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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 30, 2011

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: Please be seated.

May the chair ask for your indulgence to revert to introductions?

[Unanimous consent granted]

Introduction of Guests

The Chair: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Marz: Thank you, Mr. Chairman. It's a pleasure for me to introduce to you and through you a person that works in my constituency office. She does a very fine job there looking after the constituents of Olds-Didsbury-Three Hills. She's seated in the members' gallery tonight. Sharyl James-Wright, would you please stand and receive the warm welcome of the Assembly.

The Chair: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chairman. I'm pleased to introduce to you and through you another candidate for the Wildrose, Mr. John Corie from Edmonton-Riverview. It warms my heart, actually, to see our candidates coming out and watching us debate in the Legislature. We introduced two last night, and they ended up being here until 11 o'clock. John has joined us. He's been out door-knocking for months every night, and he said this is the first night he's taken off for a long time. He's looking forward to watching the debate in the Legislature. I'd ask John to rise and receive the warm welcome.

The Chair: The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Chairman. I'd like to reintroduce two individuals from Mothers Against Drunk Driving. Number one is a long-time friend, Louise Knox. She is, I want to say, the western Canadian manager. I'm not exactly sure of the whole title. Also, Denise Dubyk, who is the president of MADD Canada.

I would also like to introduce Trish McOrmond, who works in our ministry and has been working on the impaired driving file, as well as Shaun Hammond, who is the assistant deputy minister.

It also gives me great pleasure to introduce Don Wilson. Don is from the Alberta Motor Transport Association. As we were talking about earlier, his truck drivers have approximately 200,000 kilometres a year on the road. He's here as well supporting this bill.

I also want to introduce, if I can, Donna, who is with my office as well. There are two more introductions. I'm sorry; I can't remember the names, but I know that you're here supporting. Very important people.

Thank you very much, Mr. Chairman.

The Chair: Any other introductions? The hon. Minister of Environment and Water.

Mrs. McQueen: Well, thank you, Mr. Chairman. I'd like to help my hon. friend out and just make sure that we have the names of the fine folks that are here visiting us this evening. Today we have

Brenda Johnson and Dale Friedel with us. So please rise and receive the warm welcome of the Assembly again.

Bill 21

Election Amendment Act, 2011

The Chair: The chair shall now recognize the hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. When we adjourned, we were on Bill 21. I would like now to move that we adjourn debate and that when the House rises, we report progress.

[Motion to adjourn debate carried]

Bill 26

Traffic Safety Amendment Act, 2011

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

Ms Blakeman: Thank you. I'm not sure if the minister has commented publicly. I bet you there was a media conference on the effect of the decision on what you're doing in Alberta, but maybe I could just request that he consider updating us a bit so that I don't have to read this while I'm standing here.

In the meantime this has turned out to be a really interesting bill for me, mostly, I think, because I represent downtown Edmonton, so I have certainly had a number of people express their opinion fairly forcefully. I admit that a number of them are connected with the restaurant and hospitality industry. I don't think that makes their views any less pertinent or valuable although they have a certain interest in the outcome of the bill, I suppose. I want to acknowledge them because I think it's important, when we're in this House and we're representing people, that we do bring their voices to the floor.

I have heard from Vivien Jonathan, who is appalled – I'll quote this, I'll send this stuff to *Hansard*, and I'll table it all tomorrow – that as a law-abiding citizen she'd be “criminalized without breaking the criminal code of Canada – it's a travesty.” And this isn't to say, necessarily, that these people are right. I'm almost positive the minister would feel that they're wrong. But I think it's important that we understand how they're feeling because it's going to relate to what I'm going to say later.

Nathan Kyler from the Union Hall agrees with my stance – I didn't tell him to say that – but I think it's because I'm questioning the one section, which is section 12 amending section 88 in the main bill.

Joyce Ingram. Again, she doesn't indicate that she's affiliated with any particular – no. “As an Albertan I do not support the .05 limit and the penalties proposed. This bill . . . should be forwarded to a Policy Committee for further input by Albertans.” All right, Joyce.

Jonas Van Ginhoven, who works for a construction company. He would like to say that he's not against measures to reduce drunk driving, and he's also the first to admit that he's not overly well read on this subject. He really feels very strongly that “we have a problem with the enforcement of current laws and a problem with the justice system allowing repeat offenders to still be allowed to get behind the wheel.” So he would be very keen on two of the sections in Bill 26. He suggests that it's “rare that impaired drivers are caught” and asks: “Why not change the checkstop program? We need more Checkstops. Why not have police dedicated to late night surveillance of trouble areas?” So that's Jonas, and he does not have a stake in the hospitality industry.

Dan Peet. His family has been dramatically affected by impaired driving with a death in the family caused by an impaired driver, and the driver was apparently over double the legal limit of blood alcohol content. "By lowering any limits to 0.05, these same 'type' of people are still going to drive with no regard for the potential consequences. They had no regard for the law before, why would they have any regard for it after a change in the lower limit?" He believes two things will happen: "The law would effectively make people who are law abiding 'regular Joe' people who have 2, maybe 3 drinks with dinner say, criminals. This will drastically affect lives, careers, and families." "The law would tie up the courts dramatically with the new found criminals," and the law would not "dissuade anyone who previously would have driven over 0.08 from driving now."

Oh, my Lord. I have a whole whack of them here.

7:40

I think I've raised the issues brought forward by Mike Yasinski from Hudsons earlier. Of course, he has a number of statistics.

Oh, there's Jim Thornton. He is not connected. I know he's not. He fully opposes the proposed impaired driving legislation.

Okay. So that starts to give you a sense of what my life has been like recently.

I thank the members opposite who've taken the time to spend with me and outline their vision for a change in culture. I complimented the minister's staff already on what turned out not to be their speech because I think the minister ripped it up and spoke from the heart, and I felt it was very effective. I was certainly partially swayed by it and also by the Minister of Transportation.

As I said before, I really like the two pieces in the bill that are about strengthening the administrative sanctions of seizure and suspension that are available for .08 drivers. I get what you're trying to do by changing the culture, and I think you're right. I just think you're not right right now for a number of reasons. I think, having looked at a lot of this, we're not quite ready for you. That's what makes regular citizens – what did the one guy call them? – regular Joes feel like the government is looking upon them as criminals when they're not and putting them in a position where they would feel that they had done something terribly wrong when, in fact, they hadn't contravened the Criminal Code.

I get your distinction that you keep making that you do this already. I finally got it. It took you awhile. I'll admit that you tried hard to get me to understand that. But I will say to you that the culture right now is not that. The culture right now, certainly, for anybody over – this reminded me of somebody else I got a message from. Certainly for anybody, let's say, over 25 – I'm generalizing wildly here; please, forgive me – what we learned was: don't drink and drive drunk. Don't drink and drive smashed. Don't drink and drive out of control. Don't drink and drive . . . [interjection] Yes. And I get it. You guys are trying to go to: if you have one drink, do not drive. That's where you're trying to go.

But that's not where most of us are at, and that's where you're getting the push-back because we were assured when this original legislation was brought in that you shouldn't drive drunk, and now you're telling us that you shouldn't drive if you have a drink at all. That is a change in culture, and that's what is giving you the push-back because we're not ready for it. We can't figure out and don't have at hand for us all of the supports that are going to make that an easy transition. You are putting us into a very leaky boat on a very rough sea, and there are a lot of people sensing the seasickness to come, if I might stretch my analogy a little bit, and that's because of a number of things.

Let me talk about alternative forms of transit. Now, we know that this is an issue in rural Alberta. I have no idea how that's going to get dealt with. I don't live in rural Alberta. I've been pretty clear about that. I'm a city girl, and I'm a downtown girl. So I have no idea how you're supposed to get to an occasion – a party, a Legion function, whatever – if you're living in the rural area, and you know you're going to have one or two drinks, a glass of champagne, a toast. How are you supposed to get home? I don't know how you work that out because there's no transit for you at all. Unless you are literally phoning your friends and organizing some sort of designated driver situation where you're carpooling with four or five adults, I cannot imagine how you're going to do this. Does that mean that you're expected to stay home or not drink? I just don't know how you're going to organize that because there is no public transit available to you.

In most of the cities in Alberta there isn't public transit available except for in the larger cities. Even for us, I can tell you, as citizens of Edmonton we're not too thrilled with our late-night public transit system. With most of our buses the last bus is pulling out at 12 something, and I think the LRT is at about the same time. So if you're actually trying to leave a bar at 2 o'clock – and it's fair to question me about, well, really, are we trying to deal with the people that leave the bars at 2 o'clock? Do we care? They're probably beyond hope, anyway.

I'm still trying to work my way through how we do this culture change, and I think if I was in the city, I would be coming right back at you guys and going, "Okay; pony up money for an expansion of our mass transit right now, kiddos," because you are putting us in a position where we need to be providing it pronto. You guys are talking about bringing this bill into play by either this winter or next summer. I mean, cities are capable of doing this, but they're not going to do it on buttons. Honestly, I'd be coming back to you guys right away and be going, "Okay; where's the money for additional transit?"

In Edmonton we're playing around with the idea – and I think we've done a pilot project – of a night bus. For Harry Potter fans out there what we're talking about is exactly the same as the night bus. It's one or two buses that leave the central areas and go out to the bus centres in the more remote and suburban areas, and then people are expected to probably walk home from there. It runs all night long or runs into the wee hours.

Again, that's something else that can be used in the major centres. I'm close enough to walk because I'm smart enough to live in the fabulous constituency of Edmonton-Centre, but frankly a lot of my friends are not lucky enough to live in this fabulous constituency. They're in Strathcona, for example. So if they happen to be downtown, well, they can walk, but it's a heck of a walk, and they're not doing it in high heels, I'll tell you. So considerations there.

There are also still considerations about how you are going to still need increased police for all of these fabulous checkstops that you're going to run in order to catch these people that are impaired between .05 and .08, and if you don't have enough police running the checkstops to catch the really bad guys now, how on earth are you expecting to catch the other ones later? Again, as a municipal councillor I would be looking right back at you guys, going: "Pony up. You have stuck us with this one. Where's the money for us to be able to provide our citizens with what they are now asking for?"

I think there is also a question about the provisions in the court system that may be called upon for this kind of thing, especially – and I don't think you guys intend to take a soccer mom and her minivan and seize it for an extended period of time, but according to these provisions if she is caught in one of those situations of

blowing between .05 and .08 twice in 10 years, she would be caught in it. Then she loses her vehicle until her court case comes up. Once again, I'm looking at you – oh, the minister has got that face on, so he's going to correct me. That's good. I'm looking forward to it.

But, you know, her vehicle could be seized until she comes up in court. Well, if we can't get people through court fast enough now, how are you guys going to deal with getting even more people through the court with your anticipated change of culture and clampdown on people later? I don't think you guys want to be unfair.

7:50

Speaking of unfair, let me go on to the civil liberties portion of this. This is the bottom-line crux of it for me, the idea that you are laying sanctions upon people without due process and without an appeal process. By the time your case gets to court, you've already been punished, and that is still wrong in my books. If I let you guys do that now, what else are you going to decide you want to bring that in on? What's the next thing that appears to be reasonable in your terms to take away people's due process? And this, I think – I bet you – is where B.C. got into trouble because there is a right, a capital R right, in our Constitution that says you have the right not to be unduly subject to search and seizure. It's a right.

Now, all of us in this House know how many times someone comes into your constituency office or your office going: "Gol darn it; I have a right to raise as many smelly animals in my yard as I want to, and I don't care what the neighbour thinks" or "I have a right to subsidized housing" or "I have a right to this and a right to that." I will admit, for all of my raving, lefty leanings here, that at that point I rise to my full 5 foot 3 height and point with a severe teacherlike finger at the Constitution, which is on the wall in my office, and I say: those are your rights.

But, folks, one of the rights you are talking about contravening with this legislation is in that document. You are contravening it, and that one is the bottom line to me. [interjection] No, it's not to be subject to unreasonable search and seizure or whatever it is. I'll find it for you. If you're desperate for it, I'll get the library to send it up for me right away.

That's, at the bottom line, what's wrong. I do understand how well intentioned this is. I can look at the face of the Minister of Justice and I know he means this and he means it for good reasons, and I believe that. I've worked with him, and I believe that. I can look on the face of the Minister of Transportation, and I know he's doing this for all the right reasons. It's not a happy place for him to be, necessarily.

But, my friends, you cannot do this before you are ready, and you are trying to do this before you have allowed Alberta to get ready, before you have allowed the citizens to understand what you're trying to do here in changing that culture. As a result, you are making them feel like they have done something terribly wrong. You cannot violate those fundamental rights. You just can't. Frankly, you guys play fast and loose with that stuff a little too often for my liking, and it's my job to stand up here and say to you: "No, you can't. You've got to figure out another way to do this. You need to figure out another way to do this."

My suggestion – and I did run it by some of you, but it kind of fell flat somewhere in the well between the two of us here – was that you take section 12, which is amending section 88, out of the bill for now, go forward with the other two sections, and then work on the longer range of what you're trying to do in implementing your changed section 88 with public education programs, with enhanced policing, with enhanced legal . . .

Mr. Hehr: Analysis.

Ms Blakeman: No. Not the analysis but the actual people to do the work in the law courts. Sorry; I've missed something off that list I had in my head.

I think that's what's wrong with this. You've talked me into the importance of changing the culture, but you need to change the culture, not stand up and announce: we've decided this is different, and all of you are now going to have to do this because of our say-so. You haven't allowed this process to evolve in a natural way; you're imposing it.

Finally, I'm going to go back to where I started. Oh, that reminded me. I did have an e-mail from one person who said: hey lady, I happen to be in that age range you were talking about, and I didn't . . . [interjection] Yeah, it was fairly colloquial in the way they were talking to me. Their point was that they weren't keen on it either even though they were in that younger age range. Why do you let me get off on tangents? Then I forgot where I was going.

I'm coming back to where I started, which is the effect on the small business. On this side, in the opposition, we understand how important small- and medium-sized businesses are to the Alberta economy. They, in fact, create more jobs than the big guys. They are locally based, and the money stays here, and the paycheques stay here. Frankly, the hospitality industry doesn't escape my wrath here because they are very same ones that lobbied behind closed doors to have a two-tiered minimum wage so that they could pay their servers less money, which I still will not forgive them for.

But I am concerned about the effect that this is going to have on those local, for the most part. I haven't heard from anybody that owns, you know, restaurants outside of a given centre. Those that have written to me and said that they own four or five restaurants: they're all located in the same industry. So these are small business people, and you are going to change their economy.

Thank you very much, Mr. Chair.

The Chair: May we revert briefly to introductions?

[Unanimous consent granted]

Introduction of Guests

(reversion)

The Chair: The hon. Minister of Agriculture and Rural Development.

Mr. Berger: Thank you, Mr. Chair. I would to introduce to you and to all members present here this evening Sharon Schooler from the Alberta Centre for Injury Control & Research, who's up there in the gallery, and also her daughter Hannah Grandt, who's also joining us in the gallery this evening to hear the proceedings of the House. Could I ask them to please rise and receive the warm welcome.

Thank you.

Bill 26

Traffic Safety Amendment Act, 2011

(continued)

The Chair: The hon. Minister of Justice.

Mr. Olson: Thank you, Mr. Chairman. I would like to say a few words to address some of the comments made by the hon. member opposite. As I did when I started my comments a week ago, I want to thank everybody in the Assembly for their comments. I want to go out of my way again to acknowledge that everybody wants the

same thing here. We want safety on our highways. I wouldn't attribute any ill motive to anybody who's speaking on any side of this issue.

We obviously may not agree on some of the steps that we're taking, but nonetheless I feel very good about where I'm at on this and where my colleagues on this side are at. I would very much like to persuade the Member for Edmonton-Centre to see things my way. I don't know if I'll be successful, but I'm going to just say a few things to try.

I want to make a comment about the term "criminalization" because we hear that every once in a while. It's a lot of the criticism. We hear people talking about criminalization. The only way you become a criminal by impaired driving is if you blow over .08, and that's federal Criminal Code sanctions. What we are talking about here, and the only power we have in this House, is to levy administrative sanctions, and that's what we're doing. This is well within our constitutional authority to do.

I resist that characterization of some of these things, that we are criminalizing people who are between .05 and .08. We are not. We are withdrawing the right to drive, which the province of Alberta has. The province allows the licence, issues the licence, and the province can take it away under circumstances it deems appropriate.

Now, on the .05. I just need to keep on hammering away at this. I will say that I haven't read the B.C. case that just came out today, but that has been in the news. My department tells me, and I think this is on good authority, that there's nothing in that decision that impacts this legislation or what we're doing here. As a matter of fact, that decision doesn't in any way criticize the .05 standard that B.C. was using. The court's comments relate to something different, and it's not the way we do it here.

8:00

As a matter of fact, as I think has been said by a number of my colleagues, we were watching what B.C. was doing, and we could see that some of the problems they were having were with the roadside treatment and the appeal process. There was a feeling that maybe there wasn't administrative fairness there, so we have gone out of our way in this legislation to create that administrative fairness, that appeal, and the right to appeal to an independent, quasi-judicial panel. We feel as though, if anything, that B.C. case actually supports our legislation. Again, this is a preliminary look because I haven't read the case, but that's the best information I have right now.

