

I don't know if the member has any comment, but I know the minister does. If he'd like to answer that.

The Acting Speaker: Hon. member, just be reminded that we're talking about the principle of the bill here, not a clause-by-clause analysis.

Ms Blakeman: This is an important principle of this bill, and I wouldn't take this frivolously at all.

The Acting Speaker: Hon. member, I appreciate that, but we're citing clause by clause, and if we could focus on the purpose of

second reading in subsequent questions and focus it around principle, that would be appreciated.

The hon. Member for Fort McMurray-Wood Buffalo. [interjection]

Mr. Boutilier: Okay. He wants to ask a question, too, so I'll be brief.

I thank the hon. Member for Edmonton-Centre. In fact, when I'm here at my condo in Edmonton, I actually live in Edmonton-Centre, and I hear positive things about the member. [interjection] I do. With that, I can only say that the comments made by the hon. Member for Edmonton-Centre are right on the money, bull's eye, and I think that's something that the minister should take heed of.

The Acting Speaker: Thank you.

The hon. Member for Calgary-Glenmore.

Mr. Hinman: Well, thank you. Again on some of these threads, I'd like to direct this to the hon. Member for Fort McMurray, and perhaps the Minister of Justice and Attorney General might provide some of his reports if they cover this. I believe what we're looking at here is trying to reduce the carnage on our highways. We're correlating this right now with this bill, in my mind, to go from .08 to .05. I guess I'd ask: if we look at these reports – again, I don't know – it seems to be an incredibly small world. I am familiar and close to some of the families in Magrath, where four teenagers died. No alcohol involved in that. Up in Fort McMurray four died. It was alcohol related.

My question is: when we're trying to assess and reduce the carnage, do we have any reports that have come in that show the percentage of these fatalities as age related? Is this below 21? Is it over 75? I mean, not that I want to go after any red herrings or go after another group, but we seem to be focusing on one issue. Do we, for example, put in lie detectors, where you have to get in and say: "You know what? I haven't been up for more than 18 hours before I get behind the wheel to drive." Is it fatigue? There are a lot of things that are involved in the carnage on our highways. Why are we all of a sudden focusing in on one that, it seems to me, is going to have a social and economic impact that we haven't taken the time to see the consequences of?

The Acting Speaker: The hon. minister – oh, sorry. Fort McMurray-Wood Buffalo, do you wish to respond?

Mr. Boutilier: Well, I thought I was taking questions. Yeah, I'd like to respond. I don't want him to respond for me.

The Acting Speaker: That's okay. Go ahead.

Mr. Boutilier: Thank you, Mr. Speaker. I'd love for him to respond but not at this time.

On the point that you raise, what I'd like to see the Minister of Transportation do is, in fact, have checkpoints in Alberta in a more predictable manner and, in fact, use dollars that are being wasted in here that can be used for more police officers. We don't need MLA offices, so we'll give it up, \$350 million, for more police and more enforcement to make our highways safer.

The Acting Speaker: Thank you.

Standing Order 29(2)(a) time limits have expired.

I have at second reading on Bill 26 the hon. Member for Little Bow, followed by the hon. Member for Edmonton-Strathcona.

Mr. McFarland: Thank you, Mr. Speaker. Quite an interesting point of view from a lot of different places. As the representative of a large rural riding I take it very seriously that this is an oppor-

tunity to pass on not my view but the view of the constituents who have contacted our offices to date.

To begin with, I have to indicate that not one of the views was talking about anything other than .05 to .08. I don't think that in my travels and when I talk to people anyone disputed the seriousness of the incidents that happen when there's an accident with alcohol involved over .08 – I want to make that really clear on behalf of the constituents – nor is there a concern with graduated licensing. That's pretty clear, and people appreciate it.

I did find, actually, through the phone calls and the people that I've talked to, quite a range of views. I have to indicate to you that they also represent quite a cross-section of people, from a young doctor with a young family who has had emergency room experience, who grew up in one part of the province and lives in another, to a young couple that are just going to have their first family, to bank managers. You know, it's been amazing, the number of people that have called, and very few of them were owners of licensed establishments, whether it was restaurants, hotels, or anything else. There were some from community groups who represented things in small communities like the curling rinks and the legions, that are vital to many of our small communities. So this doesn't come from the point of view of a big city.

A lot of the people made a comment off the bat that this thing isn't well understood and that it reminded them much of the long gun registry question. Who is going to argue against a motherhood statement? I believe that one of the comments I had made years ago on the long gun registry, the question to the people at the time, was: if you could prevent another war or prevent another death, would you be in favour of registering a gun? Well, who is going to say no? By the same token, if you use the same argument here, would you be opposed to increasing sanctions if you could save another life? Of course. Nobody is going to say no.

With that as a background and the people that call me and some of the questions that they had – they knew that I had sponsored on two different occasions an attempt as a private member to raise the legal drinking age from 18 to 19, which didn't pass in this Assembly. Now it seems to be something that people are kind of serious about talking about. They wanted to know – and I answered some of the questions as best as I could. I believe we just had a question here earlier: what is the percentage of people involved in alcohol-related fatal accidents, and what is the age group? My recollection from my research: by and large, the largest percentage was in the 18 to 25 age group.

9:40

I'm not going into the other statistics that have been brought forward tonight because I'd be repeating, but the .05 to .08 represents about 2.2 per cent. Actually, as we speak, there's a study being done about this very issue at the University of Lethbridge.

One of the other things that concerned a lot of them was a comparison to photo radar. Although they appreciate our law enforcement personnel, they also know that sometimes you can get a young recruit who's out there and is keen and eager to do a job. On a cold winter day they like to maybe put their nose inside the cab or the window of the vehicle. If they're going to smell liquor, they might just want to have you blow.

[The Deputy Speaker in the chair]

Well, that's all well and good if you're actually legally impaired, but they're really scared to death about being able to go out as a family for a supper and have one or two drinks. They're really afraid that they're not getting the accurate, true message on how it is that we're actually going to blow. Is that one or two actually going to put you over .05?

One of the neatest suggestions, although they didn't like this idea at all, came from a mom of four kids whose kids are all in communities now where there's public transit. The mom has preached at these kids for years. "You know, if you're going to drink, don't drive." Every time they go out, she phones and says, "Are you going to drink and drive?" They say: "Mom, we're not stupid. We've got a cab, or we've got a designated driver." But in our communities there are no public transit systems, and sometimes things happen. You get carried away at the curling rink, and there's nobody to drive. Everyone that's older will remember the time when it used to be a joke – it isn't politically appropriate today to make the joke – that you drove because you were too drunk to walk. Those days, thank God, are gone, but it used to happen.

Anyway, this same mom said: if you're going to pass the legislation, it's going to have an impact on our curling rinks, on our social centres in small-town Alberta. You know, the police – it doesn't take a rocket scientist – when they come into town in a town of 300, they know that the 12 vehicles around that bar belong to Joe and Fred and Mary and everyone else. They'll wait for three, four hours and catch you. I mean, that doesn't take a lot of brainpower. So this lady said: why don't you as part of your proactive thing make the licensee provide those tubes that you blow in? You have to pardon me for my ignorance, but I haven't drank for over 28 years, so I don't have to worry. I could make money being a designated driver. She wanted to know why we couldn't as part of the regulation make it available at the bars or the licensed outlets, where you can drink, so that if people are really concerned, they pick it up and they blow. If there's no taxi, no transit, they phone a friend and have them come get them.

Those were the kinds of comments I had, Mr. Speaker. I'm really mixed on this thing because they had some good questions. I heard the Member for Calgary-Buffalo talk about how the chances of getting picked up in a city are minimal. Well, I know that because in a city of a million with limited police resources the chances are that you can drive and get away with it. But I just want to reiterate that in a small community when somebody comes in to check the local bar, the local curling rink a couple of times a year, it's like a photo radar trap, you know. It's going to be there, and they're going to be able to pick you off pretty darn easy.

I think I've elaborated enough on the comments that my constituents wanted me to pass on. I just think they came from common-sense, ordinary people that had legitimate questions, and we need to do an awful lot of good communication.

The Deputy Speaker: Under Standing Order 29(2)(a) the hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much. I just want to thank the Member for Little Bow. I've been pestering people all day and all night trying to get some of the government members to engage. Aside from the ministers, the Member for Little Bow is the first one that's actually stood up and talked about what constituents have said to him. I really appreciate you bringing that into the discussion because I want to know. I felt that there was going to be a problem with transportation in rural areas, and indeed that's some of what he's being told, so I really appreciate that. I'm wondering if the member got any reaction to the sanction for one of those people at the curling rink or one of the moms chauffeuring kids around to skating lessons, how they felt about having their car seized and their licence lifted for three days under this legislation for blowing between .05 and .08?

Mr. McFarland: Thank you for the question. That's the one comment I had written down here, and I meant to ask the minister because I think they wanted to have that clarified as well. They said that if you're going to have a legal sanction – I believe the words are "the administrative sanction," Minister – does the administrative mean acting on something where you're criminally liable if you're over .08, or is the administrative sanction really intended to be more like a suspension? I don't know if I'm asking it properly.

They didn't know if legally – and I believe you because you're a lawyer – asking somebody to give up their car for three days or give up their licence for three days is really an administrative sanction, or is it more appropriate to take it for a 24-hour suspension, the licence only? Can you take a chattel, I guess is what I'm saying, as an administrative sanction? Do you know where I'm heading here? I'm sorry; we're looking for people that are listening. They can't see me nodding. I'm trying to gesticulate. But that was the question, and I appreciate it because I forgot to ask it. I'm sorry.

The Deputy Speaker: Standing Order 29(2)(a), the hon. Member for Calgary-Glenmore.

Mr. Hinman: Yes. I'd also like to thank the hon. Member for Little Bow in sharing with his constituents. It's interesting because I put out 16,000 drops to my constituents, asking them on this and a few other of the bills coming forward. My constituent helper there, Julie Huston, just sent me an e-mail saying that a hundred per cent of the e-mails so far coming in – I haven't got the other letters back – have been against the .05 per cent.

I'm just wondering, hon. member. You've been out talking. I think most of us have. It can be somewhat discouraging when we try to reach out to get the information back, trying to, you know, understand where our constituents are. Have you actually put out a letter or e-mail or anything to try and spread the discussion a little bit farther than those that you normally come in contact with? I know being in a rural area – you hit the nail on the head. If the police come into a town of 300, everybody knows, and they know who they are. Maybe you could share a little a bit more on how you've reached out and what else you're doing.

Mr. McFarland: I'm a dinosaur when it comes to new technology. I don't believe in popping e-mails and twitters and all that other kind of thing. I like talking to people. For that very reason I don't get on very much with these news hour, question-of-the-day things because – what? They're going to draw the attention of people that are against something primarily, in my opinion.

I don't have an answer for you. I don't put out 16,000. I go by experience and talking to people that I think are credible and people that don't have a problem popping me an e-mail or phoning and leaving a message with our office. I don't ask their political stripe or where they live or anything. I just take their message. So I don't have an answer for you, Member.

The Deputy Speaker: Hon. Member for Airdrie-Chestermere, you have 25 seconds left.

Mr. Anderson: Yeah. Really quickly, will this have an effect on rural establishments: bars, restaurants, and so forth? Do you feel that this will have a negative impact?

Mr. McFarland: I can't say. I know what smoking did to our bars. We had one hotel that dropped 38 per cent on VLTs and 26 per cent on liquor.

The Deputy Speaker: On my list, the hon. Member for Edmonton-Strathcona on the bill.

9:50

Ms Notley: Thank you. There has been some really good discussion tonight about a lot of different issues on this bill, and I've been listening with a great deal of interest. I have to say that this is a bill upon which I am still personally deliberating in terms of my position on it and whether I would be supporting it or not because I think there are some good components to it. I think some of the objectives are not unreasonable, so I'm somewhat convinced by elements of it. On the flip side there are also concerns. There are also some significant concerns that have been raised by people, so I think I've changed my mind two or three times since I first started looking at it and thinking about it. I don't know that I've made up my mind yet.

I'm just going to raise some of both the positive and the negative elements of it that have struck me in my consideration and see what additional information is brought forward over the course of the debate on this bill. Probably all members of this Legislature have heard from people within the hospitality industry about their concerns with the bill. We've heard the statistics about who this bill actually would address, and with that I'm referring to that part of the bill that talks about the drop down to the .05 limit in terms of blood-alcohol level.

You know, it's interesting. We all have sort of different takes on the same statistics. I've heard some people say: well, you know, 61 per cent of accidents are not related to alcohol at all, and of the other 39 per cent 85 per cent of those are people that are well above .08 or at least above .08. That's quite true. That leaves us ultimately with this bill perhaps less but certainly at most really impacting about 6 per cent of the fatalities that we observe on our roads these days.

Some people argue that if it's only addressing 6 per cent, then it's a mallet being used to hammer in a tack. Others, though, might say: yeah, but that's 6 per cent that we're dealing with. When you're talking about fatalities, you can talk about 6 per cent or you can talk about 1 per cent. You're talking about preventing fatalities, so which is it? I suspect people will differ depending on their personal experiences in that regard. But I think it's important to understand that that really is at maximum the number of people that we're looking at dealing with through this, at least on the surface.

The other question, of course, then arises: well, if the level is at .05, will it ultimately result in more sort of self-management on the part of people such that it ultimately results in a lower number of people on the roads who exceed that .08 because they determine that there's no way they can know if they can have that one drink and be at .05, so they just opt not to drink at all, so we don't have people on the road who are in excess of .08? Perhaps that's true. It's certainly possible that bringing in that legislation might well result in more self-regulation of behaviour. I'd like to see the research in terms of what kind of impact that has.

