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The 27th Legislature  
Fourth Session

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The Honourable Kenneth R. Kowalski, Speaker

## Legislative Assembly of Alberta The 27th Legislature

Fourth Session

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## Legislative Assembly of Alberta

7:30 p.m.

Tuesday, December 6, 2011

[The Speaker in the chair]

### Government Bills and Orders Third Reading

#### Bill 25 Child and Youth Advocate Act

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

**Mr. Hancock:** Thank you, Mr. Speaker. It is truly a privilege and an honour to move Bill 25, the Child and Youth Advocate Act, for third reading.

It's a real honour for me to bring forward the first bill under the Ministry of Human Services and to have that first bill be the implementation of our Premier's promise, our Premier's guidance to make the Child and Youth Advocate an independent officer of the Legislature to give Albertans the assurance that there will be someone who's there to advocate specifically on behalf of children with no other obligation other than, of course, to report to the Legislature.

I think the Premier's direction is a sound one. I know that many people in this House have advocated in the past for this move to happen, and I really am pleased to have the privilege of bringing forward the bill that creates that opportunity and establishes the office of the Child and Youth Advocate as an office of this Legislature. It's a very important step forward for Alberta and Albertans.

I think we do well in terms of the protection of children in this province and the emphasis that we put on ensuring that every child has the opportunity to succeed, but we also need to be able to have clear, open, and frank discussion about what's not working well and what needs to be improved, and we need to have that independent oversight, I believe, to give assurance that we're looking at every aspect. So I'm very, very pleased to be able to bring forward a bill which establishes that office of the Child and Youth Advocate as an office of the Legislature.

The bill does have several other very important points, which I want to quickly dwell on as well. The council for quality assurance has been established as a committee and is now being established by act with a mandate set up which is very clear. It's role is

- (a) to identify effective practices and make recommendations for the improvement of intervention services, at the direction of the Minister and in co-operation with the Department;
- (b) to appoint an expert review panel to review incidents giving rise to serious injuries or deaths of children as reported by a director . . .

The quality council has the ability to set up expert panels, to move quickly in any area of this nature to do investigations, and to be able to very clearly establish if change needs to be made.

I want to say, Mr. Speaker, that we have very, very many people in this province working for this department and working for agencies who work hard to support children to make sure that they're cared for, that they're protected when they're in danger or at risk. Most of the time that work is done very well. People make difficult decisions at difficult times. They sometimes have to operate based on the information that they have. I would really like to do a shout-out, a thank you to those people who are at the front end of the system who are working very hard on a day-to-day basis for the protection of our children.

This quality council should not be seen as looking over their shoulders all of the time in order to criticize or find what's wrong or find liability or blame. It really is about continuing quality assurance, making sure that we're constantly looking at what we're doing to find out how we can do things better, what areas we're missing. What areas do we need more skill sets in? What do we need to do better in terms of information sharing? What are all of those areas?

The combination of having a children's advocate who's unfettered by any responsibility to report to a department and has a clear line of report to the Legislature, a clear obligation to act on behalf of children, and a quality assurance council who does work with the ministry to look at every aspect of serious incidents or deaths and any other area that they might be asked to look at to constantly ensure that Alberta has leading-edge child care and child protection: those two pieces are the key parts of the act.

There are several other pieces to the act, again all directed at the protection of children or the assurance to Albertans. The first is the publication ban piece, and that's really a piece that's set out to clear up when information about a seized child can be published. There has been some lack of clarity around that, so we wanted to clarify the section of the act which made clear what could be published and when and when someone could go to court and ask for publication. It's important that it not be a blanket statement of publication, or a blanket permission to publish, because of course there are others whose private information perhaps should be protected. That could be a judgment call, and that judgment call should be, as it is set out here, in the hands of the court. Clarity around that is important, and we believe that this bill brings clarity on that topic.

The other piece that's important for the proper protection of children, the proper establishment of a structure which will ensure that every child has the opportunity to grow and succeed, is the piece which makes it clear that notwithstanding the fact that we have a clear concern about the protection of personal privacy, it's absolutely essential for members of government, government agencies, school boards, and others who are dealing with the health, education, and safety of a child to work together collaboratively, to share information appropriately.

I know there are concerns around what's appropriate and what's inappropriate. But I'll tell you, Mr. Speaker, when it really is inappropriate is when people keep a child's information to themselves when they need to share it with others who are working together collaboratively in the best interests of the education, safety, health, and protection of that child. I've seen situations. I've had personal information brought to me about situations where not only the child involved but other children are put at risk when information is not appropriately shared.

We want to make it clear. This is not something that's new. This is information sharing which for the most part is allowed under the Freedom of Information and Protection of Privacy Act. There seems to be a tendency to keep information rather than to share it, when you know that if you don't share it, you can't get into trouble, and if you do share it inappropriately, you could get in trouble. We want to make it perfectly clear. If you're working collaboratively with government, government agencies, and others for the health, education, and safety of a child, it is appropriate to share information.

The fifth piece in the act is an amendment to the Protection Against Family Violence Act, which essentially puts in place the ability for police to use an arrest warrant where there have been reasonable and probable grounds to believe that there's been a breach of a protection order. This is something which just further enhances the safety of not just victims but also children in the

home if they're not the victims or if they're indirectly the victims. Where there has been a purported breach of a protection order, the police arrive, and if the perpetrator has left the scene, they can follow and arrest on reasonable and probable grounds.

This is something, in my view, which we should have done when we brought the amendments in earlier, but it was believed that going to get a warrant was the appropriate process. In discussion with police before this was proclaimed on November 1, it became clear that it would be even better protection for victims and for children if police had that arrest procedure. There is still the provision of the courts to settle any disputes with respect to the situation, but protection of children and protection of victims is of paramount concern, and therefore the amendment is recommended.

Again, Mr. Speaker, I'm absolutely pleased and proud to be able to bring forward Bill 25, the Child and Youth Advocate Act, on behalf of our Premier and this government to show Albertans how important it is to us that not only do we have an appropriate child care protection process in this province so that children can be protected, the most vulnerable among our society can be protected when they need it, but Albertans can know that they are being protected and know that when something goes wrong, it will be appropriately investigated, appropriately learned from, and our system will get even better.

Thank you, Mr. Speaker.

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

**Dr. Swann:** Thank you very much, Mr. Speaker. I'm pleased to rise and speak to third reading of Bill 25, the Child and Youth Advocate Act. I want to commend the government. I think they have done some good things here, especially with respect to the Child and Youth Advocate reporting to the Legislature. We applaud that. We think that's an important change that has been pressed for on a number of fronts for a number of years, and it is the right thing to do. If child protection and independence of the advocate is forefront in this and speaking independently on behalf of the child is important, then it has to be reporting to the Legislature, not to the minister.

7:40

We had suggested a number of amendments we felt would make the bill stronger. They were rejected, but in balance the benefits to the child, the benefits to the system I hope – and I'm thinking specifically of First Nations and the tremendous extra demands that they have on the child and family service unit – will be better addressed as a result of some of these changes. We'll be watching very closely. I think many Albertans, many Canadians are looking for ways to ensure that the disadvantages and vulnerability of First Nations children are addressed more conscientiously, more compassionately, more consistently, and some of the changes that we see in this bill are encouraging in that respect.

I look forward to working with the minister, and we will be supporting this bill. Thank you, Mr. Speaker.

**The Speaker:** Additional speakers? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you, Mr. Speaker. I just want to take this opportunity to build on the comments that the minister made, which I think reflected a constructive exchange we had at an earlier stage of the bill, and that was around the importance of the staff, the value of the staff, particularly the child welfare staff, but all of the staff.

Many years ago – I'm reluctant to say how many, but it's 30 years or so ago – I actually worked for a while doing policy and evaluation research in the Edmonton region of social services and worked very closely with child welfare workers and managers, income support workers, various facilities, the Youth Development Centre, and so on. I had no idea, Mr. Speaker, how awful the lives of some children are in Alberta and around the world and the kind of torment and abuse – indeed, in some cases I think the word "torture" wouldn't be too much to say to describe the way that some children in Alberta are treated by their family, by others in their circle. These can be as young as infants.

We have as a society taken a stance and a position that that's wrong, as we rightly should, and that we will protect those children. Just as we ask people to sign up and go off and protect our freedoms and our lives by going to Afghanistan or Libya or wherever and make a terrific sacrifice, we also ask social workers and others to go into sometimes dangerous and ugly and frightening domestic situations, often accompanied by police officers, and then to work with those families and to work and rescue those children. It is often thankless, painful, dreadful work that we ask of these people.

I wanted to just remind all those who are assembled here tonight that while we're in here, you know, having this debate, there are people out there working on behalf of this government and on behalf of the people of Alberta as we speak right now, stepping into households across this province to try to save the deeply damaged lives of innocent children. Undoubtedly there are any number of children right now in crisis put up in temporary shelters in hotels or in emergency foster care or other facilities. As we sit here comfortable and engaged at this very high level of debate, that kind of intimate, front-line action is being carried out. Those duties and compassion are being fulfilled at our behest by people we should not forget.

I think the role of the children's advocate has always been a good one but will be considerably better because of the bill we're going to pass tonight. I just hope that the kinds of issues that we all want to see resolved are actually somehow addressed and improved a little bit by what we're saying here and what we're doing here tonight because they have been intransigent problems.

Mr. Speaker, a name that comes to my mind is Richard Cardinal, a famous case from 25 years ago or more, a Métis boy who hanged himself out of desperation. The tremendous controversies that flared up when a man named Bob Bogle was minister of children's services: those reflected not so much on Mr. Bogle but on the terrible conditions that too many of our citizens live in. Those problems are still out there today. I would hope and dream that what we're doing here tonight moves us a little bit toward improving and resolving some of those problems.

Thank you.

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

Hon. Member for Calgary-Buffalo, do you want to participate in the debate or question?

**Mr. Hehr:** The debate, please.

**The Speaker:** Please proceed, then.

**Mr. Hehr:** Well, thank you, Mr. Speaker. As always, it's a privilege to rise to discuss this bill. I'll be brief because it's awfully difficult to follow the comments made by the hon. member who just spoke. His words are always very wise and very poignant as to what we often advocate, what are our better angels, how we should look at some of the situations here in Alberta. It's not always easy for a lot of people out there, and I think his words

resonated very profoundly and deeply with me and, I hope, with many members of this House.

In speaking directly to the bill, I think it's a good bill. I hope it moves the chains forward a small measure in providing some solace from the storm, shall we say, that many of our youth find themselves in, some desperately trying situations. To have the guidance of the children's advocate can go some way in improving their lives, allowing them to sort through a mess of problems largely out of their control.

In that way I'm glad that the government has brought this bill forward, and I hope it serves the people of Alberta well, a realization by us here that we need to ensure that Alberta is a place not only for the wealthy but for its most poor and that opportunities are going to exist for people in trying circumstances.

On that note, I support the government in this measure, and I applaud them for their efforts in this regard. Thank you very much, Mr. Speaker.

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

Additional speakers? The hon. Member for Edmonton-Strathcona on the debate?

**Ms Notley:** On the debate, yes.

**The Speaker:** Proceed.

**Ms Notley:** I will be brief. This is a bill which is a long time coming, probably – I don't know – 15, 20 years at least, and certainly pursuing an objective which our caucus has made a fairly major priority over the last several years, believing that it's important to inject as much transparency and accountability as possible into the job of protecting the interests of Alberta's most vulnerable children and families in the province.

I will admit that, originally, when the bill came forward, I was somewhat conflicted about it because as I've indicated before, it does, in my view, fall short of immediately implementing the process of a true officer of the Legislature in that, typically, that title is associated with somebody who has been selected by members of this Assembly through whatever process the Assembly has deemed appropriate. Obviously, that's not the case here. We will be elevating to the position of officer of the Legislature somebody who has been selected by the minister in a very closed-door process without us really having any idea who applied for the position, what the alternatives were, what their qualifications were.

7:50

As well, the person that was hired to be the children's advocate – i.e., someone who reported through the minister and to the minister and was very much accountable to the minister for a limited scope of responsibilities – even though that person might have been who the minister deemed to be the most competent for the position at the time for that particular position, wouldn't necessarily have the same skills and qualifications necessary to fulfill the broader mandate and authority provided through this legislation and to bring the same level of independence that is anticipated by this legislation. In essence, we're in a situation where for a period of time we will have someone in this role who will not have been through the same process as every other officer of the Legislature.

It's a bit of a delayed introduction, shall we say, of the public policy objectives that our caucus has been seeking over many years, but there's no question that eventually this officer, the children's advocate, will ultimately be selected through the same process as other officers of the Legislature. So when that happens, we will at

that point have achieved the true objectives that our caucus has been seeking. Short of the government undoing that in subsequent legislation, this legislation promises that we will at some point in the hopefully not-too-far future have gone the full distance to ensure fully independent and transparent accountability by this government in their very important job of taking care of the best interests of Alberta's most vulnerable children and families.

With those notes in mind, I do appreciate that we have finally gotten there. It's been a lot of work. I think that we can all look forward to an improved sense of oversight over the course of the next few years, and probably members on both sides of the House will appreciate that improvement as we collectively try to ensure that we do the best job possible for this particular group of Albertans.

Thank you.

**The Speaker:** Hon. members, Standing Order 29(2)(a) is available. Fort McMurray-Wood Buffalo under Standing order 29(2)(a)?

**Mr. Boutilier:** Yeah.

**The Speaker:** Proceed.

**Mr. Boutilier:** Thank you, Mr. Speaker. A question to the hon. member. I want to say that the hon. Member for Edmonton-Strathcona clearly has been, without question, a leader on this file, and I'm very proud to say to her: very important and good work for those of us who have young children. As you know, the law that was passed in British Columbia – of course, there were some issues raised pertaining to what is secretive within cabinet, the issue being that the child advocate should be able to get information from cabinet ministers such as the minister of children's services. That is something that the government pushed back on. Having that type information being open and transparent to Albertans: how important is that?