A few other comments back to the .05. We just need to keep on hammering away at this. Point zero five has been the guide, the standard that has been used as an indicator of impairment for years in Alberta, so I find it difficult to accept this criticism that somehow now we've all of a sudden gotten tough on people. There were 7,700 people in Alberta last year who had roadside suspensions because they blew over .05. They blew a "warn," which starts at .05. If we tore up this legislation and threw it in the garbage, next year there'd probably be another 7,700 people who would be sanctioned by the province of Alberta for blowing a "warn" over .05.

The Minister of Transportation over and over and over again talks about: "There's no change on the front end. The practice is the same. What's different is the sanction." Again, I'll just repeat some of the comments that I made a week ago about studies. We can look at studies, and they show all kinds of things. We've got some people in the audience today who are living proof of some of the damage that can be done by impaired drivers, and I want to thank them for being here, by the way.

The studies show that deterrence works, that this is a behaviour that does change, that can be changed. It can be modified. Not all undesirable behaviours are easy to change. This isn't easy to change either. But deterrence works, and for a deterrent to work, it's got to be immediate, and it's got to have some bite to it. That's the purpose of this legislation. We acknowledge that it does have some bite. We don't want to be seizing people's vehicles. We want people to drive safely. We don't have fines, by the way. We don't want their money. We want them to drive safely.

I want to talk a little bit about business. As you can imagine, for the people in this caucus, the last thing we'd want to do is offend small-business people in Alberta, but there are some times when you've got to do the right thing. Safe highways aren't for sale. The argument that there's some sort of economic argument that trumps safety on the highway: I'm sorry; it just can't be that way. We are convinced that these sanctions will make a difference. They will save lives. Remember that we had 96 deaths in Alberta last year on our highways. In B.C.: a reduction of 40-plus per cent since they implemented this new process, this new procedure, their new penalties. They've been reduced by 40 per cent. I don't know what the number is.

Now, you know, I've heard the comment: well, sure, but you can't attribute all of those reductions to this new law. Possibly not. But then how is it that the people who argue that want to tell us, want to have us believe that they've had a 21 per cent reduction in business in the last year, in a post-Olympic year, I might add?

That number, the reduction in B.C., means something to us. We have gone out of our way to avoid some of the pitfalls that B.C. has with their legislation, as was, I think, supported by that court decision today. I really ask the members of the Assembly to support this legislation.

Thank you.

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

Ms Blakeman: Thanks very much. I just want to go back to a couple of things that the minister has said. I get it. I understand the point about deterrence and that it has to be immediate and have bite. This may well be the point where we start to repeat ourselves because we can't convince the other person, but my point to the good members opposite is: fine, but why do you have to put that in place now, without allowing a period of time for people to understand the arguments that you're making and be able to adjust to the things they need to have to support them in this, which is increased travel options, which, by the way, would also include cabs in the cities? The city has just announced that it is going to allow an additional 100 medallions, which means a hundred more cabs on the road, but I think there's also an argument for seasonal increase in cabs in the cities. I still don't know what you're going to do in rural Alberta. You need to talk to your rural people there.

You have failed to convince me why you need to bring this into place now and why you can't either proclaim parts of this bill immediately and proclaim this one in a year and in the meantime work on increasing the capacity in the court system, the capacity of the police officers, the capacity of the public transit. That's where I'm failing to understand why you're doing this. It does look punitive to me that you're putting this in place as a deterrence – and you admit that – but it is like changing the rules of the game midpoint, and the people get caught going: I didn't get that that was what I was supposed to be doing.

You will argue, again, that you've always been doing this, but seriously most of the people I think you would stop on the street out there would not understand or know that you guys have had – the minister had two new expressions. Blowing a warrant: that

was correct, right? [interjection] I'm sorry. Blowing a warning. Diction is so important in this job. Blowing a warning, not a warrant. Thank you. He also had: safe highways are not for sale. The minister is cracking hot tonight. But you still haven't given me an argument as to why you need to do that immediately. Oh, good. The other minister is getting ready to stand up.

Two other things. You still have not addressed the fact that you are unable to deal with the chronic abusers of the system, who are killing people and creating so much of the carnage that we see now, who are blowing well over, that 2 per cent or 20 per cent or whatever it is that is responsible for 86 per cent of the deaths and maiming out there. You still have not addressed that. You're not doing it, and I don't see you doing it in this bill. That's a point that a number of people have raised, so step up. Where is that?

8:10

Lastly, I'm going to challenge those numbers out of B.C. a bit because those were the numbers – and they're impressive – from a five-month pilot project. They have not been able to give us the numbers from the end of that pilot project to now, so we don't know if they're able to maintain that level or are like the insulin/islet transfer program that we discovered here in Edmonton, the Edmonton protocol, which did such amazing things out of the gate and then we find that the effect of the protocol actually pulls back a bit and that the long-line average is quite a bit less than what we saw at the beginning.

There are all kinds of things that could have happened to those numbers. You are quoting me numbers, because I'm seeing the same numbers everywhere, from that five-month project, which went from May to February or February to May, probably May to February, which is where they got those numbers from, but they have not continued it. I still wonder if it isn't partly a surveillance effect, where people knew they were in a pilot project or that that was running and therefore they were a bit more careful, and that gives you part of the results that you're looking for.

I'm looking forward to the Minister of Transportation.

The Chair: The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Chairman. First of all, I want to say that I very much appreciate the hon. member looking for solutions. I think that's critically important. I need to just touch on a little bit, okay? I'm not quite the philosopher that others may be. I'm just going to try to answer some of the questions that you proposed as you started, and hopefully that will be helpful.

I need to repeat first of all the B.C. legislation. When our staff looked at the court case that happened in B.C., in essence it supported what we were doing because what happened was that the appeal was not successful in what we were doing, especially the .05 to the .08. The appeal was very clear. There were some challenges about .08 and above and its noncriminal aspect. Please understand that we are not touching that. We are leaving that as a criminal aspect. There was the concern there. When I look at it and our staff look at it, we look at, you know, that the appeal results were very successful as to what we were looking at. Of course, we were very interested.

One of the comments that you made very early, hon. member, is that the laws would have an effect on time in court. I would say to you that that's the time, I think, you were talking about .05 to .08. I would suggest to you that the .05 to .08 are the appeals where, if you had blown .05 to .08, you'd be able to have the appeal on another breathalyzer on the scene or else, secondly, to appeal to be able to go into a barracks, I guess I can call it, or an RCMP detachment and blow again to verify. The .05 to .08 is not a court

type of situation. In fact, if there is an appeal for the second and third convictions, it is to the Alberta transport safety board, which is an independent and quasi-judicial board. It doesn't affect the courts in that manner.

You talked about the culture. You know, I really believe and I'm very passionate that we have to change the culture. I look at impaired driving convictions over the last five years of 41,466 in this province, and I say to you: impaired convictions. That's over .08. You know, that's astronomical for . . . [interjection] You'll get your chance. So what happened? Forty-one thousand, four hundred and sixty-six.

Now, when we look at the 24-hour suspensions, the suspensions that have been given in the last four years – and you've heard the hon. minister talk about 7,700 in the last year – in the last five years it's been 42,762.

I think that one of the things that probably concerns me the most, and that's myself as a father and a grandfather, is the number of zero-tolerance suspensions in Alberta, I'd say, in the last year. Last year we still had 1,665 suspensions to people who were on probationary licences. That is a little bit scary to me. The majority of those – and I say the zero tolerance, of course – I would think would be students, so let's clarify what that category is.

A graduated licence basically is a learner's permit and probationary. A graduated licence you need to have for at least a year. Probationary you need to have for two years. When we look at the probationary licences, before you get your permanent licence: last year 1,665. I go all the way back. I mean, it was 1,487 the year before, et cetera, et cetera. To me that's a concern because that's one of the things that isn't in this House but will be looked at and taken care of in the regulations when we're looking at the graduated licence.

You've been asking the question also about, you know, .05 to .08 and that it's like a new culture. I want to say to you that this is what's been used. People are used to .05 to .08. There's nothing new. I don't know how I can tell you that there's nothing new. When we look at the statistics that we have and we see what has happened, it's not only ourselves as a province. It's eight other jurisdictions – well, I shouldn't say eight because it's really seven; Saskatchewan is using .04 to .08. It is something that the people of Alberta have been used to. It's not like waking up one morning and saying: "Whoa. Jeez, we've got this new law, and everything is different. We have to be able to get used to it."

I want to say that the discussion has been taking place. The discussion has been taking place between our three ministries for three or four years. I know the hon. minister talked about that. When he was first appointed as the Minister of Justice, that was one of the first things that was on his plate. When we look at the impact that it has on Albertans, there isn't that change. But – but; I've got to say but – the penalty is different. The penalty was 24 hours. Whatever you did, you know, if you had a .05 or a .07, that was all the same. Now the penalty is different. The first time it is three days' suspension and three days' seizure. Is that different? Yes, it is different.

When I look at it and say, "Is it important to have that change?" I still don't like the 42,000. I think you have to do something. It is a culture, and there has to be a change somehow. When I see these numbers of graduated licences or probationary licences, there's no doubt that it is a concern for me. I mean, my comment was, of course, that we've been working out the – oh, I've got to make this comment or I'll forget. Like you said you were doing, I'm forgetting, too.

You know what? We've been figuring this thing out in rural Alberta for years. Don't all of a sudden say we don't have taxis. You know, we've been figuring this out for years with our child-

ren and ourselves as designated drivers. It's not all of a sudden. We still have .05 to .08, but now that we're going to escalate the penalty from 24 hours to three and three, holy smokes, we don't have any designated drivers? The designated drivers have to be there. They have to be more prominent, and that has to be throughout the province.

8:20

Your comment was to pony up money for transportation, pony up money to support transit because we have people who are drinking and driving. To me, that's not the subject. The subject is very clear. Don't drink and drive. It's not about the responsibility of ponying up for a situation to try to address. I want to say to you, hon. member, that I'm sure that you would not stand up in front of this House – maybe you did – and say: “You know what? We're having people who are drinking and driving, so we have to have a better transit system.” That's not the solution. The solution is to try to address the individuals that are drinking and driving. That's the challenge I have.

You said we need to have more police – I think it's a quote – to catch these guys. I say to you that, you know, that's part of the importance of having a change in culture. We will never have enough policemen to catch everybody. I'm going to refer just for a second to health care. What ends up taking place in health care is that we will never have enough health care to be reactive to all of the symptoms that are happening in this province or in the country. We have to do some prevention. We have to do wellness. We have to be able to somehow convince people that being healthy is more important than having the ability to go to a doctor or to go to a hospital to receive the reaction. I think that's the point I wanted to make there. It is about the culture again.

I'm going to go back to your comment about the soccer moms. You said that it's not right that we seize a vehicle until the court case comes up for a soccer mom. Well, I want to say to you that if there's a court case coming up, that's .08 and above. So if it's .08 and above and we seize her vehicle for seven days and we don't let her have a licence until her court case, that's what it should be. If she is drinking to .08 and above, then I say to you unequivocally that she should not be on the road, okay? You know, I've had kids in sports, so I'm not too sure if I want one of the soccer moms to say, “I'll take the kids today,” and her not having the judgment if she should drink to .05 – I'm sorry; I don't want her drinking, okay? There's a little bit of responsibility.

You made comments about civil liberties. I should let the hon. minister answer these, but I'm just going to make a couple of little comments. You talked about laying sanctions without due process. I think I talked a little bit about that ability, especially the .05 to the .08, that there is that opportunity for an appeal. This is very different from what took place in B.C. I need you to understand that. B.C. really didn't have the direction of appeal or opportunity for appeal. We do. When we stand up here today and say that we have learned from other jurisdictions, you know, we have. I also said that we've been working at it for three or four years. We're looking and have looked at what others have done. Of course, B.C.'s is very new, and it's very prominent to us. But it didn't take long to see that some of the things they were doing were not where we wanted to be, especially the high penalties.

One of the more important points that you had talked about – and it's quite interesting that you make those comments from that side of the House. I'm not making any sort of comments about where you may be on that side of the House. I would say to you that on this side of the House our respect for small business is unsurpassed. I would say to you that when I talk about taxation and I talk about revenue for this province, I say that small business

and corporate business is what provides the taxation for this province. You know, someone like myself as a politician and yourself and teachers and nurses: we all provide a service. We get paid from the pot of budget, of revenue, and then we put some back. But all of our money comes from that pot.

In actuality, with the exception of maybe a little bit of licence fees, et cetera, et cetera, you know, most of our revenue comes from small business and from corporate business. That's a direct input. I truly understand that. You know, to stand up and say, “Geez, I have a concern because I'm having an impact on business,” I say: “You know what? Yes, that does affect me, but at the same time I have to look at some of the effects.” We do need to have a culture change.

I hear about what happens in B.C. All of my blood relatives are in B.C., and they talk about how it had a major effect at the beginning. Theirs was a change. It wasn't a cultural change as happens here. Theirs was a change. Those businesses are adapting. Are they back to where they were? I'm not sure, and I don't know how long it'll take. It is a cultural change. It's going to go down, and it's going to come back up. It's no different than smoking. It's no different than people saying, “Oh, can't smoke in a bar; we're going to close the bars down,” right? What happened? You know, they were able to adapt.

If I can just reiterate – because you went on a second round about why now. Why now? I think it's that we have looked at it for a long time. We have looked at, you know, what kind of impact it has on people, on families, on individuals that have had families that were injured. I know there's a lot of discussion that was had about a 2 per cent effect. Please, let me reassure you that that was 2 per cent of drivers. It didn't talk about the other people that lost their lives that were passengers. It didn't talk about the individuals that were scarred for life or that had lifelong injuries. I hate to get into statistics and interpretations. In my heart I'm a mathematician, and I love it. That's why I try to stay with the stats that are real.

Going back to my perspective as to why now, it's because we've seen the results. We've seen what other provinces are doing. We've seen what we see as a solution that would work. Also, I very much need to say to you that our leader worked on this previous to the Minister of Justice in place right now, who was part of looking at that and felt that it was important for this province and to the people. This is not the Minister of Transportation standing up and saying: we have to do this. This is three ministries that have worked together to that solution.

8:30

One last question that you had. You talked about the chronic abuser. That's a challenge. It is a real challenge. That's why, number one, we have to change the culture from the probationary licence, we have to change a little culture on the .05 to the .08, and we have to stiffen up the penalties for the repeat offenders. That's why we have the ignition interlock. Right now in order to have an interlock, you have to blow .16, double, or refuse to blow. I want to tell you that if I was thinking about – what's that saying? One beer is too much and 50 isn't enough.

The Chair: Hon. minister, 20 minutes is up.

The hon. Member for Calgary-Glenmore.

Mr. Hinman: Well, thank you. I am really enjoying the discussion that we're having here. There are things to learn, I have to say, doing research as we go and trying to follow the conversation that is still going. I really appreciate the Justice minister. We all know that we all want to improve the safety on our roads. That's

what this is about. I hope as I discuss it that that's the spirit in which it goes forward because we just want the legislation that's going to serve Albertan's interests best.

The one thing that I'm still a little bit caught off on is the number of times that both ministers have mentioned that this has been going on for three or four years. I don't know. Maybe I'm disconnected on this, but, boy, I don't remember any discussion on this going to the public and talking about this like I do, you know, the land assembly act and the transmission lines and the water. I mean, lots of those things I saw going around. I don't ever remember seeing them going around talking about lowering the drinking level from .08 to .05. I don't know. I haven't seen that discussion with the public, though you're saying that it's been in cabinet. I certainly missed it. If any of the leadership candidates talked about this, somehow I missed that when you guys were selecting a new leader. I certainly don't remember her making a promise: if I get in – as Justice minister this was a big issue for three or four years. And so boom.

The reason I'm bringing this up is because I am a little bit concerned. The Minister of Transportation says: no, we're not changing anything. You know, this is a major change. I think that if I owned a restaurant that served alcohol, I would be pretty nervous. I've gotten an awful lot of letters from those people.

Again, the hon. Member for Edmonton-Centre brings up what I think is a very valid question: why such fast implementation of this bill when you've got bills that you've never even declared? Some of them are about child safety, safe communities, the mandatory reporting of child pornography, that haven't even been implemented, which are critical to the safety of our children. I just don't quite understand the motives of saying that this has to happen so far.

To switch gears for a minute, on the positive side, though, I'm thrilled with the ignition interlock. Again, I'm going to take issue that when you say things have been reduced by 40 per cent – I don't drink, so I'm safe, but I would think that if I was a drinker and I knew that there was going to be an interlock on my vehicle, that has bite. That is a problem, to say that, oh, the reason for the bite is because we got a three-day suspension. I think if you were to bring this forward in steps, we'd find out where the bigger bite is. This is where I think the bite needs to be is at the .08. Those people literally, and no pun intended, have gotten away with murder. It's illegal. We have people that have killed others, and they get a slap on the wrist. They're back to work. So that's where the bite needs to be.