The Member for Calgary-Mountain View brought up a couple of good points which I found quite compelling. He talked about the studies that come from the centre for injury control. I have a lot of respect for the work that is done by that body. It certainly sounded to me like there were some good points there around the merits of dropping the level to .05. Certainly, the preliminary information that we see out of B.C. is very encouraging. A 47 per cent drop is, obviously, significant. I think it's also, however, fair to say that that information is so preliminary that we can't really make any big conclusions about it yet because it's such a short

period. Again, I'm balancing this. I'm torn because there are some good pieces there.

You know, I think at the end of the day, although there are concerns by a lot of people in the hospitality industry, I do think that if the evidence is there to show that this is going to help keep people safe and this is going to reduce the frequency of people being on the roads in an impaired state, whether that be .05, whether that be .08, whether that be 1.2 – of course, some people actually can be well over .08 and not be impaired. Certainly, what we want to do is reduce the frequency of people on the road in an impaired state. We want to reduce the number of accidents, and that really does need to be our priority.

I do believe that that priority supersedes the concerns that exist in the hospitality industry. It's not above and beyond the pale that we would see certain, you know, developments in the hospitality industry. If this came into play and we really did see the 30 per cent drop in attendance or whatever, who's to say that you wouldn't see the hospitality industry banding together to come up with designated driver programs, ride-home programs, bus-home programs: all those different kinds of options that might exist if we truly had a zero tolerance regime in place? A lot of good possibilities can come from this, so I am certainly not going to dismiss it out of hand.

There are other elements of the bill, though, which do raise some concern for me. Those are the issues around the application of the administrative penalty, particularly to those who have been found to be in breach of the Criminal Code and this whole notion of basically taking away someone's car and licence for a year if they're found to be in excess of .08 with these administrative penalties. That's worrisome because, of course, I happen to also as a lawyer be kind of fond of those principles out there that people get really tired of hearing about. Nonetheless, due process is actually really important. It sometimes seems to be inconvenient in a society that generally works well, but it is something that has been developed because in so many cases societies don't always work well. Due process is a really critical element, and compromising due process is something that you should do very, very carefully. I'm worried about that section of the bill that potentially represents yet another element of limiting due process and natural justice.

This government and the current Premier, when she was previously the Attorney General, have already, I think, introduced at least two other pieces of legislation that do the same kind of thing, that presume people are guilty and then they have to prove their innocence. That's always a concern when we see legislation that does that. Certainly, that's something that's in here, and I'm not comfortable with it. It's particularly bad because, as the Attorney General knows, we have some ridiculous delays in our judicial system. We, of course, have a profound – profound – failure on the part of our legal aid system, so people who need to challenge these things are going to be put at a tremendous disadvantage for at least a year in many cases, and that often could have a huge impact on their ability to make a living and that kind of thing. So I have some concerns about that issue.

The other issue that I am concerned about with respect to this bill, I guess, is a little bit more around the politics of it. While I do not want to depart from the fact that I think there may be some good elements to the bill and I do understand that there is some sound advocacy for the notion of moving to a .05 standard, I'm a little worried that what's really going on here is that we're endeavouring to look like we're dealing with an issue in a way that costs the government purse the least. Those kinds of solutions, although politically convenient, often don't end up being the best ones.

I believe I would not be the first speaker in this House to note that Alberta, I think, right now enjoys either the lowest or the second lowest per capita number of police officers in the country. Really, as we all say, you know, you need to enforce. You need to have people there to enforce. You can have the best rules in the world, but if you don't have people to enforce, if you don't have processes for enforcement, then it really doesn't matter.

10:00

We've seen indications that the police force in our province is strained to a tremendous degree and that we have a tremendous deficit in the number of police officers that we have in this province and that, in fact, the government made grand promises to hire whole bunches of new police officers at about this point in the election cycle in the last election, and we didn't get all those police officers.

Now we have this piece of legislation, and it's going to look great on the books, but if no one enforces it, then we're basically relying on those people who probably were already self-regulating in most cases to simply self-regulate. We're not really going to bring about any change because we're not enforcing those people who don't self-regulate. Whether .05, .08, 1.2, 1.9, it doesn't matter. They're not self-regulating, and we don't have enough police officers out there to do anything about it.

I am concerned that this is a bit of a political bill designed to create the impression of law and order and safety and enforcement and all those kinds of things, but it's an impression that will never be acted on as long as we continue to underfund our policing scheme to the extent that we currently do. I would certainly not want to see the government have the pressure on them that should be there on the basis of their obligation to properly fund our policing resources and to provide adequate resources. I wouldn't want to see that pressure released because people think, "Oh, well, I guess they're doing something on law and order, so I won't talk to them about law and order because they're kind of covering that file" when really, no, they've just passed a piece of legislation that no one really expects many in the police community to ever enforce.

I'd actually be quite interested to hear from spokespeople – from police chiefs, from people within the policing world – about what their opinion is of this legislation, whether they perceive this as something that will assist them in any fashion or whether, in fact, it may create more work.

There are a lot of questions that I think still need to be answered, and as I say, I'm conflicted because I think there are some positive elements in this bill. I am a big advocate of public safety, and I do believe that if you legislate for safety, there's an element of that that flows because people tend to be law-abiding citizens, so you're more likely to bring about an improvement. I think that there are a lot of things that are compromised or jeopardized through it, so you really need to properly think it through.

I'm looking forward to hearing more information about that as well as about the consultation that has occurred with the key stakeholders, who have clearly indicated a number of concerns with the bill.

That's where I'm going to leave it for now, and I look forward to hearing more information and debate from members of the government as the debate proceeds. Thank you, Mr. Speaker.

The Deputy Speaker: Under Standing Order 29(2)(a), the hon. Member for Calgary-Varsity.

Mr. Chase: Yes. Thank you. Through the Speaker to the hon. Member for Edmonton-Strathcona, as you were speaking and

knowing that you have a legal background, I wondered about a person who was caught and who registered at .05 arguing whether or not they were impaired and whether they should have been pulled over in the first place.

Secondly, I'd like to hear your views briefly on whether you think the carrot versus the stick is a more progressive approach? You mentioned having more police officers.

Thirdly, is the stick sufficient to change behaviour? I earlier suggested demerit points off a licence rather than a 24-hour suspension.

Ms Notley: Well, I think the difference between blood-alcohol level and automatic penalties for blood-alcohol level versus the issue of impairment has existed in the law for a very long time, and they are two separate heads of penalty under the Criminal Code. I think that the reason that the federal Parliament originally introduced the concept of the blood-alcohol level was because the issue of proving impairment is a very difficult one in the courts. There was a public, collective decision that we needed to more actively get at people who were getting behind the wheel and driving when they were impaired. The whole process of proving impairment is complex.

Personally, I remember a case that I argued way back 15 to 20 years ago where a fellow was well over .08, but he was asking that his insurance company pay out his insurance because his insurance only disqualified him if he was impaired. We sued his insurance company, and we were successful because it was not possible for anyone to prove that he was impaired even though he blew – I can't remember – double .08 or something like that. There has always been a difference. So there is a reason for having blood-alcohol levels, because it gets at a group that you wouldn't otherwise get at.

The carrot and the stick. Well, you know, in other contexts we talk about worker safety. We talk about environmental standards. We talk about ways to get other players to behave properly. I am an advocate in those cases for ensuring that we have strong standards for employers to keep workers safe, for industry to keep our environment clean, and for enforcing those standards. This government is always keen to enforce and regulate the average citizen. They are less keen to regulate employers and industry.

However, when we're talking about employers and industry, my position generally is that sometimes the stick is what is necessary. I think there may be some relevance to that here because I think we do have a problem in Alberta. We still do have people on the roads drinking and driving, and that needs to stop.

I think there was one more question you had, the issue of demerits. I think the research is out there that demerits don't actually change behaviour in a huge way, so I think we do need to look at other ways to change behaviour. But I go back to my original point. I think that if people believe from experience that there are enough police officers out there to know that they will be caught, then that will also change behaviour. Until such time as we're able to put an adequate number of police officers onto our roads – that's probably the best bang for your buck.

That's something that this government should be working on. They've certainly made lots of noise about it for years and years, but they haven't actually followed through on it. I would say that that would be as or more effective than this. Whether it should be done in concert with this is another question altogether. But this bill should not be allowed to distract from the need for the government to put the same number of officers per capita on the road that Canadians in other parts of the country enjoy.

The Deputy Speaker: The hon. minister.

Mr. Danyluk: Thank you very much, Mr. Speaker. I very much want to compliment the hon. member when she made the comment that that should not detract from the ultimate goal, and that is to have more, if I can call it, policing, more surveillance. I know that if you look at New York City, where they decided that their downtown . . .

The Deputy Speaker: Hon. minister, we've run out of time for 29(2)(a).

Any other member wish to speak on the bill?

Seeing none, the chair shall now call on the Minister of Transportation to close the debate.

10:10

Mr. Danyluk: Well, thank you very much, Mr. Speaker. I'm going to make it very short. Of course, the short aspect of it is that this is a proposal, if I can call it that, for strengthening Alberta's approach to impaired driving. It is for safer highways.

I want to say that our main concern and our main area is for individuals that are repeat offenders over the .08. If you look at the legislation, if you look at the documentation, that is where the major emphasis is put.

Mr. Speaker, this is also a complete package. It does involve the graduated licences but does not have to be in the legislation. It can be done by regulation. I think you know what some of that says.

Thirdly, Mr. Speaker, it is about a culture change, and .05 to .08 very much is about culture. It is the area. That doesn't change. It hasn't changed what the police are using today and what we are bringing forward. It is the penalties at the end that have changed. It needs to have an impact on people who are drinking and driving.

Mr. Speaker, if I can, this is about the safety of our highways. This is about the safety of Albertans.

Thank you.

The Deputy Speaker: The Minister of Transportation has closed the debate, so the chair shall now call the question.

[Motion carried; Bill 26 read a second time]

Bill 21 Election Amendment Act, 2011

[Adjourned debate November 22: Mr. Olson]

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

Ms Blakeman: Thanks very much, Mr. Speaker, for the opportunity to speak in second reading on the Election Amendment Act, 2011. We've just had so much fun here tonight talking about different proposals that are flowing from the new Premier's campaign promises, essentially. This is another one of them, the Election Amendment Act.

Let me just take a step back. Really, why do you need fixed election dates? Who cares? Lots of people for hundreds of years managed not to have fixed election dates and have them called, essentially, by the government. I was plowing my way through a rather esoteric article, probably somebody's doctoral thesis, on sort of the history of fixed election dates, *Dissolution of the Legislatures: Constitutional Change, Institutional Continuity*, by Thomson Reuters Canada Limited's Doug Stoltz, bachelor of science, LLB. I'm just referencing it, but I'm not going to quote extensively, so I won't bother tabling it. He's referenced in his whole document what I've just said, that essentially there's a long history of governments being able to control when they call an election.

Really, the point of anyone asking for a fixed election date – and almost exclusively, I'll note, this tends to be called for by members of the opposition. I think the only one that actually called for it as an opposition member and then got in and did it is Gordon Campbell, and I don't know, if you asked him today, if he'd be too happy with himself for having carried through on that action.

However, the point of a fixed election is twofold. One is to provide certainty for all involved, and I'll come back to that point. The second is to curtail the government stacking the deck, being able to pick the most opportune time for the government members to get re-elected and to be re-elected into government. It's an unfair advantage, and I think the population looks at it as an unfair advantage. It's not fair ball. They're not playing on a level playing field, all of those sports metaphors that people are so fond of. But that's true. That's why people are interested in it. They want people to have a clear shot. That doesn't happen when government gets to pick the most opportune time, especially with a government that has a lot of resources, as this government does, to be able to do polling, for example, on issues or on how people are feeling about things. They can certainly manage to ascertain from those polls when they're doing really well, and that's the time to call an election. Therefore, it works best for them.

In knowing what date they're going to call, they can also take advantage of things like handing out the community facility enhancement cheques or the community improvement program cheques. The Member for Edmonton-McClung did a private member's statement this afternoon talking about how he'd managed to secure and hand out cheques to 13 of his schools for various projects. That's exactly the kind of thing that really shows him in an excellent light. If there's an election date called, well, gosh, he should be a good guy because he's managed to secure the funding for all of these groups and give credit to the government for having done that. That's exactly what I'm talking about. It was an excellent opportunity that he handed me today. Or, you know, things about building new buildings or rec centres, curling rinks, road paving, highway widening, any of those kinds of . . .

Mr. Hinman: Contracts with teachers.

Ms Blakeman: Contracts with teachers: perfect example.

Lots of ways that the government that is controlling the date can give themselves an advantage. They can make people happy and then call the election, and they're much more likely to do well from it. Again, people don't think that that's fair, and they don't believe that government should be allowed to do that. This government certainly enjoys the full benefit of calling the date.

You know, one of the things that has been brought out. I was reading through various press releases that were put out by the now Premier as she was campaigning. Oh, you're going to get so sick of this quote because you're going to hear it so often. There she was saying: "Fixed election dates give Albertans the opportunity to focus on issues that matter and mobilize for an election" – here we go – "without the behind-the-scenes deal-making and manipulation that sometimes characterize the timing of an election." That's the quote from the now Premier. She very clearly understood how a government can manipulate for their advantage, and she was trying to move away from that. This is why people are going to be saying – they already are saying it, to be perfectly honest. One of the newspaper clippings I've got here is from a reporter that's talking about how she's broken all of her promises, and this is one of the ones that they specifically highlight.

We don't have a fixed election date in this legislation. I think the credit goes to the Member for Edmonton-Highlands-Norwood for the phrase "election season." It's an election season. You know, it's an election 90 days. I don't know what else happens in 90 days. It isn't one day. It's a whole series. It's 90 days of possibility, which still allows the government to pick the best date for themselves.