**The Speaker:** Hon. Member for Edmonton-Strathcona, do you wish to respond?

**Ms Notley:** Well, I do. I thank the Member for Fort McMurray-Wood Buffalo for raising that point. I think that probably the children's advocate in B.C. had the right idea when she was pursuing that level of transparency in order to even further enhance the accountability of government to the citizens of British Columbia for the progress they make in the job that they've taken on in protecting children and families in that province. I suspect that that children's advocate was making a very good and compelling case.

Certainly, this legislation as it is does not match the existing legislation in B.C. in terms of some of the components that we would have liked to have seen. Without question, it doesn't include the children's advocate's ability to access information that would otherwise be privy to the cabinet. That is unfortunate. On the flip side, it certainly does represent quite a major step forward from where we are today, which was, you know, being in the position of being the only province in the country that didn't have an independent children's advocate.

So we're moving forward with this legislation. We have places we can probably go further as well, but it's a partial step forward, and it's one that will make a difference, I think, in the lives of Alberta's children and their families. So for that reason we will be supporting the bill.

**The Speaker:** Are there additional questions?

Are there additional speakers? The hon. Member for Fort McMurray-Wood Buffalo on the debate.

**Mr. Boutilier:** Yes. Thank you very much, Mr. Speaker. It's certainly a privilege to stand in the House and talk about something, this government bill, that I do believe is a positive step forward. I do believe that it is a move in the correct direction, and I commend the minister from Edmonton-Whitemud for bringing this forward. I think it is important, and I think it is a step in the right direction. I'm also encouraged, I can say. Anyone with young children – my wife and I, our four-year-old son – and I'm sure everyone in this House supports the intention of this bill to help young people at risk in our province. The Child and Youth Advocate has an important role: to protect our most vulnerable, those without a voice, who are, truly, our children.

That said, Mr. Speaker, obviously, over the past year or two it has been rather unfortunate, the number of situations that have occurred in Alberta. Of course, these are disturbing to all Albertans in terms of the number of deaths and injuries that have happened to children in government care. Obviously, I'm sure all of my colleagues from all sides of the House would agree that one death is too many when losing the life of a child. With that in mind, I find it helpful, though, that we finally have a piece of legislation that will help the government in an area where Albertans are wondering, you know, if the government is up to the job, but we have to remain confident and hopeful that our children will be protected.

You also know, Mr. Speaker, that this is something that my colleagues in the Wildrose caucus have been asking the government to do for quite some time. Of course, the Member for Calgary-Fish Creek was a member on the opposite side as a minister of children's services and did an absolutely excellent job during her time. Even then as a minister I know that she talked about wanting to bring forward this type of legislation. I know she is equally pleased as a colleague in the Wildrose caucus about this coming forward.

Mr. Speaker, I do believe that in order for us to achieve important legislative changes, we in the Wildrose caucus think that the government listening to Albertans is a key, grassroots approach that is so important.

Now, the Wildrose caucus has been very consistent, though, I might add, in the fact that we always believed that this was an important initiative. We've been consistent in calling for Alberta to catch up to other provinces and to make the Child and Youth Advocate independent of the government. Finally, here in third reading this may soon become law, and the Wildrose caucus believes that this is very important.

You might also remember that we have long called for the government to do other things that are included in the bill such as calling for better sharing of information between public bodies and a clarification of confidentiality in regard to these cases. This is something that, again, the Member for Calgary-Fish Creek has been pushing for since the safe communities task force. The previous Justice minister wasn't able to get this done, but I'm glad that the government finally decided to follow our lead and include this in the legislation as well.

With that said, Mr. Speaker, there is real promise here that we will see one of the government's biggest shortcomings being addressed, and we're pleased for that change. We're pleased that the government actually listened to the Wildrose caucus. For too long it has been entirely up to the minister to decide if something gets looked at or not. Often the same minister has something to lose by an investigation. This really has been the fundamental problem with our health care system, and we'll all see over the next few weeks if these problems are adequately addressed in Bill 24. I know I do have my doubts, but I will always remain hopeful.

One of the things that we need assurance of in debating this bill is whether it's adequately addressed in the bill.

**8:00**

On the one hand, we would feel confident about this because there is an independent advocate, but then it gets muddled because there is also a child and family services council for quality assurance. The scope of other child advocates is much greater than that being proposed by this government, so it looks like there may be a muddling of mandates here. Of course, we would like to see that streamlined, and maybe this council appointed by the minister will somehow reduce the powers of the advocate. We'll see how the government presents its case in the future before we will render a decision and a verdict on his progress.

It seems to me, though, that it's a positive step in the right direction that this council will not only be activated when summoned by the minister, but instead the functions and powers of the council will be embedded in the Child, Youth and Family Enhancement Act. That, I believe, is so important because any minister then will be guided by what is in the act as opposed to having that independent decision-making on their own. It means that this Alberta Legislature will be directing the minister on what should or should not be done. I think that is a strength of the act.

Perhaps this person also may be a bureaucrat with no experience in dealing with children or a political appointment. Of course, that's concerning to us. You know, there are some deputy ministers and bureaucrats that do a very good job and are well trained, but what we've seen over the last period of time is that you had to be a friend of the chief of staff to become a deputy minister. As I look at the deputy ministers today, we can see that some have very limited experience while others have a vast amount of experience. We all can determine the ones that were appointed by Ron Glen and those who were not. But this act puts the authority to the Legislative Offices Committee to appoint as it pleases.

Mr. Speaker, I feel that the bill is missing something, but maybe the government can explain how this council and advocate are up to the job. I remain optimistic that they will be up to the job because the Premier made a promise in light of the particular tragedy that took place just over a year ago, and we know that the Premier will never break a promise or flip-flop on anything. Why do we wait until something goes horribly wrong before we act? We want to see this government being proactive rather than reactive on, certainly, the plight of children being at risk.

The Premier said during the summer in her leadership campaign that we need a children's serious incident review team. This would be modelled on the Alberta serious incident review team that has the tools to look into police shootings and other delicate things that require independence. That is so important. But that is not explained explicitly here, and I look forward to the minister explaining how this bill is even better. What we don't have yet is another promise that may not be lived up to. Hopefully, that's not the case.

As we go forward, let me say, Mr. Speaker, that I do think that the bill is a good step forward. There are a few other concerns that we have, but I do believe that it is a step in the right direction. For that, I say to the minister responsible, the Member for Edmonton-Whitemud, that I think that, like the Wildrose caucus, he is listening to Albertans and Alberta families, and that is so important for him to do. When you do that, you actually get good legislation, which we are prepared to support in third reading tonight. We will not be supporting some of the rushed and rammed-through legislation that really requires a lot more work. We want to get it right the first time rather than the second or third



or fourth or fifth, which has been the track record of this government on many bills that have really not served Albertans well.

With that, Mr. Speaker, I'll take my seat. Thank you.

**The Speaker:** Standing Order 29(2)(a) is available.

Additional speakers? The hon. minister to conclude the debate.

**Mr. Hancock:** Thank you, Mr. Speaker. I just want to reiterate that we have hundreds if not thousands of people in this province who work every day to protect our children, and for that I say thank you.

We have now a mechanism through an independent Child and Youth Advocate to make the system even stronger by constantly advocating for children, beholden to no one but the children, and a quality assurance council that can help us continue to make the system better.

[Motion carried; Bill 25 read a third time]

### Bill 26

#### Traffic Safety Amendment Act, 2011

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

**Mr. Hancock:** Thank you, Mr. Speaker. It's a privilege to move Bill 26 on behalf of the hon. Minister of Transportation. There has been a considerable amount of debate in this House with respect to Bill 26 over the last few weeks, but I think there are several things that are irrefutable. The first is that drinking and driving do not mix. There should be a singular message to Albertans, the same message that we as Albertans have given our children over the years, and that is: if you're going to drink, don't drive. That's a very important message. It shouldn't be a mixed message. This bill helps to enhance that message to Albertans and helps to enhance the safety of our families not just on the roads but near the roads, anywhere where they could be affected by someone whose ability to drive has been impaired by alcohol.

There's been lots of discussion, Mr. Speaker, about the fact that it's criminal to drink and drive if you're over .08. But it's also against the law to drive while you're impaired. It's very clear that impairment starts a lot earlier than .08, and that has been the law in this province and in all the other provinces for a long time. Some have used the term of 12 years.

Over .05 the medical evidence as presented by the hon. Member for Calgary-Mountain View is clear. Those skills that you need, those senses that you need to be able to drive are impaired as early as .05, and some would suggest even earlier.

But for me, Mr. Speaker, this is a very simple matter. If you drink, don't drive. That's what we've told our children. They get it. The people who haven't been getting it are we adults, those of us who have had a social drink and who still consider that we can make an appropriate judgment call after our ability to make that judgment call has been impaired.

There have been a lot of suggestions that there aren't very many accidents caused by people over .05. What that denies, Mr. Speaker, is the fact that a lot of people who are driving don't think they are impaired, and if we can bring that judgment call down to an earlier level so that people make that judgment call much earlier in the evening, we can save lives. We can save accidents. We can save people from hurt and pain and suffering, from losing a child, losing a loved one. That's important for Albertans. That's what this legislation will do.

It's important legislation. The concept that we shouldn't be passing this legislation, Mr. Speaker, because it will be bad for

people's business: that one really gets to me. The fact of the matter is that people should not be building a business on selling excess alcohol to individuals who will then put others in danger. Good practitioners and good businesses already have and for years have had designated driver programs. Good businesses have always promoted not drinking and driving, and I would suggest that good businesses will continue to promote that, and good businesses will continue to do business with people like myself and others who do enjoy going out for a social evening and understand that when they go out for a social evening, drinking and driving do not mix.

There's been a lot of discussion in this House, Mr. Speaker, about using resources appropriately. Well, I'd suggest to you that that really begs the argument because our police are out on the roads. Now, you can't have a policeman standing beside every impaired person or every person that's coming out of a bar. But our police are out on the roads. They're doing the checkstops. They're testing people for impairment. It's not going to take significantly more resources for them, when they're running the checkstops already, when they're testing people for impairment already to say to them, "Well, you're not criminally impaired, but we still believe you're impaired." They used to be able to give a 24-hour suspension. They'll still be able to do that, but they can also use the tougher penalties, which the evidence shows we need because people are not getting the message.

It's a very straightforward bill, Mr. Speaker, a bill which will make Albertans safer, which will help with what we want to accomplish, and that is every Albertan having the opportunity to go home safely to their families at the end of the day. Thank you, Mr. Speaker.

I would move third reading.

8:10

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills. You're the first up.

**Mr. Marz:** Thank you, Mr. Speaker. I wasn't going to speak on this bill again. I hadn't anticipated it, but I was prompted by the last remarks in committee by the hon. Minister of Transportation and again now by the Government House Leader. When the Minister of Transportation last spoke, he offered answers. The more answers he offered, the more confused I became. He talked about public awareness to start with – I'll kind of go through it in the order that he talked about it – for a couple of months that would be allowed so Albertans could get in tune with this and educated about it. But it seems that there's no time for public consultation, and part of public consultation is that it would be a great tool for educating people, and it would also be a great tool for educating us more on what we are doing for people instead of to people.

I kind of resent the defence that – there's always an inference that if you don't support this bill the way it's written, you must support drunk driving. Nothing could be further from the truth.

I'm glad that the minister met with businesses today. I've been meeting with businesses since I first heard about this, and I've given them the government websites and told them to consult with their association and keep in touch and talk to any other business owners they know so they could get educated about this bill and give me some feedback. They've been doing that. You know, we've had four years, apparently, that this has been studied without a consultation offered in that time, but we want to rush this through.

Twenty-two per cent of fatal accidents involved alcohol was what the minister said, but he didn't offer a breakdown of how

much of that 22 per cent was in the .01 to .049 and the .05 to .08 and those categories over that. I would be interested to know what those answers are because I think that's important to the case. Also, that tells me 78 per cent didn't consume alcohol at all, and if we've got penalties that are being offered to prevent the 22 per cent here, it would probably also work in the 78 per cent that don't drink but have other infractions. Perhaps taking their vehicle away for three days would get their attention, and they'd stop speeding and driving without due care and attention and a whole bunch of other things.

Now, it's been said in the defence of the bill that .05 to .08 is scientifically proven, and there were some references offered to studies. I'm not sure if they were tabled in the House. I haven't seen any yet. I haven't had a chance to go through those studies.

It's also been said that this .05 to .08 has been in place for 12 years, and the hon. Government House Leader just offered that it's been the law for the last 12 years. Well, I've been looking for the last couple of weeks for this law.

**Mr. Hancock:** You don't listen too closely, Richard.

**Mr. Marz:** You did say it was the law, I believe. [interjections]

**The Speaker:** The hon. Member for Olds-Didsbury-Three Hills has the floor.

**Mr. Marz:** The highway traffic act doesn't contain it that I can find, but if the ministers could provide me with where it's found in regulation, I would appreciate that. Even if it's not in regulation, is it in an internal police policy? If it's a law – and it's been said that we've been doing this for 12 years, .05 to .08. It's the law for 12 years. That was what was said. It's got to be written someplace. Is it a memo from the Solicitor General? Is it an internal police document? Are police making policy for Albertans now in these categories? That would concern me.

The minister also stated that information that's been offered on this debate by others is not correct. I would like to know if the minister feels that the information contained in Alcohol-Crash Problem in Canada, 2008, prepared for the Canadian Council of Motor Transport Administrators Standing Committee on Road Safety Research and Policies and for Transport Canada, is incorrect. That's information I offered, and I haven't seen a lot of uptake on that particular report.