I'm grateful for the ignition interlock. I think that, yes, this is something that we can go ahead with. It serves two purposes and that is why I really like the ignition interlock. If you are a chronic drinker and you have been caught and you have that on your vehicle, you don't lose that privilege to drive the times when you need to. But you've lost that ability to go and get plastered and get in your vehicle and go home and jeopardize people's lives. I think it's a great solution. Like I say, I applaud you in bringing that forward and making it tough. It's the repeat offenders.

Again, I love doing the math, too. I love looking at that and seeing it. I use the analogy that if I was to throw a bag of coins on the ground here, and I have, let's say – I don't know – 1,800 pennies and 18 one-ounce gold coins, which ones are we going to go after? To me I'm going to go after those gold coins. To me those drunk repeat offenders are the ones where the statistics are where more people get hurt.

We keep talking about these people from .05 to .08 and talk like that's where the really significant problem is. I just haven't seen it. I haven't seen it in the stats, in the numbers. The real problem is actually those people that haven't had any drinks, but they're

causing 60 per cent of the fatalities. What are they doing? Is it cellphones? I mean, we brought in that bill. Here it is. We're going to ban hand-held cellphones. Again, I question that one because I don't think that we drive any better when we're talking hands free than we do when we've got a cellphone in our hand. I think, again, we've got a red herring there, saying, "We've passed these laws, and now we're going to be safe" when we aren't.

I'm also very concerned – and I spoke the other day about this – that we seem to be thinking that the real important thing to do is to be watching for people that are driving and, heaven forbid, don't have their seat belt on like that is a menace on the road. That's about personal safety. That's about, you know, the cost of our health care. I understand that, but the police seem to be focused – the point is that what we want to focus on are those repeat offenders.

We want to focus on those areas where we know people are drinking, and they're coming out, whether it's a football game tonight: you know, is there going to be a checkstop tonight after the Oilers game? [interjections] Really? And you don't think they drink? I talked to an individual tonight who is going there. He's planning on getting drunk. I said: how are you getting home? [interjections] I was taking the next step. Sorry. I'm trying to contract because we don't have a lot of time, and I thought you could follow me on that step. [interjection] Oh, no. We can talk all night about these things, and if they want to sidetrack me, I'm happy to sidetrack. We'll come back to it.

Again, the numbers. To change the thinking of drivers, tell me how many nights and under what events we have set up checkstops. I don't know that we're really addressing that. What we're kind of doing is setting them up at random and hoping to catch some of those 42,000 when, in fact, we know where a lot of those problems are. We don't go and focus in that area and say, "Let's zone in on these football games, let's zone in on a hockey game, let's zone in on the bars on the weekends" if that's the problem that we're after.

Again, what I want to stress the most is that we're changing several sanctions, and now we're going to jump to this conclusion that, oh, it's 40 per cent. I find it quite fascinating that we know the number of deaths in Alberta, but in B.C. – again, this is where statistics are always fun, and we use them to spin our little side – it's a 40 per cent reduction. Well, how many? We don't know, but it's a 40 per cent reduction. I'd like to know the actual numbers.

I mean, it drives me crazy when you listen to the people promoting the stock market or something that say: it's down 30 or up 30. Just tell me where it is. You know, is oil at \$97.50? I'll remember that for the next day. To say that it's down \$3, and you've missed it for three days is not significant. Maybe it went up to \$110, and now it's \$107, and you're doing great.

It's the same with these things. Let's just actually use the numbers and not the percentages. When people use percentages, usually to me there is a reason. They're trying to protect their position and showing this huge move when, in fact, there isn't one. You know what? If they had 10 people last year that they caught and now it's down to six, that's a 40 per cent reduction, but they only changed four. Why wouldn't they say that we reduced them by four? Because it doesn't sound very impressive. So we definitely have some struggles there.

8:40

Small businesses. I think one of the important things that we need to do is respect the rule of law and not have it all of a sudden changed at short notice. The businesses know that it's .08. Albertans know that you're legally impaired at .08. Again, I'll ask if maybe one of the two ministers can answer this because I don't

have a lot of experience in this area. My understanding is that if you are stopped at a roadside checkstop and you blow, let's say, .06, the officers at this point have the discretion to bring someone out and walk the line, touch their nose, and then they actually do an assessment to see whether or not a person is impaired, and then they would put a 24-hour freeze on the vehicle. I don't know. If someone could elaborate on that, I would appreciate it.

I think there's a big change in that, where now if you're .05, it's going to be a three-day suspension of your licence and your vehicle. I think that's very different. I think that's going to have the biggest difference on those restaurants and bars where people before felt safe. They could have one drink, two drinks over a couple of hours, have a visit with their colleagues, go home from work, and they weren't intoxicated. They were able to drive safely. I don't know. I'd like a little bit more information on that if that would be possible.

Sorry. I've just got to go over my notes a little bit here as well. We have the numbers, but again sometimes I'm reading, so I don't always get them correct. Was it roughly 42,000? I guess it's 41,466. If I don't use the right numbers, you'll say I wasn't listening. Those were the actual ones that got caught, went through the process, and were guilty in Alberta last year? Was it 41,466 that were charged?

Mr. Danyluk: Impaired convictions.

Mr. Hinman: Convictions. Thank you. Yes. Okay.

Ms Blakeman: Then there were 7,700 suspensions.

Mr. Hinman: Yes. That's interesting to me that the difference in the numbers there is such a small amount: 7,500. You know, that's less than – what? – 7 per cent of the people.

Mr. Danyluk: Forty-one thousand four hundred and sixty-six convictions in five years.

Mr. Hinman: In five years? That's not in one year?

Mr. Danyluk: No, no. Five years.

Mr. Hinman: Okay. You see, that's what I'd missed.

Mr. Danyluk: Okay. And 42,762 24-hour suspensions in five years. Last year was the 7,756 suspensions and 8,500 and something impaired convictions.

Mr. Hinman: Okay. Thank you. Because I thought that you were saying that was per year and I thought: wow; that's a big jump in numbers there.

Mr. Danyluk: No. They're very close.

Mr. Hinman: That makes a little more sense. Thanks for clarifying that.

Again, I guess, what I'm most pleased about this bill is what we're doing with the ignition interlock. I really think that we need to hit and focus on that. I'd love to see that we'd move the bill in that area.

The hon. Member for Edmonton-Centre, I couldn't agree with her more on the timing and what I want to call the lead time to say: "You know what? In six months we're going to implement this," and let people kind of adjust to this. I think there's going to be a boom in the business of selling those little \$5 blowers so Albertans can get educated. I think Albertans will go out and get educated, but let's give them a little bit of time.

We always have that leeway in so many of the bills that we change. The cellphone ban: I think there was a six-month time before we implemented that, then they gave warnings for the first month after that. Yet it seems like this isn't going to be such. In those other ones all that was was a \$150 fine or something. Here we're talking about the fact that you're going to lose your licence and you're going to lose your vehicle. I really think in all fairness there should be a little bit of time for people to adapt and not just immediately slap this down.

Again, I want to go back and reiterate absolutely. Do we want impaired people on the road? No. With the comments and the evidence and the reports that the government is talking about, I have to ask the question: are they doing research at lowering the legal limit to .05 federally? Are you pushing? I mean, you talk about all the discussion you've been having. Is there a discussion at the federal level of changing it to .05? I'd like to know because I don't think that we're in the know in these discussions that you say you've been having for two or three years. If you're having these things, it just makes sense to me that federally we should be looking at changing that.

I can't help but think that, you know, if it's zero tolerance that we want, then why aren't we passing a zero-tolerance law and just making that leap or saying: "Look. This is going to be staged. You know, for six months we're going to have leeway. Then it's going to be .05, and then from .05 we're going to go to zero tolerance. If you're caught with a blood-alcohol level, you're not going to have the privilege of driving."

Then we get to the anomaly of those people with – whether it's, you know, *Helicobacter* or something in their stomach producing that or yeast. What are the anomalies, the percentages of individuals, whether they're on cough medicine or in those other areas? Is there a crossover on that? The minister is smiling over there. I'm sorry. I don't have experience or time to research these things.

Mr. Hancock: You're into some junk science now.

Mr. Hinman: No. I'm asking the question. You're the ones with the junk science. You're passing the legislation. Junk. Unbelievable.

The Chair: Hon. member, speak through the chair.

Mr. Hinman: Thank you, Mr. Chair. I appreciate the redirection on that.

Anyway, I guess I'll wait to hear a few of the responses on that, and we can continue with this dialogue and, hopefully, pass the best bill possible here in the next few days.

Mrs. Leskiw: Mr. Chair, all I can say is that it's about time. I've been wanting this law to be introduced since the first day I came into the Legislature. I wanted it to be part of my private member's bill, and I worked very hard on my fellow colleagues to address this issue. But it wasn't to be. The only one I was really convinced was on my side was at that time our Minister of Justice, who is now the hon. Premier. She was also on my side when I tried to bring this legislation in.

Twenty-four hours is not good enough. It's not good enough. When I brought this in, it was shortly after a family of four from Kehewin got killed by a drunk driver. Two of the students in the car were former students of mine. It got me mad enough that I wanted to pursue this law, and I didn't give up on it. I'm glad, finally, that I can thank my colleagues and this government, that finally had the guts to bring this law forward.

You talked about chronic people who have over .08. If we would have checkstopped them at .05 and seized their vehicle

three times and then six times and then whatever, maybe by the second time they got their car seized, they might have learned their lesson. Twenty-four hours is not good enough. Twenty-four hours? They probably need 24 hours to sleep off their hangover, so 24 hours isn't enough.

The bottom line, as we've been saying, is no drinking and driving. It means no drinking and driving. How much more clear can that be? No drinking and driving. It is something that I instilled in my own children even though I did not believe that children under 18 should be drinking. They knew the consequences if they got caught drinking before they were 18, that they would have a heavy price to pay. If, by chance, they broke that house rule, they knew that their parents were a telephone call away, that I would rather drive and pick them up and give them heck for drinking to begin with at a later date.

8:50

My son was always a designated driver in high school. He put on kilometres. I'm from rural Alberta. In our family my husband and I always decide who's the designated driver before we go out to an event. It hasn't changed in our 36 years of marriage. In fact, I swear he married me because he had a full-time designated driver at his disposal.

An Hon. Member: What if you don't?

Mrs. Leskiw: It never has happened. We've always had a designated driver.

Parents tell kids that they should phone. We teach kids that you don't drink and drive. Now we're worried about: oh, gee; the person is going to have their vehicle taken away for a couple of days.

I'm going to give you another example from a constituent. In fact, she's angry. Her son got hit by a driver, who got his vehicle suspended for 24 hours, then got his licence back for 21 days in order for him to put his life together and decide what he had to do. The constituent's son, though, lost a complete semester of school because he had to go to therapy. He missed a whole semester of university. Yet the person who hit him, well, gee whiz, you know: we need to give him 21 days in order for him to put his life together and decide what other alternate modes of transportation he should have. Where's the justice? He's the one that drank and drove, hit my constituent's son, who lost a semester of school. But we're feeling sorry for the guy that was drinking and driving, was stupid enough to get behind the wheel and drive and hurt somebody.

Ladies and gentlemen, we're talking about lives. You don't drink and drive. Bottom line. Who cares about: "Oh, you know, we've got to change attitudes"? We've been trying to change attitudes for a long time. People don't learn unless you smack a strong enough deterrent that they will learn. I learned that in my 36 years of teaching. Slapping them on the hand and telling them that they had a detention after school didn't work. But if you told them they were going to miss their basketball practice or they couldn't play their game, it hurt. They knew better than to tick me off and break the rules in the classroom.

The bottom line is that I applaud my government for this. I don't apologize for sticking up for this particular law. It's something that I've wanted done right from day one when I got elected.

Thank you, Mr. Minister, and thank you, colleagues. We finally have the guts to say: this is the right thing to do. Thank you very much.

The Chair: The hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Thank you, Mr. Chairman. It gives me a great deal of pleasure to stand up and speak in regard to Bill 26, the Alberta Traffic Safety Amendment Act, 2011. I have to tell you that it's even more exciting to get up and speak after a friend from Bonnyville-Cold Lake. I think that's what we've been trying to say for the last two weeks, that if someone from the government would get up and speak about the legislation, whether they support it or whether they don't, it really kind of wakes up the Assembly. For her to get up and speak in regard to the legislation, quite frankly, I think is very, very courageous. I'm looking forward to continuing debate as we motor along with everyone else getting up with equal passion or not so much passion in regard to some of the legislation that they support.

I have to tell you, Mr. Chair, that I happened to be sitting beside this particular individual when she did come into the Legislature and talk about her passion in regard to how she felt about drinking and driving. I also remember her frustration at not being able to convince the government members about how important this legislation was. You know, how quickly things change.

Here's what I'd like from the Justice minister and from the Transportation minister. Both of these ministers and possibly the group up there, the MADD people, and some other names – because I did go onto the MADD website today. I know that I've talked to some of the MADD people in the past, when I brought forward the legislation in 2000 in regard to talking about drinking and driving and the .05 that I spoke about in the Legislature last week and my passion about that.

In my research today, I went onto the MADD website. I was looking for some statistics and some details in regard to what they found regarding moving it from .08 to .05 and to provide some information on some suggestions on the research that they've developed over the period of time. I know that when I was doing my private member's bill in 2000, I reached out to them. There was a fellow there by the name of Andy Murie that I spoke with at that particular time. I'm not even sure if Andy is still around. He and I had a great deal of conversation that was very instrumental in helping me when I brought forward my private member's bill that year, Bill 210, the Traffic Safety Amendment Act, 2000. So we're going way back in time.

At that particular time all I wanted to do was that if you blew a .05 to .08, to have the 24-hour suspension. Well, guess what? We have that 24-hour suspension right now, and it has turned out, as the Minister for Transportation created it, that it has caught thousands of people when they've been pulled over and they're blowing that .05. So my question to the Justice minister is – because I've heard over and over again that this has been a passion with government for the last three or four years. Well, I've got to tell you that when I was sitting in that government, I don't remember talking about it – period – in caucus, at any caucus discussions. The first time it came to light again was when the Member for Bonnyville-Cold Lake and I were sitting for hours in the back row in the Legislature, talking about private members' bills and things like that, and at no time – I'm a meticulous note taker. I will tell you that I have gone through my notes from when I was with the government, and I couldn't find any discussion on anything about .05 or .08 at any time.

Mr. Justice Minister, I'm going to ask you as the Justice minister and the minister responsible for the Safe Communities Secretariat: what studies have you done under your secretariat to talk about the .05 and .08? What action has the Safe Communities Secretariat under your purview and your ministry – and that's the former minister, the Member for Calgary-Elbow. What social media have you used to target the 18- to 24-year-olds, which was recommended by the safer cities community task force? It was one

of the major recommendations to target drinking and driving and drugs, for that matter, in this province. It was one of the top recommendations from the safer cities community task force. I brought that up last week: the recommendations that were accepted, quite frankly, from the previous Premier about hitting people between the eyes in regard to advertising and the effects, especially between 18 and 24, which is one of the areas where we have some serious problems with drinking and driving. I'd like you to table that in the Legislature if you can, please.

I know when I was with the government, the secretariat was established to be able to look at the hot spots in the province, what the serious issues in the province were. We recommended in 2007 under the safer cities task force – we talked about that consistent research has to be done, and that's one of the reasons why we asked the government at that particular time to set up a secretariat so that we had this consistent research. I'm accepting the fact that because we've gone from .05 to .08, you would have some consistent research and you can show us that you've got some advertising, hit-you-in-the-face kind of advertising that's going to resonate with our 18- to 24-year-olds, so that we know.

9:00

I'd also like to just talk a little bit more, Minister, and maybe you can talk to your Solicitor General and Minister of Public Security – and I know the former Solicitor General is here – about what you've done at FPTs in regard to talking to your federal-provincial-territorial ministers in regard to the sanctions when we're talking about blowing over .08, the Criminal Code offence, and how you've tightened that up. Are we going to extend the length of time that we're going to incarcerate these serious, chronic offenders? If you could provide that detail for us, what you're doing at those federal-provincial-territorial meetings.

Now, I know the Minister of Transportation talked about the policing issue. He spoke very passionately when we talked about wanting more police, and he referred to health care: you're never going to have more. Well, I think it's really important that people in this province understand that our policing ratio in this province is the second-lowest in Canada and has been a problem for some time.

Now, the government will mix in their sheriffs, and I want it on the record that I love the sheriffs in this province. I think the sheriffs do an incredible amount of good work in this province. So if we're looking at changing the .05 to the .08, what scope are you going to change for the sheriffs in this province? Are they going to be able to provide on-scene – if they pull over a suspected impaired driver, instead of having to call a Mountie, are they going to be allowed to do that? We're talking about .05, so maybe the Justice minister can tell me now. If a sheriff pulls you over, he has to call the RCMP. I know it talks about peace officers in the legislation. Will these sheriffs be allowed to administer the roadside test and be able to say to someone in a rural community: I'm sorry, but you've blown over .05 so we're going to suspend?