The whole point of having a fixed election date is that it creates certainty and takes away that extra advantage that government likes to give to itself. I admit, you know, that's pretty tempting. I can't imagine a government not taking advantage of that. That's why you have to put in legislation so that they don't and they can't take advantage of it. What the government has proposed here with this legislation does not fulfill the promise that was made or any expectation or reasonable interpretation of that promise. A fixed election date is a fixed election date, not a fixed election three months, not a fixed election season.

10:20

The idea that somehow the government needs flexibility to be able to do this, that somehow they need to be worried about planting seasons or farmers. I went and looked at when other people have elections. In fact, Saskatchewan and Manitoba both have fixed election dates. Saskatchewan came in in 2007 and Manitoba in 2008. Now, you want to talk about farming and planting and harvesting and all of that. Those two provinces know all about that, just as much as we do, and they managed to land on one day, in Saskatchewan the first Monday in November and in Manitoba the first Tuesday in October. So the idea that somehow we have to be flexible because of farming requirements: clearly the other major farming provinces have worked that out, and they didn't need to do this. In my mind I start to ask: what is the impairment that Alberta is having to struggle with here that they can't manage to find a fixed election date when everyone else has managed to deal with this problem?

The other flexibility issue – I'm doing air quotes here – was evidently weather. Somebody said that in a media conference. Well, in Alberta, actually, I mean, it may change frequently, but it's actually pretty steady weather, not like weather in, say, oh, Newfoundland or weather in the Northwest Territories or in P.E.I. or even in B.C. You know, compared to them we're not getting the same kind of, you know, typhoons and hurricanes and things like that. Our weather is pretty steady. It's cold. It goes down. It comes up. But all things considered, you know, we don't usually have a lot of reasons for shutting things down. We all laugh and laugh when we see the pictures on the news when it snows in Toronto and those stupid Ontarians get out there and slide into each other. I mean, we think that is so funny because they can't cope with weather. We know how to cope with winter and snow. We can also cope with summer. So what's the impairment here exactly that the government can't deal with changes in weather?

The other thing I hear is that we need a made-in-Alberta solution, which somebody else referred to today. I get goose-bumps and my blood chills a bit when I hear the phrase "made-in-Alberta solution" because always it's going to mean something that doesn't bode well for Albertans. They're going to have to do something just a little bit different so that they can still get away with doing what they wanted to do before. Where else have we heard about a made-in-Alberta solution? Well, the climate change and emissions fund. We know how well that is not working. I had a question in question period today, and the minister could barely manage to – well, she didn't answer me.

Oh, we had to have a made-in-Alberta solution with a law that the government would never go into debt again. That's a made-in-

Alberta solution. Ooh. All right. How about deregulation of electricity? That was a made-in-Alberta solution as well. Gee, that sure worked well for Albertans. How about continuing to own their own bank? That's a made-in-Alberta solution. No other province still owns their own bank. Pretty handy. That was a made-in-Alberta solution. Does that work to the benefit of all Albertans? Sometimes. Let's talk West Edmonton Mall and some special deals that happened there. That usually makes everyone over there button it. So made-in-Alberta solutions really don't seem to benefit Albertans. The government certainly benefits. Well, gee, let me go back here. Wasn't that one of the two criteria that we were trying to fix in that the benefit would not go to the government? Hmm, all right. That didn't quite work.

Let's talk about certainty. How in a 90-day period, a 90-day season, a 90-day gestation period, if we want to put it that way . . .

Mr. Hinman: Are you talking rabbits or mice?

Ms Blakeman: Could be. Where's the 90 days? Somebody's pregnant for 90 days. Don't know who. Anyway, gestation period.

How exactly is certainty created, then, for someone that needs to give their boss a notice that they are going to take a leave of absence to run in an election? "Sometime in these 90 days, boss, I'm going to be leaving." How exactly does that work? Now, we want to see a good mix of our society represented in this House. How do we do that if anybody that has a regular, Monday-to-Friday, 9-to-5 job who is trying to take a leave of absence from a job they could take a leave of absence from – so who would that be? Teachers, civil servants, nurses. I'm beginning to see why the government doesn't want this. It would mean that it makes it much more difficult for someone to give notice to the school board and say: I need a leave of absence because I'm going to be a candidate in the next election. Whether it's for your side or my side doesn't matter here, but there's no certainty there.

So they're really stuck again in an almost worse position than today because we have enough scuttlebutt, enough signs. It's like reading the chicken guts, right? There are enough signs that you're getting close to an election that you actually can kind of feel it out, right? We knew last time that the election was going to be at the beginning of March. Well, I started campaigning early, you know, full bore. I was out campaigning on the first of January. I knew, we all knew it was going to be then, and it was. In some ways without it we had more certainty. Putting this in gives us less certainty.

What about someone that's going to give a retirement notice? They're going to say: "That's it. I'm going to retire completely from this position, and I'm going to be a candidate, or I'm going to be a campaign manager." That's the same thing, right? How are they supposed to give notice over a 90-day period? "Well, I'll be retiring; I'll get back to you on which of the 90 days I'm going to be retiring." Can you imagine trying to replace them somehow? "Yes, I'd like to hire you. Are you available sometime in this 90-day period to commence work when we figure out when the person can give us the 90-day notice?" Hmm, I think this didn't create certainty here at all.

We've still got a situation where the government will know the date and will be able to pick it out of the 90 days. So they'll still be able to book the billboards, to book the radio time, the TV spots, the magazine front pages, and all of that. They know when it's going to be, but nobody else does because it's a 90-day period, which is a very long period of time. It's in fact longer than the House sits, just to give a perspective for my colleagues here. Ninety days is longer than we sit in this House. That's a lot of time. I know you guys feel you sit in this House way too long, so

just imagine it being longer than that. You've got the period that we're now talking about for a fixed election date, but it's not an election date.

So can I support this legislation? No. This is a mockery of what was intended. I'm sure that very few of the hon. members opposite intended to make a joke out of this. I think they meant it to be a gesture. They meant it to be loyal to their new Premier. But it has ended up being an absolute mockery of what was intended. It creates no certainty. It actually removes certainty.

It certainly does not change the beneficial position that government has been able to work itself into. Again, I believe it actually enhances it because although we're supposed to know what's going on, the nongovernment side over here or anybody else – what are the people that are working in Elections Alberta supposed to do? Yeah, right. We're going to hire those deputy returning officers and all those poll clerks: “So, people, if you could just clear your schedule and be ready to work for us sometime in this 90-day period.” Right. How many part-time workers are able to say to you, “Yeah, I'll hang on and wait for you to come up with a date sometime in three months, in that 90-day gestation period”? An election gestation, that's what it is.

So this really is offensive, I think. You know, I'm trying to be jovial about it, but I think it is quite offensive.

Mr. Hinman: You're doing a good job.

Ms Blakeman: Of being jovial or offended?

Mr. Hinman: Oh, no. You're doing a good job.

Ms Blakeman: I think that's true; it is offensive. It was totally against what the Premier was putting out to Albertans as a way of saying: please vote for me; here are some of the things I'm going to do. She was supported, and she was put into office. Then to have this come out is a mockery of everything we do believe in or, certainly, that I believe in and my caucus on this side believes in. So I clearly won't be supporting this in principle or in any other way in second reading.

10:30

We will do our best to try and amend the bill in a way that might make it a bit more palatable, but given that this is one of these delightful bills that's, like, a page long – I am forever with too much stuff on my desk, and I can't find the darn bill. Here it is. Oh, look. It starts on page 1 and ends on page 1, so it's not a really long bill. I'm going to be a bit pressed on where I'm going to amend this exactly because, really, it has two sections. One is to say that no matter what happens in this act the Lieutenant Governor can still dissolve the Legislature in Her Majesty's name; and secondly, that during this period, this three-month period beginning on March 1 and ending on May 31, a general election must be held.

Actually, the general election has to be held or it has to be called? That is one question that I have on this. Can the government then call or ask the Lieutenant Governor to call, or however that actually works, an election on, say, February 1, so the election would be March 1? That actually makes this a four-month period because it is clear that it has to be held by May 31, which means that it has to be called 28 days before May 31.

An Hon. Member: Maybe February 29.

Ms Blakeman: Well, it would be three months, then. It would back up to the beginning of February and go till the end of April. All right. It's still a 90-day gestational period here.

Mr. Hancock: Except perhaps in a leap year.

Ms Blakeman: I'm so sorry. I've been corrected. Leap years would just totally mess us up here.

Mr. Hinman: And add to our flexibility.

Ms Blakeman: That's right. Maybe it does add to the flexibility with the leap years.

Really, I've been nice about this, but this act is bad, bad, bad. It really goes against a promise. I think that it is a broken promise, and I'm just disappointed in the new Premier. I thought there'd be more genuine support for her.

Thank you.

The Deputy Speaker: Hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: Okay. On the bill. Well, that's a tough act to follow, Edmonton-Centre. I think she snuck my speaking notes and took them over there. She hit the nail on the head so many times that that nail went right through the board and has come out the other side. Too bad it didn't come out there and hit them in the butt to get up and talk about this and realize: oh, I didn't realize that there were so many points that are so true. But there are. It's just one after another. This is offensive to the people of Alberta and, I truly believe, to all those people who even considered voting for this Premier as she quoted that the manipulation that goes on behind the doors is astounding.

I guess I want to focus on some of the big ones, on the selfishness side of this, just taking the opportunity to get the ads out there, to take up the air time, to take up the billboards. I mean, they have millions of dollars in the bank. They can and have in the past, I believe, actually taken up that ad time to make sure that once those chicken guts, as the hon. Member for Edmonton-Centre says, start dictating that there's an election coming forward, they have the ability to tie all these things up. That unfair advantage is truly disappointing, one would think, in a country like Canada, where the rule of law and integrity are so important. It's just so disregarded when it comes to picking an election day.

Let's look on just the tax side for the citizens. Again, the hon. Member for Edmonton-Centre just kept hitting that nail till it's gone right out of sight. All of the election workers here in the province: I mean, there's no thought for any of these individuals. The cost of tying up and trying to find places that are available. When you know that it's March 31, 2012, you can go and make deals.

I mean, what rule of law gives benefit to is certainty. When you have certainty, you can carry on business. You can attract business. All of those things are critical to having a great society, and chaos drives all of those things out. It's great if you can be the one in the position of power and create chaos for others. It's wonderful. They don't even have consideration for their own people, though, to tell them: this is the date we're going to do it.

For myself, Mr. Speaker, it was a big decision. I took a leave of absence the first time on the 14th of July and campaigned through until November 22. The chicken guts were right, and off I went. I talked to my partners and said: “Look. I need to do this, but I don't know when it's going to be.” I took the leave of absence. The government could have easily waited until the next spring. Again, with that momentum that you're trying to cover, it's extremely difficult. All of these things are disappointing. The new Premier wouldn't want to add certainty and credibility.

I mean, if you want to talk about the Alberta way, it's the old saying: my word is my bond. There is no bond here. This is like a

Greek bond; it's just on default. Why would you want to buy it? Is it the risk that you can sell it before it's not worth anything and leverage it out? It's just disappointing on so many levels that here is the one case where the Premier could have so easily given a fixed election date.

What adds insult to injury are the excuses. "Oh, we're thinking of the farmers. Not only will we tell you when the date is, we'll guarantee you a great haying season." What absurdity to think that they are putting this forward for other people. "We want to attract good people to run, so we won't tell you when we're going to start the race." It's truly incredible, the audacity, the arrogance of saying: we're setting fixed election dates. And I do love it: season. We have a winter season. We have a spring season. We have a summer season, and a fall season. Now in Alberta we have five seasons. An election season. What a benefit for Albertans. We now have a new Alberta advantage. We have five seasons in the year. What a blessing.

Ms Blakeman: Wow. What a selling feature.

Mr. Hinman: Yes. I wonder if they're going to give us an extra holiday during that time so that we can go do a few things. Election day: are you going to make it a holiday?

I mean, that's another great example. There are lots of people that want to plan their holidays, and they plan it and leave, and then all of a sudden they miss an election. There are people that will actually plan because they want to participate in the election procedure, but they don't know which month to book off work where they could actually work some time to help the candidate that they want.

Ms Blakeman: So lower voter turnout.

Mr. Hinman: Absolutely. This is an affront to Albertans, saying: "What we want to do is manipulate it, but we're very generous. We're going to go from 12 months down to three months." I don't know whether it's generous, Mr. Speaker, or just arrogance thinking that is all the time they need in order to accomplish it. They can tie up the billboards, they can tie up the radio ads, they can tie up any of the other types of media that they want to, reach out to those advertising the office space. They know all these things.

There is nothing in this bill that I can see that says: we're doing this to try and engage Albertans; we want them to participate in an election here in the province of Alberta. It's an insult to Albertans. I cannot believe all of the flopping that this new Premier wants to do. Why would you want to flop on a set election date? I just can't explain it. I truly can't other than the fact that all it was about was: I need to make enough promises to get elected, and then it really doesn't matter. I think she's going to get a rude awakening this time, that it does matter. The election is too close this time to the promises made and the promises broken. That's going to be the problem.

10:40

I'm looking forward to the next election. I'm looking forward to allowing Albertans to come out and to make their little X in the box and pick the people who they want to represent them, who will actually do that.

I'm very disappointed that I wasn't able to get a standing vote on the traffic amendment to see how many of these members – that had such a robust discussion. Again, this open and democratic and free vote. [interjection] Oh, look at that.

Ms Blakeman: No. Little Bow spoke.

Mr. Hinman: No. I said for a standing vote. I wanted everyone . . .

Mr. Hancock: You weren't even here to vote.

The Deputy Speaker: Hon. member, address the chair.

Mr. Hinman: Oh, yes. Thank you, Mr. Speaker, for getting me back on track. I said, no, that it takes three. There were only two of us here. We don't have the . . .

Mr. Hancock: You weren't here.