My constituents are concerned about why there seems to be such a rush in pushing this through. I know it's been asserted that, you know, if we don't get this done right away, it's going to cost a life. That's an assumption I haven't accepted, that this bill is actually going to prevent something in the next few days if we get it passed here today. I think a little bit of public consultation would maybe have a chance of improving the bill, helping Albertans understand it. Perhaps we should go to .01 or zero. Maybe it should be zero tolerance. Maybe Albertans will tell us that. I agree that if you drive, you shouldn't drink. Maybe we're falling short here because it's been said by the defenders of the bill that you shouldn't drink and drive at all.

When I met with a member of MADD in my office a number of weeks ago, I asked the questions: "What is the absolute solution for your organization? Is .05 to .08 and confiscating a vehicle for three days going to be the measure of success for your lobbying group? What happens if it is? Are you going to continue to operate and continue to raise funds, and if so, what are you going to do with those funds?" Or are we going to be back here a year from now or three years from now or four years from now saying: well, maybe .03 is the new standard, and there's a study out that shows that impairment starts at .03. I'd just as soon get it all done right

rather than go through this time and time again and create a lot of disruption in the hospitality industry in the process of doing it. Let's be up front with it and perhaps go ahead with it now.

I also asked: if we do get down to zero and maybe confiscate your vehicle altogether and you never get it back, would that be the measure of success? I never got an answer. I think these are legitimate questions for a lobby group that lobbies government on a regular basis and for any lobby group. We should ask: what is the standard you want us to go to, and let's talk about that in the public with the public in a consultative process to see if the public would accept such a thing.

I haven't been convinced by any of the statements on the defence of this bill that have been made since I last spoke. With that, Mr. Speaker, because the time is short, I will allow for others to stand and speak.

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

**Mr. Anderson:** Thank you, Mr. Speaker. Is it 29(2)(a)?

**The Speaker:** No.

**Mr. Anderson:** On Bill 26. Alberta's drunk-driving rate is higher, clearly, than in most provinces, and this is unacceptable, and everyone in this Chamber knows that. Clearly, with this bill the government recognized that it needs to do a better job of cutting drunk-driving rates. Albertans all need to know that drinking and driving is not acceptable and will be punished if someone is impaired, and this government, in response to knowing they need to put this message through, has passed this bill.

It is true that the government has not done enough to this point to curb drunk driving, but Bill 26 is not the answer. The Wildrose has said repeatedly, over and over again, and will continue to say that more checkstops are the answer, that better enforcement and education are the answer. This draconian piece of legislation is not the answer. More police, more checkstops, more education: that is what Albertans are telling not just the Wildrose but are telling their PC MLAs, are clearly telling other MLAs in this Assembly who have spoken. The way that this is being approached is not the answer.

8:20

The Wildrose would also note that Alberta is 11th out of 12 provinces and territories for police officers per capita. That sounds like a more probable cause for our drinking and driving rates being higher than other provinces than people having a glass of wine or two with their dinner. We would again say that if you want to stop drinking and driving, put more checkstops out on the road, give us more police, and give our people more police in their communities. That is what will not only lead to safer streets and safer communities, one of the major parts of it, but also will help put an end to drunk driving.

This bill proposes to suspend the licence of people who blow over .08 for as long as it takes for their trial to be resolved. As many people know, trials take at least six to nine months in most of the provinces. For someone who ends up being proven not guilty, that's not fair. It's not appropriate. Then for people in places with backed-up courts, places like Fort McMurray for example, or for those whose trials are delayed for reasons out of their control, the suspension can last a lot longer. Sometimes, as the Minister of Transportation himself has admitted, that can take longer than two years.

That's why we had an amendment to limit the suspension to three months if the trial took longer. This reflects the current practice. The difference was that we would insist on an interlock-

type alcohol sensing device in order to get your car back during that suspension time. While everyone has sympathy for those falsely accused, most Albertans do not have much sympathy for those who drive when they are over .08. It's wrong. We need to crack down on those folks, and we've made it clear on how we would do so.

I would like to note some of the reasons why we think this bill is flawed. First of all, Bill 26 will result in scarce police resources being expended targeting the wrong group of individuals, the people that are not causing the drunk-driving deaths in our province. That's not appropriate.

Secondly, there is no due process. The policeman on the side of the road takes your car and licence for three days or 15 or 30, depending on what the situation is, with no trial. All he uses is a hand-held breathalyzer, often proven to be faulty, and that evidence is not admissible in court. Currently breathalyzers don't say what you blow if it's over .05. It's just yellow for .05 to .1, and this leaves no discretion for the officers.

Like the federal gun registry, as I said, this targets the wrong group. People with blood-alcohol content that is double the legal limit are usually the ones that cause the fatalities. The numbers of fatalities from .05 to .08 are quite low. I find it incredible that the Human Services minister seems to imply that in the Wildrose and from some of the opposition comments, because there are some deaths that are caused by .05 to .08 people and because we're saying that we shouldn't target that group, therefore we're in favour of more deaths on the road. Clearly, that's not the case.

In a perfect world we might have all the resources at our disposal and all the police that we need and all the education programs that are needed and so forth. Maybe we would be able to get rid of 100 per cent of drunk-driving deaths. But we don't live in that ideal world, Mr. Speaker. We live in a world where 98 per cent of folks – or let's put it this way – where 15 times as many people are killed by those over the .08 limit than by those in the .05 to .08 group. Why would we not concentrate on that group? You have to be able to expend the scarce resources that you have on the biggest part of the problem.

If we learned anything from the gun registry, that was it. The federal Chrétien Liberal government went after the wrong group of people. It did not get results. It did not prevent any deaths. It had very few results of actually apprehending people after the fact that wouldn't have otherwise been apprehended. It was a complete waste of money and time and effort and so forth, and it diverted resources and cash and things away from higher priorities.

Why is this law going to be any different? It won't be any different. [interjection] Well, it may not divert the cash of government. There was a comment over there that this isn't going to cost anything. Well, guess what it is going to cost? It's going to cost the jobs of people in the hospitality industry. It's going to cost the ability of Albertans to go out for an hour and have a glass or two of wine over a steak dinner. He's shaking his head over there. That's coming from a full adult male that, obviously, is not going to blow over the .05 limit with two glasses of wine over a steak dinner, but that doesn't apply to every single person. There are, of course, people that have less body weight and so forth and other factors who won't be able to. You're restricting that group of people from going out and enjoying themselves, and you're doing it for what reason? To save lives? No, you're not saving lives. That's the problem. There are unintended consequences, and it's wrong.

We'll go over the stats once more. Of all the groups on the road, 60 per cent of those responsible for deaths have no alcohol in their blood at all. That's speeding, unsafe driving, all those sorts of things. If that's the case, why don't we just put the speed limit to – what? – 30? We can treat all of our highways like a playground

zone, and then in that way we could reduce even more deaths because most of the deaths are coming from that group, clearly. But, of course, that would be ridiculous, wouldn't it? We don't do that. Why? I guess, according to the logic that I've heard from the members opposite, we should be doing that. All of our highways should be at 30 kilometres an hour, right? But we don't do that because it's silly. It doesn't make any common sense. The cost to life in Alberta, the cost to people being able to drive and commute and so forth, the economic costs, the societal costs, the recreational costs, et cetera, would be so great that we don't do that, yet we're doing it here. I think that's hypocritical.

Sixty per cent of folks, no alcohol at all; over .16 blood-alcohol limit, 22 per cent; from .08 to .16, 10 per cent; from .01 to .05, so less than .05 to .08, 4 per cent; .05 to .08, 2 per cent. For some reason we are deciding to spend time and resources – police resources, effort, education, et cetera – all this money, on educating about this new law, on targeting the group that is, clearly, nowhere close to being the group that is causing the most deaths on our highways and our roads. It does not make any sense, Mr. Speaker.

I would say, too – and I hearken back to this – that this law unfairly penalizes rural Albertans. I was amazed that a member, the Transportation minister, who's from rural Alberta, got up and said, "You can't stigmatize rural Albertans because, you know, they're under the same laws," blah, blah, blah. That's not the point. The point is that in rural Alberta, if you try to get a taxi, try to get public transit in many of the places, you're not going to get them. What happens is that folks won't even go out. They won't go to their local restaurant to have some wine over dinner and so forth. They just won't bother doing it because it's too dangerous for them to do it. I guess that if that's what you're after, if that's what you're all about, then great.

I want to note this. The Human Services minister earlier said: well, we want the message to get through that there's going to be no drinking and driving. Okay. That's very great. So no one is going to go out for dinner anymore and have even a single drink and drive, whatever that's supposed to mean. Well, just yesterday in the *Calgary Herald*, in the Don Braid article about an MP who was pulled over for a DUI and so forth, the Education minister said right to Don Braid that he had a drink and that then he went home half an hour later. Of course, that wouldn't legally intoxicate him, clearly, but that's what he said. So the message isn't even getting through to your Education minister, apparently.

**8:30**

Of course, your Education minister was acting responsibly. He had a drink. Who knows what his blood alcohol was? Maybe it was .03, .04. I don't know. He had one drink, and he went home. He was able to drive. He was perfectly capable. He went home safely. But the people the people that got pulled over by that checkstop that was there outside that event, which is good as it is the Christmas season – there are more, as we said. They pulled over a lot of folks and kept our roads safer that night because of that checkstop.

That whole story argues for what the Wildrose is saying, that checkstops are the way to go, more enforcement is the way to go, not doing this silly law that isn't even getting the message across to the Education minister, apparently. And why? Because the message is silly. It's a silly message.

The message should be what it's been for a long time now. If you're over the legal limit of .08, you shouldn't be driving. I would say that people in society now have a very, very good knowledge of what .08 looks like and feels like and so forth. They've been conditioning themselves for years now on what that means to them and their body type and so forth. They do it. The

ones that don't follow it are the ones out there killing people, the ones over .08. So why are we not focusing on that group? Clearly, we should be.

In closing, Mr. Speaker, I would just say this. This bill was not on anybody's radar up until just recently, up until the last few weeks, and it has been rammed through without any respect for democracy, without any respect for the people of Alberta, to give them a say, to let them have true input into this over an extended period of time even if it was just two or three months, for crying out loud. Let the people of Alberta give their feedback to their MLAs. Let's bring in the chiefs of police, MADD, the hospitality industry, just regular, common-sense Albertans, severely normal Albertans, have them in, talk to them in our communities and see what they have to say and get the feedback so that we can all come back here and act like responsible representatives of the people that actually elected us and vote in their best interests.

After we get that input back, if they want this law, if they think this law is just the cat's meow and is going to solve all our problems or a lot of our problems or whatever on this issue, well then, yeah. Then we can hold our heads up high, and we can come in here and vote on it knowing that we've at least respected the opinions of Alberta, respected them enough not to ram this through in late-night sittings over a couple weeks' period. It's just such an absurd way to run a democracy. It's just incredible. It's very disrespectful to the people of Alberta, who deserve better than this type of hodgepodge, reactionary, legislate-on-the-fly group of individuals that they have in government right now.

Mr. Speaker, I would say that this is going to have a negative effect on this province. Unfortunately, the unintended consequence not only is economic, but it's also going to hurt regular Albertans.

Thank you.

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

**Mr. Denis:** I just wanted to rise and thank the member for his passionate comments. While we do have a difference of opinion, I know that he is doing what he believes is best, as am I. I do have a question for him, though. Standing Order 23(g) prohibits a reference "to any matter pending in a court or before a judge for judicial determination." I'm wondering why this member has referred to the matter dealing with a certain Member of Parliament who has now been charged with failing to blow.

**Mr. Anderson:** I certainly did not. I would ask the member to refer to the *Hansard* where I referred to anything before a court. I said that what was reported in the paper is that a Member of Parliament was pulled over by a police officer for a DUI and that, as per that same article, the Education minister said that he had had an alcoholic beverage, one, and had driven home. And that was fine. That's not before the courts. So I haven't said anything that would fit that criteria, and I'm not really sure what this member is getting at.

I will say, in maybe expanding a little bit upon that question, that it is important that we as members of the Assembly set an example. It is important that we do that. That's why I alluded earlier to the Education minister. I'm getting confusing messages, and Albertans are getting confusing messages from this government. The Human Services minister is saying, as is the Transportation minister – I heard him in his press conference the other day – that if you drink even just one drink, don't drive. That's the message from the government. Then a couple of days later the Education minister is in there taking a drink and driving home. Was he impaired? I would say: almost a hundred per cent

certainly not. Completely legal, doing what he's allowed to do under the law. No problem. But the point is that the Education minister clearly isn't getting the message.

### Speaker's Ruling Referring to an Absent Member

**The Speaker:** Excuse me, hon. member, please. The Minister of Education is not here. It makes me feel very uncomfortable when one member says that some other member said something, and the other member is not here to challenge it at all. It's very difficult. You can go down a very slippery slope and get in a lot of trouble. So deal with police. That would be much better.

**Mr. Anderson:** Fair enough. Fair enough. So I won't do the Education minister. I will do the Solicitor General since he's here.

### Debate Continued

**Mr. Anderson:** It's important, as I said, to follow the example. As I said earlier in question period a few days ago, that's why I didn't understand. The Solicitor General is constantly talking about the need for this law and the important message that's being sent.

**Mrs. Forsyth:** Is he going to increase his policing?

**Mr. Anderson:** That's right. The question I would have for the minister is: first of all, why on earth aren't there more police officers and checkstops on our streets?

**Mr. Boutilier:** Which falls under his ministry.

**Mr. Anderson:** Which falls under his ministry.

Why are we second to last in Canada in the ratio of police officers per capita? Why is it easier to see a sasquatch in Alberta than it is to see a checkstop at any time outside of December?

I'm really having trouble understanding why the Solicitor General is so impassioned about Bill 26 when, clearly, what he should be doing is being passionate about putting more officers on our streets, increasing the numbers of checkstops . . .