Quite frankly, Minister of Justice, you do not have enough police officers to be able to do that. I have to tell you that the majority of people that I've talked to – and I've got to refer back to what Edmonton-Centre has said. I'm sure every member in this Assembly has been inundated with phone calls and e-mails that they are getting not only from their own constituents but from across the province. I'm trying to remember the last time that I had so many calls and e-mails from, quite frankly, very upset people about this legislation.

Our role as an MLA is to bring forward the concerns of our constituents. Minister, I need to tell you that my BlackBerry is still getting e-mails on this particular piece of legislation, and I'm

struggling at this point in time to try and find one that supports the legislation. I've been around long enough that I know we have our silent majority, but I can also tell you I've been around long enough: when constituents and Albertans are upset, that's when they pick up the phone and let you know. Otherwise, they are merrily, you know, quite content.

I have kept my web page up for just about two years since I crossed the floor. I do an article in my web page every month called What's On Your Mind, where we track every phone call, every e-mail, every letter, every person that drops into my constituency office, and, for that matter, every constituent that stops me when I'm trying to buy my groceries or go to the dry cleaners to discuss what's on their mind. I can tell you that I'm going back, and what's on people's minds, quite frankly, is health care, education, and seniors. It has been over and over and over. In my last newsletter I just said, "See the previous month" because it hadn't changed.

If the minister can provide the data in regard to why they want to change and if the minister of health can talk about what the health department is going to do in regard to what the Minister of Transportation talked about, and that's prevention and wellness, and if we have so many of these drivers out on the road that have a drinking problem, how many more dollars are going to go into the likes of AADAC and all of those things? And, Minister of Transportation, they have had no increase for that.

When we talk about the suspension or disqualification, they're required to take a mandatory education program required by the registrar. Maybe either the Justice minister or the Minister of Transportation – or possibly we have to talk to the Minister of Education – can explain to us exactly what the mandatory education program is and who is going to deliver the mandatory education program so I have an understanding of that.

Lots of questions, Minister of Justice. I'm especially interested in the sheriffs, the expansion of their scope of practice. Will they be allowed to administer the roadside breathalyzer? As someone who drives down highway 2 all the time, I can tell you that I see a lot of sheriffs on the highway. Fortunately, I haven't had to have a one-on-one visit with them for some time. I learned my lesson once already, and the officer was very nice as he handed me my ticket, reminding me exactly what the speed limit was on highway 2.

I'm not one of these people that has to be hammered over the head a lot. I learned my lesson well from one mistake. I was quite embarrassed by the fact that he knew who I was, which even made it more embarrassing, quite frankly. I just said to him: "Please, just give me my ticket. I'm sorry. I'm not going to give you any excuses because I'm sure you've heard every excuse in the world. I just want to get home. Just give me my ticket."

MADD, I'm sure, will provide us the studies that they have in regard to what they've found over the last 10 years since I brought forward the .05 24-hour suspension. I know that they have to have tons and tons of material, so I look forward to that.

We have actually asked the AMA, the Alberta Motor Association, for their latest study, and we still haven't received that. I find that quite odd that I haven't received that as a member of the AMA for the last 27 years. But they did some big survey, and I asked my researcher to get that information, but we haven't gotten that.

What the government is going to do on their prevention and wellness and how much money is going to go in health to deal with that: if you have problems with people that are driving and they're drinking, then they have to be able to access some help for that. The sheriffs: are they going to have their scope of practice changed so that when they're pulling somebody over on the rural roads, they're allowed to do that?

9:10

The Minister of Transportation mentioned the huge increase in the number of impaired drivers. If we have this huge number of impaired drivers, then what exactly are we doing to address that? I know it's under the Criminal Code. I've been around long enough to realize that if you're charged for impaired driving and you're charged under the Criminal Code, it's a criminal offence. I'm not sure if it was the Justice minister or the Minister of Transportation that talked about the ability to have an administrative charge provincially. It was in the Criminal Code. I think they were pointing that out to the Member for Edmonton-Centre because they thought that she was quite confused. You know, knowing the Member for Edmonton-Centre – I'm not sure if I was right or wrong – it's very difficult to confuse the Member for Edmonton-Centre in regard to . . .

Mr. Hehr: Anything.

Mrs. Forsyth: Right. You know, love her or hate her, she's a pretty good parliamentarian and . . .

Mr. Hinman: She does her homework.

Mrs. Forsyth: She does her homework. I learned that extremely well when we did the FOIP review. I've got to say that I don't think there's anyone in this Legislature, probably, that could debate her on FOIP. I would just suggest to them that they throw in their hats then and now and don't even bother debating on FOIP. We had long hours of conversation.

I understand that we have the administrative penalty on the .05, and it's good because if we go back in time to the PCHIP legislation, the Protection of Children Involved in Prostitution Act, there are two charges that you can go under. You can go under the Criminal Code, or you could have gone under the provincial legislation. At that particular time the idea was to see which charge would stick better with the Crown, if you could get it under the Criminal Code or you could at least get a fine under the provincial administration.

With those comments, we have lots more. We have amendments that we're going to bring in for it. If the Justice minister and the Transportation minister and, for that matter, the health minister can answer the questions that I've asked, I look forward to the answers.

Mr. Olson: Mr. Chairman, I would describe that as an omnibus question. I tried to take notes and make note of as many of them as I could. I'll try to answer as many of them as I can.

Getting back to the Criminal Code offence of driving over .08, the information that I have is that there are about 1,100 alcohol-related deaths caused by, you know, criminal offences. That's the largest cause of criminal death in Canada, probably by at least 2 to 1. I understand that the MADD website says maybe somewhere between 1,300 and 1,500 or 1,600 deaths. The latest figure I have is around 1,100, so over a thousand deaths, anyway, compared to about 500 to 600 murders in the last couple of years that StatsCan has records for them.

This is just to underscore the fact that this is a serious criminal offence. I'm also addressing the issue that was raised by Edmonton-Centre about rights and having your rights taken away and so on. Keep in mind that the suspension that we're talking about, where you lose your licence until your trial, only happens if you've been charged, if you're over .08. This is a serious criminal offence. I would suggest that a provincial sanction that withdraws your licence in those circumstances is quite reasonable given the

seriousness of the offence and given the fact that many people who are charged with serious criminal offences actually do time in jail until they get to their trial. That's an argument to the reasonability of being able to withdraw the privilege to drive in those circumstances.

I want to just make a point about rural driving. I also live in a rural area, and I think that, you know, there are lots of challenges about living in rural Alberta. There are lots of amenities that aren't handy. We choose to live there. We love it there. There are way more benefits than there are disadvantages. Frankly, I'm sorry, but I just don't accept that as a great argument against this legislation, and I would just note that Saskatchewan, which is far more sparsely populated than Alberta, has a .04 threshold.

In terms of repeat offenders I think there was a question: what are we doing about the repeat offenders? I think it is important that we have these escalating sanctions. That's a very important part of this and the 10-year look back. That is one of the problems with the current regime, as good as it is. The 24-hour roadside suspension, you know, is good, but one of the problems with it is that – and I think it's been mentioned here before – you could go out on a bender every weekend, have your licence suspended for 24 hours, and there's no record of it. There's no escalation of the sanction. Again, deterrence is something I'm interested in, and that is not a good deterrent.

There was a question, you know, about: why haven't we discussed this before? I look up and I see the MADD representatives, and I think they must just be rolling their eyes. We haven't been discussing this? This has been out in the public domain for a long, long time. These people have been working very hard, and many other people have been talking about it.

A question was asked as far as what my department has been doing, and I will address the questions that came from the hon. member about safe communities, too. All I can say is that shortly after I was sworn in, in February, one of the first briefings I had was about this. I concur with the Minister of Transportation that this is something that these departments have been working on for some time. So it's been out in the public domain. The government has been working on it. I don't really get that there's some sort of argument that because it wasn't dominating a caucus discussion last spring or something or a year ago, somehow this is now illegitimate legislation. The point is that lots of work has been done on this for a long, long time.

On safe communities, first of all, I want to commend the hon. member for her work. I know that safe communities is near and dear to her heart, and she was a big part of the beginning of that and a big part of the report. I feel as though I have big shoes to fill following her work and then the previous Minister of Justice, now the Premier. There have been numerous programs that were initiated because of the work on that safe communities task force. There's \$60 million in the safe communities innovation fund funding 88 different projects. Many of those are under way. Some of them are starting to get into their third year of programming. I could talk for the rest of the evening about safe communities.

In terms of a specific example of something to do with impaired driving, I ask the hon. member to remember that the safe communities initiative is a partnership of nine different government departments, and it wouldn't necessarily be the Department of Justice that might have been involved in a program like that. It could be the Ministry of Transportation. It could be the Solicitor General. It could be children and youth services. It could be health. There have been lots of initiatives. I will certainly be happy to look into that and try to get some information for the member in terms of what's being done. But there are many, many

initiatives that dealt with youth at risk, mental health, addictions, gang prevention, family violence, and on and on the list goes.

There was a question about whether it's been discussed at FPT, federal-provincial-territorial, meetings. Well, I haven't been to one yet. There hasn't been one since I was sworn in. There is one coming up in Charlottetown in January. I know that the Solicitor General is going to Ottawa within the week and is going to be talking to his counterpart there. So these conversations are going on. The question was asked: are we talking to the feds about this? I'm always open to talking to the feds about changes, increasing the sanctions.

9:20

Now, one of the questions was: would the feds be considering a reduction of their threshold from .08? It's my understanding that it used to be .1; it was reduced. So .08 isn't necessarily some magical number. It's a number that was chosen some time ago. I understand that there was some talk in about 2009 about perhaps reducing that Criminal Code threshold, but it's my understanding that at that time at least the federal government decided not to and said that it probably was more appropriate for provincial administrative sanctions to deal with those, which is what we're doing now.

In terms of the sheriffs I would refer the hon. member to the definitions section. Section 39 defines a peace officer as defined in section 87.1. Then section 87.1 says, and I'm paraphrasing now: in sections 88, 88.1 and 90 – and those are the sections dealing with these sanctions – “peace officer” means a police officer as defined in the Police Act; a person appointed under the Peace Officer Act as a peace officer for the purposes of those sanction sections who has been authorized under the Peace Officer Act to use the title of sheriff, has satisfied any applicable terms and conditions under the Peace Officer Act, and has been designated by the Solicitor General and Minister of Public Security as qualified to enforce those sections.

So there is room there, but it's not going to be that every sheriff on the highway all of a sudden is going to be running roadside tests. This is something that's enabling, and I would prefer that the Solicitor General answer those questions in more detail.

I think there was a question about chronic drunks, and I think I referred to that when I said that that's the purpose of the escalating sanctions and the 10-year look back.

Maybe I'll take my seat and let others speak. Thank you.

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

Mr. Mason: Thank you very much, Mr. Chairman. I want to raise a number of points and have the ministers respond, hopefully, to them. The first one is the decision of the British Columbia Supreme Court today. Now, we've had the Minister of Justice say that he has not reviewed the decision but that his staff has. I'm certainly not a lawyer, but I did look at the decision today, and in my bus driver's opinion, I think that the government should show a little more caution before dismissing it as something that's potentially going to affect it.

The judgment differentiates between provisions in the B.C. act that apply to people who are over .08 and people who are between .05 and .08. It has accepted what's there for .05 to .08, but it's not on the basis of the amount of blood alcohol. It's on the basis of whether or not sanctions are imposed without a fair opportunity to basically have your day in court. Well, let me just see if I can find it here: “The driver does not have the opportunity, even after the prohibition comes into force, to challenge whether he or she was in fact over 0.08 or whether there were problems with the ASD” –

and I think that's the breathalyzer – “that may have led to an inaccurate reading.”

I think that as a Legislature, as legislators we are entitled to some analysis of the British Columbia Supreme Court decision before we're asked to vote on this piece of legislation. It may well be that the B.C. decision doesn't impact this legislation at all. I don't know that. Nobody knows that. The Justice minister himself is only taking the word of his staff. I guess he's entitled to rely on their professional opinion. But I think that it raises a troubling problem, and that is the inappropriate speed with which this legislation is being dispatched. From its announced conception – and it has some substantial social shifts that are envisaged by this legislation – there has been very little time to consider all of the points. That's my first point.

I think we as legislators are entitled to have an opportunity to get legal advice. I think that the government should provide their legal advice relative to the British Columbia case. It may be that things that are struck down in the B.C. legislation don't appear in our legislation, but it also might be that there are things in our legislation that aren't in the B.C. legislation that could also potentially run afoul of section 8 of the Charter or other provisions. That's the first thing.

The second thing is whether or not the minister feels that in light of the B.C. decision a reference of this legislation to the courts might be in order. I think that if we're passing legislation, we should make sure that it is constitutional and will not be struck down.

There are some things that the Criminal Trial Lawyers Association has said relative to this. It says that it could, given the congestion in the courts, take up to at least a year before it goes to trial. In section 88.1(1) on page 17, people must live without a licence until they prove themselves innocent or have the criminal charge resolved, it says: “That person is immediately disqualified from driving a motor vehicle in Alberta and remains so disqualified until the disposition of the criminal charge referred to in subsection (2)(a).” The Criminal Trial Lawyers Association points out that with the courts badly backed up, it could take at least a year to get to trial, and it argues that the legislation is designed to force people to plead guilty even if they're innocent just so that they can get their licence back more quickly. So it offends the principle of due process. I am concerned about some of those aspects.

9:30

The other thing that's been raised here – and it's not an argument against this legislation. This legislation might be a good thing regardless of the fact that it may not be the most effective thing that the government could do now to deal with the problem of impaired driving. Others have asked the question: why don't we do things to target people who have the potential to do significantly more harm because they're driving with significantly more blood alcohol? That's a question.

I am just going on anecdotal evidence. We've tried to look at the number of checkstops that have been operated in Alberta over the last number of years, and we've also been trying to find information on the number of checkstops operated in British Columbia before and after their legislation was enacted. Reliable statistics: well, we haven't found them if they exist. So some of it is anecdotal, but it certainly appears that in conjunction with the British Columbia legislation there was a significant increase in enforcement activities in that province, which contributed substantially to the success of the program. Now, this government hasn't talked about that.

On an anecdotal basis there have not been as many checkstops in Alberta as there were going back a number of years. To me, that's a significant thing. There are two things that can create more deterrence. One is that you can increase the penalties, or you can increase the risk of getting caught. You could do both.

I heard the minister talk about the application of the .05 now and that this is something which pre-exists so is no big deal. I don't usually do my research by reading newspaper columnists, but as we are moving very quickly through a number of acts, we are struggling to continue to do a good job as opposition, so I hope the minister will forgive me for reading from Don Braid's column today in the *Calgary Herald*. I would like to have his opinion on whether or not Mr. Braid accurately presents the situation.

He says that the government keeps saying that

the .05 marker for licence seizures is already in place. Not much will change, they insist, except for tougher penalties. We've heard this line from several ministers in the past week.

It's a soothing approach – but completely untrue.

The current legislation (Section 89 of the Traffic Safety Act) makes no mention whatsoever of .05.

It merely gives officers the power to suspend licences for 24 hours if they feel a person's ability to drive is affected by "alcohol, drug or other substance."

Our leaders nonetheless insist that .05 is law; they also say police use it as a standard for seizing licences.

If so, there's a big problem. The current law also says that if a driver voluntarily asks for a breath test and blows under .08 – the federal standard – police must immediately return the licence "and the disqualification from driving is terminated."

So there is a test; but it's .08, not .05.

Despite the story the ministers keep telling, the coming measures are actually radical changes to existing law.

If that saves lives, wonderful. Most people want firm action against drunk driving.

I agree with that. Absolutely, Mr. Chair.

So those are some of the concerns. I absolutely think that we need more study of the B.C. decision, and we need as legislators clear evidence and clear legal opinions with regard to the constitutionality of this law. I'd like the minister to address the question of whether a legal reference on the legislation might be in order, and I would like his response to the issues that are raised by the Criminal Trial Lawyers Association and whether or not Mr. Braid's assessment of the existing law is actually correct.

Thank you.

The Chair: Hon. minister, would you like to comment?

Mr. Olson: Thank you. I'd like to thank the hon. member for his comments. Good questions. I'll try to answer them.

First of all, he's right about the B.C. decision; I haven't read it. My department has been in touch with officials in B.C. and the B.C. Attorney General's department. I've been getting e-mail tonight. They are very happy with that decision. The only negative for B.C. in this decision relates to charges over .08 and the feeling that there wasn't the necessary administrative fairness in terms of the appeal process and so on.

I don't know if this is permitted, but I can read from an e-mail that says that the judgment was critical of provisions applying to those over .08 as the results in those cases were not confirmed by a separate breathalyzer test, as would be the case if a criminal charge was laid. That is not something that applies in Alberta. We have, as has been mentioned, a number of built-in protections for people in terms of appeal, requiring a second test, and so on.

I don't want to comment too much on the B.C. case anyway because I wouldn't be at all surprised if there is an appeal some-

where along the way, and then there could be another appeal, so this could go on for a long time. I am not willing to sit and wait for that appeal process to go through. I don't think it's a good enough argument to just put a stop – I mean, at any given time any legislation we pass could be challenged by somebody somewhere, and that would completely paralyze the workings of this Legislature.

