



Province of Alberta

The 27th Legislature  
Fourth Session

# Alberta Hansard

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Issue 46a

The Honourable Kenneth R. Kowalski, Speaker

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

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## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, December 6, 2011

[The Speaker in the chair]

### Prayers

**The Speaker:** Good afternoon and welcome.

On this day let each of us pray in our own way for the innocent victims of violence. Life is precious. When it is lost, all of us are impacted.

Today we join with Legislatures across Canada in honour of the National Day of Remembrance and Action on Violence against Women. This day of remembrance marks the anniversary of the 1989 massacre of 14 women students at l'École Polytechnique in Montreal. Hon. members, please join with me in observing one minute of silence.

Thank you. Please be seated.

### Introduction of Visitors

**The Speaker:** The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you to all members of the House a person who needs no introduction. Mr. Bob Maskell served in this House as the representative for Edmonton-Meadowlark and served us very well. Bob is probably just as well known in Edmonton for his service to the education community, having been the principal, I believe, of Jasper Place high school and then Victoria school of the arts, and he took that school into what some describe as the Juilliard of the North. Bob also has served us very well both in terms of connections between Alberta and China and in working within Alberta with our aboriginal peoples and aboriginal communities. I'd ask Bob Maskell to rise and receive the traditional warm welcome and thank you of the House.

### Introduction of Guests

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

**Mr. Denis:** Thank you very much. I rise with privilege to introduce to you and through you three guests in the members' gallery. Wendy Rodgers, who is the executive assistant to the Member for Calgary-Shaw, and her husband, Mark Meters, are joined by their friend visiting us from Bavaria, Germany, George Stretz. George is an air traffic controller at the Munich Airport. Mr. Speaker, through you I'd like to say auf Deutsch, in German . . . [Remarks in German] Please rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Elniski:** Thank you, Mr. Speaker. I have two introductions today. The first is a young lady, a university student specializing in poli-sci and international relations and up until recently my constituency assistant, Miss Natasha Soles. Natasha has an exceptional level of political acumen, and she comes by it naturally as her parents Katie and Ian are amongst my and others in this Assembly's strongest supporters. With her today is my CPC assistant, Mr. Benjamin McKay. I would ask them both to rise and receive the traditional warm greeting of the Assembly.

My second introduction today, Mr. Speaker, is Ms Jill Didow, the executive director of the Realtors Community Foundation. Jill, whose love of community, of humanity is exceeded only by the love of her dogs, is the topic of my member's statement today. Jill, would you please rise also and receive the traditional greeting of the Assembly.

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

**Mrs. Forsyth:** Thank you, Mr. Speaker. I'd like to introduce through you and to you another Wildrose candidate that has joined us in the Legislature. This candidate is looking forward, actually, to the next election. We've been honoured over the last two weeks to have our nominated candidates join us in the Legislature as we debate legislation during the afternoon and long into the evenings. I'd like to introduce Rick Newcombe, who's the candidate for Edmonton-Meadowlark. I'll ask him to rise and receive a warm welcome.

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

**Ms Notley:** Thank you, Mr. Speaker. I have two sets of introductions today. First, I'm pleased to introduce to you and through you to this Assembly guests who have had a key role in the creation of an important new work of public art in Edmonton. Keith Turnbull was the co-ordinator and lead artist for a project of the Edmonton Coalition on Housing and Homelessness to honour the lives of the thousands of people who struggle to have decent homes in Edmonton and to challenge all of us to work to end the unnecessary shame of homelessness. Linda Dumont was one of the 20 artists who created tiles that cover this structure, each showing a personal experience of homelessness. Many of these artists are people who know the problems of homelessness from personal experience. With Keith is his spouse, Kathy Turnbull. I would like to ask Keith, Kathy, and Linda to rise now to receive the warm welcome of this Assembly.

I'd also like to introduce to you and through you to this Assembly a new addition to the Alberta NDP team. Adrienne King is familiar with the Legislature, having worked as a library page some years ago. Since then she has completed a BA in English at Concordia University College here in Edmonton as well as a master's degree in English literature at McGill University in Montreal. Today is her first official day as the executive assistant to the leader of the NDP opposition. I'd now like to ask Adrienne to rise and receive the traditional warm welcome of this Assembly.

### Members' Statements

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

#### Realtors Community Foundation

**Mr. Elniski:** Thank you, Mr. Speaker. Certainly, this is the season of heroes, when ordinary people leap tall buildings in single bounds and become more powerful than speeding locomotives. One particular group, however, who make very little noise about what they do but who do it every day is the Realtors Community Foundation.

I came upon this foundation shortly after being elected when its executive director, my constituent Ms Jill Didow, invited me to one of their celebrations, and since then, Mr. Speaker, Jill and I have had the opportunity to drive Smart cars full of diapers through West Edmonton Mall, buy large quantities of wine at fixed silent auctions, and participate in a number of other events

as the Edmonton realtors show their collective commitment to the community.

Jill and her team at the Realtors Community Foundation provide support to charities working with shelter, homelessness, hunger, crime prevention, and other special projects. Since 1986 this foundation has contributed over \$2.8 million to the community.

Some 30 groups are served by the foundation, and in 2010 they received \$300,000 in support. Groups like the ALS Society, Habitat for Humanity, the Lurana Shelter, Our House Addiction Recovery Centre, the seniors' outreach centre, and the Youth Emergency Shelter, to name but a few: they all share in the generosity of Edmonton's realtor community. Projects have ranged from the replacement of windows at a rehabilitation centre to new furniture in a women's shelter. Realtors donate a portion of their sales to support these practical, pragmatic, and – my favourite part – largely bureaucracy-free projects.

I like this group not only because my wife is a realtor but because this foundation makes a difference where you can see it the most. The mandate of this foundation is that their funds be used for 75 per cent shelter, 15 per cent crime prevention, and 10 per cent special needs.

This is a group, Mr. Speaker, who quite simply put their money where their mouths are by investing in the very things that allow people to improve their lot in life. That is what makes them heroes every day.

Thank you.

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

#### Public Health Inquiry

**Mrs. Forsyth:** Thank you, Mr. Speaker. Since April the Alberta Medical Association along with Alberta physicians have been monitoring negotiations with this government before their current eight-year agreement expires in March. The Premier spent her leadership campaign talking about the importance of consulting with Albertans, but recent reports show that the negotiations between the government and the AMA have stalled, leaving funding for our physicians and our health care system up in the air. This government needs to get to work and commit to getting back to the negotiation table with the AMA so as to settle on a contract before the next election.

This government also needs to listen to the concerns of the AMA and place a renewed emphasis on primary care networks. The Wildrose believes that primary care networks are the next important step in fixing the health care system. PCNs do a superior job of treating patients with chronic conditions like diabetes. They also offer services like dietitians' advice, physical therapy, or a host of other health care services in a seamless way. Studies show that the PCNs divert patients from our overcrowded emergency rooms and hospital wards.

**1:40**

The conversations on PCNs and how to improve health care in our province will not take place if the government continues to brush aside the concerns of physician intimidation as mere workplace disagreements. With the culture and bullying prevalent in our health care system, it simply isn't right for the government to hold these negotiations over the heads of our health care workers and the AMA.

It's time for the health minister to understand that this isn't a workplace issue; it's a management issue stemming from the government level. It's no longer possible for the health care professionals in this province, who hold the entire system

together, to trust this government. It's time for this Premier to finally fulfill at least one of her promises and call a full judicial independent public inquiry so Albertans have the answers before the next election.

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

#### Alberta Export Awards

**Mr. Cao:** Thank you, Mr. Speaker. I'm pleased to rise today to acknowledge the winners of the 2011 Alberta export awards. It is a privilege for our government to be a proud sponsor of the Alberta export awards, which commends and celebrates the achievements of export leaders in our province. I recently attended the awards along with my colleagues the hon. Member for Edmonton-Ellerslie and the Minister of Intergovernmental, International and Aboriginal Relations.

It takes clever people and talent-filled companies to open doors to create demand and markets for Alberta products throughout the world. It is successful exporters that help to generate wealth for our province and strengthen our economy through their ability to adapt, evolve business practices, and compete on a global scale.

Mr. Speaker, Alberta presently is the second-largest exporting province in Canada, with \$78 billion in exports to other countries last year alone. One of the goals of the Alberta government is to continuously create, maintain, and build on friendly trade relationships. I believe that along with trade comes mutual benefits, respect, understanding, and peace.

Kudu Industries in my constituency won the title of exporter of the year. Other award recipients include Roswell Wake-Air Enterprises, Thermo Design Engineering, McCoy Corporation, FLYHT AeroMechanical Services, Axia NetMedia Corporation, and WMode Inc. The student award went to Michelle Cheng of the University of Calgary. The leadership award went to Norman Leach of Norman Leach & Associates.

I wish all of us to say thanks to Alberta exporters. Thank you, Mr. Speaker.

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

#### Our Lady Queen of Peace Ranch

**Mr. Sandhu:** Thank you, Mr. Speaker. I rise today to talk about Our Lady Queen of Peace Ranch. Three years ago OLQP opened a ranch for children financially or emotionally challenged and for those requiring special education.

For the last two years they have hosted a family Christmas party. This year's party took place on November 26, with over 1,000 kids in attendance. Each of them received a gift from Santa and a bag of winter clothes. Over 150 volunteers helped make the day a success, and I would like to thank them for their commitment and hard work. With tractor rides, a petting zoo, face painting, and other family activities it is a day for the children to remember.

I was honoured to present this organization with a \$10,000 cheque on behalf of the government. The Doherty family made this ranch possible, donating most of the 72.5 hectares of land the camp occupies. Over the years they have donated an additional \$30 million to the ranch. They are a modest and humble family as they do not like to see their name on any signage or donor lists. It was an honour spending a few hours with them. The family said that their business was a success because of the community, so it was only right to share and give back to the community. The *Edmonton Journal* wrote a great article on the OLQP Ranch, and I encourage you to read the copy provided to you.

I am proud that this ranch is in the Edmonton-Manning constituency. I hope business owners will look to the Doherty family as an example on how to give back to those in need, and I hope we will take a moment to give to charity this holiday season. Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Bonnyville-Cold Lake.

#### Lakeland Centre for FASD

**Mrs. Leskiw:** Thank you, Mr. Speaker. Fetal alcohol spectrum disorder, or FASD, is an umbrella term used to refer to a set of birth defects caused by prenatal alcohol exposure. It is a critical disability in Alberta, affecting at least 1 per cent of the population.

Since 1994 the Lakeland area, which includes the communities of Cold Lake, Bonnyville, St. Paul, Lac La Biche, Smoky Lake, seven First Nations, four Métis settlements, one military base, and surrounding towns, has been working on better understanding the disability of FASD. The Lakeland Centre for FASD, based in Cold Lake, is an incredible example of the community collaboration that has taken place to establish and ensure that accurate information about FASD is readily available and that effective prevention, diagnosis, and support services are offered in the Lakeland area.

Mr. Speaker, this centre was the first FASD diagnostic clinic in Alberta and the first clinic to diagnose adults with FASD in Canada. It continues to be the only agency to deliver wraparound support to families, serving women with addictions, children, families, and adults. Serving approximately 400 individuals each year, the Lakeland Centre for FASD has diagnosed about 500 individuals since opening in 2000. The centre also provides training on all aspects of FASD to about 2500 individuals each year in addition to all grade 9 students as a part of the prevent alcohol and risk-related trauma in youth program. The centre has been instrumental in reducing the stigma of this disability and has increased the level of awareness surrounding FASD in our area.

By beginning to develop new and innovative services, including the development of a nine-bed residential alcohol and drug treatment centre for pregnant women, I am confident that the centre will continue to address the needs of those affected by FASD.

Mr. Speaker, this government has been very supportive of this centre.

#### Private-sector Spending on Health Care

**Dr. Taft:** Mr. Speaker, there's a lot of misinformation and misunderstanding about spending on health care in Canada. If we as MLAs are to make good decisions, we need to be well informed. A few weeks ago one MLA compared Canada to North Korea for not allowing private health care. So I went to the nonpartisan, highly respected Canadian Institute for Health Information to conduct some due diligence. It turns out that the claims about Canada's public and private spending on health care are loaded with myths that need to be busted big time.

Here are a few facts from the Canadian Institute for Health Information. Canada ranks sixth in the world for combined private and public spending on health care in the middle of a large pack of developed countries. But when we look at public-sector-only spending, Canada ranks number 11 as a per cent of GDP and number 8 per capita.

Here's the zinger, Mr. Speaker. When we look at private-sector spending on health, Canada ranks number 4 in the world as a per cent of GDP. When measured per capita, Canada's private-sector spending on health care is third highest in the world. This is the

exact quote from the report. "Canada, with private-sector per person spending of US\$1,282, is among the top three countries with the highest per capita health spending funded by the private sector." Canada ranks only behind the U.S. and Switzerland for having the largest private health care sectors in the world on a per capita basis. This covers drugs, equipment, physio, dental, home care, long-term care, and on and on.

So let's look past the myths and ignorance when we discuss health funding in this Assembly and stick closer to the evidence. Thank you.

#### Oral Question Period

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

#### Alberta Human Rights and Citizenship Commission

**Dr. Sherman:** Thank you, Mr. Speaker. Just last week the hon. Member for Edmonton-Manning, a member of a proud visible minority group, read a member's statement about the importance of Human Rights Day. Premiers Lougheed and Klein understood this and strengthened human rights in Alberta. But in the mandate letter to the Minister of Justice this Premier ordered him to assess the appropriateness of amending or repealing section 3 of the Alberta Human Rights Act. To the Premier: what are you trying to achieve? Do you want to dissolve the Alberta Human Rights Commission? Yes or no?

1:50

**Ms Redford:** Mr. Speaker, the most interesting part of the hon. Leader of the Opposition's question is highlighted by the fact that the letter I wrote with respect to the Human Rights Commission went to the Minister of Justice. One of the things that I'm very pleased that we've been able to do in this very short time is to move the Human Rights Commission, which is a very important part of institutions in Alberta, from where it was sitting, in the department of culture and community spirit, into the Department of Justice. We believe that this is a commission that matters to Albertans, that will protect human rights, and it should appropriately be in the Department of Justice.

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

**Dr. Sherman:** Thank you, Mr. Speaker. Given that access to affordable legal representation is already a major problem for low-income Albertans, many of whom are single mothers, seniors, the mentally and medically ill, the indigenous peoples, visible minorities, and new Canadians, by moving the Human Rights Commission under the Justice department, are you planning to put this under the Criminal Code of Canada and send them to the court systems?

**Ms Redford:** Mr. Speaker, the Human Rights Commission has legislation that both constitutes the Human Rights Commission and that we observe with respect to protecting human rights in Alberta. The fact that we're managing the processes around the Human Rights Commission through the Department of Justice has absolutely nothing to do with changes with respect to the Criminal Code. It's a question that doesn't make sense.

**Dr. Sherman:** Mr. Speaker, what's not making sense is this government, clearly.

To the Premier. You asked the Minister of Justice to assess the appropriateness of amending or repealing section 3 of the Alberta

Human Rights Act. That was the question. Is that your plan, to repeal it?

**Ms Redford:** Mr. Speaker, the letter was quite clear. This is an issue that matters to Albertans. It's important for us to consult with Albertans on this to make sure that we know how Albertans feel about this. It's very important for us to know that the intention must be to review or to consider what to do with it next.

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

**Dr. Sherman:** Thank you, Mr. Speaker. It appears they have taken the Wildrose policy on this.

#### Federal Transfer Payments for Health

**Dr. Sherman:** Every year Ottawa shortchanges Albertans by over \$900 million in health transfers even though we pay more per person to federal coffers than any province. Thousands of hard-working Alberta seniors want to stay in their homes, but they can't. If they need long-term care, there's nothing there for them but a long waiting line. Instead of talking about increasing premiums and taxes, nickelling and diming our seniors, our working families, and our students, why won't the Premier fight for Albertans and shake down Ottawa for money that it owes us?

**Ms Redford:** Mr. Speaker, one of the things that we've been talking about as government and that the Minister of Seniors has been very involved in in the last two months is ensuring that we're putting in place a sustainable long-term care plan that's going to allow for seniors to continue to have a high quality of life. That's what Albertans want. We know that as a province in this country we do make transfer payments to Canada. We're proud of that because we believe that we have to be proud citizens and proud partners in Confederation. We'll be able to deal with our issues, we'll do it well, and we'll ensure that people have strong publicly funded health care and good long-term care.

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

**Dr. Sherman:** Thank you, Mr. Speaker. Given that our seniors are for sale or rent in this province – they are paying more than ever, they're having to get divorced, and you're removing the cap on seniors' living – and given that the Premier's friendship with the Prime Minister is well known, why can't you just pick up the phone and demand the billions of dollars Albertans are owed from your friends in Ottawa?

**Ms Redford:** Mr. Speaker, these characterizations of what's happening in Alberta seniors' communities are entirely inappropriate. What we know is that Alberta seniors want to have choices with respect to accommodation, and they want to make sure that they're continuing to be able to be provided with public health care support. We're going to make sure that that happens within our own borders.

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

**Dr. Sherman:** Mr. Speaker, thank you. I understand that this is question period and not answer period. All we're asking for is a collection call, a collection call to Ottawa, Madam Premier, not a collection call to our seniors and working families. Why won't you unleash your horde of lawyers and sue the federal government for the money they owe us? Premier Lougheed would do it. Why can't you?

**Ms Redford:** Mr. Speaker, I'm not going to speculate on what anyone else may or may not do. What I do know is that as a partner in Confederation, we have to have a relationship with other provinces in this country and with the federal government. I'll tell you that the approach that this hon. member is suggesting does nothing to support Confederation or Alberta's place in it.

**The Speaker:** Third Official Opposition main question. The hon. Member for Edmonton-Gold Bar.

#### PC Party Benefit Plan Trust

**Mr. MacDonald:** Thank you. The president of the PC Party reported last week that the party pays its leader an income above and beyond expenses. My first question is to the Premier. What is the leader's benefit plan trust, and how much will it top up the Premier's current total compensation package from Alberta taxpayers?