**Mrs. Forsyth:** Increasing the scope of practice of sheriffs.

**Mr. Anderson:** . . . increasing the scope of practice and training for sheriffs . . .

**Mr. Boutilier:** Which we support.

**Mr. Anderson:** . . . which the Wildrose completely supports, so that they can do more checkstops and so forth.

I would submit, Mr. Speaker, that these are the things that I think will very much improve traffic safety and are some things that I hope, I truly hope, the Solicitor General will take into his heart and say that Bill 26, which he thinks is a decent bill – I think it's not worth the paper it's printed on. At the very least if this will turn his attention to actually increasing the number of officers, increasing the number of checkstops, then you know what? Maybe this is a good thing because maybe he'll want to prove so badly that Bill 26 works that he'll actually increase checkstops in order to prove his point even though, of course, that would mean it would be more enforcement that clearly was cutting down on civilian deaths.

**The Speaker:** Hon. Member for Calgary-Bow, you caught my eye, but I think the hon. Member for Calgary-North Hill caught it before you.

Before we do that, might we revert briefly to the introduction of visitors?

[Unanimous consent granted]

### Introduction of Guests

**The Speaker:** I would ask the hon. Member for Bonnyville-Cold Lake on behalf of the hon. Member for Innisfail-Sylvan Lake to proceed.

**Mrs. Leskiw:** Thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of this Assembly a very distinguished gentleman from my constituency of Bonnyville-Cold Lake, my predecessor and good friend Denis Ducharme, who was our MLA for 11 years. He must really miss this place and these evening sessions, so he came to join us to show his support. I would ask him to rise and would ask you to please join me in giving him the traditional warm welcome of the Assembly.

### 8:40 Government Bills and Orders Third Reading

#### Bill 26 Traffic Safety Amendment Act, 2011 (continued)

**The Speaker:** How many others have caught my attention with respect to this? Okay. I've got the Deputy Premier and the hon. Member for Calgary-Mountain View.

Proceed, please, hon. Member for Calgary-North Hill.

**Mr. Fawcett:** Thank you very much, Mr. Speaker. This has been a very interesting debate. I have to admit that part of what I'm going to speak about today actually exhibits democracy at its finest despite what members of the opposition have to say.

The fact is that this is a very personal issue. I know that every time I see or hear on the news about a person that has lost their life because of a traffic accident, particularly those later at night – you know, I once had somebody tell me that nothing good happens after midnight, and that typically tends to be true – I hold my breath hoping that, you know, it's not somebody that I know. Fortunately for me, I've never been in that situation. I always breathe a sigh of relief when I do find out that it's no one that I know. I say that with some care and attention, knowing that there are some people out there that do have family and loved ones that have lost people. These are some of the most inexcusable deaths we have in our society. There's no doubt about that.

I want to thank the hon. Solicitor General for his reference earlier to keep me in line with the standing orders, but I do want to admit that the recent, I guess, what I would consider bizarre confluence of events that have happened over the last couple of days have really shone a light on this issue and have actually forced me to have a change of opinion on this piece of legislation. Many of my caucus members will probably remember that I was very much against this when we discussed this in caucus, probably for many of the same reasons that many of the opposition members have outlined.

[Mr. Zwozdesky in the chair]

For some reason when I was driving up to Edmonton today after spending the evening in Calgary at a community event last night and thinking about everything that's happened, you know, I reflected on what is happening out there. We as individual members of society sometimes put ourselves in some very bad posi-

tions without even knowing it, and we allow ourselves to be blinded to the facts of reality. The facts of reality are this, and this is what the bill does: the science is clear – it's not debatable; it's clear – that at .05 every individual faces some sort of impairment in their abilities. If that's the case, if we're all standing up here and saying that we don't think people should drive impaired, then what's the problem with this piece of legislation? To me that's what this is about.

What is very confusing in this whole debate is also the fact that right now it has become very obvious – and I will be the first to admit that I didn't even know before this debate started coming online that you could actually get your licence suspended for 24 hours for blowing over .05. This is nothing new. We shouldn't be talking about how new this is. We should be talking about how maybe there has been a bit of a failure in communicating that that has been the case for the last 12 years. But now it is explicitly the case. It's being explicitly put in this legislation for those purposes, and that's where we're at now.

As I mentioned before, the science is quite, quite clear on this. If the hon. members don't believe that putting this reference to .05 into this act is the right thing to do, then they really don't have an issue with the government; they have an issue with the scientists, and I would believe that they should maybe take that up with the science community. I know the Member for Airdrie-Chestermere kept referencing that this was the PC government telling Albertans what to do. Well, I would suggest that he might want to go and have a conversation with the scientists. They might know just a little bit more about the actual science behind impairment than he does.

One of the things that I do take issue with in some of the speeches of the members on this side – and this has been part of the problem that I've seen throughout this whole debate. In a lot of the conversations that I've had with my constituents, the feedback that I've gotten is that they're opposed to this because they're saying, "You're making me a criminal or a bad guy because I can't go out and have a glass of wine with my dinner," or "I can't have a beer with my burger or a beer at the hockey game and drive home." The fact is that that's not true. As much as I appreciate the Minister of Human Services' stance, you know, of "Let's be clear; we don't want any mixed messages; you do not have a drink and drive," if that was the case, if you wanted to make that very clear, it wouldn't be .05. It would be zero. Period.

My point is that I do know that I can go out and have two drinks over dinner and probably drive home and be fine. In fact, I want to share a personal experience with the members of this Assembly that I did have about two years ago when I went and visited my father, who was working in Arizona. He and I and a couple of other family members went out for dinner to a nice Mexican restaurant. I had two margaritas with my dinner. We were coming home. I pulled out of the parking lot. Of course, I didn't know my way around the town. I'm driving. I go to turn left at the lights, and my father says, "No, no; it's the next set of lights," so I get back into the straight-ahead lane, and of course there's a state trooper behind me. He pulls me over, asks if I've been drinking. I said I had two drinks. Of course, I go through the rigmarole. The fact is that when it came down to it, I didn't even register on their blower thing or whatever. But it was certainly a lesson. [interjections] I know that's probably not the technical term. Okay. The breathalyzer.

The point is that it's become very clear to me, and this is something that I've sort of adopted in my life as what it is: two drinks, and I'm okay. Anything more than that – it's not one more; it's two drinks for me. People have to go and ask themselves some tough questions and do some research about whether that might be

appropriate for their body type or the activity that they're doing during that day. But for me, generally I'm okay.

What happens is that we have a culture – and I know the ministers have talked about changing the culture – where at two drinks we feel fine, so we say: aw, one more. I know everybody around here has done that, right? Then one more turns into one more, and before you know it, you've actually only thought you had one more, and you think it's okay to drive home. That's when we put ourselves in those very difficult situations, right? We know. The science has said that at .05 you are impaired. The bottom line is that when it comes to the safety of our children on our streets, if that's what it is, that should be the law.

The final thing that I just want to address. I know that some of the conversation that I've gotten in my office around this is that this bill makes the police the judge, jury, and executioner on this. Well, I think this bill has a very clever clause in it that allows the person that's pulled over to be able to go and be tested on another device, taken to a detachment or a police station to blow into one of the more reliable devices that are used and are admissible in court. I would have to say that if we don't trust those, what's the point of even addressing this issue, whether it's at .05 or .08? If we don't trust the science behind those, what's the point? The point is that we are giving every citizen that is found in this situation the opportunity to be able, I would say, to be found guilty or not guilty on a scientific piece of machinery that is much better than anything any judge, jury, or executioner can provide. So I think that there is some protection in there for people.

8:50

Just to conclude this evening, I started off by saying that I think this has been a good exercise in democracy. For me, listening to the debate that's happened in this Legislature, listening to the debate that's happened outside of this Legislature, the information that's come to my constituency office on behalf of constituents has actually forced me to change my original position on this because I've gotten more information and done some self-reflection about what this really means today in our society. To say that we haven't had enough time or there hasn't been enough debate or there isn't enough information out there, frankly, means that I think you're being lazy – okay? – and that you're not listening.

I can respect that some might have a certain disposition on this. I certainly do. I've always said to my constituents that I will probably come toward issues with a certain disposition, and it might take a considerable amount to talk me out of that, but at least as your representative I need to be open to compelling reasons, and strong rationale has to convince me that my original position is not the right one. In this case, Mr. Speaker, that has happened for me. I could tell you and my wife will tell you that that usually doesn't happen. You can't usually talk me out of very much.

To conclude, Mr. Speaker, I just want to say one thing. I did make this point in caucus during our discussions, and I want to make it in the Legislature. I think that it brings in a number of pieces that a number of members of this Legislature have brought up, that this is one piece of the pie in dealing with this issue of impaired driving that we have in our province. The other pieces, obviously, are increased enforcement. Yes, I would like to see, like the Member for Airdrie-Chestermere, us put more emphasis and more resources into checkpoints. I think that would be a positive. I think this Premier is very open to that. I would like to see us embark on an educational campaign that really engages people in what the whole science around this is and what it means to be impaired and how you should reflect personally on what your limitations are.

Finally, obviously, the alternative transportation methods are a challenge. I've always had a big issue with the lack of availability of cabs in the city of Calgary. It's a huge issue. I know that's not our issue, but I think that as a society collectively this is something we need to do. If we piece this piece of legislation with the three other things that I've just mentioned, I think we as a society will come to a greater understanding of what we need to do to deal with this issue, and we might actually see progress.

Thank you, Mr. Speaker.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available. I have the Solicitor General and Minister of Public Security.

**Mr. Denis:** Thank you very much, Mr. Speaker. I just wanted to add a couple of things. I know that was a very good speech from the Member for Calgary-North Hill. It reminds me of having several drinks with him many times over the years but not driving.

He did mention the current penalties for .05. I just wanted to point out where those come from. If you refer to section 89 of the Traffic Safety Act, subsection (1) says:

If a peace officer . . .

I said peace officer, not police officer.

. . . reasonably suspects that the driver of a motor vehicle has consumed alcohol or otherwise introduced into the driver's body any alcohol, drug or other substance in such a quantity so as to affect the driver's physical or mental ability, the peace officer may require the driver to surrender the driver's operator's licence to the peace officer.

Subsection (4) then talks about the 24 hours.

Mr. Speaker, to me the text of this indicates that a peace officer can actually force someone to surrender their licence for 24 hours with any alcohol in their system. Well, I thought it was rather interesting, so I went and called the Calgary police, I called the Edmonton police, and I called the RCMP division here, and every one of them told me that they do not enforce that below .05. It is not a memorandum from my department. It is, rather, their own policy below .05.

I think it's a matter of good public policy that we actually want to set an objective standard as to where the science is, as my friend the Attorney General has mentioned, and that, Mr. Speaker, is at .05.

I mentioned earlier the Robert Remington article, which references a study from the University of Western Ontario indicating that 20 per cent of traffic fatalities and injuries happen between .05 and .08. That's 300 fatalities from 1998 to present. Mr. Speaker, someone has got to stand up for this amount. It may only be 20 per cent, but that's a significant amount. Guess what? Everyone else, any one of us, is the other guy. We can't presume that this is just going to happen to the other guy. It may happen to anybody, including ourselves.

I'll say, in conclusion, the one thing that really has educated me here. I have just been shocked with the amount of people in my social circle, in my family who have talked about their experiences with drunk drivers as someone who has been hit or even in my case as someone who has witnessed an accident. It's much more widespread than we think. Let's clamp down on it, Mr. Speaker. We're not going to increase the blood-alcohol level, but we are going to increase the penalties as that is what's warranted.

**The Acting Speaker:** Thank you.

**Mr. Fawcett:** I want to thank the hon. Solicitor General for that information about that particular piece. As I mentioned, I did not know that. I don't think many Albertans knew that. I think that

because of this debate they now do, and I think our roads are going to be a lot safer because of that, Mr. Speaker.

**The Acting Speaker:** Thank you.

**Mr. Anderson:** On 29(2)(a). I appreciate the comments from the hon. member, and I believe they are heartfelt although, of course, I disagree with them, but that's the nature of democracy.

You just said, hon. member, that you changed your mind recently, and you went through the change of mind that you had. Now, obviously, you're someone who's elected. It's your job to be informed and to do research and to figure these things out and to have an informed opinion when you vote. Most Albertans haven't had anywhere near the time to even assess this new law. So I would say that if you just barely changed your mind and here we are voting on it tonight, don't you think that it would be more democratic to get your message out there to Albertans in an election campaign, for example, explain your reasoning, inundate them with all the studies in the world that you think prove your point, and then let them decide in an election whether they agree with you on this?

This wasn't run on in any campaign previously. It wasn't run on by the new Premier in her recent leadership campaign. She just decided that this is going to be the way we go, and Albertans are kind of like: "Okay. Why weren't we informed that this is what we were voting for or that this is what we were electing?" and so forth. Why don't we give Albertans the same amount of time that you've had to make a decision about changing your mind? Then at the end of the day maybe you'll be able to convince Albertans to be on your side. Why not give them the time?

**The Acting Speaker:** Thank you.

I have Calgary-Bow next, but you have 30 seconds left.

**Mr. Fawcett:** Yeah. I just wanted to respond to the hon. Member for Airdrie-Chestermere and say that I think maybe one of the reasons I changed my mind is because, I mean, this debate is coming to a conclusion, and I was forced to reflect on what my position truly meant and, moving forward, whether I was able to live with that decision. You know, in all honesty, the fact is that I could easily have seen myself in the position that other people were in.

**The Acting Speaker:** Thank you.

I have the Deputy Premier, followed by Calgary-Mountain View, followed by the Solicitor General, followed by Calgary-Fish Creek, followed by Calgary-Bow, followed by Calgary-Buffalo, followed by Edmonton-Strathcona.

**Mr. Horner:** Okay. Mr. Speaker, I will be very brief because I must compliment the hon. Member for Calgary . . . [interjection] I'm sorry. Mr. Speaker, do I have the floor?

**The Acting Speaker:** Yes, you have the floor. I've been given a list by the previous Speaker, and I'm just following it. If we need to make adjustments, we will, but at the moment, Deputy Premier, you have the floor.