My understanding is that there are three likely constitutional arguments. One argument is that we are overstepping our authority and encroaching onto federal jurisdiction. We are very confident that these sanctions are reasonable and that they are well within the authority of the province of Alberta, the jurisdiction of the province of Alberta to levy.

Another argument might be that there's some sort of constitutional right to drive. Well, there isn't, as far as we've been able to determine. We would certainly argue that that's not a constitutional right.

The one place where there could be a constitutional argument would be on the lack of administrative fairness, and I think that's probably what we're seeing in B.C. We watched B.C. We looked at their legislation, and we saw that that was an area that we needed to address and beef up, and we did. That's reflected in this legislation in terms of the appeal process. I guess I would say that we can't give any guarantee that somebody isn't going to challenge us on this, but we're ready and willing to meet that kind of a challenge.

As far as Mr. Braid, with all due respect to Mr. Braid, I'm not going to rely on him for legal analysis and legal advice. He is referring to section 89(5) of the legislation. First of all, I should back up a step. Section 89 in the Traffic Safety Act is talking about impairment. For example, I'm a diabetic. I could be pulled over and have a roadside suspension if I'm driving impaired. So this is a section that's broader than just alcohol. It also talks about drug impairment.

I would invite you to talk to, for example, the Edmonton city police and ask them what their procedure is. I think they will tell you that if a person blows a "warn" – that's .05 and up – that is the proof of the impairment as far as they're concerned, so that's where the roadside suspension kicks in. That's why we say that there's really no change, because that's what they're doing now. If we pass this legislation, they're going to keep on doing that, but there will be more sanctions.

Again, I would encourage members to talk to police agencies and ask them, but it's my understanding that in every agency across the province that's the way they do it.

I hope I've answered the member's questions.

9:40

The Chair: Hon. Member for Calgary-Varsity, you wish to speak?

Mr. Chase: Thank you very much, Mr. Chairman. I'm going to try and provide a balanced approach to Bill 26, the Traffic Safety Amendment Act, 2011.

I just wanted to share with the hon. Member for Edmonton-Centre my extensive knowledge of recreational life in a rural setting. I'm looking directly at the hon. Member for Rocky Mountain House because it was in Rocky Mountain House where I had my first experience with rural varieties of entertainment. I wish I could remember the name of my foreman at Alberta Gas Trunk Line, but the gentleman – I think his first name was Al – was referred to as the one-armed bandit. I don't know if you're familiar with this gentleman.

Anyway, he was my first foreman, and I was very fortunate that I was able to get a job in Rocky Mountain House. I had thought

that it was actually a resort town, so I brought along my swimming trunks and tennis racquet. I was all set to have a wonderful recreational summer while not working for Alberta Gas Trunk Line, but that wasn't quite the case.

Anyway, I was 19 at the time, not that far off from being 20, and my mother wept profusely as I straddled my 200-CC Lambretta and headed off down the highway to seek adventure, feeling very much like Peter Fonda in the famous road movie.

Ms Blakeman: On a 200-CC? Your imagination is vast.

Mr. Chase: Yes. Well, as members have noted, I had a wonderful imagination. I only rode that . . .

An Hon. Member: Relevance?

Mr. Chase: Yes. The relevance is entertainment in a rural setting, and I will get to the challenges associated with alcohol in rural settings.

As I say, I quickly learned that, unlike Peter Fonda, who had a significantly larger CC vehicle, I practically froze. The advantage of the Lambretta was that because of the sort of open space you could literally spin around on the seat. You could sort of go for a walk while you were driving down the highway, and you weren't fast enough to cause any terribly serious damage.

Getting to the point of the alcohol and the rural experience, in Rocky Mountain House the hangout that I recall was a dairy bar. Mr. Chair, the girls in Rocky Mountain House must have felt like they were contestants in a beauty pageant. There were so very few girls that the attention they received from the individuals working in the Rocky Mountain House area, whether they were like myself, working for Alberta Gas Trunk Line, or, more likely, working on the rigs – part of the entertainment was that there would be one poor young lady walking along the sidewalk, and there would be four cars sort of bumping along beside her, taking turns in passing each other and trying to come up with the best line that would possibly encourage that young lady to accompany them.

Of course, you can imagine being the fifth in line with your Lambretta, trying to encourage someone to hop on the back.

The Chair: Hon. member, we are speaking on Bill 26.

Mr. Chase: Yes. Right. And the dangers of alcohol. I want to relate it to the lack of public transportation in rural settings. [interjections] Pardon? Sorry.

Anyway, Mr. Chair, I'm attempting to be as focused as I can be. The hon. member, the Minister of Transportation, talked about alternative transportation in rural settings, that just because you didn't necessarily have a bus or a taxi circumstance, you could still manage to get to entertainment in a safe fashion. I don't know whether the hon. Minister of Transportation had sons or daughters or a combination of both, but I know from my daughter's point of view that double-dating with daddy was not high on her sort of entertainment enjoyment circumstance. I realize that you can certainly say under these certain circumstances: if you wish to go out to the high school dance or whatever, the only way you're going to get there is in my vehicle, and I'll see you at 12 o'clock when the dance is over. That doesn't always work.

Mr. Chair, what I found was that as glorious a resort town as Rocky Mountain House was and is, the entertainment options were very limited. The hangout that I experienced in terms of being alcohol related was Crimson Lake. Crimson Lake looked really great in the pictures, I must add.

Ms Blakeman: But the leeches are big as cucumbers.

Mr. Chase: That's right. The Member for Edmonton-Centre knows that it's a great place for triathlon training because when you hop off the dock, you have to outspeed the leeches.

The Chair: The hon. Government House Leader.

Mr. Hancock: I have listened intently to this hon. member for some period of time now, and I have yet to find anything that relates to blood alcohol levels, .05, or anything that's in Bill 26.

The hon. member is entertaining; there's no doubt. He may well have met his wife driving whatever vehicle he was talking about down the streets of Rocky Mountain House, but we are actually here on some very serious business. I'd ask you to ask that hon. member to address his mind to the bill.

The Chair: Hon. members, the principle of Committee of the Whole is to talk about the title of the bill, the preamble of the bill, and clauses in the bill.

Please, back to the bill.

Mr. Chase: Yes. Speaking to Bill 26, the Traffic Safety Amendment Act, 2011, I realize that I'm being somewhat lighthearted in my approach, but where I'm coming from is the dangers associated without having a variety of safety measures such as public transportation, such as entertainment that is beyond a 12-pack or a six-pack.

I witnessed first-hand the effects of alcohol on others because, as I say, I was basically a teetotaler. I recall, for example, after a fairly significant drinking incident at Crimson Lake fights breaking out and the Mounties being called, and I'm carrying the loser in one of the fights back to the car to try and get him home safely. Likewise, Mr. Chairman, the rig workers, the roughnecks, many just engineering students in their first or second year of university. Their primary form of entertainment was heading to Sylvan Lake on a Friday night, and drinking was a large part of that entertainment. I was extremely worried about some of those young men who drank till 11:30, as much as they could, and then proceeded to go to work at midnight for the graveyard shift on oil rigs.

So in trying to give you the relevance, I agree with the legislation that would prevent people from getting up on an oil rig when they're impaired, never mind intoxicated. Mr. Chair, hopefully, you'll see the relevance. Again, I'm talking about rural circumstances.

9:50

In 1968 I had an opportunity to again work for Alberta Gas Trunk Line but this time in Fort Macleod. I enjoyed the experience in Fort Macleod. Again, Fort Macleod instead of a dairy bar had one step up. It had an A & W, and it still does. But I found that the major entertainment in Rocky Mountain House among the teenagers to slightly above was going back up and down the highway as quickly and loudly as they possibly could, then heading off into the countryside somewhere with a case of beer or whatever, and that was the major form of entertainment.

The point I'm trying to make is that in rural Alberta, I would suggest, there is a greater tendency to consume alcohol beverages because the possibilities of . . . [interjections]

Ms Blakeman: Okay. Now you're in trouble.

Mr. Chase: Well, I may be in trouble, but my perception based on my youthful years in rural Alberta is that there were fewer choices in terms of recreational opportunities, in terms of movie theatres; therefore, my limited experience in rural Alberta saw a fair amount of entertainment associated with drinking.

Bill 26 is addressing the concerns of impairment. Again, in rural settings once you're out of town, your main form of commuting is the highway. You add speed to alcohol impairment, and you've got a recipe for death. That's what Bill 26 is talking about.

Now, I personally am supportive of the majority of what Bill 26, the Traffic Safety Amendment Act, 2011, states. I have previously stated, and I will not go into great detail, that the one flaw is the dragnet approach, where one particular law catches everything and whether or not you're impaired at .05, you're still guilty. I understand that there have to be standards, and I understand that the measurement of .05 is a whole lot easier to judge than whether or not a person is impaired. But there has to be a balance in the legislation.

With previous legislation this government has been very slow to act. The distracted driving cellphone business comes to mind. In 2001 the hon. Member for Edmonton-Riverview attempted to eliminate hand-held cellphones while driving. That went nowhere. I tried it in 2005. Again it went nowhere. The hon. individual from Calgary-Hays gradually, over a two-year period, brought it successfully into the Legislature, leaving out the hands-free aspect of it. The hands free, the mental activity associated, the impairment of being involved in a conversation over the phone or looking at your dash and the information that's coming up on a GPS device: those unfortunately weren't taken into account. The time period for that to come into law was 10 years.

I agree with the hon. Minister for Transportation, and I agree with the hon. Minister for Justice that it's about time we got legislation that would save lives on the books. I think that if a member of the opposition had tried as speedy a process in terms of getting this through over a two-week period, they probably would have been ridiculed. They would have been accused of being members of a nanny state in terms of how much supervision, how much change in people's attitudes are necessary.

Well, Mr. Chair, with regard to the nanny state, I'm all for the government having responsibilities in terms of looking after individuals and acting in their best interests, whether it's funding for education, whether it's a decent allowance for AISH, whether it's treating individuals with PDD with respect. That's the role, I believe, that the government should have, and if people consider that to be a nanny attitude, well, so be it. I'm all for that type of supervision.

I am all for police on the streets. I'm not so sure about the surveillance cameras on every block because the surveillance cameras occur after the fact. They maybe prevent crime because they're out there, but the thing is that somebody has to react to that camera image if it's being monitored and then get out. What I'm concerned about is what other members have brought up, and that's the education process of this bill.

Now, a previous Traffic Safety Amendment Act, brought forward by Richard Magnus, resulted in Alberta adopting what a number of other provinces had done, and that's the doubling of fines; for example, in construction zones. That was a strong piece of legislation protecting 4-H individuals out collecting debris along the highways, protecting ambulance drivers, tow truck drivers. It forced people, because there was a significant sting to it in the form of a fine, to smarten up. I have no doubt that partly because of that fine, partly because of the education, partly because of the enforcement people changed their driving habits.

I know, having gone up and down highway 2 so many times, that when there are police at the side of the road or there are people with the orange bags doing cleanup, there is, for the most part, a better attitude. People do slow down.

Now, what hasn't been mentioned under Bill 26, the Traffic Safety Amendment Act, is how this information is going to be communicated to the general population so they see it as important and also feel its effects if they transgress. The discussion with regard to .05 to .08 previously being on the books and subject to discretion has been one of the contested points as to the degree of discretion. The hon. Member for Calgary-Fish Creek brought up what type of extended training sheriffs would receive that would bring them up to the level of the RCMP in terms of being able to conduct the tests that would determine the .05 or higher. It's the whole package.

I would look very forward to possibly the Minister of Transportation or the Minister of Justice – because I think the Minister of Justice is primarily the person driving this bill. Pardon me. It's the Minister for Transportation that's driving it. Also, the Minister for Justice has spoken very well in terms of why it's necessary. I would like to hear from the Minister of Transportation – and I'll take my chair shortly – on how we are going to get the message out besides simply suspending licences. What's the education program? Will there be any commitment to greater enforcement of this? Obviously, without enforcement attitudes aren't going to change. Then is there consideration of a fine?

10:00

The Chair: The hon. Minister of Transportation.

Mr. Danyluk: Thank you very much, Mr. Chairman. I need to make a couple of comments. The first one is on the question about greater enforcement. I think the hon. Justice minister answered that partially in regard to the definition of a peace officer and what we're hoping to accomplish with this legislation.

The other point that I wanted to make was on your questions at the end about the communications. If you ask my staff how I feel about communications, I think there are three most important parts that I look at as far as being a minister. That's communication, communication, and communication. I think this is going to be very critical for us to do for the public to understand, also to work with the hosting industry. I say the hosting industry being, you know, a number of different associations. I mean, we did meet with the hosting industry and different associations.

It is critical that people understand what we're trying to accomplish. It is critical that people know where the targets are. You know, you're not going to have a change in culture if you don't have education, and that's why it was imperative that when we looked at the .05 to the .08, education was part of it. Education was a major part of it in the change of culture.

Also very important as far as communication are the probationary licences. I say that's very important, but most of those individuals are way ahead of us. You know, I talked to the youth. Those numbers that I gave you scare me, but at the same time I talked to a group in my constituency. It just happened to be 3A girls provincial volleyball finals in my constituency. I was very amazed and, I would say, heartened by what they do and what they believe has to happen. We're not going to get everybody, but I think the more education we have, the more peer pressure we have, the more focus we have in that direction is absolutely critical.

I just wanted to make, if I could, a couple of comments in regard to the hon. member who is just leaving, just for a second, and that was on her comments about not hearing.

An Hon. Member: They're all leaving.

Mr. Danyluk: Yeah, so we're going to do it this way. How about that? I just wanted to make a couple of comments that since I have

been a Member of this Legislative Assembly, we've always had discussions in regard to impaired driving: when we've talked Transportation budgets, when we've talked about photoradar, when we've had different ministers of Justice, when we've talked about the distracted driving and what implications it has. There has been that discussion because you always have to balance.

The hon. Member for Bonnyville-Cold Lake was talking about her private member's bill. You know, I want to say that her discussion of her private member's bill elevated the discussion. It elevated the discussion in our caucus about the importance of trying to have safer highways. Of course, that's combining that with interchanges and with all kinds of different directions and avenues.

One of the interesting points I can remember is the discussion about impaired driving wherein our previous Premier was the Minister of Transportation a number of years ago during the BSE. What ended happening was that he spoke to us as a caucus and said: "You know what? These are the challenges we have in BSE and in saving lives." He said: "If this is strictly about saving lives, we need to address the safety aspect. We need to address the transportation or highway aspect, and I will tell you right now that it'll save more lives."

My point, Mr. Chairman, is that we have looked in many different directions. I will just close now.

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

Mr. Hehr: Thank you, Mr. Chair. I will say this. I've been very encouraged and actually excited by the level of discussion in the House tonight. I appreciate the two hon. ministers adding to my learning curve, adding to my understanding of this bill, and moving me quite a ways forward from where I was in the reading of the bill. A lot of that has been primarily in the statistics that the hon. Minister of Transportation has cited, the explanation of how the law intertwines with other legislation and the provinces, a little bit of my learning on my own and reviewing some portion of the B.C. case. It has moved my understanding of the issue further, where I'm more compelled to accept the government's argument on this bill. That said, you know, can it be better? Can we do some other things? Should we consider it more fully? Those are some of the questions I have.

I must talk about another issue in order to really make us get tough on drunk driving and send a message to those in society who are clearly causing much carnage, much misery, much heartbreak as happens. I know as I am a victim of spinal cord injury. Many of my brothers and sisters in the situation I am in, who are a result of either, unfortunately, being involved in a drinking-and-driving accident themselves or being a victim of a drinking-and-driving accident, never recover, whether that's physically or emotionally, from that aspect. I understand that the effort is there to try and move forward on this issue. I applaud the government, at least, for that effort.

Now, if you remember, when I talked about this in first reading, I was concerned about some of the civil liberties aspects and the rush to judgments on that front. Having taken some time here earlier today to look into the B.C. decision, it looks to me as if there are some parallels with the B.C. legislation that will enable much of this legislation to go through on our side. It appears that the B.C. legislators had no trouble with their sanctions on administrative penalties in between .05 and .08. The trouble was with some of the rights infringements that occurred after .08. I've been told by the hon. Minister of Justice that our bill was highly cognizant of these challenges and was drafted accordingly.

10:10

Even with that, I am somewhat concerned with the fact that admittedly even here tonight, although apparently this has been discussed a great deal on the other side of the House, it has not been brought up a whole bunch since my time in the Legislature. In fact, tonight has been a very engaged discussion. I've heard some of the other people, especially the hon. leader of the third party, who brought up some salient points on whether there is some opportunity to review this further. Is there an opportunity for this to go to an all-party committee to really see if we've got this worked out, to discuss it further, and to go from there?

It is on those fronts that I would suggest that we look into those things and, I think, assure this House that we are moving in the right direction. It doesn't look like that is going to happen, Mr. Chair, but that would have been my preference, to discuss some of the things that we had brought up to continue not only our learning curve here but the education piece and allow Alberta citizens to weigh in on what is in fact happening. Those are some of my comments.

I also, you know, did some review, and it may help some other people in the room. Well, maybe I just like it when we sort of talk about the Oakes test and some of those things that arise out of this. We do have a Charter of Rights and Freedoms, but it is subject to limits. Essentially what we're trying to craft is legislation that not only respects the Charter but understands that there are real, pressing concerns out there in society and that sometimes governments need to do things.