**Ms Redford:** Mr. Speaker, I've already answered this question. I have repeatedly said in this House – last week, this week, and press availability yesterday – that I am receiving no such payments.

**Mr. MacDonald:** Again to the Premier, Mr. Speaker: when will the Premier promise to taxpayers to release all the details on this leader's benefit plan trust that is being negotiated for her from the party and all of the details as well on the leader's benefit plan trust that was paid to the former Premier for the last four years?

**Ms Redford:** Mr. Speaker, whatever situation may have existed before, I have no information on it. I'm not going to be providing any information because I have no information with respect to that. As I've said over and over publicly, inside this House and outside this House, I do believe that there are expenses related to being leader of the party that are appropriate for the party to pay through party donations and not through taxpayers' dollars, and if that happens, then I will fully disclose that. It has not yet happened.

**Mr. MacDonald:** Again, Mr. Speaker, we're not talking about the expenses that are valid. What we're talking about, and this is my question again to the Premier: why does the Premier feel it is necessary to hide the details of the leader's benefit plan trust from the taxpayers, who are already paying the Premier over . . .

**The Speaker:** Okay. There could have been interjections, but the Premier chose to respond to those first two questions. But when you start talking about "hiding," I think we're going overboard here.

Premier, if you want to supplement an answer or add an answer, go ahead. If not, we'll move on.

**Ms Redford:** Mr. Speaker, I will say exactly what I said last week, yesterday in the House, and outside the House. There is no information for me to be disclosing because there is no information that I have.

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

#### Impaired Driving Legislation

**Mr. Boutilier:** Thank you very much, Mr. Speaker. We all know that the federal Liberal gun registry had good intentions after the '89 shooting in Montreal, but it failed Albertans and Canadians.



The gun registry criminalized law-abiding Albertans. And here we go again, heading down the track with the ill-advised impaired driving policy, going after soccer moms and dads and a couple who are having a glass of wine, who are well below .08, rather than going after the 98 per cent that are killing people on our highways. To the Premier: why aren't you going after the 98 per cent that are killing Albertans?

**Ms Redford:** Mr. Speaker, it's very clear in this legislation that what we're doing is adding penalties to circumstances that already are against provincial legislation. At this point in time if a person is affected by impairment, under legislation, under the Traffic Safety Act they are already breaking the law. There are penalties attached to that. So this assumption that this legislation will in any way impact law-abiding citizens is incorrect.

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

**Mr. Boutilier:** Thank you. Given that the Premier has talked about a change in culture and listening to caucus members who don't support your policy, why wouldn't you be going after the 98 per cent that are causing so many accidents and who are well over .08? Why wouldn't we go after them first rather than the 2 per cent, the hockey moms and dads?

**Ms Redford:** Mr. Speaker, regardless of what a person may do in their life, regardless of where a person may be volunteering, if there are people that are having their operation of a motor vehicle affected by alcohol, then they are at this point not following the rules. There is right now a test and provincial legislation that ensures that people can be penalized. What we're doing is introducing legislation that does, granted, have further consequences. We believe that's important in terms of changing the culture of drinking and driving.

**Mr. Boutilier:** Mr. Speaker, we want to save lives. To the Premier: will you refer this to committee, to go after the 98 per cent of Albertans who are killing other Albertans rather than the 2 per cent that your own caucus doesn't support?

**Ms Redford:** Mr. Speaker, referring legislation to committee is not going to save lives on Alberta roads. This legislation will save lives on Alberta roads.

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

2:00

### Mental Health Services

**Ms Notley:** Thank you, Mr. Speaker. In the past few days two reports have given troubling insight into the difficult circumstances of people with mental illness seeking a good quality of life. Despite couching it in cautious language, the reports of the Auditor General and the Mental Health Patient Advocate office cannot hide the chronic failure of this government to care for Albertans with mental illnesses. To the Premier: will you admit that the record of the PC government has created a crisis that requires immediate resources and not another four years of bureaucratic planning?

**Ms Redford:** Mr. Speaker, we know that in society in general and, certainly, in Alberta in the past 15 to 20 years we have a better understanding with respect to mental health and the importance of having wraparound services available for people that are dealing with mental health issues. Through the safe communities agenda, through the work that's been done in Alberta Health and Wellness and Alberta Health Services, added resources

for mental health beds, we are addressing those issues, and we are addressing them in a proactive way.

**Ms Notley:** Well, notwithstanding that, given that the mental health advocate says that right now the number one issue she's still seeing is people in much-needed hospital beds when they could and should be in the community and the lack of places and support services in the community for them and given that she reports how acute-care hospital capacity is chronically overwhelmed by this failure, why won't the Premier admit it's time to get beyond plans for plans followed by more round-tables for more plans and actually take action on behalf of these people?

**Ms Redford:** Mr. Speaker, this government doesn't have plans and round-tables. What this government has is action. We have been very clear that mental health matters to Albertans, that it matters to this government. We will continue to put resources into this. We will continue to work with the mental health advocate. We will always strive to do better. But you should also know that we have really accomplished a tremendous amount in the past 10 years, particularly in the past three, and we'll continue to do that.

**Ms Notley:** Well, Mr. Speaker, given that it's been four years, almost a full term in office, since the Auditor General alerted this government to the crisis in supports for people with mental illness and given that even though he's now telling us there have been virtually no improvements since that time and that AHS is saying there will be no action until at least 2014, will the Premier first apologize to Albertans being hurt by this continued indifference; and second, will she commit to having AHS move that date up significantly?

**Mr. Horne:** Well, Mr. Speaker, I don't know where the hon. member is getting the information to suggest that no action will be taken until 2014. That's absolutely not the case. Mental health like other health sectors represents a variety of needs to be addressed. As the Premier said, we've focused extensively on wraparound services in schools. We are working to improve early identification of children and youth who may have mental health issues. We have a lot of work to continue to do with housing, providing a high level of support there for people living with chronic illness.

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

### Impaired Driving Legislation

*(continued)*

**Mr. Taylor:** Thank you, Mr. Speaker. In light of Bill 26, the Traffic Safety Amendment Act, 2011, the hospitality industry is calling on the provincial government for help in extending late-night public transit services and cab availability. Now, while I understand that taxi licensing is under municipal jurisdiction, I am wondering if the province will help the industry out with the public transit piece of the puzzle. To the Minister of Transportation: will the minister commit extra funding for late-night transit service in Edmonton and Calgary to help patrons of the service industry adapt to this bill?

**Mr. Danyluk:** Well, Mr. Speaker, in fact, we have talked to the hosting associations and the restaurant associations about the availability of public transit and taxis. It's not only about that availability; it's about how we can work with those associations to support individuals that are impaired and give them the flexibility to have a safe ride home.

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

**Mr. Taylor:** Thank you, Mr. Speaker. To the Premier: given that yesterday the Premier had promised a civic education campaign on the new blood-alcohol limits, will the Premier commit to not enforcing this bill once it passes the House until this education campaign is completed?

**Ms Redford:** Mr. Speaker, it's very important that when we introduce new legislation Albertans understand how it will impact them. It's going to be important once this legislation is passed to make sure that we have a deliberate plan with respect to the drafting of the regulations and the ultimate proclamation, and of course that will have to include a very extensive public education campaign.

**Mr. Taylor:** This all sounds like a lot of work. This all sounds to me, given that this bill is being rammed through this short session without much time for debate or contemplation and given that the hospitality industry is also calling for a delay in passing the bill until more consultation can take place, that the Member for Fort McMurray-Wood Buffalo was right. Will the government pull this bill and refer it to committee for further review and bring it back in the spring?

**Ms Redford:** Mr. Speaker, it was very interesting to consult with our Minister of Transportation today with respect to some of the concerns that people have had with respect to it. What I have heard over and over again from Albertans, whether they're in the hospitality industry or otherwise, is that they are completely supportive of the objectives that we're trying to achieve, they're completely supportive of what we're trying to do to protect families on roads, and that the legislation is the appropriate legislation. We will work with industry, and we will work with communities and Albertans to ensure that the impacts are very clear and that people understand the consequences as we move forward.

**The Speaker:** The hon. Member for Calgary-Lougheed, followed by the hon. Member for Edmonton-Riverview.

**Mr. Rodney:** Thank you, Mr. Speaker. Bill 26 is before this House, and I'm well aware that question period is not to be used for debate on a bill, so this is about process rather than substance of legislation. My question: when does the Minister of Transportation expect that the provisions will be implemented if Bill 26 is passed?

**Mr. Danyluk:** Well, Mr. Speaker, I don't have the exact time of when it'll be in effect. I can say to you that from the beginning of this bill coming forward, I have talked about how the most important aspect has been the repeat offender in the .08 and above level. I want to say to you that we are going to bring those areas forward first and ensure that those .08 and above . . .

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

**Mr. Rodney:** Thank you, Mr. Speaker. To the same minister – I could tell that he wasn't quite done – on a related topic what is the expected timeline for implementation around provisions for .05 to .08?

**Mr. Danyluk:** Mr. Speaker, there's no doubt that that's going to take a little bit longer. We are bringing forward a new tracking system, and we need to ensure that the process is in place and working. I also want to say that our system is very much different

than what B.C. has. We need to ensure that there are fair and consistent appeals and that they are consistent from Grande Prairie to Medicine Hat to Red Deer.

**The Speaker:** It's not inappropriate for a couple of members to just go to the lounge outside and relax a bit and then return later if they wish to, but in the meantime being overly excited is really not that much in order.

The hon. member.

**Mr. Rodney:** Thank you, Mr. Speaker. Again to the same minister. I understand that you met with concerned business owners today. I'm wondering what you can tell us regarding plans to address their concerns around the legislation that is currently in place at this time.

**Mr. Danyluk:** Well, Mr. Speaker, in fact, we did meet with business owners of the restaurant industry, of the hosting industry, and our direction was very clear. We talked about what was necessary for an education program and how we could work together with them to ensure that the message was clear so that their patrons and Albertans understood and also how we could bring forward the message that the present .05 level is the same level that has been in place for 12 years, how we could get this message to the patrons of their businesses.

#### Financial Contributions to Members

**Dr. Taft:** Mr. Speaker, my questions will be to the Minister of Justice. The previous two Premiers received payments and benefits that raise serious concerns about the risk of conflict of interest; the case of True Blue, for example, a company solely set up to pay the former Premier. To the minister: is there any government policy or legislation that prohibits or restricts interest groups or corporations or individuals from paying money or other benefits to a Premier of this province that are in addition to the Premier's salary and party benefits?

2:10

**Mr. Olson:** Mr. Speaker, again, we've been answering these questions for a week, a week and a half now. I can explain, if the hon. member needs me to explain again, that we have things such as the Conflicts of Interest Act. We have a Chief Electoral Officer, who's an independent officer of the Assembly. We have an Ethics Commissioner, who's an independent officer of the Assembly. We have a Lobbyists Act. We have all kinds of provisions for disclosure. Our government is fully compliant. This Premier is fully compliant. I don't think anything more needs to be said.

**Dr. Taft:** Well, Mr. Speaker, given that there are holes in the legislation as big as this Assembly, let me ask this: as long as these payments are generically disclosed with no detail other than being, quote, over \$5,000 per year, is there any limit on the value or nature or source of these potential payments?

**Mr. Olson:** Mr. Speaker, again, we've got the legislation there. It provides for full disclosure. No more needs to be said.

**Dr. Taft:** Mr. Speaker, I don't think this minister knows his own legislation. Is there any government policy or law that prevents a shell company being established, collecting unknown sums of money from unknown sources and paying these to a Premier of Alberta in such a manner that their specific source and value are never known to the public? It certainly seems to be what's happening.

**Mr. Olson:** Mr. Speaker, with respect, I'm trying to be polite here. This member first of all didn't know that a report had been filed and a discussion paper filed with the standing committee on leadership finances. He also doesn't seem to know what the legislation says. I've explained to him generally what the legislation is, but I'm not going to sit here and read it to him.

I also want to make a little point about private business. It is not the responsibility of this minister to look into private business.

**Mr. MacDonald:** Point of order.

**Mr. Olson:** This member has offended my department by suggesting that lawyers are somehow unethically appointed. There is only one way a lawyer gets appointed by this government, and that is if they are professionally competent and have professional expertise. This member should be ashamed of himself for . . .

### Speaker's Ruling Legal Opinions

**The Speaker:** There was an interjection there for a point of order. If it has anything to do with providing a legal opinion, that will not be dealt with by the chair because *Beauchesne* 408 clearly says that members in asking oral questions will not ask a question that requires an answer involving a legal opinion.

The hon. Member for Sherwood Park, followed by the hon. Member for Calgary-Buffalo.

### Automobile Theft

**Ms Evans:** Thank you very much, Mr. Speaker. Yesterday the people of the capital region and throughout Alberta said farewell to Ken Haywood, former entrepreneur, philanthropist, and president of Kentwood Ford. In the years following his service as a businessman, he undertook a mission to stop auto theft in Canada, and he was very diligent in visiting all the Legislatures in the country to try and get governments to generally recognize that we could do better. My first question, today, is to the Solicitor General. In fact, how effective have we been in Alberta in reducing the incidents of auto theft?

**The Speaker:** The hon. Solicitor General.

**Mr. Denis:** Thank you very much, Mr. Speaker. In 2008 there were 22,000 instances of auto theft in Alberta. This has gone down to about 15,000 in 2010. I want to give the police credit for actually doing their job, enforcing the existing laws, and getting auto theft down.

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

**Ms Evans:** Thank you, Mr. Speaker. To the Minister of Service Alberta: what can the consumer expect in terms of prevention of buying any kind of car that has been stolen or was stolen and resold either at a used car mart or, in fact, as a new car from an auto dealer?

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

**Mr. Bhullar:** Thank you, Mr. Speaker. We are committed to protecting hard-working consumers. Something that the government of Alberta has done is create the Alberta Motor Vehicle Industry Council to protect vehicle consumers. I'm very proud to inform this House that AMVIC is in fact establishing a consumer protection fund for consumers affected by stolen

vehicles or vehicle misrepresentations. This fund will be active January 1, 2012.

**Ms Evans:** Mr. Speaker, Mr. Haywood in his time as an entrepreneur, in fact, was privy to receiving under improper circumstances some 30 vehicles that were sold to him as vehicles that were worthy of selling as a dealer. That really provoked him going further. We've heard about consumers' protection. What protection is there for dealers who might try to get those vehicles?

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

**Mr. Bhullar:** Thank you, Mr. Speaker. I have in fact heard that at that particular time Mr. Haywood himself, actually, made it right for all of those consumers, so we applaud that. We applaud entrepreneurs in this province that are willing to take bold action to protect consumers.

Mr. Speaker, as I've indicated, AMVIC is establishing this particular consumer protection fund. It's something that I think will affect all Albertans in a very positive way.

### Incremental Ethane Extraction Program

**Mr. Hehr:** The Premier promised full public disclosure about changes to the incremental ethane extraction program, eventually approved by cabinet, but documents obtained clearly show that government staffers were writing press releases with industry prior to the approval. The information provided is a document showing that a closed-door meeting of the Alberta Competitiveness Council was held on March 8. Given that we do not know which, if any, of the industry players were in attendance, we still don't know if any companies were given an unfair advantage. Will the Minister of Energy release the attendance record of the meeting?

**Dr. Morton:** Mr. Speaker, I'd be happy to release the attendance at that meeting. In fact, I would refer the hon. member to slide 5 of the slide deck there, that lists members and also makes it very clear that it's anticipated the government is going to change the policy. All this talk a few weeks ago about secret deals and inside deals – there was no inside deal. There's no secret. All industry players were fully advised of what the policy was that was coming.

**Mr. Hehr:** Well, I'll ask a follow-up to the hon. minister. Are the names of the companies who were in attendance at this meeting listed on slide 5?

**Dr. Morton:** Slide 5 makes it very clear what the forthcoming policy is. Whether the names of the companies are on slide 5 or not, I'm not sure. I have a list of everybody who was at the meeting. I'm happy to make it available to the hon. member.

**Mr. Hehr:** Well, I thank him for that. I wrote him a letter on November 14 on this. The Premier promised full disclosure, and I'd appreciate that information as soon as we can get it, all the industry players who were at this said meeting on March 8, to really clear the air and set us straight on this matter.

Thank you, Mr. Minister.

**Dr. Morton:** He's most welcome.

**The Speaker:** The hon. Member for Strathcona, followed by the hon. Member for Airdrie-Chestermere.

### Red Tape Reduction Task Force

**Mr. Quest:** Well, thank you, Mr. Speaker. Last Friday the government announced a new task force to help cut red tape for small businesses, which we all know have an essential role in our provincial economy thriving. Over the years there have been a number of attempts to streamline paperwork and processes that can inhibit small-business growth in Alberta, yet a lot more work still needs to be done. As a former small businessperson I can certainly attest to that. My question for the President of the Treasury Board is: how is this new task force going to differ from what's been done in the past, and are we going to get it right this time?

**The Speaker:** The hon. Deputy Premier.

**Mr. Horner:** Well, thank you, Mr. Speaker. I thank the hon. member for the question. He's absolutely correct. The government has done a lot of work over the last number of years to ensure that our regulatory system is as efficient and effective as possible. I'm very pleased to report that Alberta is regarded as one of the best places in Canada to invest and to create business. We have among the lowest numbers of regulations, but more can always be done. This isn't about the number of regulations that we have. This is about assessing the quality of those regulations and the impact that those regulations have on small business. We want to do everything we can to . . .

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

**Mr. Quest:** Well, thanks, Mr. Speaker. Good intentions for the task force, but how will Albertans really know that this committee isn't just going to waste a lot of time and taxpayer dollars while accomplishing very little?

**Mr. Horner:** Mr. Speaker, the task force is very focused. It's going to be very tight timelines. The task force has to consult with business leaders across the province, and they have to prepare their final report by March of next year. Once that report is completed and has gone through the government review process that we have as a standard operating procedure, then we will be making that public.

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

**Mr. Quest:** Thank you, Mr. Speaker. I'm sure that Alberta business owners, then, will be pleased to hear government is doing its best to cut through this excessive red tape. But what about the clients and the customers of these businesses? What assurances do we have that businesses aren't simply going to be given free rein to do as they please? What's the balance going to be?