Mr. Hinman: Did you have a standing vote to show that I wasn't here?

Mr. Hancock: No. But I knew you weren't here.

Mr. Hinman: Then you should have called a standing vote there, sir. If the Government House Leader . . .

The Deputy Speaker: Hon. member, on the bill and through the chair.

Mr. Hinman: Was this on the three-dollar bill that this government wants to do it?

The Deputy Speaker: Hon. member, you have the floor. On the bill and through the chair.

Mr. Hinman: Thank you. Sometimes the temptation to respond to the Government House Leader is just too great when they have the arrogance to say that you're not here when there was no vote. I was here, present in this Assembly, when that was called. If he would have called for a vote, I was here. I would have been standing up.

The Deputy Speaker: On the bill, please.

Mr. Hinman: The point is: how many Albertans are going to be here? How many are going to plan and say, "Well, it's not going to be until April, so I won't come back until the end of March," only to be surprised that the Premier wants a March 3 election.

It's interesting. You know, I remember the last go-around. I've been fairly active in wanting what I call better government and believe that we can do much better. Many people believe that we're doing a wonderful job. I think that our potential to do better is immense. I do remember that back in January '08 Scott Hennig put out a little article. Again, the Premier at that time said: oh, we're not going to have an election till the fall, till November '08.

I was busy trying to help merge a few parties together. On the 19th of January we came to an agreement, and the Alberta Alliance and the Wildrose came together as one party, and that, hon. Member for Edmonton-Centre, I believe was the impetus for this government to say: we need to go now; we don't want to give them any more time. And they called an election. On top of that, they spent over \$1 billion in that 30-month period plus made contract agreements costing us over \$6 billion, to buy an election, in my opinion. It was very crafty of them. I'll hand it to them. When they want to play politics, they're very good at it.

I want, though, to govern. I want to have a government that is focused on governing, not playing politics. Politics for me is divide and conquer. Politics is adding chaos. It's picking out issues. It's taking the emotion out of it. Governing is rational decisions, having an open debate, putting it to committee, looking at the stats, and being able to know when a decision is going to be made. March 1, April 1, May 1? Maybe we'll have a crisis, and we'll just say: you know, we need to change this law. And they'll do that in a minute

because the polls are up. Worse than that, there's been an economic crisis, so we better postpone this election.

Mr. Speaker, not only is this an election season, a new bonus season for Albertans – the fact is that just like their law that we have to have a balanced budget, it gets changed 15 minutes before their new deficit budget, and they say that it's okay. So we can't trust this government. We can't trust them on their bills. They bring it forward with smoke and mirrors and the grandeur of a wonderful new Alberta advantage when, in fact, there is no advantage except for the governing party, except for the Premier to be able to say: now is the day to shoot the gun and say we're starting tomorrow. That's not right. This bill should be withdrawn by the Premier.

She should be just like she was when she said that there'll be no fall sitting. She was wrong, and she's just as wrong to say that we're going to have an election season sometime in the year. I guess I really look at this, Mr. Speaker, that if there's an economic crash, that this European crisis creates economic disaster here, I can fully see us coming back in the spring because of the massive deficit this government continues to accumulate on a cash basis, sucking up our sustainability fund, which again is another oxymoron. There's nothing sustainable about the way they're using up that savings account. They're spending it at a rate that one more year with the current economic situation and we're back to zero, and those deficit budgets will be deficits in the real sense and not in the fact that we can suck it out of the sustainability fund. Thank heavens that they had the boom that they did, or we'd be in more trouble than we could possibly throw a stick at.

Mr. Speaker, it's very clear that this government wants to govern with deception. They want to say that they've got a fixed date when it isn't. Like I say, if they're really serious and they want to put in a fixed date, put in a fixed date and also say that the only way it can change is through a referendum of the people and not the new law that's going to be changed 15 minutes before. We've had it in the past where there used to be recall in this province, and then when the people in power got in a little bit of trouble, they scrapped the bill.

Ms Blakeman: No. No. No.

Mr. Hinman: There are a few things that we just can't agree on, but accountability is critical in governing. Accountability in politics is . . .

Ms Blakeman: Don't get me started.

Mr. Hinman: Yes. I won't.

Mr. Speaker, what we need this government to do is to make an amendment and give us a date or withdraw the bill and say: we're sorry; we apologize for being so arrogant as to say that we're giving you a fixed election season or date. I don't know what you want you want to call it. There are a lot of different terms, but it's wrong, wrong, wrong.

We need the Premier to withdraw this bill, apologize to the people of Alberta, or come and make an amendment and give us the date so that we can start to have Elections Alberta get the facilities booked and for people to be able to realize this is when it's going to happen. Perhaps more people will jump in and say: now that I know there's a date, I can start to plan around my business to get ready to do this. They can plan their holidays. There are a lot of things. If we're thinking of Albertans, if we're trying to engage Albertans, give them a date, give them the certainty, give them that time of accountability. Then they can see that all of a sudden when the government desires to spend a billion dollars, we can do something about it.

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

Seeing none, the next speaker. Hon. Member for Edmonton-Strathcona, do you wish to speak on the bill?

Ms Notley: Thank you, Mr. Speaker. Yes, it is not a pleasure to rise to speak to Bill 21 because it is really, truly one of the most laughable bills that I've ever come across since I've been in this job. I remember the meeting I was at when I first heard that this bill was coming forward, and I was inquiring about the date that would be included in it. Then when I first heard that, in fact, we were talking about a 90-day period, you know, silly me, I started laughing uproariously. I chuckled to myself off and on for about 24 hours. I actually said to myself: "Oh, there's no way they would actually introduce something like that. Oh, they couldn't be that stupid." Sorry. That's probably inappropriate, and I'll apologize.

I would just think about this to myself and just chuckle at the complete inanity of somebody going out there and making a grand promise that she was going to bring in fixed election dates and instead introducing legislation that could at best only be called random election seasons. It was funny because I just didn't think that these folks could be that arrogant to actually try and pull something like this off. You know, the arrogance of this Conservative government, having been in power for longer than the government in Egypt. I think we're not quite Castro yet, but we're getting there, the 40 years of being in government. It would have been bad enough if the arrogance sort of increased each year, but it's really an exponential one. I'm quite sure that they will start challenging, you know, the time-space continuum and thinking that that doesn't apply to them either.

Truly, what we've got going on here is just an arrogance around the English language. The Premier said: I will bring you fixed election dates. Then these guys bring in a piece of legislation that calls for a moderately fixed election season, and they actually have the temerity to look at people straight in the eye and argue that the Premier has kept her promise. And I'm thinking: is there a new language that's developed just overnight? Am I missing the development of a new language? You know, at what point do we hold people accountable for what they say? I certainly hope to goodness that Albertans are coming to terms with what this legislation represents, which at its heart is a neon sign announcement that the new Premier cannot be trusted to keep a single, solitary promise.

10:50

I like to say that, well, you know, with her when she makes a promise, folks, be really clear to read the small print. But now I'm at the point where, well, you know what? Don't read the small print either because it may well be written in Na'vi or some long-since-departed language, and even if it isn't, they just won't adhere to the normal rules of language construction because they don't think that any of the rules apply to them. That's what Bill 21 represents. It is the clear, broad proclamation to Albertans that: "We don't think the rules apply to us, and just because I said I was going to give you fixed election dates doesn't mean that I will. But I will not, under any circumstances, even take responsibility for the fact that I'm not keeping my promise." But Albertans can see that that's what's really going on.

Now, in this particular case it goes as well to the heart of how this government operates, which is to use its influence, its power, and its tenure in a way that is designed to keep itself in power and to hold on tight to power. It's not about good governance. It's not about the public interest. It's not about the greatest benefit to the greatest number of Albertans. It's actually not even about the

greatest number of benefits to the most friendly group of Albertans anymore. This one is just raw, blatant grasping for power. That's what this bill is, and that's what this government has deteriorated to. That's what it's descended to. It's just a raw grasp for power.

When it comes to elections, you know, these guys are unmatched, I would suggest, across the country in terms of the way in which they make the rules to benefit themselves. It's not just this bill, but this bill is part of a long process.

We have election financing rules in this province, which – I suspect that if you looked at what the election financing rules were in some gold rush a hundred years ago, you would not have found them more corruptible than the current election financing rules. We have no limits on how much money powerful governments and powerful parties can spend in an election. We make sure that it is absolutely possible to buy an election in this province. Absolutely possible. No limit on how much you can spend, and that's unlike most other jurisdictions in the country. But here we want to make sure that the wealthy and the powerful are not in any way constrained in their ability to maintain, their ability to stay wealthy and stay powerful and stay in control of our democratic system or our political system here in Alberta. That's a problem, of course, when you combine that with the absence of a fixed election date.

Let me just talk a little bit about some of the practical issues that impact upon a smaller party that does not take corporate donations, that does rely on individual Albertans to finance them, that doesn't get great big, huge cheques from Enbridge and TransAlta and all these great companies that these folks are governing on behalf of but, rather, is just getting cheques from regular Albertans.

This is what happens when you have an election. You know, you try to have a campaign office. Well, do you spend \$4,000 to get that campaign office for one month, or do you spend \$12,000 to get that campaign office for three months? In the world of the Conservative Party of Alberta: "Three thousand dollars, \$12,000; it doesn't matter. We've got millions of dollars to spend on this. We're going to outspend the opposition parties 5 to 1 because we're in charge and we've got all the contacts and we've got all the power. We will never change anything to make sure that the average Albertan who does not have that money has a vote that matters as much as the average Albertan who does have that money." As a result, when you look at, "Hmm, do we spend \$12,000 renting a campaign office for three months?" sheesh, that's kind of a big portion of our budget. Well, over there in moneybags land it's not. "Who cares? It's a drop in the bucket."

For regular Albertans who are coming together as community members to try to put together a campaign based on donations out of their pockets, where they're making a decision about whether to spend a thousand dollars a month for the most expensive daycare in the country or whether they're making a decision to spend an extra \$300 this month for the most expensive electricity costs in the country, when those people have to make those kinds of decisions and then they decide how much they can give to their local candidate, the question about whether you buy a campaign office for one month or three months: it matters.

I was particularly offended by the Premier in question period when she repeatedly said: "Yep. We're going to have an election, and everybody should start getting ready. Everybody can start campaigning." Well, you know what, moneybags folks over there? Sure, you can campaign for a year. You've got the public purse. You've got the PAB. You've got a \$5 million election chest, so you can campaign forever. But there are a lot of Albertans that don't have access to that money. They'd still like a voice, and

they'd like a government that was interested in giving them a voice.

This leads to the next problem because, of course, we have a government here where we had a majority of members on a committee, who happen to be members of this Conservative government, very intentionally select a Chief Electoral Officer who made it very clear that he didn't believe that increasing the number of people who cast a ballot in this province was part of his job. We have that same Chief Electoral Officer now tell us that landlords and condominium boards who are breaking the law and keeping families who live in apartments or condominiums off the voters list are not going to be prosecuted under the elections law. Why? Because it's not his job. Well, frankly, it is his job, and that's a whole discussion for another time. Yet, again, this was a Conservative government that used their majority on that committee to make sure that someone who was absolutely not interested in letting the average Albertan have their say – cast their ballot, be part of our system – who absolutely doesn't see that as part of his job, was who they put in charge of our electoral process.

This bill is just a continuation of the same pattern: whatever they can do to ensure that they stay in power, and it doesn't matter how disconnected it is from a promise. It doesn't matter how disconnected it is from the English language. It doesn't matter how disconnected it is from the very clear record in other jurisdictions across the country that a fixed election date – and I was going to grab a dictionary just to read it out. Does anyone here have a dictionary? It would be interesting just to read out the dictionary definition of the word "date" because I'm pretty sure it talks about a day unless you're talking about taking someone out for coffee. I wouldn't put it past the Premier to make that argument as well if that helped her slide under the radar in terms of actually adhering to what she promised. I think if we had a dictionary, it would tell you that date refers to a day, yet that's not what we've got. What we have instead is a fixed election period of time within which the provincial government will, on the basis of its personal political interests, make a decision to capitalize on and enhance its own electoral success. That's what we could call it. It's kind of long, but what the heck. That's another thing that we could call it.

11:00

This is just really incredible. I can't imagine how there aren't a few people over there that are embarrassed by this. I've got to think that when there was a discussion about this ridiculous piece of legislation – you know, when I first heard about it, I laughed. I know I could hear the Member for Airdrie-Chestermere laughing over the phone. I think he might have almost fallen out of his chair when he heard that this was the piece of legislation that was forthcoming. I can't imagine that folks over on the other side didn't laugh. There had to be some of you over there who, when you found out about this piece of legislation, rolled your eyes and started chuckling and saying: "Really? Is this really what we're going to do? Really?" I mean, come on. There had to be. You had to know that it was just the most ridiculous idea to come out. I know that there is a bit of insight over there in a few select little rare spots. I'm pretty sure there's some insight – I'm sure there are a few of you – just a teeny bit of insight. There had to be some laughter around the ludicrousness of this.

Anyway, here we are in Alberta. Once again, unlike most other provinces in the country, we don't have a fixed election date. Interesting how municipalities are able to have a fixed election date every three years, not every four years but every three years. They have far fewer resources.

Mr. Hancock: Isn't it amazing how low the turnout is for municipal elections?

Ms Notley: Well, jeez, you know, it's really interesting. The House leader talks about the turnout for municipal elections. It's interesting. Your Chief Electoral Officer told us: "You know what? Municipalities are a great example." Why should we worry about the fact that he can't enumerate Albertans because they don't enumerate in municipal elections, and it works just fine. Presumably, you guys don't have a problem with that because that's your Chief Electoral Officer's view of municipal elections, and they work just fine.