I'll just say this. It's from a court case: Canada (Attorney General) versus JTI-Macdonald Corp., 2007, Supreme Court of Canada 30, at page 33. It is referenced in the British Columbia case.

This engages what in law is known as the proportionality [test]. Most modern constitutions recognize that rights are not absolute and can be limited if this is necessary to achieve an important objective and if the limit is appropriately tailored, or proportionate . . . This Court in Oakes set out a test of proportionality that mirrors the elements of this idea of proportionality – first, the law must serve an important purpose, and second, the means it uses to attain this purpose must be proportionate. Proportionality in turn involves rational connection between the means and the objective, minimal impairment and proportionality of effects.

As Justice Dickson said in Oakes:

There are, in my view, three important components of a proportionality test. First, the measures adopted must be carefully designed to achieve the objective in question. They must not be arbitrary, unfair or based on irrational considerations. In short, they must be rationally connected to the objective. Second, the means, even if rationally connected to the objective in this first sense, should impair "as little as possible" the right or freedom in question . . . Third, there must be a proportionality between the effects of the measures which are responsible for limiting the Charter right or freedom, and the objective which has been identified as of "sufficient importance."

Well, I think we can all agree here that drinking and driving is of sufficient importance for us to engage in this debate here and for the government to look at crafting laws that limit this societal scourge. That's fair and clear.

What I'm concerned about here – and this may be why some of the comments made by the leader of the third party were very important, that it may be a reference test or that maybe an all-party committee will work – is the proportionality of this. I look at our sanctions in the .05 to .08 range and on the first offence – and the hon. Minister of Justice probably considered this – three days for

the first suspension, that you lose your car for three days in the case of your first suspension, 15 days in cases of second suspension . . .

Bill 27
Appropriation (Supplementary Supply)
Act, 2011 (No. 2)

The Chair: Hon. Member for Calgary-Buffalo, I hesitate to interrupt you, but pursuant to Standing Order 64(4) I must now put the question proposing the approval of the appropriation bill referred to the Committee of the Whole. The question is: does the committee approve the following bill, Bill 27, the Appropriation (Supplementary Supply) Act, 2011 (No. 2)?

[Motion carried]

The Chair: Hon. members, pursuant to Standing Order 64(4) the committee shall now rise immediately and report.

[The Deputy Speaker in the chair]

The Deputy Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 27. The committee reports progress on the following bills: Bill 21 and Bill 26. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

The Deputy Speaker: Having heard the report, those in favour of the report, please say aye.

Hon. Members: Aye.

The Deputy Speaker: Opposed, please say no. So ordered.

Government Bills and Orders
Committee of the Whole
(continued)

[Mr. Cao in the chair]

The Chair: The committee will continue now.

Bill 24
Health Quality Council of Alberta Act

The Chair: Any comments? The hon. Member for Edmonton-Centre.

Ms Blakeman: Yes. I would like to confirm where we are in this debate. My understanding is that we are under a government amendment, amendment A1, and in fact are debating a subamendment put on the floor by somebody.

The Chair: According to our records we are still on subamendment SA1, moved by the hon. Member for Calgary-Mountain View.

10:20

Ms Blakeman: Okey-dokey. That's what I was checking. Thanks very much, Mr. Chairman.

Okay. This issue or this subamendment, in fact, was around trying to take out all of the references to a public inquiry. I spoke to this before. Section 1 is amended by striking out clause (e), striking out the inquiry.

Sections 17 to 22 inclusive are those sections that discuss and give authority for hearings. Section 17 is authority to establish an inquiry, section 18 is hearings, section 19 is in camera, section 20 is disclosure, section 21 is witnesses, and section 22 is reports to the Legislative Assembly. Then section 23 is excluding a member of the panel, and section 25 is very similar to that.

What we're trying to do there is make sure that the inquiries would be conducted as an inquiry under the Public Inquiries Act. Part of the issue that is important in this section is the issue around the ability to go in camera. Members opposite have raised my concerns on the record, which are numerous, around personal privacy. The government appears to be wanting to give itself the ability to go in camera to protect people's personal medical information if that, in fact, would become a point under the inquiry.

What I want to argue back is that there are two sides to this. One is that I think it's really important that the public is able to look at the information of any government committee, or inquiry committee in this case, and be able to look at the same evidence and reports and submissions that the committee or inquiry or panel did to understand how the committee came to its final ruling.

I have always insisted and have brought forward a motion in each of the standing committees, policy field committees, when we are examining, reviewing an act, for example, or reviewing something that's put before the committee, that both the in-person submissions but also the written submissions are to be posted to the public website. If someone says, "No, I don't want my thing to be posted to the website," then the answer is: thank you, but we won't be using your submission as part of our considerations in rendering a decision.

What I'm trying to say there is that I think it's really important that what we do is available publicly and holds that transparency part in it so that any member of the media or the opposition or the public could look at something and read the same things and go: "Okay. I get it. I understand why they came to that decision."

The other side of that is the personal privacy of medical information. We here are talking about a situation of such magnitude that it is requiring either an inquiry under the Public Inquiries Act or, in the case of what's being contemplated under Bill 24, the creation and establishment of an inquiry-like panel under the auspices of the Health Quality Council. If we are dealing with a health issue that is that critical, my experience has been that people that bring forward medical information there want the information to be shared. They want to use their personal medical information or the medical information of a loved one as part of the educational process in moving forward a particular change in how we do things or as part of an inquiry.

I think that yesterday I got cut off, but I had started to talk about some of the well-known medical issues – let me group it under that – that this Assembly has dealt with over the years and that have in fact resulted in some of the fatality inquiries that we've had. Certainly, a really good example of this was Rose and Rick Lundy, where Rose Lundy had suffered a miscarriage in the ER in one of the Calgary hospitals and hadn't received what both of them felt was a dignified response to her medical treatment.

That one wasn't going to result in a whole bunch of huge changes. It did result in, particularly, Rick participating in some patient concerns committees that were around changing how people would be dealt with in ERs. But there's a perfect example of someone who wanted to take their personal medical information and use it as part of a process to change public policy.

I would submit to members of this House that that's exactly what I would be expecting to have happen under Bill 24 or, in fact, under a public inquiry under the Public Inquiries Act. People are saying: "There's a problem in the system. Here's an example

of how it affected me. Here's what happened to me. Here's my story. Here's my personal medical information." That information gets shared, and it's part of what somebody feels others need to know as a way of changing the public policy. [interjection] Yeah, I'm coming to that.

The minister of the department of human everything – I'm sorry; that one won't stick in my head – of Human Services is saying that you can't say that that's the way it's going to be with everybody. As I'm constantly told by my colleagues on the other side, you know, this is about balance, and this is about finding the best way through this.

I think we do have to say that this has to be a transparent process, and therefore everything will be published or will be available, and two, we want you to bring your stories forward if you're trying to change public policy. I'm really struggling with the idea that someone could bring forward personal medical information in private, the committee would meet in private, in camera – that's what that is; it's out of the eye of the public – and make a decision that would change public policy, and nobody would be able to know why.

If I'm going to be held at fault, I'm going to be held at fault because I'm depending on people willingly participating in a public process, but I think that's important. Nowhere in here am I saying – and do not accuse me of this because it's not true; it's not what I'm saying – that anyone would be forced or would be outed with their private medical information in order to participate in this process. That's not what I'm saying. But I am expecting that people that are going to come forward here are going to be willing to have that discussed in a public way. The bottom line: if they're not willing to, you know, can privacy be offered to them? I'd really have to question why, because I'm really concerned about a lack of transparency here.

No, I'm not willing to force them into outing their personal medical information if they really don't want that to happen, but I'm also struggling to think of where that would be likely to happen, and I just have not run across that. Maybe my life has been very narrow, but I've done a lot of work in health information, in protection of personal information, and in the FOIP Act, and I'm just not running across that. People that want to change public policy are more than willing to discuss that.

That's what's being anticipated under the amendment brought forward by the Member for Calgary Mountain-View, and I definitely am in favour of that.

I'm going to let others speak to this amendment as part of this process.

10:30

Really, what we're attempting to do here from the Official Opposition is to make this act better. The government has the votes to pass anything they want to, and if they're quite determined to do it, they're going to do it. You know, some days I walk up the hill to this building to do good, and some days I walk up the hill to this building to try and have the government do a little less bad. With Bill 24, I'm trying to have the government do a little less bad.

I am one of the people that believe that a certain thing was promised by the Premier and that we are getting a different version of that, and I have yet to receive a compelling argument from government as to why they refuse to give us what was promised and why we've had a replacement put in front of us.

I will leave it at that and thank the Speaker for the opportunity to speak to members.

The Chair: The hon. member for Calgary-Varsity on the subamendment.

Mr. Chase: Yes. Thank you very much. Specifically to subamendment SA1. When the hon. Member for Edmonton-Strathcona was speaking about the process under which the Health Quality Council was formed, I could not help but think – and again, Mr. Chair, hopefully the Government House Leader will provide a little bit of leeway.

I flashed right back to my childhood in terms of how you pick people, in terms of inclusion, in terms of insider responsibilities. The song, Mr. Chair, that creates the activity here . . .

Mr. Mason: Don't sing.

Mr. Chase: I will not sing. I will simply quote the way the process works, okay? It made me think of the children's game the Famer in the Dell. You know,

Hi-ho, the derry-o,
The farmer in the dell
The farmer takes a wife

and so on. Think of it as a game. The Conservative Party picks the Premier, okay? The Premier picks the cabinet. The cabinet picks the Health Quality Council. But in the children's game what happens, Mr. Chair . . .

Mr. Mason: They all fall down.

Mr. Chase: No. That's Ring Around the Rosy.

In the children's game what happens, Mr. Chair, is that the circle expands. But the problem that SA1 brings to Bill 24 is that instead of the circle of authority expanding, what happens is that, in fact, it contracts. We get a smaller, smaller, smaller circle, very much like what happened with the superboard, where the Premier has such control of the activity that any chance of transparency or accountability on the part of the Health Quality Council is lost because it is so closely directed by either the Premier, whether it's himself or herself, or by the Lieutenant Governor in Council, which is the cabinet. They consider: this may happen, or this may not.

As the hon. Member for Edmonton-Centre pointed out, the quickness to run in camera is a very legitimate concern. I don't want to attempt to repeat what the hon. Member for Edmonton-Centre stated, but what she did emphasize was the importance of transparency and accountability. People who voluntarily come before the Health Quality Council or, our preference, the public inquiry do so, for the most part, because they have a story to tell. Unfortunately, doctors who have disclosure statements or who are not permitted to talk about the financial remunerations are less likely, obviously, to come forward.

There are enough doctors and nurses, medical workers within the system, Mr. Chair, who have experienced the types of intimidation or the compromised work ability to deliver services. For example, even if we weren't able to get Dr. McNamee to come back, there would still be a storyline there of people willing to testify if they had the protection that the Public Inquiries Act provides. What amendment SA1, presented by the hon. Member for Calgary-Mountain View, points out is that rather than having a counterfeit process, a quasi-judicial attempt at the equivalence of a public inquiry, we should actually have the public inquiry and do it properly.

Mr. Chairman, we've heard several times, and you'll hear it raised again tonight, whether it's in amendment SA1 or when we eventually get back to the government's amendment A1, which was found to be so unsatisfactory as to require subamendments to be brought forward, that we're continually trying to fix something that is so broken that it can't be fixed. And until this government shows the same type of enthusiasm that we just experienced over the Traffic Safety Amendment Act, 2011, and sees the urgency in

terms of saving considerably more lives than in our wildest hopes we could save with the .05 to .08 – we're talking about front-line circumstances. We're talking about emergency room operations. We're talking about cancer. We're talking about thoracic surgery. We're talking about circumstances where people's lives on a daily basis are being compromised because physicians are not able to deliver the services that they need to deliver.

Now, the government cannot just simply be enthusiastic about speeding up a particular process within a two-week period, talking about the Traffic Safety Amendment Act, and "Let's get this thing going. We're going to save lives." Well, I'll tell you that the way to save lives is to have a whistle-blower type of protection such as a Public Inquiries Act would result in, in terms of the summation and advice going forward, so that health care providers have the freedom to bring out the complications, the restrictions that they're experiencing, the intimidation. Amendment SA1 says, Mr. Chairman, that simply trying to create something that looks like a public inquiry but doesn't have the authority of a public inquiry is not going to work.

Mr. Chairman, again, I can't help – because we're jumping back and forth between bills. How can the government be so dramatically swift in seeking justice with impaired driving but be so foot-dragging when it comes to the delivery of critical health services? When is the government going to address the fact that seniors who don't want to be in acute-care beds are there? How long is it going to take? Two years, and the superboard cost us \$1.3 billion more than the old system. The Health Quality Council will not deliver its first significant report until sometime in the spring, and then this new invention of the Health Quality Council will have 120 days to release its findings. How many compromised health circumstances are we going to have in that time period? You can't talk about alcohol impairment in one sense and then fail to talk about medical impairment. That is why we have been calling for a public inquiry into the impairment that our health system is currently experiencing.

10:40

Mr. Chair, I appreciate the fact that the government has uncharacteristically extended our sitting. I'm not sure why it was necessary to cram things into two days and then into two weeks and have us on a nightly basis as well as a daily basis showing up to debate things with such pressure and such speed, the majority of which occurs at night. If we're going to be thoughtful about the process, if we're going to correct circumstances, like amendment SA1 attempts to do, then there has to be a sufficient amount of discussion time. The potential of accepting amendments, whether it's the government's amendments or opposition's amendments or subamendments – the whole point is trying to improve the system. Again, it seems to be absolutely critical that we do things in a very speedy sense, whether or not we get it right, as opposed to having opportunities to think things through.

Now, Mr. Chair, the last thing I would want to do is further delay this process in the case of Bill 24 by sending it to committee. The facts are out there. They've been revealed over the last number of years. We've seen doctors forced out of the province. We've seen others leave because they could not endure the interference that they were experiencing in terms of delivering their health services. Premier Klein drove so many of our nurses out of the province with the deep cuts. So the last thing I want to do is prolong the status quo, and the only way we can get beyond the status quo is to create the type of transparency and accountability that the Premier spoke of when she talked about a public inquiry. This counterfeit operation that Bill 24 is suggesting does not achieve that.

Mr. Chair, I don't wish to take up more time talking about SA1, but speed is of the essence. We're going to have another election go by before any significant changes in policy occur. Without a public inquiry that compels testimony, we're not going to see an improvement. The cover-up, the cloak and dagger, the debating in darkness, unfortunately, will continue.

Thank you, Mr. Chair, for the opportunity to speak.

The Speaker: The hon. Member for Calgary-Fish Creek on subamendment SA1.

Mrs. Forsyth: Well, Mr. Chair, it's November 30, the time is 10:45, and here we are debating SA1, an opposition amendment for the Health Quality Council of Alberta Act. The longer I'm here, the more frightened I get, to be very honest with you. When I sit in the Assembly after the last – I guess we had two days in October and four days last week, six; we're on our ninth day. I look at some of the things. It's frightening, quite frankly. I think Albertans, actually, should be very concerned with what's going on.

I'm going to start off with the question that I asked the minister in question period today. I talked about today being a very sad day, and I talked about the cancer lab at the Tom Baker cancer centre closing its doors. I went on about how after more than a decade and after serving more than 10,000 patients using research and testing developed exclusively, the in-house lab closed despite dire warnings from Dr. Tony Magliocco. He did everything he could to stop it. Not only was he ignored; he was threatened. He was smeared for daring to speak out.

My questions were to the Premier, and the Premier didn't want to answer, so the health minister did. I said:

We know that you dismiss this critical issue as a workplace disagreement. Is that how you're going to treat the countless examples of bullying and intimidation of health care professionals?

Mr. Chair, I have to tell you that the answer that I got from the minister blew me away. I can't think of any other way. I said to my colleague: what did he say? The response back from him was something that we're going to actually post to the public. We're going to actually talk to the Health Quality Council. We're also going to talk to the College of Physicians & Surgeons and the AMA. He says:

Thank you very much. Well, this issue was discussed in question period previously. The questions were asked and answered.

Minister of health, I really hope you're paying attention here. I know you're pretending to read, but I know you're also listening.

I guess what I'd like to say, Mr. Speaker, is that this recurrent theme of innuendo and rumour with allegations of physician intimidation has become quite tiresome to this government and, in fact, in our opinion, is an insult to the dignity of this House and to the people that work in our health care system.

Why that is so shocking to me, quite frankly, Mr. Chair, is that we currently have the Health Quality Council investigating the cancer scares and the intimidation and bullying of physicians. The first report came out, and they said: no, we've got to divide that into two things because we're too overwhelmed to be able to deal with this, so we're going to put the cancer stuff over here, and we're going to deal with the physician intimidation over here.

The same council, the Health Quality Council, in their June 29 news release talks about this being so important that, as I explained earlier, they're going to break it into two segments. They have so much work to do, and they've done all this. "The complex nature of the review has proved challenging and the timeline for completing the report has shifted slightly. The next progress report will be issued in late autumn 2011."