2:20

**Mr. Horner:** Well, Mr. Speaker, it's a good question. As I said before, the task force is about the quality of those regulations, not the number. It's about the assessment of whether or not those regulations make sense and whether they should be enforced. It's about having a competitive regulatory structure that is also ensuring that it's fair, efficient, and effective, and that's exactly what we intend to do.

### Sexual Harassment Video

**Mr. Anderson:** Mr. Speaker, last week a teacher at a school in St. Albert showed a group of 11- and 12-year-old students a spoof sexual harassment video that is so explicitly vulgar and sexual that

one has to be over 18 to view it on the Internet. In response to a parent complaint the teacher reportedly said that kids say these things all the time on the playground, and it was just awkward for the kids to hear those things in the classroom. Wow, what a great role model for our kids. To the Deputy Premier and MLA for Spruce Grove-Sturgeon-St. Albert: why has his government been silent on this issue, and what is it doing to ensure that this kind of garbage is not shown to our children in school?

**Mr. Horner:** Well, Mr. Speaker, I and many residents of my constituency were as interested in what the school board would have to say on this issue as I'm sure the hon. member is. I also happen to know that the school board, the duly elected officials for that jurisdiction, are looking into the matter, and an investigation is under way.

**Mr. Anderson:** Given that Alberta parents would like to know they can send their children to school without them being subjected to something out of a red-light district and given that this teacher clearly has the judgment of a piece of furniture and shouldn't be allowed to teach any students without close supervision, if at all, and given that the school in question won't disclose what steps have been taken to discipline this so-called teacher, will this minister commit to telling Alberta parents what is being done to discipline this teacher so that we can be satisfied that this government and its Education minister take this type of disgusting display seriously?

**Mr. Horner:** Well, Mr. Speaker, I'm sure that through that statement we can all tell that the hon. member is very passionate about this, as am I. But I think perhaps some of those comments might go a bit too far.

Mr. Speaker, the school board is actively engaged in that investigation. They are responsible to those parents and to those parents that lodged the complaint. I expect that they will be getting their answer.

**Mr. Anderson:** Too far? I wonder which part was too far for you.

Given that I have had many parents from across Alberta bring to my attention that their young children are being exposed to explicitly sexual and explicitly violent books and movies in our schools and, worse, given that in almost every case parents haven't even been given a notice of such material nor the option to opt their child out, will the Deputy Premier get his Education minister to start doing his job and let us know what is being done to ensure that only age-appropriate material is being shown to our children and, if there is any grey area in this regard, that parents are given notice and the right to opt their children out of it? This is not appropriate for our children.

**Mr. Horner:** Mr. Speaker, I believe that I would agree with the hon. member. From what I understand from the reports that I have seen, it was inappropriate for this to happen in a classroom. I am also comfortable and confident, being one of the MLAs for the area, that the school board is doing their proper investigation.

Mr. Speaker, I will take under advisement the balance of that question for the Minister of Education to consider.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Lacombe-Ponoka.

### Fort Chipewyan Health Study

**Mr. Chase:** Thank you, Mr. Speaker. After almost a half-century of oil sands development impacts the Department of Health and

Wellness finally announced on September 29 of this year a community health investigation into Fort McKay. This assessment comes years after the disturbing AHS reports on cancer rates in Fort Chipewyan, a report that only resulted yet again in inaction on this government's part. To the minister of health: what are the specific timelines for the promised Fort McKay community health assessment?

**Mr. Horne:** Mr. Speaker, I don't have the specific timelines on hand with me in the Chamber. I'd be happy to get back to the hon. member on that. I can report to the House that the process is proceeding as intended, that the atmosphere is collaborative, and that I have every hope that we will achieve the objectives that were set in that agreement.

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

**Mr. Chase:** Thank you. Again to the health minister. Given the recent tragic suicides and drug-related shootings that have affected Alberta's First Nation communities, will the health assessment cover mental health and addictions?

**Mr. Horne:** Mr. Speaker, I believe the intention of the exercise is to cover as broad a subset of the health sector as possible. The factors that the hon. member raises are important factors in the analysis of any health issue. I have every confidence, as I said, that this review will address a comprehensive . . .

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

**Mr. Chase:** Thank you. Again to the minister, Mr. Speaker: given that residents in Fort Chip have been suffering from higher than average cancer rates, which were first revealed by Dr. John O'Connor, when will the minister order a community health assessment for the Fort Chip community?

**Mr. Horne:** Well, Mr. Speaker, the data that the hon. member refers to has been reported widely in the media. My concern, as with the situation in Fort McKay, is that we're able to work collaboratively with the community and arrive at a plan, an approach that will work for all people involved. I have every expectation that we will be able to do what we have done in Fort McKay eventually with the citizens of Fort Chipewyan.

**The Speaker:** The hon. Member for Lacombe-Ponoka, followed by the hon. Member for Calgary-McCall.

### Country of Origin Labelling

**Mr. Prins:** Thank you, Mr. Speaker. Many of my constituents are livestock producers, and I continue to hear their concerns over mandatory country of origin labelling and its negative impact on beef and pork producers on our side of the border. Recently the WTO trade dispute panel ruled in Canada's favour on a WTO challenge to this rule. My question is for the Minister of Agriculture and Rural Development. Could he tell us: what is the status of that trade challenge at this point?

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

**Mr. Berger:** Thank you, Mr. Speaker. On behalf of all of Alberta's producers I'm happy to say that the World Trade Organization ruled in Canada's favour. This is great news for Canada but even greater news for Alberta as Alberta makes up close to 50 per cent of the beef trade within Canada. MCOOL, as it's referred to, has created artificial barriers throughout North

America, and it is a trade disruption. I want to thank the federal government for their action in getting this dismantled.

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

**Mr. Prins:** Thank you, Mr. Speaker. Again to the same minister: what happens if the U.S. refuses to comply with this ruling?

**Mr. Berger:** Mr. Speaker, the U.S. could appeal, or they could comply. It's not my job to presuppose what their action will be. What I can say is that it's not normal for the World Trade Organization to be overruled on these matters. So I do believe we are on the path to opening up our borders and no MCOOL ruling on the U.S. trade.

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

**Mr. Prins:** Thank you, Mr. Speaker. My final question is to the same minister. With many thousands of farmers in Alberta producing over 5 and a half million head of cattle and over 1 and a half million head of hogs per year, what else can we do to help these farmers and the livestock and meat industry succeed in this type of trade climate?

**Mr. Berger:** Mr. Speaker, I would say on behalf of Alberta Agriculture that we are not sitting idly by. We are active in markets over in South Korea and China as well as India right now, trying to open those doors. I do believe we will have some of those open by the end of the year in South Korea. These actions just prove the point that we cannot solely rely on one market for either our agriculture or our energy. We have to diversify beyond the U.S. market.

**The Speaker:** The hon. Member for Calgary-McCall, followed by the hon. Member for Calgary-Fort.

### Twinning of Highway 63

**Mr. Kang:** Thank you, Mr. Speaker. As the snow falls and the air gets cold, that doesn't mean that work on expanding our highways stops. Planning for next construction season continues and budgets are made. You know what else doesn't stop? Unnecessary deaths due to roads being dangerously over capacity. To the Minister of Transportation: will the minister tell this House the target year when the twinning of Highway 63 south of Fort Mac will be completed and why progress on this 350 kilometres long project has been slow?

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

**Mr. Danyluk:** Well, thank you very much, Mr. Speaker. I'm very glad to be able to answer the hon. member's question. This government is continually looking at upgrading roads in Alberta, whether it's four-laning highways, whether it's ensuring that this province, which is a commodity-based province, has the accessibility of moving its product to market. Highway 63 is exactly that highway, and we are continually working on that highway to ensure its safety.

**Mr. Kang:** That is very slow progress, Mr. Speaker.

To the minister again. Given that according to the government's documents only 36 kilometres of highway 63 south of Fort McMurray are scheduled to be twinned by 2014 and that, as we know, this dangerous highway constrains our economy and is a contributing factor in far too many accidents, does the minister find this pace of development acceptable?

**Mr. Danyluk:** Well, Mr. Speaker, I'm not sure if the hon. member has ever been in Fort McMurray. I want to say to him that there are overpasses; there are roads that are being built; there are interchanges that are being built; there are bridges that are being built. We have a budget that we are adhering to, and if the hon. member suggests that we should take some of the funding away from the ring road in Calgary, then what will happen is that we will very much try to increase that road.

2:30

**Mr. Kang:** That's a ridiculous suggestion, Mr. Speaker.

To the minister again. Given that the government is planning to twin just over 10 per cent of highway 63 south of Fort McMurray by the end of 2014 – that is 10 per cent in five years, Mr. Speaker – will the government accelerate construction so that the project can be completed before the middle of the century?

**Mr. Danyluk:** Mr. Speaker, first of all, we are very much working on the north-south corridor. We're working on the Canamex highway. We're working, as I said before, on the corridors from Fort McMurray to Edmonton. There are over, I believe, 30,000 miles of road in this province, and we are working very hard to ensure that this province is treated equitably and that this province . . .

**The Speaker:** The hon. Member for Calgary-Fort, followed by the hon. Member for Calgary-Mountain View.

#### Health Services for Immigrants

**Mr. Cao:** Thank you, Mr. Speaker. Several constituents have brought to my attention that the married spouses of Canadian citizens living in Alberta are required to prove their intention to immigrate before receiving Alberta health care coverage, but Canada Immigration does not even issue an acknowledgement of receiving immigrant applications, and their processing takes one or two years. To the hon. Minister of Health and Wellness: what proof does Alberta Health Services require from permanent residents of Alberta for their spouses waiting for the immigration process?

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

**Mr. Horne:** Thank you very much, Mr. Speaker, and thank you to the hon. member for the question. I know that this is something that a number of us have encountered as MLAs in discussion with our constituents. Newcomers to Canada who are legally married spouses of Canadian citizens and have applied for permanent immigration status may be eligible for coverage under our Alberta health care insurance plan. These newcomers may be covered if they can provide the following documentation: confirmation of permanent residence – a permanent residence card, an active work study, or, under special circumstances, a visitor permit for Alberta – or a designation as a convention refugee with accompanying documentation. They must also prove residency and identity.

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

**Mr. Cao:** Well, thank you, Mr. Speaker. That is a very good list of documents. Still my constituents show me that those who claim to have refugee status receive health care coverage immediately. Can the minister now look into a similar provision for Canadian citizens' spouses who are living right here in Alberta and are still waiting for the long process of immigration?

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

**Mr. Horne:** Well, thank you very much, Mr. Speaker. That is, indeed, a long list of requirements. With respect to spouses resettled refugees and refugee claimants are covered by federal government health insurance. As mentioned in the answer to the earlier question, newcomers of Canadian citizens are eligible for Alberta health care coverage if they can provide the required documentation that I listed.

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

**Mr. Cao:** Thank you, Mr. Speaker. Again, I just want to emphasize that my constituents told me that they have provided all the documents, but they are still being told that they don't have the intention, that basically there's no proof that they want to be permanent here.

Thank you.

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

**Mr. Horne:** Thank you, Mr. Speaker. I'm advised by my department that for those situations to which the hon. member refers, our Alberta health care insurance plan may provide coverage to individuals who have a legal right to be in Canada, make Alberta their permanent home, and are present in Alberta for at least six months. Our health care insurance plan, however, cannot accept the immigration application documentation as proof of legal entitlement to be in Canada. In order to process an application for Alberta health care insurance plan coverage, the applicant has to provide the same three things.

**The Speaker:** The hon. Member for Calgary-Mountain View, followed by the hon. Member for Little Bow.

#### Farm Worker Exemptions from Labour Legislation

**Dr. Swann:** Thank you, Mr. Speaker. It's now exactly one year since two farm workers were electrocuted on the job east of Edmonton. No occupational health service, no fatality review has been done, nor were they done on the two other electrocutions in the past four years on farms. The Fatality Review Board refused an appeal for a fatality review stating that, quote, it was not in the public interest. End quote. To the agriculture minister: given that the Premier supported extending occupational health and safety standards to paid farm workers during her leadership campaign, when will the minister bring equal treatment of paid farm workers and save lives?

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

**Mr. Berger:** Thank you, Mr. Speaker. Last March, I believe it was, the former minister struck a task force, a committee made up of 15 prominent Alberta farm and industry workers, who are currently going through a consultation process and will be bringing back recommendations to me by the end of the year.

**Dr. Swann:** Well, Mr. Speaker, we don't need committees; we need action. This has been decades of scandalous mistreatment of paid farm workers.

To the Justice minister: how can you allow even one electrical death in four years without an investigation?

**Mr. Olson:** Mr. Speaker, Justice prosecutes. We don't investigate.

**Dr. Swann:** Then to the Minister of Human Services: given that child labour in Alberta is completely unregulated in agriculture and that children are killed and injured each year working in the

same industry, will the minister commit to legislation in Alberta related to child farm labour standards in 2012?

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

**Mr. Hancock:** Thank you, Mr. Speaker. We have a tradition in this province of family farms and of families working on farms, and that's one of the issues that makes it very difficult with respect to legislation. Legislation with respect to hiring outside workers would be an interesting piece, but with respect to the farm I think all of us who have any rural background know and understand that everybody on the farm pitches in to help.

Now, what's really important is that we have a culture of safety in this province. Whether you're on the farm or off the farm, whether you're at the work site or anywhere else, people want to come home to their families safely. Regardless of where the work is being done, there needs to be a culture of safety, and there needs to be education to ensure that there is a culture of safety.

**The Speaker:** The hon. Member for Little Bow.

### Grass Fires in Southern Alberta

**Mr. McFarland:** Thank you, Mr. Speaker. On November 27 grass fires driven by winds in excess of a hundred kilometres an hour tore through areas west and south of Lethbridge. There's been a lot of speculation as to the cause of the fires. My question is to the Minister of Municipal Affairs. I'd like to know if a determination has in fact been made as to the cause of these fires.

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

**Mr. Griffiths:** Thank you, Mr. Speaker. The provincial fire commissioner's office was asked by the county of Lethbridge and the Blood Indian First Nations to help them do an investigation and prepare a report on the fire. I know that once the report is complete, it goes to those municipalities, who decide what they're going to do with it from there. So it would be inappropriate to speculate yet as we don't have enough information on what caused the fires.

**Mr. McFarland:** Mr. Speaker, knowing that fires can be very costly to municipalities and to volunteer fire departments that respond, I would like to know if, in fact, the fires and the costs associated are the responsibility of the municipalities or the individual or individuals that may have caused them.

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

**Mr. Griffiths:** Thank you, Mr. Speaker. We know that fires, since we've seen quite a few in the last couple of years, can be very costly. To begin with, the costs of the fires are the burden of the municipality since they're responsible for the fire services. But the province of Alberta does have a disaster recovery plan, so if there is devastation that is widespread, that is unique, and that hits uninsurable items, a municipality could apply to the province, if they qualify under those criteria, to recover the costs.

**Mr. McFarland:** Mr. Speaker, would the individual or individuals who caused a fire and, as a result, had surrounding volunteer fire departments respond to protect themselves be responsible for the cost of the responding departments that came out?

**Mr. Griffiths:** Mr. Speaker, that's an excellent question. If an individual receives a fire permit,\* then they're not personally

responsible if the fire gets away from them because they've gone through all of the proper protocols to have the fire. But if they don't go through a permitting process, they can be on the hook. I believe it's section 9(3) of the Forest and Prairie Protection Act or somewhere in that area that could hold the individual responsible for causing the fire.

**The Speaker:** Hon. members, that concludes the question-and-answer period for today. Eighteen members were recognized; 108 questions and responses were given.

We have a request from the Minister of Health and Wellness to supplement an answer given previously.

2:40

### Fatality Inquiry

**Mr. Horne:** Yes. Mr. Speaker, yesterday the hon. Leader of the Official Opposition asked me a question with respect to two cases. Specifically, the question was whether or not these cases were the subject of a fatality inquiry. I simply want to add to my answer from yesterday, having been informed after question period that the two individuals named by the hon. Leader of the Opposition are cases that are, in fact, the subject of a fatality inquiry at the present time.\*

**The Speaker:** Hon. Leader of the Official Opposition, you may ask one question.

**Dr. Sherman:** Mr. Speaker, I would like to thank the hon. minister for answering that question.

Thank you.

**The Speaker:** Hon. members, I'm going to call on the hon. Deputy Speaker now to undertake a special Christmas recognition for our pages.

### Page Recognition

**Mr. Cao:** Thank you, Mr. Speaker. Hon. members, each day of session we are served by the tireless efforts of our pages. Daily, often late at night, they show patience and understanding in our many work demands. On behalf of all members of this Assembly we would like to give each page a small Christmas gift to say thank you and also wish each and every one a Merry Christmas.

These gifts are from the personal contribution of each of the hon. members. I would ask the Speaker's page, Ellen McClure, to receive her gift and to distribute the other gifts from all of us. I now call on the hon. Deputy Chair of Committees to present the gift to Ellen McClure, and I ask all members to join me in showing our appreciation and recognition of our pages. [applause]

**The Speaker:** In 30 seconds from now we will continue the Routine.

### Presenting Petitions

**The Speaker:** Hon. Member for Calgary-Buffalo, you have a petition today?

**Mr. Hehr:** Yes, I do. Thank you very much, sir. I have a petition signed by approximately 300 to 400 Albertans urging the government to make amendments to Bill 26, the Traffic Safety Amendment Act, 2011, "that remove all administrative penalties for individuals operating a motorized vehicle with a blood alcohol concentration between 50 milligrams and 80 milligrams." I believe it's in order, sir.

\*See page 1724, left column, paragraph 8

\*See page 1601, left column, paragraph 2

### Tabling Returns and Reports

**The Speaker:** The hon. Minister of Human Services.

**Mr. Hancock:** Thank you, Mr. Speaker. It is my privilege today to table for the benefit of the House the appropriate number of copies of the annual report 2011 for Alberta's Promise. Creating and supporting positive outcomes for children and youth in Alberta has always been a cornerstone of Alberta's Promise. Since 2003 the little red wagon has been the symbol of our organization, with the saying which so appropriately illustrates the impact we have on the world around us: "The little red wagon is a symbol of childhood, a helpful means for pulling the occasionally heavy load of life and a place to keep dreams, with a handle so an adult can help out from time to time."