**Mr. Horner:** Thank you very much, Mr. Speaker. I was going to say that I was very, very impressed with . . .

**Mrs. Forsyth:** Point of order.

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

## Point of Order Speaking Order

**Mrs. Forsyth:** Yes, Mr. Speaker. Just a clarification. The Speaker maybe can clarify this. I understand that when we're debating, you have a government member and then a member of the opposition and then a government member and then a member of the opposition. So we just had a government member speak, and now you're going to yet another government member. Maybe you could clarify. The last time I checked, the Member for Calgary-North Hill was a member of the government. We're going on to another member of the government, and we're in third reading.

**The Acting Speaker:** Yes. Hon. member, just to be clear, I've inherited a list, and I'm following it, but that is normally the procedure. I don't believe anybody had indicated they had wanted to speak immediately after Calgary-North Hill other than the Deputy Premier, so he's been recognized. Then we'll go to Calgary-Mountain View, which is an opposition member. Then we'll go to the Solicitor General, who is a government member. Then we'll come to you, hon. member, as a member of the opposition. Then we'll go to the government member from Calgary-Bow. Then we'll go to Calgary-Buffalo, who's a member of the opposition. Then we'll go to the third party, which is Edmonton-Strathcona, and that's as far as my list goes for now. [interjections] Excuse me. Hon. member, please take a seat.

That is the order, and that is how we will proceed. The Deputy Premier has the floor. He has indicated he'll be brief, and then we'll get back on with things. I'll add the other members to the list as they arise.

The Deputy Premier.

**Mr. Horner:** Thank you, Mr. Speaker. I appreciate the clarity of that ruling. It is your prerogative.

9:00

## Debate Continued

**Mr. Horner:** I did want to say that my speech is going to be brief. I want to commend the hon. Member for Calgary-North Hill for a very eloquent and well-thought-out speech on this issue. The only thing that I wanted to bring, to ensure that it was on the record for my constituents, Mr. Speaker, was the fact that I did have an opportunity to consult with Albertans on this, and it was called a leadership race.

Now, the hon. Member for Airdrie-Chestermere says: oh, this just came out of the blue at some point in time. Mr. Speaker, he's wrong. During the time that I was on the leadership campaign trail, if you will, as well as our Premier as well as a number of other members of our caucus and outside, we had numerous occasions to talk to people about what we should do to make our streets safer, what we should do to make our families safer, what we should do to encourage people and, in fact, strengthen the rules around impairment, impaired driving on our roads. We talked about increasing the fines for speeding. We talked about . . .

**Mrs. Forsyth:** I'm sure you'll bring them forward, too.

**Mr. Horner:** There may be other items, hon. member, that I will bring forward from the leadership campaign. You'll just have to wait and see. The longer you chitter and chatter, the longer I'm going to stand here, hon. member, and the longer it'll be for you. [interjections]

**The Acting Speaker:** Hon. members, please take your chairs. We are doing very well. Progress is being made. The Deputy Premier has the floor.

**Mr. Horner:** I apologize, Mr. Speaker, for being drawn down to their level, and I will not do it again.

Mr. Speaker, part of the thing that I heard during those consultations and during those discussions was that there were a number of young people in Alberta that told me that we needed to catch up, that we needed to get with the rest of the crowd. They understand what it means to have a designated driver. They understand what it means to drink responsibly before you get behind the wheel.

I think that doing what we are doing today is nothing more than that. We are encouraging Albertans to be responsible about their drinking if they are going to be behind the wheel, just as we would around speed limits and other traffic violations that we have.

Some young people that I'm acquainted with – actually, one of them lost their licence not that long ago, but it wasn't for impaired driving; it was for speeding. We took his licence away. Why is it that speeding is a lesser infraction, evidently, to the hon. members than being impaired behind the wheel? I disagree, Mr. Speaker. I believe that being impaired behind the wheel is a serious infraction, and it should have a penalty, and it should be something that people would remember.

I also took the opportunity, as I'm sure all the hon. members in this House have done, of talking to constituents, going to their board meetings, and having a chat with them and asking them what they think. Mr. Speaker, I can tell you that at a meeting of constituents of mine, who, yes, are a part of my association, they unanimously said that this was the right thing to do. I didn't have one person tell me that it was the wrong thing to do. That's listening to your constituents, and that's why I stand fully in favour of the legislation that we have before this House.

I think, Mr. Speaker, that this is about giving our officers on the street another tool in their tool box, and we should support this as it's the right thing to do. Thank you.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available. Are there any speakers?

**Mr. Anderson:** I would just ask the Deputy Premier: is there anything that you could give me – it would be just fantastic to know if there's any literature or anything, any campaign platform that you used during your leadership or, more appropriately, that the Premier used during her leadership that you could show us where you promised that you would bring this legislation in. Then we could verify the righteousness of your statement there.

**Mr. Horner:** Well, Mr. Speaker, I did not say that this was part of my platform. I said that through the summertime and the spring in the consultations that I was in, talking to Albertans across this province, I did hear about this. We did talk about this. It's unfortunate that the hon. member didn't attend some of the forums that we were at where some of the questions came up. Perhaps he would have learned something about what Albertans are truly looking for. It isn't their platform.

**The Acting Speaker:** Thank you.

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

Seeing none, we'll move on to the main discussion. I'm pleased to recognize the Member for Calgary-Mountain View.

**Dr. Swann:** Thank you very much, Mr. Speaker. It's a pleasure to rise in third to speak to this important bill, Bill 26, Traffic Safety Amendment Act. I must say that I was impressed with the presen-

tation early on in this session and the importance of safety and saving lives and the good intentions of this government. The Minister of Transportation argued passionately for getting a cultural shift in Alberta and reducing the alcohol and driving connection.

The evidence is pretty strong that over .08 there are significant deaths and injuries associated. The evidence below .08 is less stringent. In fact, without significant changes over the last 20 years, we've seen the number of drunk driving deaths drop by half. It's not clear how much of that is a cultural change, how much of it is due to penalties, how much of it is due to more public awareness, and how much of it is due to the fact that .08 was criminalized many years ago. What we do see is the importance of raising in the minds of young people, especially young drivers, the connection and the importance of not drinking and driving.

My experience of this discussion has been very helpful. It's raised my level of awareness about the .05 to .08 contentions. What we haven't heard much about is what this means in terms of – we heard some expressions of the experience in B.C., where for the last 11 months they have had this new law in place, and they've seen a drop in deaths. What isn't clear, again, is how much of that reduction in deaths is due to greater awareness, better public education, more police on the streets, and more checkstops. We need to know more about what it is that's contributing to the reduction in deaths on highways and to what extent the new law and the actions, the administrative penalties between .05 and .08, are in fact responsible, since we know that a small percentage of those deaths on the highway are associated with .05 to .08.

There are some concerns about this. The pace at which we've had to deal with this along with some of the other bills has meant that we simply haven't seen the world research. We simply haven't heard from experts. We haven't even heard from Albertans to a wide extent on the extent to which this is going to impact their lives both positively and negatively, increase the burden on the courts, increase the number of police engaged in aspects of their work that is going to take them away from other perhaps more urgent, more important work in reducing injury and death and crime on our streets.

Mr. Speaker, I don't want to prolong the discussion here tonight. But I feel a very strong sense of a rush to legislate here. There's no question that we all understand the seriousness of drinking and driving. We all want to see a reduction in injuries and deaths. We all want to recognize the importance of our lawmakers and that penalties do have a role to play in this. The research from our own Alberta Centre for Injury Control & Research says: "Several reviews of the evaluation literature look at the effectiveness of lowering [blood-alcohol concentration] limits as a means of curbing drinking and driving and . . . reducing alcohol-related crashes, injuries and deaths. The conclusions reached range from showing substantial benefit to no benefit at all." The Traffic Injury Research Foundation has also reviewed major studies and did not find compelling evidence of a consistent and strong impact from these particular administrative penalties.

I'm not saying that it's a bad bill, Mr. Speaker, but I am saying that we need to refer this to a committee. We need to have a more timely, thoughtful discussion. We need to hear from police. We need to hear from researchers. We need to hear from the public. We want to see what the world literature suggests is the right way. Should we, in fact, forget about this particular area and instead of administrative penalties criminalize over .05? Let's do it once and for all.

**An Hon. Member:** We don't have the option to criminalize it.



**Dr. Swann:** Well, let's look at the evidence. Let's hear from the experts. Let's understand what the impact is going to be on our police force. Are we actually going to be spending more time in courts, more time with police dealing with all the paperwork and the people and the frustration and the people who are now losing their jobs or losing significant income because of this and not having their transportation?

**9:10**

I don't think we have had enough time, honestly, to really reflect on the costs as well as the benefits of this. I have an impression in my mind – and I think our caucus do – that this would reduce injuries and deaths, but it's only an impression. The literature that I've just quoted isn't conclusive that increasing administrative penalties for .05 to .08 has actually had that impact. We're not quite sure whether it's more police, whether it's a cultural shift, whether it's more education. What is it that's actually making this reduction that we see in B.C.?

I and some of my colleagues, at least, are believing very strongly that because of the haste and because of the lack of opportunity for real wide debate, including input from our police forces themselves, we need to refer this to committee and have a good, thorough discussion and bring this forward again with a new sense of certainty and confidence and evidence that we need to make this kind of a change.

Thank you, Mr. Speaker.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available.

Yes? Government House Leader.

**Mr. Hancock:** I know you have a list, but I'm wondering: I believe I have the agreement of House leaders to request unanimous consent of the House in the event of bells being required for votes this evening, that we revert to a one-minute bell. I'd ask for unanimous consent of the House for that.

[Unanimous consent granted]

**The Acting Speaker:** So be it. That is how we shall proceed. Thank you.

Standing Order 29(2)(a).

Seeing no speakers to that, I will go on to the next speaker. It was to be the Solicitor General. He has ceded his spot. I will therefore call on the hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Thank you, Mr. Speaker. I'm not sure how I feel about rising on third reading on Bill 26, the Alberta Traffic Safety Amendment Act, 2011, but I have listened very, very intently over the last, I think, 12 days since we started this particular debate on this particular piece of legislation. I'm not sure if you were here when we first started the debate on Bill 26, but I'm just going to go back a little bit and reflect on the fact that I think it's important to get the message out that I had struggled to begin with on this particular piece of legislation.

I brought that up in the Legislature because of the fact that I had brought forward on March 1, 2000, a private member's bill called the Traffic Safety Amendment Act, 2000. What the bill was about was encouraging the government to do something about the .05 blood-alcohol content and two key things: to make people aware of the blood-alcohol content and to educate the public about the importance of not drinking and driving, the huge effect that impaired driving has in this province, and what happens when you drink and drive.

You know, when you hear the government say that the Wildrose is not supporting this particular bill and doesn't care about people who are drinking and driving, that's the furthest thing from the truth. I would ask anybody to go back into *Hansard* and read what was discussed then and what we were trying to accomplish at that particular time. Mr. Speaker, guess what it was? It was a 24-hour suspension.

Look where we are now. We're in the year 2011, and we've heard over and over again the Minister of Transportation telling us that over the last five years – so that goes back to 2005 – they've had 42,762 roadside suspensions. The Minister of Transportation also talked about this not being new; it's been around for 12 years. Well, guess what? It came from the bill that I brought forward in this Legislature in 2000 trying to get the public aware of the effects of drinking and driving and the 24-hour suspension.

More importantly, Mr. Speaker, when I was speaking in the Legislature, albeit I was on the government side, I talked about the importance of education. How do we educate the public? Keep repeating it. In regard to the safe communities task force, which I had the opportunity to chair when I was in government, again we talked about the effects of drinking and driving in this province; we talked about the fact that it was important to have public awareness education for the public.

Well, guess what, Mr. Speaker? If you wanted to rate the government from the good old days when we had the report card, guess where they would be? It would be a big F because they haven't done any of the education component that, yet again, is contained in Bill 26. We've repeatedly asked the Transportation minister a couple of things since the debate of this bill. One was: what education programs do you have currently in place? That's all we want to know. What education programs, Minister of Transportation, do you have currently in place that are going to educate the public and the 42,762 people that over the last five years you have had roadside suspensions for? You have not answered that question, Minister, so I'm accepting the fact that you've done nothing. Silence is sometimes golden. You haven't gotten up and spoken whereas you've gotten up repeatedly to throw these figures at us, these numbers, but you still have not answered the education component. What were you doing, and what happened to the 42,762 roadside suspensions? What education did you give them?

Another question, Mr. Speaker. We've asked for the data on where these roadside suspensions occurred. Did we have a huge percentage of roadside suspensions in Calgary? Did we have a whole bunch of roadside suspensions in Olds or Didsbury? Maybe we had them in Rocky Mountain House, or maybe we had them in Medicine Hat. We've asked for those particular data because, reflecting back on the safe community task force, the recommendation was for the Safe Communities Secretariat to spend the time and deal with the hot spots in this province. If we have a huge increase of roadside suspensions in Calgary, then we know that we have a serious problem with the issue of drinking and driving between .05 and .08 in the city of Calgary, and we'd better damned well do something about it.

You know, it's important for us to reiterate, and we have reiterated it over and over and over again, that Alberta has the second-lowest police ratio in the country. We've asked the Solicitor General over and over again if he is going to increase the police ratio in this province. You tell the police or there is all this general discussion that we're going to start, you know, looking at pulling people over who blow somewhere between .05 and .08, and – guess what? – they're going to do it. Guess what those officers are going to be doing? They're going to be called away from somewhere else where maybe they should be looking after child

pornography or they should be going after the pedophiles. How about organized crime? Huge, huge problem in the city of Edmonton. So we're going to take police officers off the road and off the street doing their job, and we want them to focus on .05 to .08.

Let's just for a minute talk about the sheriffs. They do a wonderful job in this province. It was probably one of the most creative things that came out of the government side. I can't take any credit. It was the former Solicitor General from Calgary-Buffalo that came up with the very, very innovative idea of adding the sheriff component to the policing to be able to help some of the police.