The House leader suggests that fixed election dates are the reason why municipal turnout is so low, yet strangely they have fixed election dates in B.C. [interjection] I couldn't quite hear what the House leader was saying. I believe he's got an entertaining point there, but I can't quite hear him, unfortunately.

You know, they do have fixed election dates in several other provinces, which have about a 20 per cent higher turnout than Alberta. I think that letting people know when they can expect the election to occur actually probably increases turnout.

I was kindly provided with a note from the Member for Calgary-Mountain View, and it is a dictionary definition of the word "date." It's as follows: time stated in terms of day, month, and year; a specified day of the month. That is the dictionary definition for date. I really very much appreciate the Member for Calgary-Mountain View providing all the members of this Assembly with that valuable piece of information.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments, questions, clarification. The hon. Member for Calgary-Glenmore.

Mr. Hinman: Yeah. I'd like to thank the hon. Member for Edmonton-Strathcona. You know, you went over a lot of the different issues again and the frustration that it causes with people. Even to get your campaign volunteers it makes a difference. I'm just wondering, again because of the area that you represent, if there's a time of year where you think a fixed election date would be most appropriate for your area and if you've done any consideration on when you think a good fixed election date should be: spring, fall, winter. I'm just wondering if you had any thoughts on that.

Ms Notley: Well, I appreciate that question. See, the poor member there has fallen victim to Tory-speak in terms of what's happened to the language. You talked about a fixed election date, and then you said, "Spring, fall, winter," knowing, of course, just to review our definition here, that date does not refer to a season. Date is a day.

What date would be good? Well, I could say any day, a specific day, that it happened repeatedly every four years. In my particular riding it would be good in February, March, or halfway through April. After that, it's not good because I have a lot of students in my riding. As much as this government has very intentionally constructed the Election Act to create maximum confusion with respect to the rights of students to cast a ballot and notwithstanding the Chief Electoral Officer's active participation in enhancing that confusion and generally not supporting the ability of students to vote in our province, I'd like students to be able to vote, and it would be helpful if they were in school at that time because then they'd be where they're living.

I would very much not like to see an election occur any time after, essentially, the second week of April. Of course, as you know, the election season that's currently been identified by our

language-impaired friends across the way there includes a six-week option after university has finished. That was something that I believe members across the way heard from students about and chose to ignore. Nonetheless, that's my answer.

I understand there's another question, so I'll sit down.

Mr. Hinman: I didn't fall subject to them. What I meant was: was there a date inside one of those specific seasons? I have a time that I like. Again, it's that window where you should look at it.

Probably the most important thing for me during campaign time is the time that we can have at the door. I find that people are far more receptive when the sun is up. I know that wouldn't work as well for you, but I think that overall for Albertans to have some time in June is an excellent time. The sun is up for a long time. You can work the hours, talk to the people at the door. For me it's all about being able to meet as many people as possible during that election period. As much as there is a date, there is a period where we are able to do that, to campaign with people, engage more. I personally would love to see one in June sometime. I just was curious if that would affect you. I think they'd have a better voter turnout as well because people haven't left on holidays for the summer and everything else.

Ms Notley: Well, for the reasons I just outlined, I personally wouldn't support a June date out of respect for the many, many people in my riding who are university students. That is a more difficult time for them to vote.

I will say, though, that I do agree with you on the need to go out and talk to people and to be able to engage in efforts to talk to Albertans. Certainly, the clarity and the ability to enhance that would be greater if we had a date as opposed to a season. Personally, I find that the one upside to door-knocking in the dark when it's minus 25 out is that people are feeling so darn sorry for you for being there that you actually probably get more opportunities to speak to them. They feel bad closing the door in your face because you look cold, or maybe that's just me. It does work that way. But it doesn't work so well in those ridings that have more condominiums and apartments, which are big chunks of my riding as with others. We have a Chief Electoral Officer... [Ms Notley's speaking time expired]

The Deputy Speaker: The next hon. member on my list is the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker, for this opportunity to speak. I want to give credit where credit is due. Again, repeating what the Member for Calgary-Glenmore stated with regard to credit, the Member for Edmonton-Highlands-Norwood nailed it when he talked about an election season. I thoroughly enjoyed the Member for Calgary-Glenmore's comment about the Alberta advantage, that every fourth year we have a fifth season. While sort of looking across the way at the Minister of Energy, who I know is a fond hunter, I couldn't help but think that, you know, every four years, instead of just having a hunting season, we should have a political punting season. That would make tremendous sense.

What I'm experiencing right now, what I referred to at the beginning of tonight's session as ADD, Alberta democratic darkness, is the silly season. It seems that whenever this government proposes legislation, there is a lot of silliness attached to it, and it's impossible not to talk about some of that silliness.

11:10

In my May member's statement I talked about a democratic deficit. When I examined the avian entrails, in my examination I

predicted that there was not going to be another parliamentary session prior to an election. Believe me, I took no satisfaction in having my prediction flipped when originally the newly elected Premier felt that having a fall session of parliament was not sufficiently important and cancelled it. Then very quickly, I guess, with the sober second thought of members of her caucus – at least, that’s how it was attributed – all of a sudden we had a fall session back, a whole big, whopping two-day session followed by a significant time period in between, and now we have a two-week session.

I couldn’t help but think in terms of my reality as a teacher for 34 years. “Kids, sometime within the next 90 days this assignment is due.” Then I thought: you know, extend the teaching analogy. “Kids, there is going to be a spelling test sometime in the next 90 days. If you can accurately guess the actual day, you’ll receive an extra 10 per cent.”

You know, we can have hockey pools. We can have football pools. We can have a voting lottery pool. Guess the date the Conservatives are going to announce the election within these 90 days, and you get to vote twice. You know, it gets supremely ridiculous. As opposed to fixing elections, which the government has been very successful at, we’re talking about fixing the date, not fixing the season.

One of the things the Premier claimed within discussions today – and the Member for Edmonton-Strathcona pointed it out – was the notion that by narrowing it down to a 90-day period, there would be, potentially, greater voter participation. “Voters, you know, I want you to get really excited. Sometime between February and the end of May we’re going to have an election. Now, don’t book any holidays. You farmers, keep your seeders parked because we might be having an election. Forget the weddings, no births. Time your gestation periods around the fact that we’re going to have an election.”

Now, if we want to increase voter turnout, I’ll tell you that having a 90-day period isn’t going to be the magic elixir that is going to turn people from a dismal 41 per cent turnout. Twenty-one per cent of eligible Albertans elected the government. If you think you’re going to have a greater voter turnout by saying that sometime within the next 90 days we’re going to have an election, you’re mistaken.

If you want to enable people, give them a fixed date. Let them put it in their calendars. Let them be able to plan. If democracy is important to them, allow sufficient time before that fixed date for them to vote. If you want to really make it easy for them, facilitate the voting practice. Don’t just have the poll open on a specific date and quite often in an inaccessible place from 9 in the morning until 8 at night. Do what some European countries do and have the vote allowed to take place over a three-day sitting. So instead of a 90-day session, you can vote in the week prior to, and the polls will open at 7. They’ll close at 9 on Saturday, April 2, and at whatever time on Friday, April 1, although I worry about April 1 given this Alberta advantage discussion.

There are so many things that we could do to increase voter turnout. Creating a season doesn’t do it. When we were talking about seasons, I couldn’t help but think of what was originally a poem, and hopefully I’m quoting part of it correctly. *Desiderata*. For everything there is a season. There is a time under heaven.

Mr. Elniski: That’s actually in the Psalms.

Mr. Chase: Well, it was turned into a song by the Byrds.

Mr. Elniski: Psalm. P-s-a-l-m.

Mr. Chase: Psalm. Sorry. Apparently, it comes out of Ecclesiastes.

It wasn’t David that wrote it in Psalms. It wasn’t somewhere between the 23rd and the 91st, both of which are dear to me. The 91st Psalm; 90 days election. There are some synchronicities happening at this 11:15 hour on Wednesday night when I didn’t get to watch *Modern Family* with the members of my family because I’m here debating not a nonfixed election date but an election season.

Think in terms of business. I gave you the school example. A number of you are or are former business individuals. Some of you are currently landlords. You say to the person renting your home or your apartment: “Yes. Sometime within the next 90 days I will be around to collect the rent. Don’t sweat it. You just make sure that you have the equivalent of three months’ rent ready for me when I call because otherwise I’m going to evict you. Don’t worry about the eviction. I’m going to evict you in 90 days.”

What kind of contracts . . .

Mr. Hinman: Sometime in 90 days.

Mr. Chase: Yeah, sometime in 90 days.

I mean, even in rental agreements 90 days is not acceptable; we have 30 days. When you have an opportunity to put forward an offer on a house, you don’t put it over a period of 90 days. There’s a fixed time period which is considerably smaller.

We can laugh about it, this proposal that the Premier has put that turned a fixed election date into a flexible season, or we can cry about it. The reality for those of you who are intending to run again, especially if you’re opposition members, is the advantage this gives the government, as so many people have pointed out, in making sure they have constituency office space booked, making sure they have their campaign people ready. You know, if you don’t have the Conservative trough fund to tap into, it eliminates a whole number of regular people in terms of being able to afford to run and to represent their constituents.

Mr. Speaker, I don’t want to continue what I’ve seen as a silly season, but the silliest thing next to the Health Quality Council being turned into a judicial public review when we already have a public review act is this idea that sometime, somewhere over a 90-day period . . .

An Hon. Member: When you least expect it.

Mr. Chase: . . . when you least expect it, you’re going to be on Candid Election.

Thank you, Mr. Speaker.

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

Seeing none, the chair shall recognize the hon. Member for Airdrie-Chestermere.

11:20

Mr. Anderson: Thank you, Mr. Speaker. Let me guess. We’re going to talk about broken promises again. Oh, my gosh. It seems like every bill that we have talked about is a broken promise. Some sort of a pattern is developing here.

With the introduction of Bill 21, Mr. Speaker, the Election Amendment Act, 2011, this Premier is building a brick-by-brick legacy of broken promises. It is getting very, very difficult to believe anything that is coming out of this Premier’s mouth when it comes to promises. These broken promises now include what we’re talking about here tonight. In addition to that, this is the same Premier who promised more democracy and transparency. She then proceeded, as her first order of business after being

elected, to cancel the fall sitting of the Legislature, then bring it back for two days, followed by a month-long vacation, followed by jamming in six controversial – somewhat controversial, some of them – and substantive bills into essentially four days of full debate. If that's more transparency and democracy, bring back the previous Premier because he was a lot more democratic than that, and that's saying something.

Ms Blakeman: I never thought you'd be saying that.

Mr. Anderson: Yeah, I never thought I would be saying that.

The other broken promises by this Premier, obviously, include her vow on national television to repeal section 3 of the Human Rights Act to protect free speech. As a human rights lawyer who spent three years as Justice minister, you'd think this promise was a pretty solid one. Then as Premier she only tells her Justice minister to assess the appropriateness of section 3, whether to amend or repeal it in the human rights legislation. Again, had she not thought it through before she made the promise? Who knows what will happen now? Who knows? She made a promise. Whether she keeps it or not, I guess – who knows if we'll ever know if she keeps it or not?

Obviously, the public health inquiry: we've talked a lot about that. She promised a full judicial public inquiry to be conducted before the next election. She promised it during the election. It was the cornerstone of her election promises, and then she changed her mind. She made the judicial part optional to the Health Quality Council, so it's an optional judicial inquiry, and she made it literally impossible for it to be held before the next election.

As I said in my comments earlier, Mr. Speaker, I highly doubt that we would have the current Premier that we have – I think that we would have as Premier Gary Mar – if she hadn't made those promises. She made those promises. It probably made a 1,600-vote difference in the election campaign that she was a part of with the PC Party, and she won based on those promises that either she had no intention of keeping, or she just made them up on the fly and didn't really think through the ramifications of them.

Her opponents, the Deputy Premier and Gary Mar and the Energy minister and so forth, tried to make promises that they generally knew they would be able to keep. I would hope that those are the promises that they made. I'm assuming the promises they made fit that criteria. Because of that, they didn't get as many votes because they kept things in perspective as to what they could do, set reasonable limits to what they could do. Maybe that's the reason.

The point is that this Premier has no credibility. She made promises she couldn't keep or that she had no intention of keeping. Because of that, she has completely lost her credibility, I think, as someone whose word can be trusted when it comes to promises that she makes during elections. Albertans are nobody's fools. There's the old saying: fool me once, shame on you; fool me twice, shame on me. Albertans are not fools. They will not be fooled again. [interjection] You should know. Your guy lost because of these broken promises. Good grief, hon. member.

Out of this long list of broken promises the easiest one to keep, and frankly the stupidest one to break because it is so easy to keep, is this promise of a fixed election date. You can't be clearer than what she said. She said that during her leadership we will have a fixed election date. Instead, she gets into power, and what does she do? I mean, this is unprecedented in North America that she does this. I did almost fall off my chair when the House leader . . .

An Hon. Member: What was your quote to him then?

Mr. Anderson: I just said: you've got to be kidding me. Honestly? You're honestly going to try to sell to Albertans, after making such a direct promise, that a fixed-election season is appropriate?

Let's review why other jurisdictions have fixed election dates and we still won't. The intention of fixed election dates, one of them anyway, is that it takes away the advantage of the sitting government over opposition parties in calling an election whenever it is most politically advantageous to them. Fixed election dates are nonpartisan in nature and place all parties on an equal playing field. They are designed to strengthen democracy, transparency, and accountability within the electoral system that we have. It allows Elections Alberta to get better prepared. It allows candidate recruitment to go better because good candidates – and, obviously, there are some good candidates that still get nominated. Who knows what kind of rock stars and fantastic genius legislative Einsteins we could have here if they actually could put a date on an election and work backwards from that so that people with real jobs, you know, could actually plan their lives in a way that they could run for office rather than kind of trying to maybe hope that they time it right for the election?