**The Speaker:** The hon. Minister of Infrastructure.

**Mr. Johnson:** Thank you, Mr. Speaker. I rise to table five copies of a newspaper article from the *St. Albert Gazette* of November 23, 2011. I'll be referencing this article in third reading later today in debate on Bill 23.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have a number of letters to table today. The first is a letter that I had written on April 19, 2011, to the hon. Minister of Health of Wellness regarding the closure of the Grey Nuns community hospital therapeutic warm-water pool.

My second tabling is a letter that I received from the hon. Minister of Health and Wellness at the time, the current Member for Edmonton-Mill Creek, and this is a response to my request regarding the Grey Nuns community hospital therapeutic warm-water pool.

The third tabling I have is a further letter on this matter dated September 29, 2011, including a detailed list of the management consulting fees that were paid out by Alberta Health and Wellness in 2010-11.

The last tabling I have is a letter dated November 15, 2011, from the hon. Member for Edmonton-Rutherford, the current minister of health, regarding the same matter.

I appreciate that there could be some progress made. Thanks.

**The Speaker:** The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Speaker. I'm tabling five copies of a letter from an EMS worker who confirms that almost on a daily basis in Edmonton now there's a red alert, meaning that there's no ambulance available to respond, and lamenting the fact that the current process is to pull in rural ambulances to serve the city under these circumstances, leaving the rural areas abandoned of an ambulance.

Thanks, Mr. Speaker.

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

**Dr. Taft:** Thanks, Mr. Speaker. I am tabling the appropriate number of copies of a report from the Canadian Institute for Health Information which relates specifically to my private member's statement today as well as copies of a letter I received from Don Thompson a couple of weeks ago. Mr. Thompson expresses his concern about exporting bitumen and crude oil rather than building a comprehensive petrochemical industry here in Alberta.

Thank you.

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

**Mr. Taylor:** Thank you very much, Mr. Speaker. I have three tablings today, all letters from constituents, all expressing concerns about Bill 26 and its changes to blood-alcohol levels and various other points in the bill. One of those letters, from Richard Waller, also touches on the issue of public transit and taxi service, that I referred to earlier today in my questions.

Thank you, Mr. Speaker.

**Mr. Denis:** Mr. Speaker, I referred to a number of tablings last night, and I'll be brief pursuant to your direction yesterday because there are five. The first I table today is a letter dated December 2 from the chair of the Edmonton Police Commission expressing support for Bill 26.

The second is a table of international blood-alcohol limits.

The third is an article by Robert Remington from the *Calgary Herald*, November 26, about the 300 people who have died since 1998, regarding people over .05 who have driven.

There's also an article I'm tabling from the December 4 *Calgary Sun* quoting RCMP statistics that 1 in 22 people after nightfall are, in fact, impaired.

Lastly, I'm tabling a decision of a court in British Columbia, *Sivia v. B.C.*, which upholds the province's right to impose administrative penalties for drunk driving.

### Tablings to the Clerk

**The Clerk:** I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Denis, Solicitor General and Minister of Public Security, the Alberta Law Enforcement Review Board 2010 annual report.

On behalf of the hon. Mr. Horner, President of Treasury Board and Enterprise, pursuant to the Conflicts of Interest Act the report of selected payments to the members and former Members of the Legislative Assembly and persons directly associated with Members of the Legislative Assembly for the year ended March 31, 2011.

On behalf of the hon. Mr. Danyluk, Minister of Transportation, return to order of the Assembly on Motion for a Return 1, asked for by Mr. Kang on March 21, 2011.

**The Speaker:** The hon. Member for Edmonton-Gold Bar. Point of order, citations, et cetera.

### Point of Order

#### Questions outside Government Responsibility

**Mr. MacDonald:** Yes. Thank you very much, Mr. Speaker. I rise this afternoon under Standing Order 23(h) and also (l). I would also like to point out *Beauchesne's* 409(6), which indicates that "a question must be within the administrative competence of the Government. The Minister to whom the question is directed is responsible to the House for his or her present Ministry and not for any decisions taken in a previous portfolio."

2:50

Certainly, when my colleague the hon. Member for Edmonton-Riverview was again talking to the Minister of Justice regarding the matter of True Blue Alberta Ltd. and their role in taxable allowances that have been provided to the former Premier over a period of one year and to the Premier's spouse for two years, there was quite a general discussion about this. I certainly would argue



that these questions are within the administrative competence of the government.

I would like to point out – and you, Mr. Speaker, I must say, encouraged me yesterday to do some additional reading, which I did – your concern about the lack of respect for legislative officers here. I thought I would look through the report that was made and some of the recommendations that were made to the Legislative Assembly by the former Chief Electoral Officer, Mr. Gibson. Certainly, it is interesting to note what the gentleman points out, and I'm going to quote. This is for the Election Act, and I'll also get to the Election Finances and Contributions Disclosure Act in a moment.

The Chief Electoral Officer must consent to any prosecution under the Act. Currently, a prosecution cannot commence more than two years following the date of commission of the alleged offence.

This restricts the pursuit of justice in situations where the offence is not identified well within the two-year timeframe. It requires that the alleged offence is detected or reported, the matter investigated, and sufficient time is available for the Chief Electoral Officer to form an opinion that prosecution is warranted before the matter is referred to Alberta Justice and Attorney General. At this point, the Minister of Justice may very well want to conduct a further examination.

Now, I know it was in another question later on in question period that the hon. Justice minister said – I believe the quote was: doesn't investigate, just prosecutes. But this would lead me to believe that the Minister of Justice on occasion can investigate further.

If the Minister of Justice were to conduct a further investigation of the matter before deciding whether or not to proceed . . .

**The Speaker:** Hon. member, please. I'm very, very pleased that you've done a lot of research, but we should have done the research on the subject at hand today in the question period.

**Mr. MacDonald:** This is not at hand?

**The Speaker:** You see, I read the Blues, and I see where the hon. Member for Edmonton-Gold Bar interjected on a point of order. It has nothing to do with what the hon. member is talking about right now. Somehow the point of order has to relate to the matter. You raised a point of order at a certain juncture today as a result of certain words that were used, and they have nothing to do with what the hon. member is talking about. Relevance is one of those things that's important, too.

If you could bring it right back to where you – shall I repeat the words that caused you to rise?

**Mr. MacDonald:** You can.

**The Speaker:** It would probably help you, wouldn't it? I wouldn't want you to be carrying on in a variation.

**Mr. MacDonald:** No.

**The Speaker:** Here's what the hon. Minister of Justice and Attorney General said that caused the hon. Member for Edmonton-Gold Bar to rise. We'll stay within that segment. It says:

Mr. Speaker, with respect, I'm trying to be polite here. The member first of all didn't know that a report had been filed and a discussion paper filed with the standing committee on leadership finances. He also doesn't seem to know what the legislation says. I've explained to him generally what the legislation is, but I'm not going to sit here and read it to him.

I also want to make a little point about private business. It is not the responsibility of this minister to look into private business.

At that point the hon. Member for Edmonton-Gold Bar rose on a point of order. This is the subject at hand here, not the benefit of all your research.

**Mr. MacDonald:** And I can appreciate that, Mr. Speaker – I really do – but what I'm trying to get at here is that the Minister of Justice does have the administrative authority to investigate these matters. It's quite a broad discussion between an office of the Legislative Assembly and the ministry and what the authority is of that ministry. For the minister to suggest that they have no authority to deal with these matters that were a part of question period today is wrong, and I would submit that that certainly is within the administrative competence of the government and a private interest. This is a matter of payments that were supposedly just for expenses during election campaigns.

**The Speaker:** Once again, I must bring up the question of relevance because the report in question that the hon. member wants to talk about, which had nothing to do with the question this afternoon, has in fact been considered by the Legislative Offices Committee. I think we're just going to move on. Is that okay?

**Mr. MacDonald:** That's fine.

**The Speaker:** Okay. Well, I'm glad that it is.

### Orders of the Day

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

**Mr. Hancock:** Mr. Speaker, might I ask for the unanimous consent of the House to allow the Deputy Government House Leader to move Government Motion 34 and Government Motion 35, which are on the Order Paper but not available until tomorrow? We'd prefer that they be moved today with the consideration of the House. The two motions essentially deal with membership on committees, in fact putting members of the Liberal opposition on the committees and replacing a member who is now a member of the government side.

**The Speaker:** The question is a request for unanimous consent to allow for consideration of government motions 34 and 35.

[Unanimous consent granted]

### Government Motions

#### Committee Membership Change

34. Mr. Denis moved:  
Be it resolved that the following change to the Special Standing Committee on Members' Services be approved: that Mr. MacDonald replace Ms Pastoor.

**The Speaker:** This is not a debatable motion, so I'll call the question.

[Government Motion 34 carried]

#### Committee Membership Changes

35. Mr. Denis moved:  
Be it resolved that the following changes to the Standing Committee on Public Health and Safety be approved: that

Dr. Taft replace Ms Pastoor, that Dr. Taft replace Ms Pastoor as deputy chair.

**The Speaker:** Interestingly enough, this motion is debatable if anybody chooses to debate it. If not, then I'll call the question.

[Government Motion 35 carried]

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

#### Time Allocation on Bill 24

32. Mr. Hancock moved:

Be it resolved that when further consideration of Bill 24, Health Quality Council of Alberta Act, is resumed, not more than one hour shall be allotted to any further consideration of the bill in Committee of the Whole, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

**Mr. Hancock:** Thank you, Mr. Speaker. Just very briefly, time allocation is quite an appropriate . . . [interjections]

**The Speaker:** Okay. Please. Just a second. You two fellows have been out here for the last few minutes. You walk in, and you start yelling. Go back out, okay? When we're finished, you come back in.

**Mr. Boutilier:** I'm entitled to be here, Mr. Speaker.

**Mr. Anderson:** Take your whistle off for a second.

**The Speaker:** Hey, hey. [interjections] I'm giving you an opportunity. [interjections] Okay. This is the game. I've seen it before. The boys want to be evicted. You know what?

**Mr. Anderson:** What?

**The Speaker:** You may not get your wish.  
The Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. They don't play well in the sandbox.

My point was, Mr. Speaker, that time allocation is an appropriate tool for the use of government in moving legislation forward. As everyone knows, bills can stay in Committee of the Whole for interminable lengths of time because members may speak more than once in committee. In this particular case, the bill has been in committee for a considerable length of time.

3:00

We can see a pattern developing in the committee in which the speeches are repetitive. They're going over and over the same topics again and again. Committee is for line-by-line analysis of a bill. It is an opportunity to bring forward amendments. We have seen some amendments, and we've dealt with those amendments. With one further hour of time there will be an opportunity to bring forward any further salient points that members of the House want to bring forward, but we do need to deal with the bill.

**The Speaker:** Standing Order 21(3) is very clear. Who shall I recognize on behalf? The hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you, Mr. Speaker. When the hon. House leader brought forward time constraint announcements yesterday, you might have heard my first response, and that was: hickory dickory dock, the minister struck the clock. Well, I should have said that the minister stopped the clock. By so doing, he stopped the

democratic process, and that is what this government motion is all about.

Now, Mr. Speaker, possibly it has to do with the amount of time I've spent reading bedtime stories to my grandsons, Kiran and Rohan. Possibly it's my feeling of longing to be back with them during the evenings as opposed to spending until 1 o'clock of the following morning debating the government's inappropriate legislation, but the idea that we wouldn't be allowed to debate amendments that are designed to improve government legislation, which I must admit is very difficult to achieve given how flawed a number of the bills are, and to have the hon. Government House Leader refer to this as repetitive: I have great concerns.

Mr. Speaker, I had a very good conversation with the hon. House leader last Wednesday following midnight, and I said to the minister how pleased I was that the government had extended the time period basically by a week to give greater thoughtful debate to this. I thanked the minister for that allowance. Then when I came back on Monday, as we all do, we found that the time rug has been pulled out from underneath our feet again.

I had really hoped that this promise of transparency and accountability would be, at least, if not the only promise kept, the second promise kept. The first promise was restoring the money to education. But, Mr. Speaker, it's the same old same old, and that really worries me. What we have here – and again going back to my grandsons – is that we have the story of Little Red Ridingford, who promised transparency and accountability and then blew the whistle on the time allotment for debate.

Mr. Speaker, a variety of individuals have reported on the lack of democratic change. I truly feel betrayed because I felt that the newly selected Premier would honour what had been proposed in the campaign, and that was increased transparency and accountability, and instead we get more of the same. This is unacceptable. This government has taken for granted the fact that they have been in power for 40 years. The abuse of that power, rather than being recognized, has been heightened. Allowing insufficient time for debate, pushing debate into the wee hours of the morning night after night after night, deliberately grinding down the opposition's ability to speak on behalf of the constituents who elected them or the constituents throughout Alberta is the lowest form of democracy.

Mr. Speaker, two weeks ago I commented on the government suffering from ADD, Alberta Democracy in Darkness. Well, yesterday they reached new heights. The parliamentary patient's prognosis has worsened. We've gone from ADD to ADHD, Alberta Democracy Has Died.

Thank you, Mr. Speaker.

[The voice vote indicated that Government Motion 32 carried]

[Several members rose calling for a division. The division bell was rung at 3:06 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Allred	Fritz	Leskiw
Amery	Goudreau	Liepert
Berger	Griffiths	Mitzel
Bhullar	Groeneveld	Ouellette
Brown	Hancock	Prins
Campbell	Horne	Rogers
Cao	Horner	Sandhu
Danyluk	Jablonski	Vandermeer
DeLong	Jacobs	Weadick
Denis	Johnson	Woo-Paw

Drysdale	Klimchuk	Zwozdesky
Fawcett	Knight	

Against the motion:

Anderson	Kang	Sherman
Boutilier	MacDonald	Swann
Chase	Notley	Taft
Forsyth		

Totals:	For – 35	Against – 10
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[Government Motion 32 carried]

#### Time Allocation on Bill 26

33. Mr. Hancock moved:  
Be it resolved that when further consideration of Bill 26, Traffic Safety Amendment Act, 2011, is resumed, not more than one hour shall be allotted to any further consideration of the bill in Committee of the Whole, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

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

**Mr. Hancock:** Thank you, Mr. Speaker. On the previous motion we had comments with respect to the death of democracy, and I really do need to address that concept. Democracy is not about people engaging in repetitive discussion, on and on and on. Democracy and debate in this Legislature really ought to be about bringing light to a subject, informing, bringing forward alternatives, pointing out potential problems or errors.

We've now had in Committee of the Whole five hours and 47 minutes of debate. We have dealt with a couple of amendments, but there have been many periods of time when there has been no amendment on the floor. It's just been continuing debate on the principle of the bill, which is the subject of debate in second reading, not committee. Again, it's not my place to judge the opposition's debating points or whether or not they're making sense. That's not up to me. That's up to the people who follow us on television and in the news media. The fact of the matter is that we have had five hours and 47 minutes of debate in committee. We are exceedingly repetitive in the discussion at this stage.

3:20

These are very simple bills, and this bill is a very simple one. It's a question of whether or not we should increase the administrative penalties for impaired drivers who, in the vernacular, blow a warning, over .05, and, of course, increase administrative penalties for those who blow a criminal sanction at over .08. That's what the bill is about. It's very straightforward. If there were appropriate amendments, they could be brought forward, but in nine hours and 46 minutes of total debate on the bill so far, five hours and 47 minutes in committee, we're not doing what the committee needs to be doing. We seem to have moved past that and back into the principle.

I would suggest that we end the debate in Committee of the Whole and move to third reading, where we can hear the wrap-up, if you will, with respect to those very points that have been made over and over again.

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

**Mr. MacDonald:** Yes. Thank you very much. Certainly, this is the third closure motion that the hon. Government House Leader has provided on the Order Paper. Now, this is undemocratic. This is a major piece of legislation, Bill 26, and to suggest that less than

six hours in Committee of the Whole is all that's needed – hon. members may be taxing the patience of the Government House Leader. He may feel that their comments are repetitive, but each and every member, regardless of what side of the House they are on, Mr. Speaker, has almost a duty or an obligation to speak out.

**Mr. Liepert:** And be repetitive?

**Mr. MacDonald:** No. I can't say that about the government members, about them being repetitive, because so few of them participate in the discussion and in the debate. I couldn't judge that, hon. Member for Calgary-West.

The opposition has limited resources. We have other places to be. We have other research projects on the go. We have other bills to research and to try to prepare debate and discussion on. It's unfair. It is undemocratic to suggest here with Government Motion 33 as well as 32 and 31 – it's clear that this government wants to exit the Legislative Assembly regardless of what the discussion is. It's got better things to do.

Now, how important is Bill 26? Well, Mr. Speaker, the hon. Member for Calgary-Lougheed asked a question today to the Minister of Transportation, in fact three questions, regarding Bill 26. I sat and I listened to the exchange. It was quite interesting, and I thought to myself: if it's such an urgent matter for question period, why is the government now wanting to invoke closure and shut down all discussion after 60 minutes in Committee of the Whole?

It's, again, undemocratic. It is disrespectful of this parliamentary institution. I think the government should be very, very nervous. We have a new Premier, and we have a new cabinet, yet we still have the same old practices. "We're tired of being in here. Let's bring down the closure hammer. Let's silence the opposition."

It would be fine, Mr. Speaker, if we had good legislation, but whenever we look at the amendments of recent legislation that's coming before us, whether it's on the land assembly act or any of the other property rights bills, we seem to be coming back very quickly with this legislation for amendments. The people read it, and they don't like it. Maybe we should spend more time in here discussing bills in committee, and the government wouldn't have the problem of coming back with amendments six months, eight months later. I'm sure the hon. Member for Innisfail-Sylvan Lake agrees with me completely. I'm sure he does.