9:20

I mean, I've spoken in this Legislature about my encounter with the police in this province on a quick drive one time from Edmonton to Calgary and the embarrassment of being pulled over and handed a ticket for speeding, which, quite frankly, is breaking the law. But they do a wonderful job, and we see them all the time on highway 2. Are we going to extend their mandate and provide them with the ability to provide the breathalyzer test themselves to a driver that they suspect is impaired? I don't know if you know, Mr. Speaker, but they have to call an RCMP officer to administer that. Did you know that?

We've talked about: how are we going to target the chronic, repeat offenders in this province, 20 per cent of the population causing 80 per cent of the problems in this province. I talked about that in the safe communities task force when I brought that forward, talked about the need for consistent research. The Member for Spruce Grove-Sturgeon-St. Albert talks about that while he was running for the leadership, he heard this during a debate, things like that. He may have; I don't want to argue with him. He also talked about the fact that he heard about higher fines for speeders, those who are breaking the law. Well, I'm looking forward to him bringing that legislation forward also because, you know, people will converse and talk at any sort of debate.

I mean, I've been in many debates in my political history. Just because one or two people, 1 per cent of the population, bring it up, it doesn't mean that it has to be immediate law. The Member for Calgary-Mountain View talked about the fact – you know what? If this bill is so right and it's so important, there are lots of questions that need to be answered, quite frankly, in this bill. So let's put it into a committee and let them discuss with Albertans. Let them, as the Member for Calgary-North Hill brought up, bring the scientists to the table.

Let's really talk about the breathalyzers and the problems with the calibration when you're trying to give these tests. It's just been brought up that in B.C. – and I don't have any of that data in front of us – there are 2,100 tests that are in question right now. It's been interesting for me all the research that I've had to do in regard to the breathalyzers and how they use the instruments and how they have to make sure that their calibration is right, et cetera, things like that.

I guess, Mr. Speaker, change is good, but let's make sure that the changes are the right changes. I don't think there's anyone in this province that doesn't believe that impaired driving is a serious offence and has to be taken seriously in this province. We talked about the tools that law enforcement needs. They definitely need more checkstops, alluded to in regard to somebody that was stopped recently. Well, you know what, Mr. Speaker? We always, always, always see more checkstops during Christmas. There was an advertisement on TV just probably, I don't know, maybe a week ago, talking about the checkstop program that goes. I know they do that. I am the former Solicitor General. We also do more checkstops one week every year in about October, I think it is,

when we have Crime Prevention Week. I've been on those checkstops as the former Solicitor General when we launched crime prevention and know that they have more checkstops out.

If we're really seriously, seriously serious about the issue of drinking and driving, let's get more police in the field, more boots, as they say, on the highway. Let's talk about the expansion of the sheriffs and their mandate and allowing them to provide the breathalyzers, do the breathalyzers. I mean, they're great guys; they do great work. We see them around the Legislature, and we always feel safe with them here, having them around us. I know I've talked to tons of sheriffs and really appreciate all the work that they're doing.

Let's develop and implement a targeted social marketing campaign to counter excess drinking, not only drinking but drugs. Nowhere in this legislation does it talk about the impairment of somebody smoking a joint. Nowhere do we talk about that. And you want to talk about reaction if you've been smoking a couple of joints, what it does to you. Dropping cocaine, taking meth, shooting heroin: all of that kind of stuff needs to be addressed. It's the whole issue of drinking and driving and drugs.

I guess, as they say, this is the last kick at the cat. We want Albertans to know that we're serious about drinking and driving. We want Albertans to know that we believe we've got to target the 20 per cent of the offenders that are causing 80 per cent of the problems. We want people to know that impaired driving is preventable. We want to encourage the government to tell us about their education program. We want to encourage the government to give us the numbers on their roadside suspensions. I guess, lastly, Mr. Speaker, we want to encourage the government to do it right. I can guarantee you, dollars to doughnuts, that we'll be back next session with an amendment on this legislation because something wasn't right in it.

So on behalf of Albertans who have called us – and we've had tons and tons of calls on this – we're putting your issues forward, as you've asked us to do, and I hope the government takes a sober second thought on this.

**The Acting Speaker:** Thank you.

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

**Mr. Danyluk:** Thank you very much, Mr. Speaker. I'd definitely like to at least attempt to answer a couple questions that the member opposite has. First of all, I need to say that since she has been the minister, there has been a substantive number of police added to Alberta. That has been supported by this government. Also, I need to tell you that there have been initiatives like the safe communities initiative that works with communities, works with the government, works with different ministries, especially Justice, that addresses and looks at the concerns of the safety in communities. Part of that is the alcohol aspect.

Mr. Speaker, also I want to say that when this government looks at the challenges of drinking and driving, or impaired driving, we very much look at all aspects, all aspects of course being, you know, photoradar, drivers being distracted. We look at all different avenues that we could try to add safety for Albertans as they travel our highways, as they are in their communities. The hon. Minister of Justice has done so much work in ensuring that our communities through different initiatives are safe.

I would also tell the member opposite that in regard to advertisement, Mr. Speaker, we do advertise at any type of different event, weekends, whether it be the November long weekend, whether it be the May long weekend, whether it be the festive season, whether it be the first day of the summer holidays. We do

that on a regular basis. We isolate the directions and avenues to try to encourage people to not drink and drive. This has been going on for many years and continues to go on.

9:30

As well, Mr. Speaker, I do want to mention that the member opposite suggested we have not talked about the education program that we have in place. We have a continual education program. As well, if you looked at the documentation for the .05 to .07, on the second offence it is compulsory to take a course that's called Planning Ahead. The second course for the third offence is an Impact course. That's an educational course that affects the individuals that have been driving impaired. Hopefully, those courses will encourage those individuals not to drive impaired.

Mr. Speaker, it's very clear also that, as I talked this afternoon about working with the hosting industry and the restaurant industry as well as the hotel industry, we need to do the education together as a government and as those associations to be the most effective. We all have the same goals, we all have the same wishes as far as drinking and driving.

Lastly, Mr. Speaker, I'd like to say that the member opposite has asked for research numbers in regard to the 24-hour suspension. I can say to you and say to her that throughout the time that this has been documented, for the last seven years . . .

**The Acting Speaker:** Thank you. Hon. minister, I hesitate to interrupt, but the time is up.

I now go to Calgary-Bow on third reading of Bill 26, the Traffic Safety Amendment Act.

**Ms DeLong:** Thank you very much, Mr. Speaker. I did just want to say a few words. There seems to be very little problem in terms of the opposition in terms of the added penalties on the over .08. All of the concern seems to be around the .05 to .08 area.

You know, what we've been talking about is a cultural shift. I think "cultural shift" is a little bit vague. As there are some people here who actually don't even drink, I thought that maybe we could talk a little bit more about how one actually ends up in a car at over .08. To be able to get in a car at .08, you have to go through a period of being .05 to .08.

Now, we've also been talking a little bit about how, you know, you're impaired between .05 and .08. Well, when I was growing up, one of the things that my mum always talked about was good judgment. Good judgment. Well, not only do you become impaired between .05 and .08; your good judgment isn't usually what could in any way be called good judgment. There are many people who go out for drinks after work or with a group, and their idea is: well, I'm just going to have a couple of drinks and then drive home. A great plan – a great plan – until you start getting up around that .05 area, where you no longer have good judgment. You're thinking: well, I can get all the way up to .08 and still drive home. But if you are just thinking in terms of "Well, I'm just going to go up to .05 and then drive home," you're not going to be going through that period of lack of good judgment.

Even though you guys have been looking at the statistics and the statistics show that between .05 and .08 there are not that many deaths, just please think about what drinking is all about, what it's actually like to have a few drinks, okay? What happens is that you get up into that area, and you've had your couple of drinks. Then you just go to that one more, and you're into the three drinks. Then you think: "I can have another drink and drive home. That's no problem. I'm fine. Why not have another one?"

Yeah. Okay. Fine. I'm going to drive home. No problem." I mean, that is the real reality. That's what we're really dealing with here.

It is not the number of accidents in the .05 to .08. It's that when you're aiming for .08, you're going to go right over. If you aim for .05, you're still in an area where you've got mostly good judgment left, and you've got a chance that you're going to quit at that point and not drive drunk. But if you are aiming for .08, you're going to go over, and that's where the problem is. That's why you end up with so many fewer deaths. It's not because people, you know, when they're .05 to .08, don't have so many accidents; it's because you don't end up with so many people driving at .08. That's what actually happens.

I ask you to look at this again. Those statistics are totally misleading because what we're looking at is the number of people that are over .08, and your judgment between .05 and .08 is not good enough to stop you from going on into the .08.

I ask you to please look at this again and to please support this bill.

**The Acting Speaker:** Thank you.

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

Seeing no speakers under 29(2)(a), we'll go on to the next speaker at main, and that is Calgary-Buffalo.

**Mr. Hehr:** Well, thank you, Mr. Speaker. It is, as always, a privilege to rise and discuss this bill. I will say at the outset that I have enjoyed the level of debate that has happened around this issue. It has brought some thoughts to my mind, some more clarity to my mind, and has moved me a long way to see the government's side of this issue. I think that if you look back to my comments at first reading, I was thinking that this was not necessarily the best piece of legislation, and I saw that from a point of not looking at a lot of the materials. I have learned a great deal in this debate.

That said, there is a sense, like my hon. colleague from Calgary-Mountain View has presented, that this has been somewhat rushed. There hasn't been a full discussion with the Alberta people, a full discussion in this House because of the rushed nature of our sittings, and that to me is somewhat disappointing because I was enjoying the level of debate and the learning that I was undertaking in looking at this issue.

I must comment. We do have to bring up the fact that the .08 level is right now the criminal legal limit in this country. If we look at the statistics on who is in fact causing the problems on the road, it is largely the people over .08. In my view, the strongest way to send a message to this group of people would be to have a step-up in our checkstop program. It has been brought up in this House and in this debate that we are currently the 11th out of 12 provinces in terms of police officers on the streets. Clearly, this number indicates that we are not doing our best in terms of being able to actually police and crack down on those individuals who are driving at .08. Common sense tells us that, that we simply cannot do as good a job as other provinces are on this matter.

9:40

I was looking at the Calgary police website. Did you know that they only have a part-time unit devoted to checkstops? That's right, Mr. Speaker, a part-time unit devoted to checkstops. What does it say if we're only supplying our police officers with those types of resources such that they can provide a part-time checkstop program?

To me, that speaks volumes about this government's commitment to policing over the last number of years and I think has maybe led to us not having the proper numbers for enforcement and to us not having as safe streets as we could. I think that's an

issue that not only this government but future governments have to seriously take a look at and work towards improving because the statistics are clear. The vast majority of people causing problems on our street are the people over .08.

I also appreciate the information that's been brought forward on the .05 to .08. This information, at least the evidence from, I believe, the medical practitioners, has indicated that your driving becomes impaired at this level. I have no reason to disagree with this evidence as presented. It's scientific. It shows that reaction time is slowed, and obviously this doesn't help your driving capabilities.

That said, as the hon. Solicitor General pointed out, we do currently have laws on the books that deal with that. I believe the regulation allows for us to give a 24-hour suspension to those individuals whom a police officer deems to be under alcohol or drugs or the like. In some cases this law is a little bit just enforcing that principle that our police officers have been doing in the main for the last 12 years. It is providing them with some remedies that are reflective of other provinces, reflective of other jurisdictions, and that may or may not be constitutional.

I know that during this debate we've seen the B.C. Legislature administrative penalties dealing with those over .08 come into question. Although the Justice minister assures me that this will not be the case in Alberta, there's a saying that methinks the Justice minister protests too much. I don't think he can fully guarantee me that this is not going to be challenged and struck down in court.

Now, I agree with him that that's no reason to disagree that a government cannot move on these types of issues. I'm fully aware that governments could and should move when they believe it's in the best interests of their people. In this situation I also recognize that there is a sense out there – I note that the Criminal Trial Lawyers vociferously disagree with what the minister is saying.

Only time will tell. There will be a court challenge to this, and then we'll see whether we'll have to amend this law, whether we have to go through the rankle and the angst and the back-to-the-drawing-board approach that that looks at.

Noting the limited time of debate – or maybe it's because we've had late sittings and then some afternoon sittings and the like – I was getting to some of my questions that didn't quite get on the record. I know that our laws here are significantly changed in the .05 to .08 range in the fact that the first time you get caught blowing in this range, you lose your car for three days. I believe the second time it's 15 days, and the third time it's 30 days.

I haven't looked at all of the other provinces, at whether their legislation is similar to this, but I made comments in second reading that we have a balance in this country, where governments are allowed to make laws as long as they're reasonable, they're proportional, and actually have some reason for interfering with your freedom of rights under the Charter of freedoms.

I do have some concerns – I know other provinces are doing these laws – about whether our law significantly differs from those. I have not had an opportunity to see the research done on this and a cross-comparative analysis of what other jurisdictions are doing. I know the B.C. court case indicated only things over .08. I haven't been assured that our laws are being properly tailored to meet the legislative agenda of this government on the .05 to .08.

There are some questions out there that remain for me. I believe that this is being rushed through to meet a political end. I believe the Premier saw this as an opportunity to look forceful, to move an agenda item and something she could pass through the House that, hopefully, resonated with Albertans. I'm certain they've done the polling on this. They think it's a political winner. You know, that's not always the right reason to ram something through in a big hurry.

We have a good process for this stuff, and I think that showed pretty well with the distracted driving legislation, where it went to an all-party committee, and they came up with what I thought was a pretty darn good bill. I think in the main that would be a position that I could live with, for I am compelled, like I said earlier, by some of the evidence presented to me by the government, especially that people are impaired after .05. This concerns me. If this is truly in the best interests of Alberta, if we're balancing all things out, looking at all sides and whether it will send a message and, you know, eliminate some drunk driving on the roads, it may well be a good thing.