It's not like this is a new concept. We're not pushing the risky bounds here by taking a step into the dark with the fixed election dates. Eight other jurisdictions in Canada have already established fixed election dates for this very reason. Our neighbours to the west in British Columbia brought this in a decade ago, and their fixed date is the second Tuesday in May. Whoa. Hold the phone. That is pretty specific. What if there's rain? What if it's a tough spring in B.C.? They've never had any kind of flooding or storms.

Ms Notley: Never had that.

Mr. Anderson: Never had that, yet so specific.

Our neighbours to the east in Saskatchewan, the only truly conservative government in western Canada, just held their first election date, established by Premier Brad Wall, which is held on the first Monday in November. Couldn't be very cold in November in Saskatchewan, could it?

Ms Notley: It's very predictable.

Mr. Anderson: Very predictable weather in Saskatchewan.

Similar legislation exists in Manitoba. No problem in Manitoba. They never have floods or anything like that. Ontario, New Brunswick, P.E.I., Newfoundland – Newfoundland, a very stable climate – and the Northwest Territories, an extremely stable climate. In all these provinces a fixed election date singles out a specific day of the year.

Instead of committing to a common-sense legislative promise that almost every other jurisdiction in this country has recognized as good for democracy, this Premier has instead been playing fast and loose with the truth on this file since the recent leadership race for the PC Party began. On September 23 she promised PC members that she would commit to calling an election in March 2012 and every four years from that date.

You know, I remember the previous Premier. It's funny. Be careful what you wish for. The previous Premier, actually, was reasonably consistent on this. He would always say: "Look. Four years since the last one would be March 2012. Look for it at that time." You know, it's funny. I know in the Wildrose caucus we actually took him at his word. I'm quite sure that if he was still the Premier, I think he would have called it then. I think he would have. He didn't seem to have a problem with following through

with what he said he was going to do regardless of whether it was good or bad, so we kind of believed him on that.

Not this Premier. Not this Premier at all. She was more specific. She specifically said: "I will set a date. I will set a fixed election date." Then she wavered. She waffled. Now we've got this three-month window, so be careful what you wish for. It again shows that the previous Premier was far more democratic than this current Premier, which is ridiculous because that's how she was elected, on a platform of transparency and accountability and respect for democracy. So much for that.

She even specified that Albertans are supportive of the idea and made reference to the fact that many other provinces currently use the model. What model was she referring to? Is there some model that I'm not aware of in Canada that has seasonal election dates?

Mr. Chase: It's a made-in-Alberta model.

Mr. Anderson: Yeah, a made-in-Alberta model is indeed the case.

She went on to say that fixed election dates are important because Albertans, quote, don't believe any political party should have even a theoretical upper hand in managing the political agenda and then picking the election date accordingly. That is beautiful, that Albertans don't believe any political party should have even a theoretical upper hand in managing the political agenda and then picking the election date accordingly. Those are fantastic words, and they're true. She was dead on. The only problem is that she apparently forgot them the moment she said them because she flipped as soon as she was elected. That's what's so gross about this whole thing. I mean, it's gross.

11:30

You get elected on democracy and transparency. You say that you're going to do something right before an election. You've got other qualified candidates out there campaigning who are trying, I'm assuming, to tell the truth in what they're going to do. You win by 1,600 votes, which is nothing, obviously, in a province-wide race of any kind, and then you proceed to break the promises you were just elected on, including this one. Just preposterous. She has even been quoted as saying that the status quo of no election dates needs to be changed so as to deny the government "the behind-the-scenes deal-making and manipulation that sometimes characterize the timing of an election."

But these bold promises of a strengthened democracy were broken mere days following her election as Premier as she began to openly muse when an election could be held in the future. An example of this was on October 5 in an online chat with the *Calgary Herald* editorial board, when saying that an election date could be – this is October 5, three days after she was elected, after she had said all those things I just talked about – after a spring sitting or maybe after a throne speech or maybe in June as, quote, sometimes the Legislature takes on a life of its own, so a date is a little unpredictable, unquote. You never know what those Legislatures might do. What happens at the Legislature stays at the Legislature. This is crazy. This is just too unpredictable, you know.

We've got to make sure we have some flexibility. Pretty soon, you know, the members of the Liberal Party are rioting, you know, and the Wildrose is holding keggers in the government's room over there. I mean, who knows? Who knows what could happen? We've got to keep the flexibility.

Instead of taking a common-sense approach and mimicking successful legislation that all parties of all partisan stripes have accepted across this country, this Premier's government instead

has decided to insist that they remain in control with regard to when they call an election.

This floating election season: we've got to have a name contest for this because there have been lots of different names. I like floating election season.

Mr. Chase: How about a U-pick election?

Mr. Anderson: A U-pick election. That's right. We should vote. What we should do is have Albertans vote on when they want to have their real election.

Mr. Chase: Yeah. We can have a selection election.

Mr. Anderson: A selection election. That's right.

The floating election season still gives the government the freedom to call the election on a date that gives them the best political advantage. The government still gets to shoot the gun to start the race when everyone else is guessing exactly when the election will start. This gives them time to buy ads, train their candidates, and organize their volunteers before opposition parties can be ready. People don't understand this.

Here's one example. When you buy ads, you have to do that in advance, obviously, if you want the best ad spots. Well, if you're the government, clearly, you can make sure that you get all the best spots because you're going to be the one that knows the exact date of the election, when it's going to start, what order, all that sort of thing. It's a huge advantage over the rest of the opposition parties, who kind of get the leftovers. That's just one example, but there are some nuts-and-bolts things that literally give the home team that kind of 1-nothing lead before the puck is dropped.

Mr. Chase: It's mostly nuts.

Mr. Anderson: Mostly nuts. That's right.

This is a shameful piece of legislation that sends the message to Albertans that they come second in the Premier's pursuit of power and the attempts to hold on to it. What other explanation is there for a Premier and a government to break such a simple, straightforward, clear promise? You certainly won't find one in any of these . . . [Mr. Anderson's speaking time expired]

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. It was with deep regret that I heard the bell sound. I was inspired by the hon. Member for Airdrie-Chestermere, and I was very anxious to hear the rest of his summation.

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

Mr. Anderson: All right. Thank you very much. I'll speed it up.

I want to go back to what the Government House Leader, who is here tonight, came out last week and told the public, that the PCs, the government, wanted the flexibility to form an election window. One of the reasons he gave was that there may be natural disasters to hit the province.

Despite this concern never being seriously raised in any other jurisdiction in the western world – in the western world this has not been a concern when it comes to fixed election dates. This government's bad spin is especially quite lame considering the fact that Albertans know that any threat of natural disasters in this province, whether it be forest fires or floods, doesn't really occur until May. May is the month where they'd have to hold it if they

didn't like the polls in March or April, so there is a little inconsistency there.

Even more unbelievable were the claims by the Justice minister – and I like the Justice minister – stating that a fixed election date might fall on a day of cultural or religious significance. Well, let's take a look at that excuse. Though it is important to honour and respect individuals from all religious backgrounds and traditions, it is not necessary to create a three-month election window to maintain government control over the timing of an election to avoid any cultural or religious sensitivities. You can pick a date, as all these other jurisdictions do, that allows you to make sure that that date doesn't fall on a very special holiday for other people.

If this was truly their concern, this Premier and her government might have wanted to take a closer look at the legislation for fixed election dates in Ontario, where the government must call an election every four years that lands on the first Thursday in October. She may have even had the chance to directly talk to the Ontario Premier during her visit to Toronto about how to best get around this sticky issue. The law in Ontario allows for a date to be moved forward to any of the following seven days in the case of the odd instance where a religious or culturally significant holiday is in conflict with the fixed election date. It's a simple solution for what this government seems to think is a pretty complex issue.

The Election Act already states that if 28 days after the writ is dropped is a holiday, the election would be the following day. Imagine that, the following day. Holy smokes. If this type of clear and precise amendment to the legislation seems too constrictive to the government, there are other creative ways to get around these alleged problems with a fixed election date.

Surely this government has enough brain power, enough coals burning, to muster the creativity to get around these distressing loopholes that get in the way of more open, transparent, and effective democracy for all Albertans. Otherwise, this legislation will stand in the minds of Albertans as one of the most bizarre broken promises committed by any head of government in this province's long, long history. It's shameful. It's hypocritical legislation. As the Wildrose we will be voting against it and hope that the government, when they come, will at some point in the future change the legislation to reflect what Albertans want, which is fixed election dates. If they won't, I know a few parties, specifically the one I'm with, that will.

Thank you, Mr. Speaker.

The Deputy Speaker: Under 29(2)(a)?

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

Dr. Swann: Thank you very much, Mr. Speaker. On Bill 21, the Election Amendment Act, 2011, I'm very pleased to raise my concerns also. At the risk of repeating some of what's been said, I too am disappointed that a government that says that they honour, respect, and want to fulfill their commitment to democracy would play games with a word or, more importantly, play games with a concept which is designed to give a stronger sense of connection and engagement by citizens, a greater sense of fairness in the whole political process, that they would play games with that and talk about a 90-day period. That's a long period.

More than anything, I'd like to comment today on a government that would be serious about democracy. What would it actually do to try to strengthen democracy and give all citizens a sense that democracy is sacred, that they wanted to support it, that they wanted to make it accessible, that they wanted more involvement, not less, that they wanted people to have confidence in the

outcomes of elections because they were participated in with vigour and with enthusiasm and with the full knowledge that their vote, their participation, was going to make a difference?

11:40

In that context one would look at some other things besides fixed election dates that would actually build a stronger sense of democracy in this province. Heaven knows, with 40 per cent voter turnouts we do not have a strong democracy. We have, I would say, a discouraged electorate, young people that don't participate actively. In that sense we as legislators I think have to take some responsibility for a culture that has checked out of their democracy. They are not speaking a lot on public policy issues. They're not active on a lot of public policy issues. The recent Occupy movement notwithstanding, most Albertans are not actively involved in their provincial policy issues.

We have a responsibility to try to do everything we can to make the easy thing the right thing, to participate actively in the system. I therefore have to raise issues related to that which have to do with election financing, boundary distribution, easy access to polling stations, campaign financing. There are a host of issues where only once the pressure is insurmountable will this government actually make a tiny, tiny improvement in our democratic processes. We have to fight every inch of the way. Instead of a government that looks at the scope and scale of opportunities to strengthen our democracy and dives in to look at all of them and improve all of them, we have to push inch by inch to get even something as basic as a fixed election date, and that now corrupted and distorted by this period.

Public education on our democracy. How could the Chief Electoral Officer, for example, how could all of us be more actively engaged in seeing that people understand and appreciate the cost of a democracy both in personal terms and in terms of the sacrifices our forefathers have made and current military and others make to keep our democracy alive? How much is our Chief Electoral Officer investing in schools and engaging communities and looking at their opportunities for participation and debate, public forums, issues of current importance? How much is our Chief Electoral Officer involved with First Nations, engaging them in understanding how they can be part of and influential in our future as a province?

New Canadians. Surely they need encouragement and information and welcoming into the democratic processes, which may not be new to them but which almost invariably are different from where they came from.

Capturing a sense of people power, of people's influence and a sense of responsibility for our democracy, I think is at the heart of all of this. It's disappointing to see that there's so little enthusiasm on the other side for even the most basic change, which is a fixed election date.

As some of you may know, our former leader from Edmonton-Riverview has been the last two days in court still fighting over the last election and the mismanagement of the last election, some of the most basic issues that relate to people's prompt access to the poll. What's possible in terms of making polling more readily accessible on First Nations and for university students and more clear and communicated more effectively: some of those things were grossly neglected in the last election and discouraged people profoundly from getting involved in the democratic process. We intend to see the courts actually rule on this last election, 2008, and rule against this government in the very, very poor management that they demonstrated, some would say deliberate mismanagement for political purposes. That's another example of, really, a lack of commitment to our democracy.

The financing of campaigns. We've been fighting for years over the fact that corporations, unions, individuals can give up to \$30,000 in one election year. That is totally inappropriate – totally inappropriate. Corporations and unions shouldn't be paying money at all for elections. It should be individuals that are donating to campaigns. If we really want to encourage democracy and give people a sense that they, not corporate interests or unions, are controlling our government, let's get serious about campaign finance reform in this province and, in relation to that, the most recent provincial bill hamstringing municipalities in their electoral process and now throwing into disarray and disrepute the whole electoral process in municipalities because of lack of accountability around spending in municipal elections, a lack of clear guidelines and clear, enforceable directions for municipal councillors. I heard this from the chief electoral officer of Calgary. They have no idea what to enforce or how they can enforce as a result of Bill 203, passed in this Legislature in 2009.

Campaign financing is another critical issue that is inappropriately influencing elections and giving more fuel to the occupation movement, saying that we're all bought. We're all the same. We're all overly influenced by money instead of the public interest and the principles by which we think Alberta could become the best possible place in the next 50 years. That's another example.

Communications is another area. Public relations, the Public Affairs Bureau and the millions of dollars that this government puts into spinning its own message and its party message ultimately suggests a very cynical view of communications. The import of experts, messages, flashy ads, things that are really not encouraging people to believe that the truth and the facts and evidence and objectivity in the media are even possible today because so much of what we see and hear is bought by corporate dollars, in this case by public dollars being spent through the Public Affairs Bureau, manufacturing consent for yet another term by this government that's totally bent on being re-elected. Another distortion of our democracy, another contribution to cynicism and lack of engagement by our citizens.

Those are some of the issues, Mr. Speaker, that this bill brings up for me. It's a government that's not really serious, not really committed to democratic reform and renewal and engagement but will do as little as is possible to give the impression that they still believe in democracy and, frankly, are fast losing the respect, the involvement, obviously, of our citizens. Unfortunately, even our children do not have any faith in the political process in this province.