They came out with their report October 27, their interim progress report on independent review. They talk about the quality of care and safety of patients requiring emergency department care and cancer surgery in that report. They talk about the findings to date on some of the things on the emergency. They talk about the role and process of physician advocacy in patient safety and health service quality. They talk about the intimidation and the bullying of the health care physicians, and this minister has the audacity to say in this Legislature that they're tired of the innuendo and the rumours of allegations of physician intimidation, and he's become quite tired of it. Does anybody understand what a dumb or stupid answer that is?

10:50

In this Legislature, when we have got a Health Quality Council investigating and that has been investigating since last March, to top it off – and I have to make sure I have the right word here; I'm trying to think of a ladylike term – he has the gall to bring forward the Health Quality Council of Alberta Act, Bill 24, and tell everybody in this Legislature that this bill is going to solve all the problems for all the physicians and that they're going to take care of everything. The same minister in question period talks about the fact that he's tired of the innuendoes and rumours and allegations of the physician intimidation and that the government is tired of it. Mr. Chair, I hate to sound repetitious, but that is an unbelievable answer by the minister.

Then he goes on. Quite frankly, I'm shocked. I said: "Mr. Speaker, that is unacceptable. He's already got his own Health Quality Council investigating intimidation, and as the minister he has the right to stand up and say that it isn't happening. What are they doing now?" I'm not sure what he was smoking or what he was doing on his next answer, but he comes out here and he starts talking about the bullying of his staff.

Well, we have no idea who is bullying the staff. I can tell you that it isn't any of us. If he has, as he says, proof that any one of us, as far as the four MLAs, or any one of our staff has been bullying his staff, well, Minister, guess what? Show it to us. [interjection] If you have something to say, minister of inter-governmental affairs, stand up and speak. We'd be more than pleased to listen to you, quite frankly. You know what? Chair, I'm going to sit down because the minister of intergovernmental affairs: his lips are moving, and I'm sure he wants to stand up and speak about the Health Quality Council. I'd be more than willing to let him use the rest of my time if he would like to speak. He has all of a sudden become busy again.

I'm going on to talk to the minister about health care. He goes off again in regard to "staff of my ministry conducting a regular billing review under the hospices of the Alberta Health Care Insurance Act." How the heck does that have anything to do with the question? We're talking about physician intimidation. We're talking about bullying. He is off somewhere in never-never land talking about "conducting a regular billing review under the hospices of the Alberta Health Care Insurance Act," and we've got this: "and being threatened with court action as a result of undertaking their responsibilities under law is not intimidation."

What is intimidation is these continued allegations – and here we go again, Minister – to the people that you're supposed to be representing, the health care professionals in this province, and you're saying that it's rumours; it's innuendoes. You know what? Dear doctors that we're negotiating your AMA contract with in good faith: we don't believe a word you're saying, not one single word. Minister, you know what? You cooked your goose on that one.

Then we go to the introduction of his bill, and he's going to tell us all the wonderful things about the amendments and what he is going to do. I love this. This one is wonderful. This is the minister speaking. "The government is committed to having a public inquiry and to this end has incorporated the key provisions of the Public Inquiries Act into this bill." Now, get this, Mr. Chair. We have to listen to this. "However, we are concerned that the current inquiry legislation would not be as effective in providing for a full and fair inquiry into health system matters, which is, I think, a goal for all of us in this House." I'm thinking: wow.

The process that you were previously doing, that you're doing right now, isn't being done fairly? I'm not sure, really. I'm not sure what we mean by this. I'm especially not very sure after listening to his responses in question period today. I, quite frankly, have every intention of sharing this with the doctors that have come to us. I'm sure Dr. Parks will be real impressed with this as will Dr. Maybaum, some of the wonderful emergency physicians that have spoken out against this government, Dr. Parks especially.

The subamendment that the opposition is bringing is saying: okay; well, we don't believe you either. So we're going to take sections 17 to 22 inclusively, and we're going to say: we don't believe what you're saying to us about when you talk about the health systems inquiries.

Let's just go into the Public Inquiries Act, which is a good piece of legislation. We've seen that the last two provincial inquiries were Newfoundland and New Brunswick. We tried to bring that to the minister's attention in regard to the issues that Dr. Magliocco had brought forward in regard to the closure of the Tom Baker cancer laboratory and the breast cancer tissues, what happened, and the cancer treatments with the hormone receptors and all of the problems that they had in Newfoundland with the positive and negative testing on the breast cancers. Both of them were done under their public inquiries acts.

Having said that, I am prepared as the health critic for the Wildrose and the Calgary-Fish Creek MLA – my colleagues can certainly speak for themselves. The fact of the matter is that we will be supporting the subamendment brought forward. We're going to continue to discuss and debate this legislation because the more that the minister opens his mouth, the more information that we're getting, which is good for us because of the fact that the minute that the answers came out of his mouth today, our phones and my e-mails went crazy because there was significant disgust from the health care professionals that, believe it or not, are watching what's happening in this Legislature and our question period. When you talk about bullying and talk about intimidation, what was displayed in the Legislature today was absolutely nothing more than shocking and disgusting.

With that, I'll sit down, and I'll let others speak in regard to the amendment.

The Chair: Hon. Member for Calgary-Glenmore, you wish to speak?

Mr. Hinman: I sure do.

The Chair: On subamendment SA1.

11:00

Mr. Hinman: Subamendment SA1. I would like to stand and speak in favour of this amendment. I think that it really sums everything up. What we have here with Bill 24 is the Health Quality Council of Alberta Act, which is trying to create powers and new provisions to investigate the bullying and intimidation that's been going on for some time here in the province with the

doctors that have come forward, which the government continues to deny at length with an incredible amount of gall, in my opinion, and they use the pathetic explanation of: oh, it's just workplace disagreements. I think it's a lot deeper than that.

I appreciate immensely the hon. Member for Calgary-Fish Creek and the hours that she has spent with the different doctors. I haven't been as involved as I was prior years going back. But the intimidation is real.

Subamendment SA1 does what needs to be done, and that's to keep the Health Quality Council of Alberta doing what its job is, and that job is to have great insight into patient safety and health quality matters. But that isn't what the problem is in the province. Yes, you know, we've had some problems when it comes to such things as sterilization of equipment, other areas, and people being held in emergency rooms longer than they should, not seeing a doctor. That's the job and the expertise of the Health Quality Council.

To now take those individuals that are experts – so we're told, and so they've been selected – on looking at our health system here in the province and seeing where there are problems and making some improvements and recommendations to those areas and ask them what we're asking them to do: this is the problem and the gall of this government. What on earth does that expertise have to do with rooting out and discovering the bullying and the intimidation that's going on? Like, they're going to do something.

I was shocked that we got the new health minister that we did. With what went on prior to that in this province and the behaviour and the actions that he took, I wouldn't have accepted the position. It's obvious that what we have is the fox that still has feathers in his mouth from going after the last victim, saying, "Oh, I will go around and check and see if there's anything bizarre going on," as he's still trying to spit the feathers out of his mouth. He can't talk because there are so many feathers in his mouth.

Mr. Chairman, this amendment is critical. Let's keep the Health Quality Council doing what it has been doing, and let's go to the Public Inquiries Act, which does serve this country and this province well, and do a proper investigation. When we have problems in the police force or there are allegations coming forward in the city of Calgary, they don't go to the north section and say: will someone over here please come and investigate here? They don't even really like to go to Edmonton and stay in their own province. They'll usually go outside of the jurisdiction and bring in new people to investigate so that they have it at arm's length.

This is so incestuous it's ridiculous, the groups that they're getting there and saying: oh, we're going to investigate it. I mean, we've got the letters where they say: "You know what? If you speak out against this, you'll regret it. This will be detrimental to your career." Yet they say: oh, this is a workplace disagreement. It's just amazing.

The minister should offer his resignation. They should call a full public inquiry, a judicial inquiry, and do the proper investigation. This isn't about quality health. This isn't about whether or not the equipment is in good shape. This is behaviour that's unbecoming inside the health care system. This superboard has been a super disaster. They started off right from the get-go saying: you do not speak outside; you talk to your superiors. They gave the protocol of who you spoke to, and they held the hammer of silence over them saying: don't speak out. Then six months later, nine months later, after people who then had spoken out were ostracized, lost their privileges and other things, set the example that if you speak out, you will pay the price, they say: "Oh, my goodness. What a big misunderstanding. We want them to speak out."

Supposedly they put their gun back in the holster and said: go ahead and speak out. But every time someone has attempted to,

that hammer has come down. Then they expect doctors, nurses, even the maintenance workers – I've spoken to one maintenance worker who was so tired after trying and trying to make a difference with the problems that he left, and he said: "I don't know why I didn't leave five years earlier. Why did I put up and struggle for so long?" He is so happy to be out, doing maintenance work for a public firm and says: "It's just wonderful, Paul, to be there. I don't know why I hung in as long as I did."

The morale: we know how poor it is. This government thinks that all of those people that are working in health care are going to jump for joy because the Health Quality Council is going to appoint the new group that's going to do the public inquiry? I mean, he has the nerve to say in his opening remarks on Bill 24 that "we are concerned that the current inquiry legislation would not be as effective in providing for a full and fair inquiry into health system matters." It's not about the health system matters. It's about the behaviour of the people at the top. It's the behaviour of the individuals and the intimidation and the e-mails that go on.

Then he says that he thinks that's the goal of this House. I mean, to go on and say: "To remove any doubt, Mr. Chair, the new inquiry provision in Bill 24 provides for information under nondisclosure provisions to come forward in an inquiry." I think that under the Public Inquiries Act that is clear. Again, because this government is bringing so many bills so fast and going so late at night, we can't always do the verification that we'd like, but we will get to that and find out here in the next day or two whether or not that is correct. I believe that to be incorrect, Mr. Chair.

This is different from the Public Inquiries Act with a mandatory provision for certain matters to be heard in private. I think we're going to find hypocrisy here that this new act allows way more things to be held in private. That's not what we need. We need the open, honest reporting. I think public inquiries are very, very capable and that judges are capable of realizing what needs to be kept private and what can be made public. In the bill it talks about third parties, affecting them. Even though someone on their own wants to come forward, a third party could object and say: oh, I don't think that that's good for you.

What subamendment SA1 does is that it rips everything out of Bill 24 that tries to mimic and fraudulently put forward that it was going to be a public inquiry. It puts it back to where the Health Quality Council is looking after the health quality of the province and looking after those things that are important. Is the hospital running efficiently? Are people waiting too long in the emergency rooms? That's what the Health Quality Council is about. Is the reporting not correct? Are there problems, you know, in the electronic data that are not being put forward? Those are the things that the Health Quality Council are experts at reviewing and looking at.

Dr. Magliocco went to the Health Quality Council and testified for two hours, and when the report came out there was nothing at all about the intimidation going on, like it didn't exist. What was the wording? There was one sentence that said that it appeared that there may be a problem about intimidation inside the system. That's it. They've been going at it for months – months – now. Is it nine months? And what do we have as a result? Next to nothing. Just some papers that talk . . .

11:10

An Hon. Member: Feathers.

Mr. Hinman: Some feathers. Feathers, and more feathers. I don't think there are very many feathered beds anymore in the hospitals because of allergies, but there's sure a lot of feathers and chickens involved in this government that won't get to the root of the

problem and be honest with Albertans, and that's extremely disappointing.

This government needs to do the right thing, and that is put some pressure on their leader and say, "You know what? Maybe we're going to take a few hits here." But after debating as long as they did and they're so worried about the safety on the road, I think they should be worrying about the quality and the safety in our health care system and not about their hides and saying: "We need to cover this up. We've got to make sure that this doesn't get out."

That's all that I see and that I hear people talking about, that this is about sterilizing all of the reports that are coming out and taking out anything bad and filtering it through and making sure that they put out a report and say: "All is well. We've gone through it. All those expert doctors, the best in the world that were here in Alberta and that have gone, we're grateful that they ran and left the province because they were the root of the problem. Now that we've purged all of these people that were advocates for their patients, we have a great system here going forward, and there's not going to be any more problems."

We need a full public inquiry under the Public Inquiries Act. We don't need this government and this health minister coming up with some cheap copy saying: oh, this is going to serve the health quality way better. When you look at what went on in Newfoundland and New Brunswick, both of those inquiries – I think it was in 2007 and 2008 – were done with a full judicial public inquiry under their public inquiry act, and they did a good job. You don't hire the police in your own force to investigate the police in your force when allegations are being brought forward. This is wrong. It's not going to work, and we need this government to admit it, scrap this bill, and call a full public inquiry. There's nothing else that's going to do any better than that.

I've sent out a questionnaire and put up a questionnaire on my website. Again, the one member will appreciate this. They just sent me the percentages, that 76 per cent of the people that responded said that they want a full judicial inquiry and nothing short of that. I believe it's 129 responses that I've received so far. It's overwhelming.

If this government was to actually go out and ask and be honest, the people of Alberta not only want but they deserve a full public inquiry under the Public Inquiries Act, not some phony lookalike that's concocted to put up smoke and mirrors and say, "We're going through the process; trust us; trust us," when in the last nine months they haven't been able to uncover anything. I don't think that these individuals are going to be able to appoint special experts in this area when they seem to be far more focused, which the Health Quality Council should be, on the quality delivery of health care.

Once again, Mr. Chair, that isn't the problem that we're trying to address. That isn't what's causing the low morale with our awesome workers in health care. It's not because of faulty equipment. It's not because of the working conditions or anything else to do with actually performing services for the people of Alberta. This is about intimidation. This is about when a doctor, a nurse, or a maintenance worker comes and says, "This needs to be changed; this isn't working right," and they're told to get back in their place. "Do you want to lose privileges? You don't understand. If something like that needed to be fixed, we would have already fixed it." It's inadequate. It's not going to serve the purpose.

We hope that all members in this Assembly will realize the importance of this amendment SA1 and that it will get voted in the affirmative and that we'll let the Health Quality Council go on being the Health Quality Council. The government can call a

judicial public inquiry – and we can start on one tomorrow – which would be the right and the honourable thing to do. Our new Premier could take one step in trying to reclaim some credibility and start honouring her promises, that she made when she was running to become the next Premier, when she spoke out many, many times that we need a judicial inquiry here. Again, just like the set election dates, how she changes these things – it's amazing to me why she would do that.

But bottom line: this isn't good enough. It's not acceptable. We need to strip out those sections that say we're going to have a public inquiry underneath the control of the Health Quality Council. We need this decision to be judge led. It really should be federal. It has nothing to do with the provincial area. Better yet, we need to be bringing in experts from outside the province that will actually have the knowledge and the expertise to find out what's causing the problems in our health care system.

With that, I'll see if there is anybody else that wants to speak on this amendment. Thank you, Mr. Chair.

The Chair: On the subamendment, the hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Mr. Chair, if I may just have special permission to make a couple introductions first in the Assembly.

The Chair: Shall we revert to Introduction of Guests?

[Unanimous consent granted]

Introduction of Guests (reversion)

The Chair: The hon. Member for Calgary-Fish Creek, an introduction.

Mrs. Forsyth: I'm going to speak to the subamendment, Mr. Chair, but I seriously need to make some introductions. It just proves what a little caucus can do and how dedicated their staff is. It's 20 after eleven, and we actually have staff in the Annex doing double duty, but we've also got some people that are here to watch and have been working very hard. I'm going to start with Brock Harrison, who is our communications director. Then we've got Ryan Hastman, who is the director for the party side who's here watching; and lastly, Bill Bewick, who is our head of research. They need to be acknowledged by us because they're still here because we're here. We double shift, and we do a lot of work. Quite frankly, without these guys we wouldn't be able to function, so I'll just ask them to rise and receive the warm welcome of the Assembly.

Bill 24 Health Quality Council of Alberta Act (continued)

The Chair: On subamendment SA1, continue.

Mrs. Forsyth: Thank you, Mr. Chair. I'm actually sitting here with bated breath due to the fact that I've been waiting for members of the government to speak up on the Health Quality Council act because I really believe it's an important act, and I think it's important that we understand how the government feels and where they are on this particular issue.

I'm especially interested to see how the government feels, actually, after – before the hon. Member for Calgary-Glenmore I just brought up the reaction that I got in the House today from question period. You know, I always try and say to the staff or

even to my children, for that matter, that once you've made a mistake – they know that I never get mad because we allow mistakes to happen, and that's how you learn. You learn from your mistakes.

You know, when you've been around long enough, you've got a whole bunch of mistakes in the back of your mind, and you're going to say: no, I'm not going to do that again. I brought that up when we were talking about the drinking and driving legislation. I shared my story of my speedy trip home one day on highway 2 and meeting a wonderful police officer at the time and the embarrassment that caused me as the former Solicitor General and the MLA for Calgary-Fish Creek. I just said: give me my ticket, and I'll go merrily on my way, and I'm sorry. So you learn by that.