Mr. Speaker, with Bill 26 there are many things that have yet to be discussed. The role of the police: should we have more check-stops? Would that be a better way to deal with this problem of drunk drivers and chronic, repeat offenders? Perhaps we should look at our liquor stores, the number of liquor stores we have in the province and where they're located. The Solicitor General is shaking his head over there. Those would be two suggestions.

Advertising of liquor. We haven't had a chance to have a good, thorough discussion on the advertising of liquor. We curtailed the advertising of tobacco products but not liquor. The targeted advertising towards young people, who, oddly enough, get their licence and drive: have we been effective in our education programs in high school to ensure that if people are of legal age and they are drinking, there is a designated driver?

**The Speaker:** Thank you, hon. member.

[The voice vote indicated that Government Motion 33 carried]

[Several members rose calling for a division. The division bell was rung at 3:26 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Allred	Goudreau	Liepert
Amery	Griffiths	McFarland
Bhullar	Groeneveld	Mitzel
Campbell	Hancock	Ouellette
Cao	Horne	Pastoor
Danyluk	Horner	Prins
DeLong	Jablonski	Rogers
Denis	Jacobs	Sandhu
Drysdale	Johnson	Vandermeer
Fawcett	Klimchuk	Woo-Paw
Fritz	Leskiw	Zwozdesky

Against the motion:

Anderson	Kang	Sherman
Chase	MacDonald	Swann
Forsyth	Notley	Taft
Totals:	For – 33	Against – 9

[Government Motion 33 carried]

### 3:40 Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

**The Chair:** The chair shall now call the Committee of the Whole to order.

#### Bill 24 Health Quality Council of Alberta Act

**The Chair:** We are on amendment A2. Are there any comments or questions offered on amendment A2? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Thank you very much, Mr. Chairman. Amendment A2 to the Health Quality Council of Alberta Act, moved by the hon. Member for Calgary-Mountain View, suggests that “unless the Panel determines, in accordance with section 19, that the hearing or part of a hearing is to be held in camera” just be eliminated. In camera meetings . . .

**Dr. Swann:** Hardly public.

**Mr. MacDonald:** They’re not public. It’s not that they’re hardly public; they’re not public. What could be more important with the Health Quality Council than having public meetings?

Now, a lot of people don’t know about the Health Quality Council – they’re beginning to understand a little bit about the council – but it’s an important organization. The Health Quality Council is supposedly a self-reporting organization. The Health Quality Council is a group that, certainly, meets on a regular basis.

The Health Quality Council of Alberta was established on July 1, 2006, under the Alberta Regional Health Authorities Act. The Health Quality Council is considered not-for-profit under the Income Tax Act and is exempt from payment of any income tax. The quality council is engaged in promoting and improving patient safety and health services across the province.

Now, it’s interesting to note that the Health Quality Council has a commitment with John W. Cowell Consulting Ltd. to receive executive oversight. It has a board – and I want to get to that in a minute – but it has hired this distinguished doctor to provide executive oversight. Now, the value of that commitment as of

March 31, 2011, is \$38,000 per month and extends until September of 2013.

It’s interesting. This board would be appointed, of course, by the government, and included on the board is a former government member of this Assembly, the hon. Member for Calgary-Bow, I believe, Mr. Chairman, Bonnie Laing. There are a few other noteworthy appointments on the board, and of course then you have this staff complement. This organization has a budget of roughly, I think, \$4 million, and about 10 per cent of it is, you know, one individual’s salary.

That’s the basis of the Health Quality Council. It reports publicly in the annual report for Alberta Health and Wellness. So why would we not have consideration of the hon. member’s amendment? The hon. member has a lot of amendments to this proposed legislation. I suspect that the hon. Member for Calgary-Fish Creek has amendments as well and maybe the hon. member from the fourth party.

We have essentially 60 minutes to deal with these amendments. That is most unfortunate with this government’s track record of drafting legislation and doing so much behind closed doors, making so many decisions, executive decisions, behind closed doors instead of in public. The hon. Member for Calgary-Mountain View is going to help them out by saying: no, I want you to break this habit of having these supposedly in camera meetings.

No one knows what’s going on. No one has a right to know. People certainly should have a right to know. Even these children up here, who are going to be taxpayers in the not-that-distant future, will also at some point be very interested, Mr. Chairman, in the quality of health care that’s delivered in this province by mini-organizations, including the guidance from the Health Quality Council of Alberta.

I would ask that all hon. members please consider supporting amendment A2 because this amendment would essentially break this government of its very, very bad habit of doing everything behind closed doors. You’re in trouble with half of rural Alberta because you want to make all of these secret cabinet decisions on people’s property. You want to make decisions on where transmission lines should be sited and just pass the bill on to consumers 100 per cent. This tendency to do everything in secrecy behind closed doors has to be stopped. The hon. member’s amendment gives you that opportunity, and I would ask you respectfully to please vote for A2.

I’m not going to speak any longer because there are a lot of members with a lot of amendments, and it’s really unfortunate and draconian that we only have 50 minutes.

**The Chair:** The hon. Member for Calgary-Mountain View on amendment A2.

**Dr. Swann:** Thank you very much, Mr. Chairman. I think it’s timely that these young people came into the Legislature just as we’re talking about whether we should give the government permission to hold a public inquiry behind closed doors so that, in fact, the cameras and the media and other members of the public cannot hear what’s being said.

**Mr. MacDonald:** So it’s a private inquiry, not a public inquiry.

**Dr. Swann:** It should actually be called a private inquiry.

This is a new bill that the government is putting forward called the Health Quality Council of Alberta Act. They want to give special powers to the current committee that looks at the quality of health care. When there are serious allegations or serious pro-

blems in the health system, they actually want to move it into a true public inquiry where everyone can hear what's going on with intimidation of doctors, loss of quality in the service, long wait times, emergency medical services having difficulty providing ambulances in time for people perhaps because of mismanagement in the system. This quality council is supposed to hold a public inquiry so that everyone can hear the evidence. Is it a problem, or isn't it a problem?

Well, this particular bill wants to give the power to put that whole inquiry into a closed room where the public cannot actually have access to that information, where they will hear the information – even a judge might hear the information – from doctors, nurses, and patients that the system is working in this way or it's not working in that way and changes need to be made, but we won't necessarily know about it because the government wants to have the choice of making certain information public and keeping certain information private.

We're saying that that's not good enough if we are in a democracy, if we really believe that people have a right to know what's happening with their tax dollars in the health care system, and if we really want to honour the health professionals who are saying: "There's a real problem in our health care system. Money is being misspent. Doctors and nurses and other health workers are being intimidated and bullied to not speak about the problems." We want that to go to a public inquiry, but we don't want that public inquiry, then, to be able to say: no, this particular evidence we're going to keep private. We want to do away with that option for this Health Quality Council Act.

3:50

We're basically asking the members of the government to acknowledge that a public inquiry should be a public inquiry. The media should be there, and the public who want to come and hear the evidence from both sides. A judge makes his comments about what he's hearing. That really should stay public. I guess we're all hoping that the government will have a change of heart, that they will stop this movement towards keeping information secret from the public because it's embarrassing. It's embarrassing for the government to know that these problems are happening and that they want to keep it behind closed doors. We're saying: help us to make this amendment so that everything said in the public inquiry is public. That's why it is called a public inquiry. Don't pick and choose what you want the public to hear. Make sure that it's all open to the public.

That's basically what this amendment is designed to do: to ask the government to change its mind and keep everything public. I hope the members here will support this amendment by voting yea when we come to the vote.

Thank you, Mr. Chairman.

**The Chair:** Hon. members, may I request your consent to briefly revert to Introduction of Guests?

[Unanimous consent granted]

### Introduction of Guests (reversion)

**The Chair:** The hon. Minister of Infrastructure.

**Mr. Johnson:** Thank you, Mr. Chair. It gives me great pleasure to introduce to you and through you to members of this Assembly about 60 constituents that have joined us here this afternoon. These are folks who gave a lot of their time during the recent

leadership race to man the polls. We ran seven polls in our constituency for the leadership race. These are folks that have come in from all over northern Alberta just to have dinner with us here tonight, meet the Premier, and tour the Legislature. They're led by the president of our PC Association, Carol Lund, and the deputy returning officer for our leadership contest, Kathy Yurdiga. I don't see her, but I think she's there. I'd ask you all to stand up, please, and we'll give you the traditional warm welcome of the Assembly.

### Bill 24 Health Quality Council of Alberta Act (continued)

**The Chair:** The next hon. member speaking on amendment A2 is the hon. Member for Calgary-Cross.

**Mrs. Fritz:** Thank you, Mr. Chairman. I am pleased to rise and speak to amendment A2 that was introduced, I think, just earlier. I am taking into consideration what the previous speaker mentioned when I speak to this. We did hear allegations, as you said, hon. member, of physician intimidation and bullying. Those are claims the Health Quality Council is currently investigating. The allegations, I believe, have been taken very seriously, hon. member, especially if intimidation is affecting people's livelihoods. Like many Albertans the government wants to see details of the final HQCA's report.

In speaking to this amendment, I think it's important that you consider that we are providing an option to look into the health system matter that requires a broader public inquiry process. I know you'd be very supportive of this in that it does protect patient privacy, it provides similar inquiry powers to the Public Inquiries Act, and, importantly, it can be led by a judge. That's why the act itself overall is so important.

Now, the Premier and the Minister of Health and Wellness made it very clear that they are committed to an independent public inquiry into the health system matters. The legislation that's before us now will allow us to do that though a process that takes into consideration important factors: protecting confidential patient information, providing the ability for the panel appointed to head the inquiry to subpoena witnesses and compel evidence, and allowing for the examination of information contained in nondisclosure agreements. It enhances the independence of the Health Quality Council of Alberta, and it also establishes that new inquiry powers are specific to the health care system. I think we should take that all into consideration with this amendment. Powers through the compelling of testimony and the subpoenaing of witnesses can get to the facts of the issue, Mr. Chairman.

Currently the HQCA is established, as you know, through a cabinet regulation, but the bill in its entirety changes that cabinet regulation process because under this bill the HQCA is going to operate under its own statute and report directly to this Legislative Assembly. That's an important part of the evolution of the HQCA. One of the things that the bill does as well is that it strengthens the position of the HQCA's work on the health system improvements to allow the council to fully stand on its own under its own statute. The council will continue to deliver on its core mandate of promoting and improving patient safety and health service quality on a province-wide basis, and because of Bill 24 it will also report on that important work directly back to the Assembly.

I want to reiterate to you, Mr. Chair, that the new inquiry powers under the bill will not have an impact on the council's

work, and that's because a health system inquiry will operate independently from the HQCA. What the bill does is to use the HQCA's tremendous knowledge and experience in appointing the panel members. I know that that's what a part of A2 is about and what you're concerned about. Once the panel is appointed by the HQCA, the panel will be authorized to hire its own staff resources, including lawyers, to advise it. At this point, the HQCA will have absolutely no further role in the inquiry.

Another point I wanted to raise as well, that may make sense in regard to this A2, is that under the proposed bill the inquiry authority will guard against conflicts of interest. That's because if you look back to the bill at section 17(4), it prevents the HQCA from appointing anyone to the inquiry panel

who is or was

- (a) a member of the board, or
- (b) an agent, employee or contractor of the Council,

who has had any involvement in a matter that is the subject of the inquiry.

That's a critical piece of this with the principle of what the bill is about.

Also, Bill 24 will provide for a public inquiry that's best suited for the requirements of the health care system, and it will have similarities to the Public Inquiries Act. I know you've evaluated that as well as this amendment has been brought forward. It provides for cabinet to call for a public inquiry into health system matters. It gives individuals conducting the inquiry the powers, the privileges, the immunities that commissioners have under the Public Inquiries Act. It means that witnesses can be compelled to attend, answer questions, and produce documents in the same manner as under the Public Inquiries Act. The bill overall is designed to bring information forward so that an inquiry can get to the bottom of a matter. It is not trying to exempt certain people from appearing before an inquiry, as some members believe, Mr. Chairman.

I've emphasized the similarities between Bill 24 and the Public Inquiries Act, how that affects this amendment as well, but I also want to speak to some of the important differences. The differences were highlighted about why we could not just amend the Public Inquiries Act and that if we could, perhaps the members wouldn't have a need for amendments like A2 to be brought forward. But we couldn't amend that Public Inquiries Act. First of all, the current inquiry legislation would not be effective in providing for a full and fair inquiry into health system matters. For example, it may not provide for a full inquiry in regard to nondisclosure agreements. Information about those agreements may not be accessible under the Public Inquiries Act. To remove any doubt, Mr. Chairman, and to ensure all necessary information can come forward, the new inquiry provision in that bill as a total provides for information under nondisclosure provisions to come forward in an inquiry.

Fairness about this is an important consideration. I know that you're looking for the amendment, you know, to ensure that fairness is there. It is an important consideration. We do want to ensure that we are protecting health information, information not currently protected under the Public Inquiries Act. Bill 24 as a whole provides for the proper protection of the information.

The proposed legislation also allows a person to make an application for evidence to be heard in camera or in private. The application to have a matter heard in camera may or may not be granted as the individuals conducting the inquiry have to consider whether or not the circumstances merit an in camera hearing. That's the difference. When I go back to the Public Inquiries Act, that would not have met what you've brought forward in A2. The Public Inquiries Act has a mandatory provision for certain matters

to be heard in private, and we've not followed that act in this regard. Members have to, I think, remember that a public inquiry is a very powerful instrument and that witnesses may be compelled to answer questions and produce documents on a broader basis than in a court proceeding.

4:00

Something else I'd like to speak to in regard to this amendment is who sits on the panel under the proposed legislation. Some members have suggested that the public inquiry provided for in the proposed bill will not allow a judge, for example, to be appointed to the panel. There's been an assumption by some, I believe, as I was listening to the debate, that under the Public Inquiries Act the appointment of the judge is automatic. That is wrong on both counts, Mr. Chairman, because nowhere in the Public Inquiries Act does it say that a judge may be appointed as a commissioner. When a public inquiry is called, a judge may be appointed in accordance with court protocol. The court protocol has been tabled previously by the minister and is in place because the courts are independent.

The court protocol provides information and guidance on the process for appointing judges to lead a public inquiry. It's been adopted by the Canadian Judicial Council to help ensure that the judiciary can continue to serve the public interest when asked to sit on a public inquiry while at the same time maintaining public respect and confidence for the judicial office and the independence of the judiciary.

Bill 24 as a whole – I go back to that – is more specific than the Public Inquiries Act in providing for the appointment of a judge, which is always subject to the approval of the courts.

Mr. Chair, I know that the hon. Minister of Health and Wellness introduced amendment A1 to the Committee of the Whole, and I know that he's appreciative and thanks the hon. members for supporting amendment A1, but I know it's A2 that we have before us. Please remember that part of amendment A1 made it clear that the health system inquiry can be carried out by a judicial panel, which is one that consists only of one or more judges. It underlines the commitment to providing for a judicial inquiry into current health system issues while respecting the existing court protocol.

Mr. Chairman, as we've said earlier, the Premier did make a commitment to hold an independent public inquiry into health care, and the overall bill, I believe, enhances the HQCA's independence. It sets the stage for the public inquiry into health system matters, and Bill 24 makes sure the public inquiry will be effective in addressing health system issues in a fair, clear, and objective manner.

I believe that the bill will meet public expectations for openness and accountability. In looking at amendment A2, I won't be supporting that amendment because, as I tried to show you in the comments that I've made, I believe that the bill is all encompassing.

Thank you.

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

**Ms Notley:** Thank you, Mr. Chairman. It's a pleasure to rise and speak to amendment A2. I want to begin by thanking the Member for Calgary-Mountain View for bringing forward this important amendment. This amendment essentially goes to the heart of what is so fundamentally flawed about this piece of legislation. We have a Premier who made a promise to the people of this province that she would appoint and ensure that we had a judicially led public inquiry.

I know it seems almost obvious, but let me just highlight one element of that promise. The word is “public,” and implied in that is transparent and open for Albertans to see. What this amendment does is that it proposes to remove from the legislation those elements of this bill which completely contradict the promise made by the Premier in her run for election. Those are the elements of this bill that would give this government a long, unending, extremely difficult to interpret but very easy to apply, heavy-handed mechanism through which to make sure the inquiry that might occur occurs behind closed doors.

Now, Mr. Chairman, this is hardly a new action by this government. This government is all about keeping things behind closed doors. Forty years old, and they’ve become exceptionally skilled at ensuring that everything stays behind closed doors, where they believe that that is necessary, and this bill is no exception to that.

The Premier promised a public inquiry except – and here’s the fine print that she did not tell Albertans about when she was running to become leader of this governing party – where “the private interests of a patient or person or, where the patient or person is deceased, of the patient’s or person’s next of kin” might be put at risk or whether disclosure of all or part of the medical records could result in an injury or harm to the mental condition of a third person.

Let’s just be clear. Mental condition: what if it makes the Premier stressed out? What if disclosing pieces of information through this public inquiry causes anxiety for the minister of health? Well, the way this bill is written, they would be perfectly entitled to ensure that the whole darn thing goes behind closed doors. There’s the kind of thing that Albertans really and truly did not vote for, really and truly did not believe was going to be what this Premier delivered and, quite honestly, really and truly, I believe, as a matter of common sense don’t think forms the foundation of what most people would understand to be a public inquiry.

Another one: where “the holding of the hearing in camera is essential in the interests of justice or would be injurious to the public interest.” Well, how do we define public interest, Mr. Chairman? Is that defined by the re-election chances of the governing party? Is that the kind of thing that we need to be sure that we protect so that we carry on with the inquiry behind closed doors? I don’t know. But certainly that’s what this legislation says, and there’s nothing to suggest that that isn’t how it would be interpreted.

Here’s the kicker, Mr. Chairman. If they happen to interpret it that way, if they happen to decide that the public interest is not served by embarrassing the government, if they happen to decide that the public interest is not served by demonstrating that Alberta Health Services has in fact been engaging in a 25-year-long process of intimidation, should any of those things happen, we don’t get to appeal it to a more reasonable, objective forum to have that particular decision measured against the expectations of a reasonable group of Albertans. Oh, no, no. The other thing that this bill does is that it makes darn sure that these highly discretionary decisions around keeping everything secret are not ever going to be appealed to a court.