We certainly will not be supporting this. It's not progress. It's not a reflection of a genuine commitment to strengthening democracy and engaging people and ensuring that we get the best people in government, that we use the best of processes to determine nomination meetings and the best people to represent us, and that we make the voting system accessible and understandable and easy to participate in. It's another example to me of a deeply cynical government that will do almost anything to look good and to communicate nice messages and to carry on in power indefinitely.

I don't have anything more to say. It speaks for itself that the Premier committed one thing and is delivering another in a number of areas. We will continue to say what we see. This is not acceptable. This is not about the people. It's not about the long-term public interest. It's not about encouraging a healthy, living democracy. This is a dying democracy. Until we get some changes in these most fundamental parts of our democracy, we're going to see more and more of this disengagement.

Thank you, Mr. Speaker.

11:50

The Deputy Speaker: Standing order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Mr. Speaker, I'm well aware that the hon. Member for Calgary-Mountain View has travelled to former dictatorships. He and his wife worked as doctors attempting to help a public form of health care in South Africa. He also travelled to Iraq with the hope of coming up with peaceful circumstances. He's seen raw power first-hand.

My question to the hon. Member for Calgary-Mountain View. Some things the government does can be judged as foolish. Other things appear to be calculated. We know for a fact that the status quo, a low voter turnout, favours the existing regime. Do you have any comments as to whether you think this was simply a foolish act or whether there's a deliberateness to it?

Dr. Swann: Well, thank you to the Member for Calgary-Varsity. He and I both share a very strong commitment to public life, as I'm sure most people in this Assembly do. We have a recognition that the most profound impact on people's lives and their health isn't medical practice, isn't science; it's politics. Public policy has created the most profound changes in our societies in the way they relate to each other, in the way they transport goods and they deal with all of their resources. Governments have made the difference between life and death and the survival of cultures and the demise of cultures and species all over the planet. The impact of public policy is so profound for both the good and the ill.

When people don't take seriously their role in strengthening, in inspiring, in engaging people in this most vital role as citizens, it disturbs me. It disgusts me, frankly. The fact that we are so blessed that we can go from decade to decade and not experience huge, cataclysmic decline because we have such resources and such wealth and such technology to protect us from bad decisions doesn't relieve us of the responsibility to make this a much better, more engaged, more active, more authentic civilization, that should be leading the world in terms of democratic process and setting the highest possible standards in democratic engagement and electoral politics. Instead, we are dragging our feet and showing some of the worst dimensions of an entrenched government after 41 years that is not listening, is not really interested in thinking about the long-term public interest. It's one election to the next and using every means they have to maintain power.

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

Mr. Hinman: Yes. Mr. Speaker, I'd like to make a request. We'd ask for unanimous consent to shorten the division bells to one minute, if that would be okay, on a division.

[Unanimous consent granted]

The Deputy Speaker: Does any other hon. member want to use 29(2)(a)?

Mr. Chase: Just leaving it up to the hon. Member for Calgary-Mountain View whether he wished to conclude debate or adjourn debate and call for a vote on the second stage of this questionable bill.

Dr. Swann: I will follow the suggestion and adjourn debate. I think we've had a lengthy discussion.

The Deputy Speaker: We have used the comments period under 29(2)(a) for a motion and suggestion. I don't believe that is the right timing, is it?

We should continue on the bill. Do you want to speak on the bill now that we have finished under 29(2)(a)?

Seeing none, does the minister want to close the debate before I call the question? All right. Then the chair shall call the question.

[The voice vote indicated that the motion for second reading carried]

[Several members rose calling for a division. The division bell was rung at 11:56 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Ady	Fritz	Morton
Bhardwaj	Hancock	Oberle
Blackett	Horner	Olson
Calahasen	Jacobs	Prins
Campbell	Knight	Rodney
DeLong	Lund	Rogers
Doerksen	McFarland	VanderBurg
Elniski	Mitzel	Webber
Evans		

12:00

Against the motion:

Anderson	Chase	Notley
Blakeman	Hinman	Swann
Totals:	For – 25	Against – 6

[Motion carried; Bill 21 read a second time]

Bill 22

Justice and Court Statutes Amendment Act, 2011

[Adjourned debate November 22: Ms Woo-Paw]

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

Ms Blakeman: Thanks very much, Mr. Speaker. I'm going to apologize in advance because this is a monster bill to try and work your way through. In this sort of 10-pound binder that I'm showing people are copies of all of the acts being amended by Bill 22, the Justice and Court Statutes Amendment Act, 2011. So although the government was kind enough to table the legislation on Tuesday, I just haven't had time to be able to work my way through 14 pieces of legislation to cross-check exactly what is going on.

This is going to be a painful debate here, folks, because I'm not as prepared as I usually am, but you are in a such a goldarned hurry here that I don't have time to be properly prepared. I don't like that, to be perfectly honest. I like to be prepared, and I like to be on top of stuff. It makes me very cranky when I'm not. Here's how far I have gotten in what we've done. I'm sorry. There's one other thing I just want to point out to everybody here. Prior to the changes – I think it was maybe in 2005 – to the standing orders, for an omnibus bill, which is what this is, a bill that changes more than one other existing statute, members were allocated more time to speak. If you would have had 20 minutes usually, you got 30 minutes to speak to an omnibus bill, which gave you a better chance of being able to cover some of the distance you're trying to

with these 14 different pieces of legislation. That got wiped out during one of the standing order dictates. I won't call it a negotiation because it wasn't.

So I'm now in the position of trying to put on record the position of the Official Opposition caucus on these various amendments at a rate of just over a minute per piece of legislation or statute that's been amended in this act, which is not a pleasant position to be in. And I'm angry because I'm not able to represent people as well as I should or to offer alternatives as I like to be able to do.

From the get-go here we have changes to the Administration of Estates Act. What's happening here actually does appear to be fairly minor. I have a couple of questions because what it's doing is changing the language from "clerk of the court for a judicial centre" and widening who is able to do this. So it's a much longer list. Later it talks more about a judicial centre, which has kind of got me scratching my head. Isn't a judicial centre a court? Why are we changing that language?

Now, I go back and read the *Hansard*. For those people that like to follow along – God bless them – this discussion takes the Member for Calgary-Mackay, who sponsored this bill, through her brief overview of the act. It appears in the *Hansard* of November 22, from pages 1236 through 1238 if you want to follow along at home. She appears to be saying under the Administration of Estates Act that this is about avoiding duplication of grants that have been transferred from the Public Trustee's office to the clerk of the court. One of my first questions is that I can't find the references in the initial bill and the bill that we're amending that talk about these responsibilities being the Public Trustee's responsibilities. So I'm not quite sure where she gets that it's being transferred from the Public Trustee's office to the clerk of the court. In what's being mentioned here – and I actually have the whole act, so I can look at the sort of wider context, the sections before and after – it's not referencing the Public Trustee Act. Maybe she can answer that one when we get into Committee of the Whole.

Once again, what's a judicial centre? Isn't that a court? Where is the reference that talks about the Public Trustee currently having these responsibilities that are now being transferred to the clerk and deputy clerk or acting clerk at a judicial centre? What it appears to me to be doing is taking out any of the references for notification being given to the Deputy Minister of Justice and the Deputy Attorney General. I'm just sort of swimming around in this stuff here. Sorry about that. But essentially for the administration of an estate it appears that what's happening is that they're trying to make sure that there isn't duplication of people, that if somebody else has already applied for a grant, it isn't duplicated somehow, whatever that means. Okay. So that's the administration of estates. The sponsoring member says this is minor, and I'm not too sure of that. When you take out the notifications to the Deputy Minister of Justice and the Deputy Attorney General, maybe there's a good reason for that, but it's not clear why.

Moving on here to the second one that is mentioned, which is the Builders' Lien Act, there are two sections that are dealt with. Again, it's this language, and I'm not sure what we're trying to line up with here. If someone could let me know what it is we're changing all of this language to line up with, that would be helpful. We're striking out "The clerk of the court" and substituting "A court clerk in the judicial centre." Clearly, this is supposed to line up with some other legislation. But nobody is telling me what other legislation it's supposed to line up with, so I'm going to ask the question. It says that it's consistent with the Alberta Rules of Court, which – I'm sorry – I just don't have time

to get and cross-reference to. So I'm questioning you on that because I don't have time to test it myself. The Builders' Lien Act does appear to be minor, but I'll put those couple of questions on the record.

12:10

Now we're going to move on. Yeah. There are two sections that are referenced. Oh, the seal. Sorry. Still under the Builders' Lien Act my question is: is there a legal significance to the seal? There usually is. We have a seal that belongs to the Clerk. I know that as an MLA I'm a notary public, and the seal itself is valuable because that's the stamp. If you lose it, you're in big trouble. You know, the thing that squishes the paper. This is changing that. It's saying that there doesn't have to be a seal. Where we would have had "a certificate under the seal of the clerk of the court," blah, blah, blah, it's taking that out. Why? I'm wondering if there isn't some legal significance that's being lost here because we don't have the seal. I was led to believe the seal was important and legal and official, and now we're saying that that doesn't have to happen. It's literally striking out "under the seal of the clerk of the court" and substituting "from a court clerk."

Now, this might just be, you know: why are we going through all of this palaver and all of the paper squishing and stuff when this is strictly an administrative thing? Fair enough, but that's not what the member said in her comments, and that's all I have to go on at this point. So let me know about that. Right. Those were the two pieces in the Builder' Lien Act.

I'm moving on to the Civil Enforcement Act. Let me get the first little tab out here. Oh, right. The bloody sheriffs. Oh, I mean, the wonderful sheriffs. Let me make sure I've got the right section here. There is a change in the definition of what a sheriff is. You know, at the beginning of every act there's always that long, long, long list of definitions. The reason is that the definitions are put in if the definition is different than what you would normally expect it to be.

Oh, I'm so sorry. I truly am. I really apologize for being boring because I'm already losing some of the members on this side. I do apologize for that. I've put him to sleep, but maybe he's particular.

An Hon. Member: Impossible.

Ms Blakeman: Oh, there he is. He's back. There we go. Sorry. I didn't mean to wake you up. Honestly, you could have had a snooze there.

So this is under that definitions section, and when it appears here it's because the act needs you to understand that definition specifically and not under the sort of common usage of the language. In particular here, we're changing or adding – I'll tell you, this is going to make a very strange definition, but it's essentially saying that "sheriff" means a person designated as a sheriff by the Minister . . . to exercise the powers and carry out the duties of a sheriff under this Act." That's now what it's going to say. I don't know why that's important, but that's why it's going to say it.

The next section that we're going into is 15, a sort of subsequent amendment, I'm assuming, because as my notes say, there are so many sheriffs. It's like: there's so little time; there are so many sheriffs. What it is is that they're trying to make sure that all the new sheriffs, that this government is so fond of creating left, right, and centre – we get new sheriffs every day. Actually, in the second-last act that we did here there was yet a new designation of sheriffs being used, so it's exactly following from stuff in that. But not all of these new sheriffs have the same definition, and they get

in trouble if they're wearing the insignia or dressed up in the outfit or if it's on their business cards that they're a sheriff if they're not a sheriff under the designating act.

We've now got so many more sheriffs that they're having to put in a section saying: well, if you're designated as a sheriff under another act, you're not in trouble for having the insignia or having it on your business card or wearing the clothes. That is consequential to creating new sheriffs in other areas and in their being able to perform duties under different acts. That, to my mind, is a subsequent amendment and is perfectly fine.

I'm still under civil enforcement. Yes, I am.

When we go to the next section, this is halving the time for personal property that has been under seizure. The agency can give notice to those that have a lien on it or some claim on this seized property that the agency is going to release it, and if they want to do something with it, they have to give them notice that they want to do something with it. Is that one clear to everybody?

So they cut the time in half. It used to be that once it had been under seizure for 90 days, then the agency would give 30 days' warning of their intention to release the property. Now once they've had it under seizure for 30 days, they're going to give 15 days' notice that they're going to release the property to whoever wants to fight over it. This is not inconsequential or insignificant in that it is halving the time, but I'm also wondering if that isn't perfectly appropriate.

In the sponsoring member's discussion she said that amendments will reduce the number of days of notice that must be given to creditors before seized property is released, that this will help avoid unnecessary storage costs. My question is: for whom? Is this for the agency, or is this for the person who still owns the property, or is this for the person who wants to seize the property? If she would be so kind as to clarify who is avoiding unnecessary storage costs by halving the time, I'd be grateful. [interjection]

Okay. Off the record there you got a very precise reckoning from the Minister of Human Services and everything else department about what that was about in that it saves time for everybody because there can be a number of different people involved here, including the person whose stuff was seized, who could buy it back or pay the fine and get it, or the people who had given notice that they wanted a piece of it because they wanted their money's worth out of this same thing. Holy geez. That one sounds okay, but I'd like to know on the record what that was about.

The next section in the Civil Enforcement Act is around – oh, no. Sorry. That's still the seizure stuff. These things are out of order for me. The note I've got here is that it eliminates the need for a court order, which, again, might just be simplifying something that is unduly bureaucratic or too much red tape. I mean, sometimes we make things such a big deal, and they really don't need to be. Now, maybe that's because it's just become much more common usage, and it's not such a big deal as it used to be.

I remember when going bankrupt used to be the end of the world. It was just terrible. It was a terrible disgrace to you and everyone in your family, and people sort of tiptoed around it. Now it seems like people seem to declare bankruptcy at the tip of a hat. They're proud of it. It doesn't seem to be a problem at all. So it may just be that things have progressed and they're used commonly enough that there is no need. It's so common that it's kind of silly to keep applying to the court for an order. I don't know, and again I'm not getting a clear answer.