For all those reasons, I remain firmly still being challenged, okay? I was getting there. I really was getting there, to be able to support the government on this issue, but I still needed some more help learning and understanding it and talking it through. I think rushing it through in this session has been a bit of disservice to this House as well as to Albertans in general, yet I hope that someday we may revisit it. If not, I hope it does do what the government says it's going to do and protects Alberta citizens.

Yeah. That's it. I'm sort of on the fence here, but thank you for allowing me to make those comments. We'll go from there, but those are my comments tonight.

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

Standing Order 29(2)(a) is available.

Seeing no speakers for that stage, I will then call on the hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Mr. Speaker. I'm pleased to finally get a chance to get up and speak to this issue. I want to start by thanking all the members who've engaged in this debate up to this point in terms of the many, many good points that they've put forward. I mean that with respect to members on both sides of the House because I really do believe that there have been some very compelling arguments made by people on both sides of the House.

I have to say that almost all of what the Member for Calgary-*Buffalo* just said replicates my own feelings on this matter. Indeed, our caucus has gone back and forth at some length on the issue of how we would respond to this piece of legislation and how we would ultimately vote. I agree quite a bit, actually, with one of the comments made by the Member for Calgary-*Buffalo* in that he said that, you know, it's interesting to sort of look at the context or the impetus for this piece of legislation. It is clearly a political piece of legislation. It is absolutely something that I think the government polled on, and it's all about sort of reaching out to their apparent new universe of voters that they've decided they're going to shift to as they get ready for the next election. I think it is a very political decision.

It's interesting because earlier today we had a conversation in the Legislature about the issue of ensuring that farm workers were treated safely and the unacceptable level of deaths that occur every year to farm workers who are not covered by any safety legislation: whether that should be addressed. That is a genuine question of public safety, yet because of the politics around that one this government remains stuck in a position which, frankly, is untenable, I think, for those on the other side who, you know, give the matter any consideration. It definitely runs contrary to issues of public safety, but from a political point of view it's convenient to maintain that current position. So it's important for everyone to understand that there's a bit of that going on here.

9:50

Having said that, we have in our caucus gone through quite a bit of backing and forthing around some of the issues on both sides of

this debate. There have been some really, really good points made by those who are opposed to this legislation moving forward. There have been some very articulate arguments by those in the legal community as well as members in this House that speak to the concerns around the due process that is absent with the introduction of a new form of administrative penalty for those who are in the .05 range and above and the effect of that. Those are very compelling arguments.

There is also, of course, the concern that with the act being restructured the way this act is going to be, police may ultimately choose to simply enforce the administrative part of it and that they will not necessarily, because of the practice, be as rigorous in enforcing the Criminal Code element of bad behaviour as it relates to driving when one is over .08. So we actually get into a situation where we may be penalizing the serious offenders, as a result of practice issues, less aggressively than we would have otherwise. I think that's a really important issue to be concerned about.

The other concern that I think many people have articulated which is also really important is the fact that in Alberta we do have the second lowest number of police officers per capita of any jurisdiction in Canada. What we're looking to do here is significantly increase their enforcement obligations, and we're doing that without ever having followed up on previous promises to significantly increase the number of police officers in this province. I think a lot of people have talked about the decreasing incidence of checkpoints across the province. So it's a concern. It's a concern that this is being used as a way to look as though they're dealing with law and order issues without actually having to spend the money to hire the extra police officers that, frankly, they should be hiring.

There's also a concern about whether the enforcement of this new legislation will actually divert very limited resources away from enforcement of those more serious offenders, regardless of whether we're talking simply about drinking and driving or whether we're talking about other offences, and over to enforcing particularly the .05 to .08.

Those are, without question, very, very significant concerns, and I appreciate and respect those members of this Assembly who have raised those issues because they are important ones.

There have also been issues raised with respect to the potential impact on the hospitality industry if this law comes into place. I am less convinced by those particular arguments primarily because of what we observed through the debate around smoking in bars and restaurants. There was a time when we were told that banning smoking in those environments would be the death of the hospitality industry. There's no question that there was a period of time when there was revenue loss, but that recovered eventually. Actually, it recovered more quickly than people had anticipated. What I think it showed was that, you know, people like to go out, and people like to get together in rooms with other people and buy alcohol together, whether food is involved or not, and they'll make the changes necessary in order to do that. That's certainly what we found out with the impact of smoking on the financial success of the hospitality industry. So I'm slightly less convinced by that issue.

Having said that, though, I will say that I will do everything I can to support their call for support from the Ministry of Transportation and any other relevant areas of government to support increases in public transit where possible or more funding or support for Operation Red Nose and those kinds of things. I think that a lot of representatives of the hospitality industry have made that case to the government. We certainly will support the case that they're making in that regard, particularly as we go forward with the implementation of this piece of legislation.

Ultimately, there were also some very compelling arguments made with respect to supporting this piece of legislation. I talked to a lot of people in my riding about this issue, and I was getting to the point where I was almost annoying them by asking them their opinion. We'd be doing something altogether different, and I'd say: "Well, what are your thoughts about this idea? What do you think?" Although many people said: "Yeah. I get your point about the fact that we don't have enough enforcement, and there aren't enough police officers out there and all that kind of stuff. But wouldn't it be the case that with the introduction of the .05 blood-alcohol limit people would self-police more effectively if that was the new limit? Is it the case, really, that the two solutions to this problem that we all agree exist are mutually exclusive? So, yes, the government needs to invest in more police officers, but by changing this law, are the two mutually exclusive? Does this law not also bring about a change in behaviour that may well improve public safety?"

So that was a good point that people made to me on more than one occasion when I was looking for their opinion within my constituency. I think that there has also been a lot of research from other jurisdictions that also supports the move to the .05 blood-alcohol limit. We've talked a lot about: "Well, gee. We've seen some preliminary results from B.C., and that's not really clear yet, so we need to have more time to consider it." But I think the fact of the matter is that we've actually seen results in most other jurisdictions, and we simply don't need to wait for B.C.'s results because, of course, Alberta is only one of two remaining provinces in the country that aren't already dealing with this .05 blood-alcohol limit.

The research shows, not only here in Canada but in other jurisdictions, that dropping the allowable blood-alcohol limit not only has an impact on people in that .05 to .08 range but that in fact it does have an impact on the behaviour of those who would have otherwise been at the .08 or above level. That's important to know. There is a positive effect on public safety from this particular piece of legislation, and that's what the research tends to support.

We've also seen research that suggests that driving performance is in fact affected when people are at the .05 to .08 level. A lot of that research has been completed since people initially established the .08 level. That's because the ability to measure has improved and all that kind of stuff. The scientific foundation upon which the .08 level was first established has moved since then, so that's why you see jurisdictions across the world moving to .05.

There is research suggesting that safe driving skills are themselves most vulnerable to impairment. It takes just a small amount of impairment to impact on safe driving skills, again showing the potential positive effect on public safety of this piece of legislation.

#### 10:00

Finally, the other point that I would indicate is that we've seen recommendations coming from the federal standing committee on this issue that talked about the use of administrative penalties in comparison to the Criminal Code. I think that although there was a lack of consensus about what the impact would be on the criminal justice system were you to drop to the .05 in our Criminal Code – I believe there was a lack of consensus, so the committee didn't recommend that – there appeared to be strong consensus that across the board we should be looking at administrative penalties for that area between .05 and .08.

All of this balancing back and forth ultimately leads us to several conclusions. This is not a piece of legislation that is either completely good or completely bad. There are problems within

this legislation. It is being rammed through very quickly. The use of time allocation has made that go even faster than it should have. There has not been adequate consultation with Albertans.

Having said that, this government is so cautious usually on moving forward with major issues that impact public safety and public health that we have sort of, kind of reached the conclusion that we are concerned about throwing the baby out with the bath water. Because we see this as being a somewhat politically linked initiative on the part of this government, if it doesn't happen now, we're a little concerned that it will die. If it gets referred to a committee, the whole thing will just fade away in political machinations.

We don't want to be responsible for answering to people who are the relatives or friends or family of those two or three people in Alberta that the statistics show us die every year as a result of alcohol impairment below the .08 level.

**Mr. Denis:** More than two or three.

**Ms Notley:** It's my rough calculation that there were 91 or 96 or something last year, and I believe it was about 6 per cent under .08.

Either way, the point that I'm making is that those lives, although not as many as 90, are as important to their friends and their family as the full 90. We need to do whatever we can to protect those lives as well, and I think there's clearly enough research to suggest that this piece of legislation will do that.

After much deliberation and much debate we have concluded that, with all of the various flaws notwithstanding, our caucus will in fact be voting in favour of this piece of legislation. Thank you.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available. Anyone under 29(2)(a)?

Seeing no one for 29(2)(a), we'll move on to the next speaker, and I'll call on the hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Boutilier:** Thank you very much, Mr. Speaker. It's indeed a pleasure to rise tonight to speak in third reading in terms of this Bill 26, the impaired driving bill. I would like to acknowledge first and foremost the comments made earlier by the Member for Olds-Didsbury-Three Hills, who, of course, indicated that he thought this law was not ready at this time and that there were still more questions to be answered. In his wisdom he indicated that it should be referred, in my recollection of his comments according to *Hansard*, back to answer the questions to get the bill right the first time.

I will say that under the former Minister of Transportation, the Member for Innisfail-Sylvan Lake, clearly this type of legislation, that is ill thought out, is something that never ever took place under his watch even though it is taking place under this now new Transportation minister. I will say that he was wise enough never to allow such an unprepared bill, a bill that was still incomplete, a bill that was not completed with the proper due diligence that a bill that comes to the people of Alberta should ever see. What I am pleased about is that he had the wisdom to know not to bring such a bill to this House. I wish the same could be said for the existing Transportation minister.

What's really interesting is that it's so important to listen to what Albertans are saying, and what Albertans are saying is: "We do not support drunk driving. What we want is to go after where 98 per cent of the deaths are caused, by people who drink over the .08 limit and are sometimes double over the limit of .08. That's who we should be going after." I'm quite certain the former Minister of Transportation was going after them, but this Transportation minister is going after soccer moms and hockey moms and dads or a couple that are going out to have a glass of wine and

are well below .08. Why would we not be going after not the 2 per cent but the 98 per cent so that we can have an even greater change in the culture in terms of getting drunk drivers off the highway?

Mr. Speaker, in my humble opinion, based on what citizens have said to me, they are saying that the new Transportation minister is wrong-headed in where he's pointing his direction. He should be pointing it towards the 98 per cent that are killing people on highways, that are well over the .08, as opposed to the 2 per cent that are well under .08 and are driving our highways and not causing the accidents that the 98 per cent are causing. Let's go after them. Really, in my view, this is not thought out.

What's even more concerning, as the Member for Edmonton-Strathcona mentioned, is the rush and the progress of just ramming it through. [Music was heard in the Chamber] In light of the fact that I'm hearing messages coming out, those messages are: do not – do not – pass in third reading this bill. Let's make it even stronger. Let's make it even safer.

**Mr. Anderson:** It was very ominous music, wasn't it?

**Mr. Boutilier:** If I could avoid the other commentary, especially from the member.

Let's get the bill right. I have a four-year-old son. Many of the families here, all of us, want our loved ones to be safe. But let's point our direction at the 98 per cent who are drunk drivers over .08, who are drunk and killing people, as opposed to the 2 per cent who are below .05 and .08. Let's take the right approach and get this bill right. I will be the first to stand and support the bill if the Minister of Transportation were to introduce a bill that made sense as opposed to going after something that, in fact, is going after the wrong people and ignoring the true killers on our highways, which is the 98 per cent of drunk drivers well over the .08.

I thank you, Mr. Speaker, for your time and members for listening to both my words and the music tonight.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available.

Seeing no speakers wishing to take up 29(2)(a), I'll call on the next hon. member, Edmonton-Riverview.

**Dr. Taft:** Thanks, Mr. Speaker. I'll keep my comments brief. I think there are just too many unknowns with this bill for me to support it. I think the intent is good, but we have heard far too many doubts and questions and concerns to rush it through in two weeks. I think all the issues have been well aired in the debate. I just want to have it on the record that I would like this bill to come back in the spring after referral to a committee. I can't support it in its current form.

Thank you.

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

Are there any people wishing to speak under 29(2)(a)?

If not, are there any other speakers in general to third reading?

Seeing no speakers, I would ask the hon. Minister of Transportation if he wishes to rise and thereby close debate. The hon. Minister of Transportation.

**Mr. Danyluk:** Well, thank you very much, Mr. Speaker. This has been a good debate, not only a good debate in this House but a good debate with Albertans. I say to you that weeks ago, when I first met with the different associations to talk about the focus and the direction that this bill was taking, we had good discussion about what we wanted to see. As late as this morning we had those discussions again.

10:10

Mr. Speaker, this bill really looks at two areas. The first area, of course, is the .08 and above. The .08 and above is in the Criminal Code. All that this bill does – I shouldn't say that because it does have, I hope, a major impact – is address more administrative penalties. Also, the aspect of the .05, which is really the same as it has been, addresses a situation where we look at penalties that are increased.

Mr. Speaker, I'm going to make it very short. You've heard it all before. This is about saving lives, this is about the safety of Albertans when they travel on our roads and highways, and this is about the security of someone travelling on our roads and not being injured or killed on our highways by impaired drivers.

Thank you very much, Mr. Speaker, for the time and opportunity.

**The Acting Speaker:** Thank you very much, hon. minister and hon. members.

We have now concluded third reading on the Traffic Safety Amendment Act, Bill 26, following some, by my calculation, 12 or 13 hours of important discussion and debate. I would now assume that the House is ready for the question.

**Hon. Members:** Question.

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

[Several members rose calling for a division. The division bell was rung at 10:12 p.m.]