These two sections in particular, 18 and 19 – there are other sections as well – that the Member for Calgary-Mountain View is proposing to remove from the bill, at this point exist within the bill to essentially gut and render meaningless, meaningless, Mr. Chairman, the so-called promise made by our Premier when she was a candidate for the purposes of becoming leader of the PC Party and, as a result, Premier of the province. It’s a broken promise, and this legislation makes darn sure that that promise

stays broken, and it makes sure that Albertans have no recourse when that happens.

I’d just like to thank the Member for Calgary-Mountain View again for attempting to have the bill corrected and improved to remove this gutting mechanism. I certainly will be voting in favour of it and certainly also wish that we’d have a much longer period of time within which to properly debate this piece of legislation.

Thank you.

**The Chair:** The hon. Government House Leader.

**4:10**

**Mr. Hancock:** Thank you, Mr. Chairman. I can’t help but respond to some of the suggestions that have been made by the hon. Member for Edmonton-Strathcona. You’d think we were participating in the theatre of the absurd. You appoint an independent panel. There’s been a lot of discussion around how a judge might be appointed. In fact, amendment A1 to the bill made it clear that we were abiding by the protocols with respect to the appointment of a judge of whatever court, whether it’s Provincial Court, Court of Queen’s Bench, or Court of Appeal, that there needs to be a consultation, and then there needs to be an appointment by Lieutenant Governor in Council.

To have a judge lead a panel, either a panel chosen independently by the Health Quality Council or a judge that’s been at the request of the Health Quality Council selected by the court and appointed by Lieutenant Governor in Council, and then to suggest that you would read these mechanisms in 19(1) about when an inquiry should go in camera as to say that it would go in camera because of the mental state of the Premier is absolutely absurd.

What the hon. member doesn’t recognize is that in order to ensure a full, complete, and open inquiry that the public will have some trust and faith in, you want to make sure that every potential witness has the opportunity to appear before that inquiry and be comfortable that sometimes their private health information – and this is why it’s different, and this is why this bill is so important. This bill will allow for all of the elements of a public inquiry under the Public Inquiries Act but does take into account that in this particular area of health sometimes matters are personal. Sometimes people will want to appear before a public inquiry, a panel, or an individual judge or otherwise and give evidence with respect to what they think is important to the inquiry, but they may not want to appear if it means disclosing their personal health records and their personal health situation.

However, the decision as to whether or not that happens is not up to government. It’s up to the appointed inquiry panel, whether that’s a judge or otherwise. So the hon. member’s submissions that some of these would be done in some nefarious manner is absolutely absurd, Mr. Chairman.

That’s one of the reasons why this act is so important. A public inquiry can be set up in circumstances where the Health Quality Council believes it’s necessary. It has powers of subpoena. It has powers to compel evidence. It has powers to ensure that everybody that needs to come before the panel comes before the panel. But it also has the ability for people who may or may not be known to the panel to volunteer to come forward and give evidence. We want to make sure that everyone has the capacity to do it and is encouraged to do it. In order to do that, you do need to have some provisions where the panel itself can say, on application, that this should be held in camera because it affects the personal interests of the person coming forward that are private interests and perhaps are private health matters.

That's what this section is set up to do. That's why this amendment being proposed by the hon. Member for Calgary-Mountain View is so wrong-headed. [interjections]

**The Chair:** The hon. Member for Calgary-Fish Creek now on the amendment.

**Mrs. Forsyth:** Thank you, Mr. Chair. The government has finally woken up.

The Government House Leader talked about democracy. I think he said – I forget how many hours; I didn't write it down – that we've debated this particular piece of legislation for five hours and 37 minutes.

**Mr. MacDonald:** Five hours and 40 minutes in committee.

**Mrs. Forsyth:** Okay. So I'm three minutes out. Five hours and 40 minutes in committee.

In his statements he was talking about how important it was to bring closure. He talked about bringing closure in because of the fact that the conversations were getting a little repetitive last night. [interjection] Yes, you did. Check *Hansard*. I don't know what he said. We'll have to check *Hansard* on exactly what was discussed.

Now we're into closure. We've got one hour of time to debate what I consider probably one of the most critical pieces of legislation before us. Last night when we were debating, the chair at that particular time was very conscientious, actually, about making sure that all the members spoke on amendment A2. We had a very eloquent speech from the Member for Calgary-Cross that maybe in her 10 minutes of speaking talked about amendment A2 but gave a rundown in regard to the whole legislation and what was right about the bill, what was wrong with the bill, and then all of a sudden brought in A2 in every five minutes without you making any comments in regard to staying on the amendment.

Mr. Chair, you know, I sometimes feel like I'm in a boxing match over the last day and a half because it's duck and weave. We continue to stand up and bring forward what we think are important amendments in this Legislature. I'm going to take a different approach. I'm going to give the government what they want. That particular thing in government is that they only want to deal with their amendments. We dealt with their first amendment. I think it's quite funny that this is one of the most contentious and critical pieces of legislation brought forward into this Legislature, and we hadn't even started, but we had a government amendment brought forward, which we called A1, which shows to me that there wasn't a lot of thought process in regard to this piece of legislation.

Mr. Chair, I've been on the government side, and I have to tell you that I've sat on the Leg. committee where we go through legislation line by line. It's at that particular time that you catch what should be right and what should be wrong on that particular piece of legislation. Obviously, something was missed in this because of A1 brought forward.

The Member for Calgary-Mountain View has now brought forward an amendment, that we're going to be calling A2. He talks about section 18 striking out "unless the Panel determines, in accordance . . ." I asked the Government House Leader, actually, why he thought this particular piece of legislation should stay in. He talked about the mental health of a patient. He talked about the fact that patient confidentiality is important. I'm not going to argue with him on that. I mean, it's also contained in the Public Inquiries Act that they have the ability.

Having said that and having said that we know we're going to lose this amendment – and I know that the Liberals have some more amendments they want to bring forward, as I do – I am

going to pass on my speaking time. I don't know how long I have to speak, but I do want to make something very clear, and I will be bringing this up in third reading. We're not going to win this fight. I know we're not because there are 15 of us and we have a huge government, that's mostly asleep except for once in a while. It's like that Whac-A-Mole when they pop themselves up.

Given that, I'm going to put this on the table. Very clearly, Mr. Chair, in this legislation it says that the government has the ability to "set out the nature and scope of the inquiry, including the date by which the report and recommendations, if any, of the Panel must be submitted." Now, that I like. So what I'm going to suggest – we know all about the physician intimidation. We know all about the bullying that's going on in this province. I've fought that. We showed that clearly when we found out that physicians were being intimidated.

With that, I'm going to challenge the government because they seem to move very quickly when they want to move quickly and very slowly when they want to move slowly. We've seen how quickly they can by dropping – what? – seven pieces of legislation into the Legislature and then have about nine days of debate, including having us go on and on into the late hours of the night. I'm going to challenge the government because I know how quickly they work. Clearly in the legislation it tells them that they can set out the nature and the scope of the inquiry, including the day by which the report and recommendations have to be done. I'm going to challenge the government on that. I would like to see them have the date for the inquiry before the next election.

On that, I'm going to call the vote on amendment A2.

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

Seeing none, the chair shall now call the vote on amendment A2.

[Motion on amendment A2 lost]

**The Chair:** The hon. Member for Calgary-Mountain View.

4:20

**Dr. Swann:** Thank you very much, Mr. Speaker. I wanted to put forward another amendment. In fact, what I would intend to do is put forward the amendment and then read into the record several other amendments if that's permissible, just so the other amendments are on the record, and then go back to this amendment. Is that permissible?

**The Chair:** First of all, probably since you introduced, you let the pages distribute the amendment that you introduced, the amendment now known as A3. If you want to go ahead, go ahead.

**Dr. Swann:** Thank you. Bill 24, Health Quality Council of Alberta Act, is amended as follows: section 1 is amended by adding the following after clause (i): "(j) 'Standing Committee' means the Standing Committee on Legislative Offices."

Section 17 is amended in subsection (1): (a) by striking out "Lieutenant Governor in Council" and substituting "Standing Committee," (b) by striking out "and" at the end of clause (a), and (c) by striking out clause (b); in subsection (2) by striking out "The board shall, pursuant to [an order under] subsection (1)(b) and" and substituting "The Standing Committee shall"; finally, in subsection (3) by striking out "board" wherever it occurs and substituting "Standing Committee."

Mr. Chairman, before we go on to those amendments, I'd like to just read into the record. Because of time allocation we're not going to get to the four other amendments. In respect to the other parties so that they can present their amendments, I'd like to read



into the record a second amendment: move that Bill 24, Health Quality Council of Alberta Act, be amended in section 19 by striking out subsection (2). This allows for a judicial review of the panel's decision.

The third amendment I'd like to introduce and read into the record now is: move that Bill 24, Health Quality Council of Alberta Act, be amended in section 17 by striking out subsection (3) and substituting the following: (3) at least one of the persons appointed to a panel under this section shall be a judge of a court in Alberta.

The final amendment that I would like to read into the record: move that Bill 24, Health Quality Council of Alberta Act, be amended in section 7 by striking out section (3). This would further enhance the Health Quality Council of Alberta independence from government interference.

Sorry; there's one following amendment that I want to read into the record, Mr. Chairman: Bill 24, Health Quality Council of Alberta Act, be amended in section 4 by striking out subsection (7). This amendment would enhance the independence of the Health Quality Council of Alberta Act by requiring the appointment of only board members . . .

**The Chair:** Hon. member, may I interrupt you a bit here. We looked at the amendment that you just introduced, amendment A3, and we found that your amendment is addressing the amendment that has already been carried as amendment A1. So your amendment A3: I have to rule it out of order. You have a chance to introduce another amendment.

**Dr. Swann:** Very good, Mr. Chair. I apologize for that. The second had to do with section 19, striking out subsection (2).

**The Chair:** We will pass around the second amendment that you introduced. Hopefully, it'll be in order.

**Dr. Swann:** Thank you, Mr. Chair. I'll go back to it and read it into the record so that it's clear which one we're dealing with: move that Bill 24, Health Quality Council of Alberta Act, be amended in section 19 by striking out subsection (2).

In the unamended form the bill prohibits any appeal of a decision made by the panel that all or part of the health system inquiry be heard in private. By removing subsection 19(2), our amendment allows for a judicial review of the panel decision. A decision to hold all or part of the purported public inquiry behind closed doors should be at least subject to review by the courts.

Thank you, Mr. Speaker.

**The Chair:** The amendment that the hon. Member for Calgary-Mountain View has introduced is now known as amendment A4, okay? Amendment A3 was out of order, so he introduced amendment A4. So let's speak on amendment A4.

The Leader of the Official Opposition.

**Dr. Sherman:** Thank you, Mr. Chairman. I'd like to speak to the amendment that's currently being brought forward by the hon. Member for Calgary-Mountain View referring to Bill 24, the Health Quality Council of Alberta Act. This is one of the most important issues before Albertans today. It's about honesty, integrity, and trust, trust in our health care system. The issues that the Health Quality Council is looking into and needs to look into, that all Albertans need answers to are the issues that I actually brought forward to the House over the past year in addition to issues that other members from this House have brought forward, that the hon. Member for Calgary-Mountain View brought

forward, and that many physicians and health care workers and nurses brought forward in public.

Mr. Chairman, I'm going to give you facts. Four days after the election the hon. Member for Calgary-West and the deputy minister and the hon. Member for Edmonton-Whitemud and the current health minister received an e-mail, a FOIPable e-mail, with 322 cases collected in a short period of time in one ER department at the U of A hospital of multiple delays in care, near-catastrophic delays in care. The minister of health: what was his decision? What was the Premier's decision? The Premier during the election, on a two-page PC letterhead, in a letter that the Member for Edmonton-Whitemud and the Member for Edmonton-Rutherford helped write, that the Premier signed: to build 600 long-term care beds.

**Mr. Liepert:** You said it has to do with the patients.

**Dr. Sherman:** It all has to do with this, hon. Member for Calgary-West.

So these issues were brought forward. How did the government react? They said: we're going to do this; we're going to do this. The day after the election the hon. Member for Calgary-West was appointed health minister. His duty was to look into these issues. What did he do? He fired all the managers of the system. He brought in their code of conduct to silence all health care staff. He didn't perform his duty, and Albertans suffered unnecessarily. The system went unchecked.

What else did he do? He started closing down long-term care beds. The relevance is that the system was brought to the edge of a potentially catastrophic collapse, according to Dr. Paul Parks. He brought in the code of conduct. The minister of the Crown needs to be brought before a court of law to answer questions of why, when legitimate issues were brought forward, he brought silence to Albertans.

Then, yes, the e-mail was leaked that on October 8 another e-mail was sent to the Premier and the subsequent minister, the hon. Member for Edmonton-Mill Creek. They got the e-mail with the same 322 cases. What did the government move to do? Delay, delay, delay. On the day that the Dr. Ciaran McNamee story broke about the cancer deaths – on that day – they finally relented and called a review. On that day, within the hour. Coincidence? I think not. This is why, Mr. Chairman, the people who need to be put on a public stand are the ministers over there. They cannot be given the authority and the ability to decide where and when they're going to call this inquiry.

#### **Point of Order Allegations against a Member**

**Mr. Denis:** I'm rising just on a point of order under 23(h), (i), and (j). This member is making strong allegations against a member of this government. I think he needs to tone it down a little bit.

**The Chair:** Hon. member, we are talking about amendment A4 of the Health Quality Council of Alberta Act.

4:30

**Dr. Sherman:** Thank you, Mr. Chairperson. This is why it's so important that these members . . .

**Mr. Anderson:** Sir, I stood up on a point of order. I wasn't recognized.

**The Chair:** I'm sorry. I didn't see you. You have a point of order?

### Point of Order Decorum

**Mr. Anderson:** Also under 23(h), (i), and (j) from the standing orders, Mr. Chair. I'm having a hard time listening to this member talk while the Member for Calgary-West continually, over and over again, consistently interrupts. I can't hear anything that's being said. What this member has shown is just a complete inability to shut his mouth. It's really tough to understand. They've already shut off debate with less than one hour, and now this member won't shut his mouth. Maybe he could show a little bit of humility for once in his life – maybe he can – and just be quiet so that this member can actually speak for the short time that this wonderful government has graced us with in opposition.

Thank you, Mr. Chair.

**The Chair:** Hon. members, the Leader of the Official Opposition has the floor. The chair would like to listen to him.

### Debate Continued

**Dr. Sherman:** Mr. Chairperson, thank you. This is why these meetings cannot happen in camera. The hon. Member for Edmonton-Rutherford, the current minister of health, the previous minister of health from Edmonton-Mill Creek, the minister of health previous to him from Calgary-West, and the previous, previous, previous minister of health from Edmonton-Whitemud need to be put on a stand to answer questions. They were given warnings from front-line staff on issues pertaining to public safety. They chose to ignore them. Instead, they started closing beds and firing staff, and they caused a potential catastrophic crisis.

Mr. Chairperson, my father died waiting for care. He died in an emergency department waiting for care, from lack of decisions. If my father died waiting for care, I know many other Albertans suffered unnecessarily and died waiting for care.

That minister wants to pass their code of conduct. He centralized health care in one board, so health care staff that speak up get railroaded out of this province because of these people and their phone calls to managers, the same managers whom they appointed, who helped them restructure the cabinet.

Secondly, the other issue pertaining to the cancer deaths. Evidence and fact: Dr. Ciaran McNamee presented to caucus years ago, begging for resources. Many of those members of caucus are still here on that side. He begged for resources so that cancer patients could get surgeries. He begged. They cut surgeries by more than 25 per cent. Many of those members that he begged to are now in cabinet.

Guess what? They tried to railroad Dr. Ciaran McNamee. He sued. It's on the public record. But guess what? He's at Harvard in the top thoracic team on the planet. He sued because allegations were made about his ability to practise medicine. When he sued, there was a settlement. Mr. Chairperson, we all know that when you sue, you either quit and give up, or you go to court because nobody gives up, or there's a settlement.

There is something wrong and something that stank on the other side, where they acknowledged, "We have guilt," but they signed a nondisclosure agreement. They signed a nondisclosure agreement, which means that nobody can talk.

Guess what? I met a member of the Alberta Health Services Board in Grande Prairie. There was another doctor that got railroaded, Dr. Tim Winton. That member of the board says that he's seeing how much Dr. Tim Winton is getting paid for his contractual arrangement, that we don't have the answers to from

this government. If the member of the board knows it, common reason would assume that the chairman of the board of AHS would know what the payment is to Dr. Tim Winton to buy his silence, to force him out of his medical career.

**An Hon. Member:** Relevance.

**Dr. Sherman:** The relevance is that that same chairperson of Alberta Health Services took a week off and helped this current Premier with her cabinet picking. That's why we need this open, on camera, on the public record. The file for Dr. Ciaran McNamee is sealed in a law firm. It's sealed. It's sitting in a law firm. Why was it settled? What was said during discovery? It is sitting in a law firm. There is a lawyer who just happens to help the Premier with her cabinet arrangements and transition cabinet. It happens to be her ex-spouse, who happens to be running the law firm.

Dr. Ciaran McNamee's file is sealed. This is why first the Premier said: we'll call a public inquiry. We want to know: does cabinet know the details of the deals with the Dr. McNamee case and the Dr. Winton case? Mr. Chair, it stinks. The chairperson of Alberta Health Services was so close to this government. He took a week off his job to help them redesign their cabinet, as did a certain lawyer who's extraordinarily close to the leader of the government who helped to redesign the government. The question is: did the Premier see what's in that secret file and that's why she's flip-flopping and that's why she's delaying? That's a question. We need the answers, and we need the answers in a court of law on a public stand.

Did somebody in the government see what's rotten in the state of – well, it's actually not Denmark – Alberta, the province of Alberta?

Thank you, Mr. Chair.

**The Chair:** The hon. Member for St. Albert.

**Mr. Allred:** Thank you, Mr. Chairman. I had a hard time sitting still listening to the hon. Leader of the Opposition talking about the allegations he made last November and the case against Dr. McNamee. All of the tablings that he made last November: I took the liberty of pulling them out, and I reviewed some of those cases.