There is a garnishee summons here that is also – right. That one does make sense to me. There is the opportunity here – and that is in section 79 – that when a garnishee summons is in effect, it's

only good for one year, and this is going to increase it to two years. Actually, having tried to deal with that as a small landlord that was trying to chase somebody who stiffed us on the rent, that was really nice. We were trying to chase someone that was a waiter, and they just kept moving jobs, and we had to keep refiling the garnishee, so doubling it from one year to two years sounds like a good idea to me, but other people may not agree with that. Again, that is not insignificant, going from one year to two years, but it seems like that's kind of handy to me, that you don't have to keep going back and refiling that.

12:20

The section that is around – I might have missed this; I'm sorry – not needing the court order I seem to have lost.

There is a flat-out typo here as far as I can tell that appears where there's a whole long series where they keep talking about – again, this is about the garnishee – the enforcement debtor, and then all of a sudden they talk about an employment debtor. Clearly, the word “employment” is wrong. It just is flat-out wrong, and it should have been “enforcement.” I'm fine with that one. If you'd brought me that one as a miscellaneous statute, I would have been fine with it because it honestly was a typo. But a lot of times you don't bring me that; you try and do other things, so you don't get it.

Now, Court of Queen's Bench Act. We're just clipping along, just motoring, totally. Okay. Here we go. Once again we are changing a definition. The first thing that happens is that it's adding in a wider definition around masters in chambers under that section 1 definition. They're now saying a master, no “s” . . . [Ms Blakeman's speaking time expired] Oh, I can't believe I spent 20 minutes on that. Seriously. Look at this. I've talked about four acts. There are 14.

The Deputy Speaker: This 20 minutes are up. The next hon. member to speak on the bill is the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much. Rather than trying to pick up where the hon. Member for Edmonton-Centre left off, I thought I would start at the other end, and possibly the hon. Member for Calgary-Mountain View can meet us somewhere in the middle.

Now, based on my five years of studying Latin – and that wasn't because I failed three years and had to repeat it; that was grade 9, 10, 11, 12, and 13 in an Ottawa high school – my Latin reminds me that “omni” refers to all. For example, omnipotens potentis would mean all powerful. But the “bus” part of it causes me to create a bit of an historical anachronism. Therefore, omnibus means all bus. Therefore, an all-bus bill means a multi-passenger bill, formerly of the Roman empire. But, of course, there was no such thing.

To try to deal with this omnibus bill, which is all containing and attempts in one single bill to cover a whole series of former acts, is very difficult. Just as the Member for Edmonton-Centre had troubles, I'm having troubles with the interpretation, especially when it gives the former information but then doesn't say what the bill is going to be changed to.

For example, I'm looking at page 37 of Bill 22. I realize that in the Committee of the Whole there is the clause-by-clause analysis, so I'm going to try and skip over some of the highlights.

Under the Witness Security Act:

Amends SA 2010 cW-12.5

14(1) The Witness Security Act is amended by this section.

(2) Section 11(3) is amended by striking out “Adult Guardianship Act” and substituting “Adult Guardianship and Trustee Act”.

Now, I recall that in previous parliamentary sessions we talked about the importance of appointing a trustee and we talked about inheritance matters and who could be the spokesperson, the representative of the executor, and so on. So I understand a little bit of that.

Then it goes on to:

(9) Section 61(2) presently reads:

(2) The Minister may make regulations prescribing an amount for the purpose of subsection 1(b)(i).

Now, whenever I see the word “may” as opposed to “shall” and whenever I see the word “regulation” as opposed to “legislation,” it makes me uncomfortable because the idea that a minister is making regulations, which he or she may or may not provide to the individuals who are affected by those unilaterally – to use another Latin term, an omniscient regulatory system concerns me. Then it concerns me further when the wiggle room is added of “may” rather than “shall.”

(10) Section 109(2) presently reads:

(2) If a deceased, during life, has transferred property to a prospective beneficiary, a person who alleges that the transfer was intended by the deceased to be an advance against, or otherwise repayable from, the prospective beneficiary's share of the estate may make an application to the Court under this section.

This is what it currently says. I consider myself to be at least a reasonably intelligent person – I graduated with a degree in education and taught for 34 years – but I understand why it is that people pay such high fees to lawyers, to my son-in-law Vivek Warrior, who is currently a partner with Bennett Jones, and to my brother Greg Chase, who is a partner with Miles Davison. I understand why they receive the salaries they do, so that they can interpret the laws correctly to their family members, in one case the father-in-law and in the other case the brother.

(11) Section 111 presently reads:

111(1) Where a testator . . .

Or a tes-tey-tor. I'm not sure whether it's a matador or a ma-tey-dor. You know, I believe in control of the English language, but this is not a term I'm familiar with. Anyway, I'm assuming it's a person who gives testimony, whether it's a tes-tey-tor or a testator or whatever.

. . . purports, by will, to give a gift of property that the testator does not own,

(a) the gift is void, and . . .

That rather makes sense, that it's illegal to give away property that you don't own. I understand that, and therefore it makes sense that the gift is void.

It goes on to say:

(b) any rights that the owner of the property has as a beneficiary under the will are not affected by the testator's purported gift.

Then it goes on to add clarification, I suppose.

(2) Nothing in subsection (1) affects the right of a testator to make a gift of property that is conditional on a disposition by the beneficiary of property that is owned by the beneficiary.

Well, I talked about Latin and five years and, you know, that I taught English, but this is a different type of very specific, clinical legalese with which myself and, I would suggest, the majority of Albertans are not familiar. Yet we're asked to grant to the government without a terrific amount of explanation that the improvements, that aren't listed, are going to be better than what we currently have.

Under the Witness Security Act,

14(1) Amends chapter W-12.5 of the Statutes of Alberta, 2010.

- (2) Section 11(3) presently reads:
- (3) If a witness or an associated person is a minor or a represented adult as defined in the Adult Guardianship Act,
- (a) the guardian of the minor or of the represented adult, as the case may be, may sign a letter of acknowledgement on his or her behalf, and
 - (b) on the signing of the letter of acknowledgement by the guardian, the witness or associated person is deemed to have signed the letter of acknowledgement.

12:30

Now, I understand what we're talking about by a represented adult. You know, if a person has some type of mental disability and a person is acting in a guardianship role on that behalf, it makes sense that they would be allowed to act in the best interests of the person for whom they are providing the guardianship.

Obviously, because we're notaries public and commissioners for oaths, we have to have at least a limited understanding of what it is that we're signing when people come into our constituency office for that service, which is, of course, free and therefore very popular. But when it gets into the type of detail that we're describing here, there is a terrific amount of clarification that is required.

Now, instead of skipping ahead, let's skip back a little. Wills and Succession Act, page 34: 13(1) amends chapter W-12.2 of the Statutes of Alberta, 2010.

- (2) Section 4 is amended by striking out "an application" and substituting "a contested application."

That is a very definite change in intent. One is simply an application, but now it's being changed to a contested application. Obviously, the government in its wisdom and in its legal representation and departments felt that they had to spell out the fact that it wasn't an ordinary application, that there was another party contesting the original application, so they tried to cover both circumstances, I believe.

Then we come to

- (3) Section 5(1) is repealed and the following is substituted.

I don't have the book currently that the hon. Member for Edmonton-Centre is attempting to review on the spot because of the limited time provided, but it goes on. At least I know what, in this case, although I didn't know what was in the original, is being substituted because here it is:

Survivorship rules

5(1) If 2 or more individuals die at the same time or in circumstances rendering it uncertain which of them survived the other or others, all rights and interests of each of the individuals with respect to property must be determined as if that individual had predeceased the other or others unless

- (a) the Court, in interpreting a will or other instrument, finds a contrary intention,
- (b) section 599 or 690 of the Insurance Act applies, or

And again we don't have attachments here as to what sections 599 or 690 of the Insurance Act refer to.

- (c) a provision of an Act provides for a different result.

Subsection (c) basically is the catch-all. It's the none-of-the-above clause.

It's pretty hard to nail something down when you then allow the escape clause. For example, in my will my wife is the direct beneficiary, and should she predecease me, our daughter is our beneficiary. If we were both to succumb at the same time, obviously neither of us could benefit from the other's estate, and it would go directly to our daughter. It's this type of complication that is being crowded. To use the bus analogy, never mind the omni part, we're having so many things put onto this double-

decker bus, and we're expected to comprehend, understand, and in the space of eight days simply say: "We take your word for it. This is good stuff." Trust us. Well, the "trust us" bit, unfortunately, doesn't work.

Rather than reading through everything else, let me come to the Victims Restitution and Compensation Payment Act. For those of you who are trying to follow my methodology here, I'm on page 32.

Amends SA 2001 cV-3.5

12(1) The Victims Restitution and Compensation Payment Act is amended by this section.

(2) Section 5(1)(a) is amended

- (a) in subclause (ii) by adding "or another person" after "civil enforcement agency";
- (b) in subclause (iv) by adding "or other person" after "civil enforcement agency."

The Deputy Speaker: We have Standing Order 29(2)(a) for five minutes.

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

Dr. Swann: Thank you very much, Mr. Speaker. It's a real honour to speak to Bill 22, the Justice and Court Statutes Amendment Act, 2011. Just a couple of comments here, building upon what the Member for Edmonton-Centre was trying so enthusiastically to present. This relates to the Court of Queen's Bench Act, section 4. It reads that section 1(b.2) is amended by adding "a half-time master in chambers, a part-time master in chambers" in relation to the amendment.

Some of the questions that I'm passing along: it looks like what we're trying to do is respect in the court system both experience and age by allowing over-60-year-olds who have completed 10 years of service to be masters in the Chamber, and where a master in the Chamber is approaching 70 years and has not attained age 70, to apply for part-time work as a Queen's Bench judge.

So what's the point here, I guess is the question. Are we trying to cut the costs by paying these folks half-time? Are we trying to keep more of the justice masters available? [interjection] It sounds like, from the House leader opposite, we're trying to hang on to experienced judges for longer and keep them going part-time. I guess the question then becomes: can they collect a pension and other benefits as well as the salary? Is it a question of double-dipping for these people, or does it mean that they are only paid one or the other? That's a question I'll leave.

12:40

The second has to do with the Justice of the Peace Act on page 16. Under the Fatality Inquiries Act section 7(2) – it looks like it should be section 2 – says that it's amended by striking out "voting" wherever it occurs in section 2. The implication here is that they either don't want voting members on the Fatality Review Board, or they want all members to have the same voting status. Is that really what they're saying? For example, under the revised reading:

2(5) The Lieutenant Governor in Council may designate

- (a) one voting member of the Board as chair of the Board.

Are we eliminating that chair as a voting member? That's what it implies under the revisions. That's a bit confusing. Why are we taking away voting privileges from people on the board?

In section (2) the section is amended by adding the following after clause (b):

- (b.1) "justice of the peace" means a justice of the peace who is appointed under this Act as a justice of the peace and includes an ad hoc justice of the peace.

It's difficult to know exactly what that means. Why are we giving people ad hoc powers as a justice of the peace as an improvement on a bill? Sitting and presiding is what's being eliminated? We're eliminating that by calling it an ad hoc justice of the peace? Okay.

Well, those are just some of the areas. Because we haven't had a lot of preparation time, we're just responding to a logical analysis of what we're seeing.

Mr. Speaker, that's pretty much all I have to add to the discussion tonight. I thank both the Member for Edmonton-Centre and the House leader for adding a little bit to each of those areas.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments, questions, clarification. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Speaker. I just wondered if the member had noticed – I was sure that I saw this in here, but maybe I was imagining it – that there was a change that was allowing for interprovincial maintenance orders to be given more of a fair shake than they have been in the past. Now I can't find that, but I thought it was in here. I thought that was a great improvement because I know it's an area that has been a point of contention for, oh, you know, 20 years.

Anyone that has a maintenance enforcement order against them who moves to another province or, you know, moved on the breakup – so you're in Alberta trying to get a court-ordered maintenance payment out of somebody in P.E.I. They won't give it to you, so you're trying to get the P.E.I. maintenance enforcement director to chase down someone to get money for you back in Alberta. You can imagine where that ends up on the pile, as though they're really interested in chasing down a taxpayer in Prince Edward Island to get money out of them to send to Alberta. Oh, they would be thrilled.

Although we were always told, even way back when, when I was dealing with this stuff in the early '90s, that, yes, everybody treated it the same, no, they didn't. My impression was that there was something in here that was actually going to improve that, but now I can't find it. I'm just wondering if the member had noticed that.

Dr. Swann: Well, thank you for the question. I think that's a critical area, but I don't think I know much about that. I'll have to pass.

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

Mr. Chase: Yes. Thank you. We're all aware of the shell game where you keep moving the walnut shells and you try and guess where the pea is. Well, I don't know whether the Edmonton Oilers have it on their widescreen thing, but in Calgary it's the puck. Try and find where the puck is, and then somebody can win a T-shirt or a Flames jersey and so on.

Well, on page 20 I see that same circumstance. I want to see if the hon. Member for Calgary-Mountain View can find the pea.

Appointment of ad hoc justices of the peace

7.2(1) A justice of the peace appointed under section 4(1) or reappointed under section 7.1(1) may, if the justice of the peace is not disqualified under section 4(5)(a) to (e), be appointed as an ad hoc justice of the peace in accordance with this section.

Where is the pea or the puck?

Dr. Swann: Well, I think you've just solved my earlier problem, which was defining what an ad hoc justice was. Now I understand what an ad hoc justice is. I thank the member for his question because I now know something more than I did when I came in here.

The Deputy Speaker: Any other hon. member under 29(2)(a)?

Any other hon. member wish to join the debate on the bill?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 22 read a second time]

The Deputy Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. We have made painful but very good progress.

Ms Blakeman: At times entertaining.

Mr. Hancock: And at times entertaining.

I would therefore move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 12:48 a.m. on Thursday to 1:30 p.m.]

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