11:20

What isn't being learned by the government is the stupidity of the mistakes they continually make over and over again on the Health Quality Council. Mr. Chair, I've been around here a long time, honestly. I've been here since 1993. I'm going to go home after, and I'm going to lay in bed, and I'm going to think: when was the last time I honestly heard a minister answer with such a stupid answer? You know how David Letterman has the top 10, and they start from 10 and they go all the way up to 1? I think he's going to be number 1 on the top 10 – and I don't watch David Letterman – stupid answers or whatever David Letterman calls it.

You wonder why I keep repeating this, Mr. Chair. I don't want you to call on me because you're going to say: the Member for Calgary-Fish Creek has to stick to the amendment SA1. I can see he's looking at his book, so I hope he's not going to call me on a point.

The whole crunch of the answer from the minister today stems from what we're trying to achieve with subamendment SA1, what we're trying to do with all of the amendments we're going to bring forward on this particular piece of legislation, and what we're trying to achieve under Bill 24. He really thinks that he's going to BS Albertans on this particular bill. For a minister of the Crown, when he has got a health inquiry going on that has been going on since March – we had our initial report in March, and then we had our second report in June, and then we had our third report in October that indicates clearly that Dr. John Cowell on TV, on radio, and on paper says: Albertans, ladies and gentlemen, we have a serious problem with physician intimidation, bullying, and harassment in this province.

I keep my little bullying bracelet on my desk, Mr. Chair, for a reason. I think the government should come up with one that says: stand up and stop bullying of our health care professionals in this province. They should have a 1-888 number just so that they can call the government and report the physician intimidation and bullying. They'd probably have a heck of a good fundraiser if they sold these bracelets because they'd probably make a whack of money. Then the doctors wouldn't have to try and go through all of the government: for this number press this, and for this number press this. They can just call the 1-888-I'm-a-doctor-being-bullied number, and I'm going to report it to you just for the fun of it and see what you can do about it.

Mr. Chair, we're going to continue to stand up in this Legislature, whether it's 11:30 at night or 1:30 at night, on behalf of the people who put us here, my constituents in Calgary-Fish Creek, Albertans, and we're going to be here, quite frankly, on behalf of the health care professionals. I'm really looking forward to the response that we're going to see from the AMA president, Dr. Slocombe, who in her last newsletter, that was dated November 28, scrutinized Bill 24. She indicates very clearly in here that

while she's not a lawyer – and I've met Dr. Slocombe, and she's a very, very, very bright lady. She delivers babies. She stood up and said: I'm going to be the president of the AMA, and I'm going to stick up for and represent the doctors that I'm going to be representing and tell what it's like.

We don't need to be reminded that the last AMA president was Dr. Patrick White, and that was the minister of health's friend. He phoned him at 12:30 at night, and it's like we were in a spy movie. "Hey, guess what? I've got a report that the Member for Edmonton-Meadowlark, that doc that's talking about all that physician intimidation, well, he's nuttier than a fruitcake. So maybe we should do something about that." He's now the minister of health. The same bozo that picks up the phone and calls Dr. White is the same person that stands in this Legislature and says that we are blowing smoke and making things up about all of the physician intimidation.

[Mr. Zwozdesky in the chair]

Having said that, I've already spoken twice on SA1. Again we're going to talk about the fact that what the opposition members are doing in this particular piece of legislation, sections 17 to 22 inclusively, is saying: okay; we don't believe what the government is saying and all of the rhetoric that they're speaking about on the health system's inquiries in Bill 24, so what we're going to is that we'll just go into the Public Inquiries Act. I think people don't need to be reminded that the last time we had the Public Inquiry Act, I think it was called the Code report – oh, Mr. Chair, welcome. Bright and fresh, I see.

The Deputy Chair: You bet.

Mrs. Forsyth: Us not so bright and fresh, but you, sir, bright and fresh and smiley.

So we're going to support this amendment, and we're going to bring forward some more amendments after that. We will hope that through this – I know my colleague for Airdrie-Chestermere is anxious to get up and speak and probably a little disappointed that his Oilers lost in a shootout, unfortunately. I'm sure the boys up there got their money's worth at a good game tonight. We were trying to run back and forth and check that score out.

Mr. Chair, having said that, I'm going to encourage all members – and when I say all members of the Assembly that means the PC government, and they're all very, very busy; I don't know what they're busy doing, but they're busy – to support this. Well, not you, Minister, because you're just sitting there very quietly. The Member for Edmonton-Whitemud is just very quiet. I'm looking forward to him standing up and speaking on this piece of legislation. He's been around as long as I have, and I know that he can be very passionate about things that he believes in because he happened to be the Justice minister when I was Solicitor General. I've been around him when he's been very passionate about a particular issue. I can see that he's excited about this bill and that he wants to stand up and speak about this bill. I can see the adrenalin.

Having said that, I'll leave it to the next person.

The Deputy Chair: Thank you.

We're on amendment SA1. Other speakers? The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Yes, SA1. Thank you, Mr. Chair. It's great to be here and have the opportunity to debate this bill and this amendment.

Mr. Mason: You had a nap, didn't you?

Mr. Anderson: Oh, yes, I had a nap. Actually, I did not. I took some time to go to Vegreville. Vegreville is a good place to be sometimes.

Mrs. Forsyth: You didn't bring me my egg.

Mr. Anderson: No, but there's Tim Hortons coffee out in the room. So for anybody in the opposition, go out there and get that.

On SA1. Obviously, the point of Bill 24 is very clear. It is a delay tactic. The majority of this bill is written to delay what the Premier promised during her election campaign, which was a full judicial public inquiry completely open to the media – no one would be exempt – into the fear and intimidation that doctors and many health care workers are clearly feeling from AHS officials and, in some cases, from members of the government.

11:30

The Premier made it very clear in her leadership race – she made it an absolute pillar of her platform – that she would call a full independent public inquiry prior to the next election. So the reason we're here today debating into the night is because of a broken promise by the Premier.

We have a Public Inquiries Act. The Public Inquiries Act gives full authority for the Premier or for the Executive Council to call a public inquiry. That is all she has to do. She just has to write the note and stamp it, deliver it, and off we go. We have a public inquiry. She could do it tomorrow.

So if the question is, "Why are we here at 11:30 and probably later tonight and into next week" and so forth, if that's what we're doing, and it looks like we are, that's the reason. That's the reason. It's because we have a Premier – and I don't even want to blame them entirely because I know most of the government members over there supported a different individual for the leadership, so I'm not going to even blame them at this point. I am going to blame the person who made the promise. The person who made the promise made it very clear that she was going to call a full public inquiry before the next election. That was enough, I am sure, positive, to get her the 1,600 extra votes that she needed to win that election.

Right now the Premier of this province, if she had not made that promise that she broke, would probably be Gary Mar. I've got to tell you that if I'm the guy who voted for someone other than the Premier, I would be pretty incensed right now about having that promise broken. I'd be furious. She makes a promise that she can't keep or that she doesn't plan to keep. She can keep it, but she doesn't plan to keep it. She makes the promise and then just blatantly breaks it. It's just exceptionally disappointing. I couldn't imagine being someone who had supported another candidate over there seeing that. That almost certainly made a 1,600-vote difference in the end result along with her fixed election date promise and along with a whole bunch of other promises that she made and didn't keep so far, but this one most of all.

You know, the attempt here is to put into the Health Quality Council of Alberta Act the ability of the Health Quality Council to optionally request a public inquiry into issues affecting health quality and health-related matters. It's completely optional. It's optional whether it's a judge-led inquiry – and we'll get to that – but the amendment to 17 in this act basically makes it completely optional. The council actually recommends that they use a judge for a health inquiry, but they can only make a recommendation to the executive that it be a judge, and the Executive Council, meaning the government, doesn't need to approve that recommendation or doesn't need to agree with it.

Let's review. That means that it's completely optional whether it's a judge-led inquiry. It's completely optional whether it's open to the media or whether the minister or somebody else can just go outside or go behind closed doors and be questioned, and that's it. And it won't be held before the next election. So somehow she got out of all three of the promises that she made. That is pretty misleading on the part of the Premier to make that promise and have no intention of keeping it.

So, absolutely, I would love to support this amendment because what it would do is that it would clearly take these powers of public inquiry, or kind of quasi-public inquiry, away from the Health Quality Council and out of this bill because it's not needed. It's clearly not needed. The good parts of this bill – there are some good parts to Bill 24. One is that all of a sudden the Health Quality Council is responsible to the Legislature as opposed to the government. That's a good change, so this amendment keeps that change. But the change that it doesn't keep is this business about giving the Health Quality Council the opportunity to call a health inquiry, which is clearly not the right move. The right move is to do exactly what the Premier promised she would do, which was to call a public inquiry under the Public Inquiries Act.

You know, we've talked with many different doctors. I'll tell you: the Member for Calgary-Fish Creek has talked to I don't know how many health professionals over the last two years since we've been with the Wildrose, and there really is a culture of intimidation out there. You know, that culture of intimidation was made very clear – actually, it was about a year ago today, I think. It was about a year ago today, I think, that the opposition leader – was it Tuesday?

Mr. Chase: November 22.

Mr. Anderson: Oh, November 22. It's a little over a week and a year ago today that we witnessed some of this.

You know, I don't know what the intentions of the health minister on that day were. I have no idea of the intentions, whether he was well intended or whether he was not, but I'll tell you what the end result was. The end result was that we had a situation where we had a member in this Chamber, a doctor who was standing giving a speech, giving a couple of speeches in an all-night session about health care in this province. He was going on at length about the need for, well, various things, but the end result being that he was worried about this ER crisis and patient care. His father, of course, who has since passed away, at that time was suffering greatly and had some problems in the ER. He was waxing, obviously, a little bit emotionally about that, as you would think one might be in a situation like that.

This health minister decided that he would give a call in the middle of the night to Doctor P.J. White, the head of the AMA, and decided that he would – we don't know exactly the details of that conversation; I, therefore, won't speculate. The end result was that the opposition leader received a call from a colleague who said – and I listened to the phone message, actually listened to it that night and have listened to it two or three times since. On that phone message it was made very clear – well, the Official Opposition leader was told by that individual that Dr. P.J. White, head of the AMA, had been called by the now health minister.

The Deputy Chair: Hon. member, the subamendment is what we have under discussion.

Mr. Anderson: Absolutely. This is part of that health inquiry that I'm assuming they would look into. I'm trying to say why it's so critical that we have a public inquiry and not just what this amendment talks about, this kind of quasi-inquiry. I'm trying to

explain the importance of getting that out, of being able to freely subpoena folks like the health minister and being able to make sure that it's a judge that subpoenas people like that to get the full story out there. They need to talk to everybody involved. Maybe it's me. Because I listened to the call on the day of, maybe I need to be subpoenaed and go before the public health inquiry on that. Who knows? I don't know. I don't know what the judge would want to look at.

11:40

The point is that we had a situation in which that member was called by his friend, and it was told to him that Dr. P.J. White had called him and was concerned. His words were: concerned about your mental state. This is part of the inquiry that will need to take place under this amendment. If we get this out, we can have a public inquiry about this.

Anyway, to make a long story short, the next day representatives from the College of Physicians and Surgeons showed up at the Leader of the Opposition's member's office to talk to him about his mental state.

Mr. Mason: To do an evaluation.

Mr. Anderson: To do an evaluation of his mental state. And, of course, when that happens, if the evaluation doesn't go well, the insinuation is that the member would have lost his licence to practise medicine.

Like I said very clearly, I don't know the intentions of the now health minister. Maybe he was, as he says, completely just looking out for a friend or something like that. Maybe that's true. I don't know. But the end result was that the Leader of the Official Opposition certainly, I know, felt very intimidated, felt essentially under attack. It was really troubling for him.

This was a very public example, and it was just one example. It was one of those few examples that you see out in the public because most of this stuff doesn't happen as publicly as that one did. That should raise alarm bells. If that's what's happening now, if that's what happened a year ago, you know that this sort of thing is happening out there. And if it's not necessarily always going to involve at the time the deputy or the parliamentary assistant to the health minister, it could have involved other people.

We know of the case of Dr. Maybaum, of course, where he spoke out because he was advocating for a wing of the children's hospital that dealt specifically with children with developmental disabilities, and it wasn't going to get funded as promised for some reason. I forget why. Anyway, Dr. Maybaum was advocating very vocally for this.

In a letter that he supplied to the *Calgary Herald* that was public – it was made public; it was tabled in this Legislature. In that letter he showed an e-mail from his superior, at the time the Calgary health region, that said that he needed to stop advocating – basically, he needed to shut up about this new children's wing because there were people, quote, high up in the government that want your head on a platter.

Now, I don't know what high up in the government means there. Did it mean the health minister at that time? Did it mean the head of the Calgary health region? Who did it mean? Who knows who it meant? [interjections] That's right; high up in the government. That's right. Maybe that's what it meant, too.

The point is that there were people high up in the government, according to this senior officer at Calgary health region, that said: wanted Dr. Maybaum's head on a platter. This is one of the best physicians in the city. How on earth – how can one not feel intimi-

dated? It's not like Dr. Maybaum can just go and say: "You know what? I'm going to stop working for the Calgary health region. If they're going to treat me like that, I'm out of here." Well, he could do that, but he'd have to leave the province. He'd have to leave.

I guess the big point here is that if we're going to have a Health Quality Council of Alberta Act that allows for this, we do not need what this is calling for. What's in the Health Quality Council of Alberta Act seems to be calling for . . .

Mr. Hinman: Indiana Jones.

Mr. Anderson: The Member for Calgary-Glenmore is exceptionally excited about Indiana Jones, apparently, and I've lost my train of thought. I've lost my train of thought.

My point is: how are we supposed to attract world-class physicians and retain world-class physicians in this province when they are treated this way? Whether it's Dr. Magliocco, who speaks out about the Tom Baker cancer lab being closed, which is now officially closed – he speaks out and says: look at the special expertise here; it is going to be devastating if we lose this. Devastating. He's told – what was the quote? – basically, to shut up and not say anything or he would regret it. If he kept speaking out about that, he would regret it.

I don't understand how that health minister, if he was really interested in getting to the bottom of this mess, can sit there and say, "Okay; well, we're so interested in getting to the bottom of this mess that we're going to pass a bill that is going to delay the process, essentially indefinitely, until after the next election," so that we don't have to deal with this before the election. Then it's going to be optionally led by a judge. It's going to be optionally open to the public. Only certain people are going to be compelled to testify but not others when it's not in the public interest, whatever that means.

I say that I have to question the motives of this bill because why would you need a Health Quality Council act? Why do you need this act if you have a Public Inquiries Act already? It's ready to go. We could call it tomorrow. We could get to the bottom of this. We could subpoena who we needed to subpoena. Not we; the judge could. The judge could do it in an independent fashion, and he could subpoena . . . [interjection] That's right. He could talk to Dr. P.J. White and see what he knew. Put him under oath and figure out what happened with what we just talked about earlier but also with all the health problems. He could talk to the now Minister of Finance, who was health minister before that, and the now Minister of Human Services, who was health minister before that, and the Member for Sherwood Park, who was health minister at one time before that, and so forth, and another health minister that we won't bring into the debate because he's sitting over there.

The point is that we could get these folks to come out and let us know what happened in the system, their staff members and the Leader of the Official Opposition and all the folks that have any knowledge of what's happened to cause this culture of fear and intimidation, so that we can get to the bottom of it. But I fear that if we don't pass this subamendment and then don't use the Public Inquiries Act to get to this information, we are going to not get to the bottom of this, and we certainly won't get to the bottom of this before the next election. I feel that the members opposite, specifically on that front bench, have a duty, especially given that they serve a Premier that made a promise, a clear promise to Albertans that she would get to the bottom of this before the next election so that they had the information that Albertans needed to make a proper choice, to see if their interests in health care have been protected by this government.

She made a promise, and she has failed to deliver. She has every ability right now to call this, and instead she's using this act to get around her promise. It is despicable that she has chosen to do that. I've got to say that at least the other member, Gary Mar, who probably would have been the Premier today – I don't think he would have done that. I think he would have kept his promises.

The Deputy Chair: Thank you, hon. member.

We're on subamendment SA1. Are there other speakers to the subamendment? Hon. Government House Leader, proceed.

11:50

Mr. Hancock: Thank you, Mr. Chairman. I've been listening attentively all evening. What I've heard is members, first of all, complaining that they don't have the time to debate and then being absolutely and completely repetitive. I don't know how many times I've heard the hon. Member for Airdrie-Chestermere talk about exactly the same things. In fact, I think he's probably reading the same speech because it's almost word for word what he said the other day, this afternoon. I mean, it's over and over again.

I don't see the point. There's nothing new being brought forward. In fact, most of the debate isn't even on the subamendment. Therefore, Mr. Chairman, I would move that we adjourn debate.

[Motion to adjourn debate carried]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I'd move that the committee rise and report progress on Bill 24. And I do hope that *Hansard* can write "progress" in the quite appropriate way.

[Motion carried]

[Mr. Zwozdesky in the chair]

The Acting Speaker: The hon. Member for Leduc-Beaumont-Devon.

Mr. Rogers: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports progress on Bill 24. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

The Acting Speaker: Does the Assembly concur in the report?

Hon. Members: Concur.

The Acting Speaker: Thank you. So ordered.

The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I move that we adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 11:52 p.m. to Thursday at 1:30 p.m.]

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