Mr. Chairman, I must say that I was disgusted in reading those cases and comparing them with the allegations. Those cases really were about a bunch of doctors calling each other names. It was absolutely disgusting. This member used those as allegations to say that there were firings, et cetera. Well, there may have been firings – I don't know – but those cases that he referred to were nothing but disputes between doctors calling each other names.

Thank you, Mr. Chairman.

**The Chair:** The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Chair. Well, how much time do we have left before the hour is over?

**The Chair:** You have a couple of minutes.

**Mr. Anderson:** Two minutes? Well, two minutes is the time I have to wrap up something on this issue in Committee of the Whole. I've just got to say how absolutely disgusted I am with the arrogance and the inability of the leadership on that side – I don't want to tar everybody with the same brush – the leadership of the PC caucus on that side, who have repeatedly, over and over and over again, sat here in this House and restricted our ability to debate this issue, have closed debate on this issue, have shown

again and again a willingness to deceive the public on this issue by saying that they're going to call a public inquiry and then going through this ridiculous process that we've gone through on this Bill 24, which isn't going to result in a public inquiry being called before the next election.

This is just a shameful display, and now they're going to lengths – some of them are even starting to blame doctors for using this public inquiry as a way to get at each other. What an absolute joke. It just amazes me. If you've got nothing to hide, call the public inquiry. If you've got nothing to hide, call it. Call it. There are enough allegations out there from Dr. Maybaum, that there are government officials that want his head on a platter. He has the letter. We can go through Dr. Magliocco saying: you'll regret this if you complain about this anymore.

If it's just doctors, fine. Then call the public inquiry, and let's figure that out if that's the case. Or maybe it's not. Maybe there are things like what happened with the now minister of health a year ago, when he came out and, clearly, in the middle of the night called the head of the AMA about the mental state of the Official Opposition Leader.

4:40

**The Chair:** Hon. member, the time allocated has terminated.

The chair shall now call the question on amendment A4.

[Motion on amendment A4 lost]

**The Chair:** The chair shall now call the question on the bill itself, Bill 24, the Health Quality Council of Alberta Act.

[The clauses of Bill 24 as amended agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed?

[The voice vote indicated that the request to report Bill 24 carried]

[Several members rose calling for a division. The division bell was rung at 4:41 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Cao in the chair]

For:

Allred	Griffiths	Liepert
Amery	Groeneveld	Marz
Bhullar	Hancock	Mitzel
Campbell	Horne	Ouellette
Danyluk	Horner	Pastoor
DeLong	Jablonski	Prins
Denis	Jacobs	Rogers
Drysdale	Johnson	Sandhu
Fawcett	Klimchuk	Vandermeer
Fritz	Knight	Woo-Paw
Goudreau	Leskiw	

Against:

Anderson	Forsyth	Notley
Boutilier	Kang	Sherman
Chase	MacDonald	Swann

Totals: For – 32 Against – 9

[Request to report Bill 24 carried]

## Bill 26

### Traffic Safety Amendment Act, 2011

**The Chair:** Are there any comments or questions? The hon. Member for Edmonton-Gold Bar.

**Mr. MacDonald:** Yes. Thank you very much, Mr. Chairman. Certainly, we had an opportunity to discuss Bill 26 when the closure motion was debated earlier this afternoon. There's a lot to be said about this legislation. I'm still getting feedback. I'm still getting letters. I'm getting phone calls from citizens regarding this legislation and e-mails from drivers and from people who work in the hospitality industry.

It's worth noting that the hon. Member for Olds-Didsbury-Three Hills has also expressed concern about this bill. The hon. member, I think, is correct. On Monday evening, I believe, if we have a look at *Hansard*, we can see the hon. member's comments. As I understand it, he certainly will be questioning this bill further.

Now, Bill 26, the Traffic Safety Amendment Act, 2011: we do know the powers that it provides if it goes through. I think we need to have another look at this. The hon. Member for Calgary-McCall has suggested to me that we refer this to a standing committee. There are a lot of questions here that need to be addressed.

We can certainly provide caution to this Assembly after what happened with a court decision in British Columbia last week, even though just a portion of that legislation, which is very similar, if not identical, to what we're discussing here this afternoon, was questioned in the courts. For that reason, it would be a good idea to let an all-party committee of this Legislative Assembly have a look at this before the next provincial election is called.

We could also examine at that committee our laws around liquor advertising. Maybe we should change them as well. Maybe we could look at changing the drinking age. Maybe it should go up one year. Maybe it should go up two years. Perhaps we could also have a look at the number of liquor stores in this province and where they're located and their hours of operation.

I saw in the newspaper today a story regarding Bill 26. Then on the back of that section, I believe, was at least a full-page ad advertising wines and spirits. I'm certainly not opposed to that form of advertising, but perhaps it's time, if we're sincere in making our streets and roads safer, that we have a look at these issues.

We do know that Alberta has the second-lowest number of police officers per capita. If we look at it on a 100,000 population, we have the second-lowest number of police officers in the country. Perhaps we could hire more police officers, and perhaps we could have more checkpoints. I have no problem with more checkpoints. If we're going to enforce the law, let's put the boots on the street and put them to work.

One more thing. I know there are a lot of hon. members who in this short period of time have comments on this legislation, but there is one more thing, Mr. Chairman, that I think we should study, and that is the education programs that we're providing to high school students as they learn to operate motor vehicles and are licensed to operate that motor vehicle. What sort of drunk-driving programs are we providing to those people? I know the AMA has an excellent program for young drivers, but could we do more? Could we put the fear of life-and-death situations into those young drivers? Perhaps we should look at that.

There is not an individual in this province who wants to get a knock on their door or have their doorbell rung late at night by a police officer standing there with very, very bad news regarding a traffic fatality. I think we can make our roads and our streets safe.

We can do a lot to reduce even further the number of cases of drunk driving. We've got to go after the chronic, repeat offenders. While what's suggested in this bill is notable, I think there are different ways and better ways of dealing with it.

5:00

I'm going to cede the floor to another hon. colleague, but I would certainly ask members to please have a look at the comments on Monday from the hon. Member for Olds-Didsbury-Three Hills and give this bill perhaps a good, close look. Let's have a committee of this Assembly scrutinize it and have public consultations with everyone, including the hospitality industry and Mothers Against Drunk Driving. Everyone. Hear them out, and then make the decision on this bill.

Thank you.

**The Chair:** The hon. Minister of Transportation.

**Mr. Danyluk:** Well, thank you very much, Mr. Chairman. I'm glad to stand and speak and maybe answer some questions. First of all, I want to say that impaired driving is preventable, and Alberta will pursue co-ordinated actions that are proven to change behaviors when taken together. This legislation has sparked some important conversations around the province, and I encourage everyone to keep talking: keep talking to your friends, keep talking in the community, keep talking to your family.

Mr. Chairman, Alberta's new comprehensive impaired driving legislation aims to keep drivers who drink from getting behind the wheel by changing behaviors through enforcement balanced with education – and I'll talk about that a little bit later – prevention, and monitoring. In the coming months the government will work with partners to run a public education and awareness campaign to help Albertans prepare for the new law.

I did meet with businesses today, this morning, in fact – I have met with businesses and associations previously – and I would say that the discussion that we had was very fruitful as far as the future of this legislation. I say to you that the discussion very much revolved around education, making sure that people are very aware of what the consequences of drinking and driving are. I can also say, Mr. Chairman, that what did happen is that the businesses, restaurants, and local establishments very much agreed that drinking and driving should not take place. It's important that people understand what the legislation is going to bring forward. I want to maybe make a couple of comments. You know, the new legislation focuses on creating safer communities and roads. An estimated 22 per cent – and I stress that again, 22 per cent – of all fatal collisions in Alberta last year involved drivers who had consumed some alcohol. Alcohol-related collisions resulted in 569 fatalities and 8,535 injuries over the last five years in Alberta.

Mr. Chairman, I just want to make possibly a couple comments because there's been a lot of discussion about .05 to .08. First of all, I need to be very clear. The clearness that I need to talk about is that .05 to .08 is an impairment. It is an impairment with a penalty of a 24-hour suspension. This is not new. This has been in place for 12 years. I hear members of the opposition talk about how this is something new that people need to get used to. Well, are the penalties new? Yes, but . . . [interjection] You know, the hon. member, maybe the interim leader of the WRA, talks about having some decorum in the House, and I just want to say to you: would you give the government some of the same, please?

I say to you, if I can, that the .05 to .08 is impairment, and the penalty, as I said a couple of seconds ago, is a 24-hour suspension.

The .08 and above is a criminal offence, and a criminal offence is addressed by a court of law.

Now, if I talk about the .05 – and maybe we need to clarify again that the .05 has been in place for 12 years. I need to bring forward to you the information about blood-alcohol content levels which affect individuals. It was gathered from a variety of sources, including the National Highway Traffic Safety Administration, the National Institute on Alcohol Abuse and Alcoholism, the American Medical Association, and the National Commission against Drunk Driving. Mr. Chairman, first of all, what I want to bring forward is that according to them if you had a blood-alcohol concentration of .02, you'd have some loss in judgment, you'd have some relaxation, you'd have a slight body warmth, you'd have an altered mood, and the effects on driving would be a decline in visible functions, rapid tracking of a moving target, and a decline in the ability to perform two tasks at the same time. I'm just saying that it's the divided attention.

When we look at .05, there's exaggerated behaviour, you may have loss of small muscle control – for example, focusing of the eyes – impaired judgment, usually a good feeling, lowered alertness, a release of inhibitions, reduced co-ordination, reduced ability to track moving objects, and also difficulty in steering, and a reduced response to emergency driving situations. Now, Mr. Chairman, I'm going through this very clearly because the opposition suggests that there is no impairment or that that impairment should not be used.

Let's go to .08 and above. Muscle co-ordination becomes poor, balance, speech, vision, reaction time, hearing; it's harder to detect danger; judgment, self-control, reasoning, and memory are impaired; concentration, short memory loss, speed control, reduced information processing capacity; for example, signal detection, visual search, impaired perception. Mr. Chairman, I can go on to .1 and above, but I would suggest to you that this is common knowledge and is being used as impairment.

Mr. Chairman, I want to stress to everyone in this room that this is a serious issue. There are people's lives that are at stake. There are families that are at risk. I know that there are some members opposite that continually or consistently persist in offering information that isn't correct, really at the expense of the citizens of this province.

5:10

I would also say to you that I think it's important to note that we're not changing legislation and looking at legislation for the sake of having legislation. We're looking at three areas. The first area, the area that we believe is critically important to start with, is the repeat offenders, the .08 and above. I can suggest to you, Mr. Chairman, in five years of impaired driving convictions: 4,100 and 466 convicted.

As we go on to talk about .05, I mean, I'll be the first to admit that we need to change the culture. We need to change the deterrent of driving impaired, and I will refer to .05 to .08 as impairment. Mr. Chairman, the statistic that we have for the immediate 24-hour suspensions is 42,762. That is a concern. That is a concern of impairment.

One of the statistics that really brings some concern to me is the number of zero alcohol tolerance suspensions initiated in Alberta, and that's 1,665 last year. We have the stats, and they are increasing. Mr. Chairman, I guess I can say that they're increasing because maybe our population is getting larger. I don't have those statistics as to where that's coming from. But I can say that we believe what has to happen is that we have to look at the three aspects. We have to look at graduated licences – that's part of regulation, and we will deal with that; that's part of this number

here – we have to deal with the zero to .05, and we also have to deal with the .08.

I want to have some discussion that there's significant evidence that shows that drinking with a blood-alcohol level of .05 dramatically increases the risk of being involved in an accident. As a matter of fact, you're 7.2 times more likely to get in a fatal car accident at the level of .05 than if you had a zero content.

Mr. Chairman, we don't believe that fines are the solution. Our legislation does not include fines or demerit points. Driver education and enforcement are central to Alberta's approach. Impaired driving is very much connected to social behaviour. The focus of Alberta's impaired driving legislation is really about traffic safety. Police officers have long been able to issue fines and penalties on the roadside, such as speeding tickets or licence suspensions. I also want to mention that every Canadian jurisdiction other than Quebec already gives 24-hour roadside suspensions to drivers suspected of being impaired.

I know there was some discussion about the B.C. legislation and how we needed to look at what B.C. was doing. I want to say to you that the B.C. legislation, in fact, supported what we're doing because when all of these areas were appealed, really, the only one that was overturned was the above .08 not being a Criminal Code infraction. I mean, that's simplistic for me to say that, but in essence that's what it was, and that really was one aspect that was challenged. I say to you that we have not changed that; .08 is still going to be maintained as a criminal code.

If I can just go through, you know, some of the focuses and directions that we're doing. Maybe I should first of all, Mr. Chairman, talk a little bit about the questions that were asked by the hon. member from the opposition. His questions, of course, talked about the drinking age. There's no doubt that drinking age is not part of this legislation. It has been talked about. It has been talked about as to how it works and if it would make a difference, but I say that it's just not in our proposal right now.

The study of the education programs to provide high school programs. Well, ladies and gentlemen, I want to say to you that when we had discussions with the businesses this morning, we very much talked – and we have talked previously – about communication and working together to make sure that the education programs we do have and are going to bring forward are going to be in conjunction with each other. I mean, our purpose and their purpose are the same, and that's to have fewer people drinking and driving. That's what it is at the end of the day.

Also, in the discussion that was brought forward by the hon. Member for Innisfail-Sylvan Lake, he talked a lot about the ability to get transit or the ability to get a taxi. I want to say that that is an issue, and it's something that we do need to deal with. Now, how do we do it? It's not so hard to do it during the festive season, when we have the Red Nose program and we have, I believe, the candy cane program, where everybody is looking at that as a major focus, but we need to talk about what happens for the 11 other months of the year and how we can deal with the transportation.

The hon. member talked about the AMA having a good program and good progress on a program. You're absolutely right. We met with the AMA. They have a couple of different programs. We even talked about the availability of programs and what programs they could develop.

I found it a little bit interesting when the hon. member talked about putting the fear of life and death into individuals with graduated licences. I don't want to say that I want to put the fear of life and death. In actuality, we need to put the fear of reality into people who are driving, especially people who are driving impaired.

The comment that we need to address chronic abusers is very much part of where I believe this legislation needs to go. You asked me: where is this legislation going, and how are we going to deal with the individuals that are chronic repeaters, that are individuals that have .08 and above? Well, I'll say to you right now that if you blew today, what would happen is that you would blow. You'd lose your licence for a day or so. Then you get seven days to put your house in order. Then you have a 90-day suspension, and then you get your licence back, and you're able to deal with your charge in the courts.

5:20

The change that we are proposing to make is that that would not happen. If you lost your licence, we have enough faith in the breathalyzers, which have been upheld in courts, that what would take place is that you would lose your licence until the courts dealt with your charges. The second part is that on a first offence you would lose your vehicle. There would be a vehicle seizure for three days, on the second offence for seven days, on the third offence for seven days.

Ladies and gentlemen, let me be very clear that when we're looking at impaired driving at .08, I do not apologize for seizing vehicles. I think it's critically important to change, if I can call it, the minds of individuals. We're also looking at a mandatory ignition interlock. If you get charged on the first charge, you will have to use an ignition interlock for one year. [Mr. Danyluk's speaking time expired]

**The Chair:** The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Chair. We have 15 minutes or 20? What is it?

**The Chair:** Twenty.

**Mr. Anderson:** It's 20 minutes. That's what I thought. Holy smoke. It's amazing how many great ideas the members in the government have when they've limited debate to one hour. Then all of a sudden they all want to stand up and take their full 20 minutes. It's just inspiring, just absolutely inspiring.

You know, when the Transportation minister was talking earlier – we had a little bit of a debate in a previous session – he talked about, you know, if my four children are in the back of my van or my truck and they were distracting me from driving, maybe I should think about doing something about it like maybe putting them in a cage and so forth. I'm assuming that was in jest. I sure hope it was.

The problem is that this member doesn't realize: what line are you going to draw? Where's the line that you're going to draw going forward for people who are distracted or driving impaired? What? Is it going to be pretty soon that we're not going to let senior citizens drive – is that the next plan? – because their hearing has decreased and their sight has decreased a little bit and they don't have the same reaction time that they did, that clearly it's reduced? Is that the next step? We're going to tell senior citizens they can't drive as soon as they show that their reaction time comes down a little bit?

Where do we draw the line here? Do we not allow 18-year-olds, 21-year-olds, et cetera, because they have a record of crashing their cars more often than the rest of us do, so we're going to raise the age of driving to 22 or 24 or 26? Where does the line stop for you with regard to public safety?

I'll tell you that what it does for me is this. If we're interested in making sure there are zero deaths ever in this world, well, I guess there are ways to do that. We'd better get rid of cars. We'd better

get rid of airplanes. We'd better get rid of any kind of greasy food. We'd better find a way to get rid of bad weather. There are about a hundred different things. I mean, what are we going to do? As a government and as a society we have to pick the things that we are going to do, the steps that we're going to take that are going to make the most impact in saving lives and are going to be things that are reasonable balances, reasonable restrictions on society for the better public good and to keep people safe.

If our goal is to make sure that the only people on the road are people that have the co-ordination of an Olympian or of a male in his prime or a female in their prime and that for everyone else, if they have any problems, if they have any disability, or if they have any problem whatsoever and their reaction time is decreased, we're not going to let them drive, well, then, let's start making a list.

Let's just tell the seniors right now: "Sorry. Once you're 50 or 55, the reaction time goes down. You're out." Okay? Is that where we're going? The reason we make laws is to make sure that we have a good, solid balance of making sure that when we do pass a law, it is truly going to make a difference for a large number of people with regard to public safety.

That is why the studies that have been done have concentrated on this issue of: who is causing the accidents in society? Who is causing the problem? Who is killing people on our streets? The evidence is absolutely clear. There is no equivocation. It is the folks on our roads who are over the .08 legal limit. That is why the legal limit is .08. The statistics clearly show that if you take a look at all of the accidents on our roads, only 2 per cent of folks blow between .05 and .08. Two per cent. Meanwhile 15 times that many people – 15 times – blow over .08.

Yet this government comes in with this bill, rams it through the Legislature with almost no discussion on it, with almost no ability for the public to even comprehend what's going on, before they even have an opinion on it. Just get it through. I mean, literally, a week of discussion. What have we had? Maybe a few days in the Legislature to talk about this. Maybe. This bill gets rammed through, and at what cost? Is it going to save lives? No, it's not going to save lives. What's going to save lives are increased checkstops.

If you want to make sure that people who are dangerous to our society are taken off the street, then what you do, clearly, is make sure to enforce the existing laws to ensure that the people that are statistically actually causing the vast majority of deaths, which are those over the .08 limit, are taken off the street as much as possible, so that people change their behaviour to know that if you get caught at .08 and above, you're going to get hammered, that you're going to get absolutely taken to the cleaners with regard to various administrative penalties and criminal penalties. If that's what you want to do, if you put that in place, then you would actually cut down on the deaths caused by drunk driving.

This bill does nothing for that. In fact, it has the opposite effect, and that's the problem. What's going to happen here is that hundreds of thousands of dollars in police resources are going to be targeted at people in the .05 to .08 zone. That's what's going to happen. They're going to be targeting those folks. Meanwhile while those folks are stopped at the side of the road and getting processed and all things are happening, the .08 guys are going to drive by scot-free. That's going to happen.

If you want to cut down on drunk driving, increase enforcement. Increase checkstops. Honestly, you've got a better chance of seeing a sasquatch in the province of Alberta than you do a blinking checkstop if it's not December. There are sightings every so often. "Oh, look; a checkstop." I have lived in Airdrie for 20 years. I have not gone through a checkstop once in those 20 years.

That's ridiculous. If you want to help cut down the deaths from drunk driving, get your checkstops up. Stop blowing our money on things like \$2 billion for carbon capture and storage, stop blowing \$350 million on new MLA offices, and start spending your money on things that matter: increased enforcement, policing, schools, increased checkstops, things like that.

There have been members over there who said that somehow we're dissing the cops because we're saying that you've got a better chance of seeing a sasquatch here than you do a checkstop. It has nothing to do with the police. It has to do with the lack of resources that they have. If this government was interested in actually doing something about deaths on the roads, they would increase enforcement, which means giving more money to our police forces to increase checkstops. That would be one way to do it. But then to pass this and target exactly the wrong group of people, people who go on a date with their spouse and have a drink with dinner or those people who have a couple of beers after work with their buddies before they go home from a tough week at work – we're going to target those folks because they're a danger? They're not a danger. If they were a danger, the raw data would show that they were a danger compared to these other groups. We're going to pass a bill that does nothing to improve public safety. It just is another erosion of individual rights and liberties.

5:30

Look, I'm not concerned. I don't drink. As you well know, I don't drink, so this isn't about me. But there are people out there, the vast majority, I would say, of Albertans, that enjoy a little bit of a beverage over a meal or after work with a buddy or what have you. Why are we swooping in and targeting that group of people instead of targeting the dim-wits that are getting absolutely hammered and then going home? They know they're not going to get stopped because there are no blinking checkstops unless it's December, and then there are a few. It's just absolutely incredible.

Mr. Chair, the other thing I don't understand about what has happened here is the idea that we are going to pass such a profoundly important piece of legislation, that will make a lot of changes in Alberta with regard to its effect on, say, the hospitality industry, on what we do for socialization and how we do it. You're going to pass this. It's going to change how we use our police forces and our law enforcement activities and so forth, their resources.

We're going to change this big law, and what does this government do? This PC bunch comes into this Legislature two weeks ago with a new bill, that no one has ever even heard of, after a meeting that the new Premier had with her Liberal counterpart in B.C., Christy Clark. They come walking in here with a new piece of legislation, that no one has even talked about, throw it on the table, and then they give us roughly about five or six days for debate on this and seven other bills – it's not like we were just debating this – with no time to bring in stakeholders to hear their testimony, the testimony of folks like MADD and the police service.

Obviously, we would want to hear from the police service and MADD and all those folks, from the hospitality industry, from civil rights groups, from different constitutional experts, and from just regular Albertans so that we could have time in our constituencies to go back and listen. Maybe if you would go back into your constituency and listen, you would find out what the Member for Olds-Didsbury-Three Hills or the Member for Little Bow have been getting. You all know it. I'm assuming their ridings and Airdrie-Chestermere and Calgary-Fish Creek and, I know, Calgary-Glenmore and Fort McMurray-Wood Buffalo – I

can't speak for the others – have been getting, clearly, that the vast majority of people responding to this bill are not in favour of it.

But in typical Tory fashion: “We know best. We know best. Just take it. We know what we're talking about. You guys are just a little behind the curve, you regular Albertans. The PCs know best. We know what's best for you, Alberta. Here you go.” Now we have a piece of legislation that we have absolutely – there has been virtually no public consultation on this, no consultation with experts. This bill is a piece of garbage. It's not worth the paper that it's printed on, and it's not going to do anything to save lives.

What's so frustrating about it is that the intentions of the bill are fine. The intentions of the bill are good. The intentions of the bill, the objectives of the bill, are the same for all of us. We all want the same thing, decreased deaths and injuries, et cetera, from impaired drivers. That's the goal. You know what? Everyone in this House wants that, and there's no doubt about it.

It's just like the federal gun registry; that's what this is. The same silliness that went into the federal gun registry is going into this bill right now. The federal gun registry was a response to what happened in Montreal, a terrible shooting in the late 80s, in '89 I think it was, in the École Polytechnique school in Montreal, a terrible, terrible situation, awful, a mass shooting. Many, many, many, many women, I think over a dozen women, were killed in that shooting, so of course people were mad, and they should have been mad. It was awful.

What did the federal Liberals do at the time under Jean Chrétien? Well, they imposed this federal gun registry. This was going to change everything. This was going to save lives. It was going to increase public safety. We were going to get the bad guys and everything with this gun registry. About 20 years later what has that gun registry gotten us? Nothing. We spent billions of dollars, certainly over \$2 billion, probably more, on it. We didn't protect anybody's life. It was a complete waste of time. It's trampled on the rights of law-abiding gun owners, particularly in rural Alberta, particularly, I would say, disproportionately in Alberta, where we certainly have a different culture and we appreciate things like hunting and things like that. Our citizens, a lot of us, anyway, are very much into the outdoors and hunting and using our long guns to hunt and so forth. The point is that it trampled on those people's rights.

It was like talking to a brick wall with regard to the federal Liberals to try to explain to them that criminals don't register their guns. In other words, this registry is not going to help. It's not even going to help you solve crimes, let alone prevent them, because people who shoot people don't register their guns and say: look, I'm going to use this gun that I've registered to shoot someone. That's not how it works. That's why the federal gun registry was a joke, and everyone knows it. Finally, it's getting repealed by the federal government right now after all that wasted time and effort and money.

That's what this is. This is a waste, an absolute waste. The federal gun registry was to improve public safety, to cut down the number of deaths. The goal of Bill 26: improve public safety, cut down the number of deaths caused by impaired drivers. If that's the goal, then you would think that the bill would want to actually do something that will accomplish that goal. This bill doesn't do anything at all.

What will do something with regard to saving lives is putting more checkstops in place, maybe diverting resources that may be going to our men and women in law enforcement – our chiefs of police and so forth – going to them and saying: “You know what we really need? This is a scourge on our society. We really need to up the enforcement here. What can we do to help? Is it a matter of more resources? Can we divert traffic enforcement officers?

Maybe we can have the sheriffs do a little bit more, do some checkstops themselves instead of just checking for speeding and so forth?” Maybe that's what we want to do. I don't know. But shouldn't we have that conversation with them? I would think so.

If we wanted to save lives, that's what we would do. It doesn't matter if you lower the limit to .05 or .01 or leave it at .08 or nothing or what you do. If you don't enforce the law on your books, then who cares about passing it? So this is the problem with this bill. This is really our version of the federal gun registry, a do-nothing amendment.

Then the unintended consequences. Just like the federal gun registry, the unintended consequences were massive amounts of taxpayer money wasted and trampling on the rights of law-abiding gun owners. This is our very own gun registry. It has unintended consequences, too. The unintended consequences here are that not only do we not get the public safety that we want, but we divert precious resources that the police could be using to apprehend those who are over the .08 limit, and they start enforcing it on the .05 to .08ers, who aren't killing people. That's one unintended consequence. So it could actually have the opposite effect to what was intended, which was to save lives.

Another unintended consequence is that it's going to change the way that Albertans socialize. There are a lot of people that aren't going to take a chance now, when they go out and drink or when they go out to the restaurant, to have a drink of wine or two over dinner, where it's right on the edge there, .03, .04, you know. Clearly, I've driven in many cars with somebody who has had a drink or two, and they're perfectly lucid, perfectly able to operate the vehicle. They're not drunk in any way, shape, or form, but they have had a glass of wine or two over their dinner, over the period of a couple of hours. What will happen is that they'll be scared of losing their car without any kind of way to appeal it, with no practical way of appealing it, anyway. They won't want to do that anymore, so they just won't even bother going and doing it.

5:40

It will change that. It will cause those folks who actually want to go out and have a drink of wine over dinner or a couple of beers with their buddies after a long week of work – that will have to end. Of course, the unintended consequence there is on the hospitality industry, so there are jobs. People have jobs in the hospitality industry. We've seen in B.C. that that industry was severely hurt by the similar law that they had in B.C. A lot of folks are going to be out of work because of this. There will be a lot fewer incomes going into their businesses and so forth, and there we go.

There's another unintended consequence. Those police resources we could be using on enforcing .05 to .08: we could be using them on things like education programs. We could be talking right now about things like talking to the cities about increasing the amount of C-Trains and public transit in the evening after happy hour, after last call, and so forth.

That is why this bill is wrong. It has got to be voted down.

**The Chair:** Does the Minister of Transportation wish to speak?

**Mr. Danyluk:** Thank you very much. I'm just going to make a couple of brief comments. Of course, there's one thing that I find very interesting. When time is so precious, how come so much time is spent on the long gun/rifle law?

I want to make sure that I correct some of the direction that has been brought forward by the member from the third party. He continually talks about the 2 per cent, and I would very much like

him to look at the statistics that he is using. The 2 per cent is basically 50 per cent of the individuals that were driving and tested.

Mr. Chairman, the other point that I would like to say is that that 2 per cent were drivers that were impaired and lost their life. It does not take into account the people that were in the vehicle. It does not take into account the people that were injured. It does not take into account the people that were killed that were in other cars that this individual hit.

The other point that I want to say is that I do not apologize for taking care of even that 2 per cent. All of us can stand around as legislators and say: "Well, you know what? Only 2 per cent of the homicides are because of stabbing. Let's not worry about the 2 per cent of the homicides because that 2 per cent of the homicides were done by stabbing, so that's inconsequential to what matters." Mr. Chairman, I will say to you that everyone's life is important and especially to the families of those individuals.

Mr. Chairman, the other point. I know the member occasionally talks about my comment about cages. I would suggest to you – and you can check *Hansard* – that that individual talked about being distracted. We have laws, and those laws prohibit individuals from driving when they are distracted. I would suggest again, if I could, that if the individual is distracted in the vehicle, he or she should look at ways to try to curtail that. It was suggested that he needed a little help, and I was willing to offer it.

I also just want to finish because I will not rise again in Committee of the Whole. I just need to say that, you know, when we talk about balance and who's causing accidents, I very much believe that we need to look at all that are causing the accidents and try to look at changing that culture and try to look at changing what is happening to families and to individuals. I will also say that when the hon. member talked about "Take a chance," Mr. Chairman, we are dealing with families. We are dealing with individuals. First of all, we are working with the associations and with individual and groups, businesses, to try to do the best education that we possibly can because the businesses and this government have the same goal, and that is ensuring that if someone leaves their home, they come back to their home without being killed or injured.

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

**Mrs. Forsyth:** Well, thank you, Mr. Chair. I appreciate the time, and I know it's short. I would like to ask the Minister of Transportation – he's talked over and over again about the 42,762 roadside suspensions that they've had over the last five years – what has the government done to address those 42,762 roadside suspensions? How have they targeted those drivers, and what have they done to help?

I ask the minister, and I've asked him at least three times: of those 42,762 roadside suspensions – and I know that he has these numbers at his fingers because when I was Solicitor General, I knew what they were – what percentage of those suspensions were in, say, for example, Calgary or Edmonton? What percentage of those suspensions were in rural Alberta? Under the Safe Communities Secretariat it was very clear in the recommendations to target hot spots. You should know under those roadside suspensions if there was a higher percentage in Calgary, for example. How have you targeted those? How have you increased the checkstops, and how many checkstops do you currently have up and running in Calgary? Are you going to be giving the police forces more money to have more checkstops?

We've mentioned that 20 per cent of the repeat chronic offenders are causing 80 per cent of the problems, so I'd like to

know what you're doing about that. You encourage people to keep talking about the seriousness of this. Minister, if you want to encourage people to keep talking, why are you so adamant about having this bill pass and putting closure forward? I think one of the things that's important if you want people to talk – and I can tell you that they're certainly talking about this particular piece of legislation – is to put the bill into committee. Let's have a full discussion.

That's what the Premier continues to talk about, and we've got her on record about how she's going to consult with Albertans. In fact, she says, "We need to change how we make decisions. We must make time and processes available for consulting with Albertans before we pass laws." What consultation was done before we're passing this law? Then she goes on to say, "[This] doesn't mean every Albertan will agree with every decision, but there will be time to learn about the issue and weigh in."

You know what, Minister? Albertans haven't had the time to weigh in on this decision. They get a piece of legislation handed to them and have had absolutely no time. She talks about: "We need to change how the Legislature and the MLAs operate. More free votes so MLAs can reflect constituents' views" – and that goes back to the bill – and "more time between proposing and voting on legislation."

You know, we need to have some frank discussion. We need to be able to have the opportunity for Albertans to weigh in, and that's exactly what the Premier has said. I want to find out from the Minister of Transportation or the Minister of Justice or the Solicitor General or even, you know, the health minister about the consistent research that has been done under the safe communities. What research has been done on the .05 legislation? What is the government doing to develop and implement a targeted social marketing campaign to counter excessive drinking and, for that matter, the use of drugs? You didn't really mention education. I'd like to know: when you stopped these 42,762 roadside suspensions, what education component did you provide to these individuals?

5:50

More or less, I'm going to talk briefly. I don't know how much time I have, Chair.

You've talked about the 12 years that the .05-.08 legislation has been around. I really need to emphasize the facts, so what have you done to address it? What have you done, in the 12 years that we have had these 24-hour roadside suspensions, to target it, and what are you going to be doing in regard to the chronic abusers, and how are you going to address that? I think what we really need to do when you have chronic, repeat offenders – are you going to be specifically adding more police in the province? I mentioned last night that we have the second-lowest police population in the country. How do you expect, when you have such a low percentage of police, that you're going to address targeting the .05 to .08 legislation?

The minister has talked about and we've mentioned that the police need more tools in the tool box. There is no question about that. I think when you talk about more tools in the tool box, that means you need to have more police officers on the road. You need to have stronger criminal charges. You need to talk about the repeat, chronic offenders. It was mentioned briefly in regard to: how are we going to transport these people home? I got an e-mail from a rural constituent that said that they can't even get – I'm not sure what it's called in rural Alberta – Operation Red Nose or something. They haven't even been able to get any of that to get a ride home. We've heard about the transportation and the long cab



rides. You even alluded to the fact that we know that Christmas is a busy season.

I guess, for us, what we want to do is have on the record that we believe that impaired driving is a serious offence. There's no question about all of the lives that have been lost. I think what we need to do is address how you are going to deal with that. Have you brought that forward to your federal-provincial-territorial meetings? I know when I was Solicitor General, the Member for Edmonton-Whitemud and I, when we went to these federal-provincial-territorial meetings, always had a plan of attack on what we were going to bring forward at FPTs. He was very passionate about raising the age of consent when he was the Minister of Justice, so maybe on record we could see what the previous Minister of Transportation brought forward to his FPTs or, for that matter, the Solicitor General and the Justice minister, because usually they put out a communication package where they talk about what they're bringing forward and what they're addressing.

I know that we have gone back for the last four years, and I can tell you that over the last four years it was never on the federal-provincial-territorial communication package that either the previous Solicitor General or the previous Justice minister or the previous Transportation minister was actually bringing forward any of that to their federal-provincial-territorial partners to see how to address . . . [Mrs. Forsyth's speaking time expired]

**The Chair:** Hon. member, the time allocated for the debate in committee has ended. The chair will now call the question.

[The clauses of Bill 26 as amended agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Chair:** Opposed? Carried.

[The voice vote indicated that the request to report Bill 26 carried]

[Several members rose calling for a division. The division bell was rung at 5:56 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Cao in the chair]

For:

Amery	Groeneveld	Leskiw
Bhullar	Hancock	Liepert
Campbell	Horne	Mitzel
Danyluk	Horner	Pastoor
DeLong	Jablonski	Prins
Denis	Jacobs	Sandhu
Drysdale	Johnson	Vandermeer
Fawcett	Klimchuk	Weadick
Goudreau	Knight	Woo-Paw
Griffiths		

Against:

Anderson	Forsyth	Marz
Boutilier	Kang	Sherman
Chase	MacDonald	

Totals: For – 28 Against – 8

[Request to report Bill 26 carried]

**The Chair:** The hon. Government House Leader.

**Mr. Hancock:** Thank you, Mr. Chairman. I'd move that the committee rise and report bills 24 and 26.

[Motion carried]

[The Deputy Speaker in the chair]

**Mr. Goudreau:** Mr. Speaker, the committee of the Whole has had under consideration certain bills. The Committee reports the following bills with some amendments: Bill 24 and Bill 26. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

**Hon. Members:** Aye.

**The Deputy Speaker:** Opposed, please say no. Carried.

**Mr. Hancock:** Mr. Speaker, I'd move that we adjourn until 7:30 p.m.

[Motion carried; the Assembly adjourned at 6:09 p.m.]



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