[One minute having elapsed, the Assembly divided]

[Mr. Zwozdesky in the chair]

For the motion:

Amery	Groeneveld	Mitzel
Bhullar	Hancock	Notley
Campbell	Horne	Olson
Danyluk	Hornor	Prins
DeLong	Jablonski	Redford
Denis	Johnson	Renner
Drysdale	Klimchuk	Sandhu
Fawcett	Knight	Vandermeer
Goudreau	Leskiw	Weadick
Griffiths	Liepert	Woo-Paw

Against the motion:

Anderson	Hehr	Swann
Boutilier	Marz	Taft
Forsyth		

Totals:	For – 30	Against – 7
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[Motion carried; Bill 26 read a third time]

### Bill 24 Health Quality Council of Alberta Act

**The Acting Speaker:** The hon. Minister of Health and Wellness.

**Mr. Horne:** Well, thank you very much, Mr. Speaker. I rise this evening to move third reading of Bill 24, the Health Quality Council of Alberta Act.

Mr. Speaker, I'm very pleased that we are able to move promptly on this legislation. I recognize that the debate was a rigorous debate and it was a heated debate, but I am pleased that we are able to move forward on the legislation because the bill provides action on two important priorities of this government.

I am proud that we are enabling the Health Quality Council of Alberta to take the next step in its growth as an organization serving Albertans. The council has made a significant contribution to quality improvements in Alberta's health care system and is renowned nationally for its work. By repositioning the Health Quality Council of Alberta from a regulation under the Regional Health Authorities Act to a stand-alone statute, I am confident that we are enabling the council to continue playing a predominant role in our health system.

The Health Quality Council will report on its work directly to the Legislative Assembly. This puts the council in a stronger position to advance efforts in the health system toward the continuous improvement of patient safety and health service quality. Bill 24 assures Albertans that this government is committed to putting patients first and providing them with the care that they need and that they deserve.

10:20

Mr. Speaker, I am also pleased that Bill 24 lives up to the government's commitment to have an effective public inquiry into health system matters. Our commitment to a public inquiry has been unwavering, and I regret that Albertans have been subject to suggestions to the contrary throughout the debate. Bill 24 adheres strictly to the court protocol that I tabled to enable the appointment of a judge or judges to lead a public inquiry. The health system inquiry provided for by Bill 24 will be a full-fledged public inquiry in every respect. The inquiry panel will have the authority to compel witnesses to attend and answer questions, to require the production of documents, and to hear evidence about matters such as nondisclosure statements, which have been the subject of debate in this House.

While a public inquiry is a powerful tool and a blunt instrument to get to the heart of a matter, Bill 24 provides that the health system inquiry will also be fair. The inquiry panel will have the discretion to protect a patient's private health information from unnecessary disclosure. There are reasonable protections for third parties who are not of concern to the inquiry. I have to emphasize, Mr. Speaker, that these protections operate in accordance with the principles of fairness and the interests of justice.

Mr. Speaker, Albertans are a fair-minded people, and they want a public inquiry that is equally fair-minded. Bill 24 provides for a public inquiry that they can have confidence in. This government believes that the inquiry is going to serve an important purpose in our health system now and in the future and is an important aspect of public accountability with respect to our health care system.

Mr. Speaker, just in closing, I would say that while there has been heated debate, particularly in Committee of the Whole, over this bill, I want to thank all members of the House who have taken the time to participate in the debate. Whether you are concerned with advancing an inquiry further to allegations that have been made over the last year with respect to our health care system or whether you are concerned with the possibility of the need for a similar exercise in the future to answer important questions about our health care system, I believe that the provisions in this bill will deliver to Albertans a fair and open airing of the issues that may be of concern to them.

I would like to thank hon. members for their support of this bill, and I look forward to hearing the balance of the debate in third reading. Thank you.

**The Acting Speaker:** Thank you, hon. minister.

The Official Opposition critic has asked the Member for Edmonton-Riverview to speak in his stead, so I'll recognize him next, followed by Calgary-Fish Creek.

**Dr. Taft:** Thanks, Mr. Speaker. I won't prolong this. Obviously, we will have to agree to disagree. I actually find this bill quite disappointing. I think it's all politics. It's an unnecessary and expensive delaying tactic. The Premier made a promise to call a public inquiry. This is an elegant manoeuvre to avoid that promise until after the next election, and I think that's disappointing.

Governments are frightened of public inquiries. We don't have to look very far. Look at the federal Liberal consequences from the Gomery inquiry. Look at the consequences for the government here in this party under Premier Getty back in the late 1980s in the Code inquiry. Public inquiries are frightening, and it's because they do lay bare the operations of government in controversial areas. So it's the most natural thing in the world for a government to try to avoid one, and that's what we're watching here.

I'm obviously going to oppose this, Mr. Speaker. I expected more. Thank you.

**The Acting Speaker:** Thank you.

The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Well, Mr. Speaker, thank you. As the Member for Calgary-Fish Creek, an MLA, and the health critic I feel it's my democratic duty to stand up and speak on third reading of Bill 24. I think it's a privilege and an honour to speak in this House and debate future laws of the land. We as members of this Legislature are entrusted with a sacred obligation to the people of Alberta. Quite frankly, I'm disappointed with what I've seen from the government members. I can tell you that what I've heard from the government members on this bill is, quite frankly, nothing.

Aside from the minister introducing his bill and amendments, we heard from I think it was one government member, the Member for Calgary-Cross. The rest of the government has been silent. There are 68 government members, and the opposition, actually, has been doing all of the debating, bringing forward the amendments and bringing the voice for the health care professionals, who are the glue in keeping a broken health care system together. In all honesty, Mr. Speaker, I find this insulting – and I have to repeat that: insulting – to the people of Alberta. Why haven't the government members found the time to speak about the number one priority of Albertans? The number one priority of Albertans is health care.

There are a few possible answers to that one for me, Mr. Speaker. The first one would be that they are maybe under a gag order or a don't talk, don't debate order to not say anything. How ironic that while the Health Quality Council investigates political intimidation of health professionals, political professionals are intimidated into saying nothing about health care. Isn't it interesting how it appears that a Premier who ran on a platform of openness and accountability has maybe silenced her caucus colleagues on such a vital issue? Maybe the members just don't care. Maybe they think it doesn't matter what happens in this House and in the health care system.

Is this legislation perfect just the way it is, like a unique snowflake? Hardly, Mr. Speaker. As soon as this bill entered Committee of the Whole, the minister tabled an amendment. I'm going to move on from here. Maybe the government members will join in on doing their job. Who knows? Stranger things have happened.

I find this bill to be a Band-Aid solution to a fatal problem. Our health system is in serious trouble. Doctors are being intimidated. Pathology test after pathology test is being reviewed. In the midst of all of this, Alberta Health Services just closed the cancer lab at the Tom Baker cancer centre. World-renowned experts are being

fired, let go, or their contracts aren't being renewed. It's unbelievable.

When I questioned the minister on intimidation in the system, something that the Health Quality Council is currently investigating, he lashed out, calling the testimonies of doctors innuendo. What is the word that pops into my mind? Quite frankly, Mr. Speaker, it's disgusting. I've shown proof of e-mails to Dr. Tony Magliocco being told by Alberta Health Service officials that he would regret it. I was absolutely stunned by the minister's response. He has managed to insult every physician that has been brave enough to come forward.

For this reason, I think the Health Quality Council is not up to the job of conducting an inquiry into queue jumping and political intimidation in the health care system. We need a full, public, independent, judge-led inquiry. Mr. Speaker, you know who else agrees with me on that? The Member for Calgary-Elbow, the Premier. You know who doesn't agree with me? The Premier. Funny enough, they're the same person. What has changed? The Member for Calgary-Elbow actually won her leadership contest and is now in the Premier's office. The saying goes that power can go to your head. I'm not going to attribute this to any particular member of this House, but quite frankly someone got lost on the way.

The whole debate is ironic in another way for me because we're debating the Health Quality Council of Alberta Act when we should be reading – we should be reading – the final report from the Health Quality Council. The final report has been delayed until sometime in the new year. We could have started and finished a general election by then.

Now, Mr. Speaker, my caucus will tell you that I'm a forgiving person on most days. I've consulted in the past with those with addiction problems, and I know how important it is to relieve the guilt of past mistakes. It's an important step to a better life. But to be forgiven, you must admit that you've made a mistake. Time and again mistakes get made by this government, and – you know what? – there's no recognition. There's just this collective amnesia, just living in the present, not worrying and remembering the past, even when confronted. I'd like to see a little humility.

**10:30**

When asked in the media about the Premier's promise, her chief of staff was adamant that the inquiry would be led by a judge. There are no prescriptions here that ensure a judge will lead an inquiry into the health system. What we are left with is the government's word. To be honest, you can't take that to the bank. Flip-flop after flip-flop has flown since the new Premier took office. "Trust me," quite frankly, doesn't inspire confidence in Albertans right now, Mr. Speaker.

What will inspire confidence? What will return the sense of trust that people have in the health system? A public inquiry. The doctor's prescription: a dose of truth with, maybe, a pinch of honesty. Mr. Speaker, at the end of the day Albertans want to believe in this province again. Health professionals want to believe again in their government and the health care system that they use and they take and pay for.

Now, back on the topic of trust, Mr. Speaker, the government won't call a public inquiry because they think the Health Quality Council is capable of appointing the panel to investigate this issue. The government seems to be saying that they trust the council to do a good job and make good recommendations.

Earlier this year the Health Quality Council at the previous Premier's direction investigated the closure of the Edmonton city airport. It seemed like a matter of putting something off to a committee so the government didn't have to deal with it. Well, the



council did come back with recommendations, nearly a couple of dozen. The consequences of closure were made clear, and the government had to take action to mitigate the impact of critical air flights. I haven't seen any action by this government on any of the council's recommendations on that issue.

I wonder to myself, Mr. Speaker: what's the point of asking a council to investigate something only, quite frankly, to ignore their findings? This is my real concern with the health council investigating intimidation and other health issues. How do you know if the results will be taken seriously? Will they be acted on? How can we trust this government to fulfill its promises?

At the end of the day, Mr. Speaker, all we can rely on in this world is our own sense of hope. I hope for the best. I hope this government gets this legislation right, and ultimately I hope this government heals the health system that we so dearly care for.

The minister mentioned in his debate their unwavering commitment to this legislation. He talked about the fact that Albertans are fair people. There's no question about that. There are no better people in this country than Albertans.

Mr. Speaker, Albertans want a public inquiry, so I'm going to challenge the minister. Under his legislation, Bill 24, that we know by the end of the day will pass, under 17(1)(a) it clearly sets out: "set out the nature and scope of the inquiry, including," Minister, "the date by which the report and recommendations, if any, of the Panel must be submitted under section 22."

Minister, if you want to be fair and you want to be open and you want to be transparent and you want to commit to Albertans like you have said in this Legislature, then our challenge to you as far as the Wildrose and, for that matter, from Albertans is to have that report submitted before the next election.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available.

Seeing no speakers for 29(2)(a), I will call on the Member for Edmonton-Strathcona, followed by the Government House Leader, followed by Calgary-Mountain View, followed by Airdrie-Chestermere, followed by Calgary-Buffalo. That's it for now.

The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you. Mr. Speaker, I'll be brief on this. I think we've talked about it at some length previously. The bottom line is that the Premier, when she ran to be leader of the Conservative Party, promised a full, public, judicially led inquiry. Instead of doing that, this legislation was introduced. This legislation does not provide for what the Premier promised.

This legislation sets up a situation where a group of people who will themselves have been tasked with, in many cases, investigating the very issues that would subsequently be sort of inquired into will be the group that decides whether their very work will be reviewed by a judge or not and will decide whether the people that review their very work will be independent or not. That whole process is remarkably open to unfortunate bad judgment and decisions that will bring into disrepute the true independence of the panel.

As well, the panel, as we talked about earlier, will have countless opportunities to go in camera, not just for the intensely private, embarrassing public health care issues that speakers opposite have suggested were the necessary protections for individual Albertans but for anything where the panel thinks the public interest might possibly be jeopardized should they not go in camera. There are broad-ranging criteria that the panel, which is appointed through a less than perfect process, can use to go in camera.

This is not what the Premier promised. This is not what Albertans said they care about. This is not a guarantee of a proper public inquiry. It is, as the Member for Edmonton-Riverview put it, actually an elegant strategic move to avoid subjecting the Premier or this government to a true public inquiry or the true results of her promise being kept. For that reason, we will be voting against this bill, as we have at all other stages.

**The Acting Speaker:** Thank you.

Standing Order 29(2)(a) is available.

Seeing no speakers for 29(2)(a), I will go to the Minister of Human Services and Government House Leader.

**Mr. Hancock:** Thank you, Mr. Speaker. I'll be very brief. I just wanted to respond to some of the comments that were made in third reading by the Member for Calgary-Fish Creek. That member, of any member of the opposition, ought to know, having participated both as a member of Executive Council and as a member of government caucus, the number of opportunities that members have to participate in developing both policy and legislation. For her to have the temerity to indicate to this House what the duty of members of this House are in terms of speaking in this House is really above and beyond the call.

The fact of the matter is that any member is free to speak in this House, but if every member spoke in this House on every bill, you would never ever finish any bill. If every member of the more than 304 members of the House of Commons spoke on every bill, no bills would ever pass.

The fact of the matter is that in any decent caucus there is an assignment of responsibilities. Some people carry a bill. It may be a minister. It may be a government member. They speak to those bills, and others may participate as they are moved to do so. But there is not a necessity for a member to participate in order to do their job because, by my count, they may have as many as seven different opportunities as a member of caucus to participate in the development of policy and in the development of a bill.

Once a caucus decision has been made, then it is expected that members of Executive Council will support a bill and that members of government caucus, of course, could choose to support the bill if they wish to do so. But if they wish to retain their voice in any discussions, obviously, you have to respect the decision of caucus. The hon. member knows that. So for her to suggest that government members do not care about a bill because they're not speaking in the House when the House, as she well knows, is the opportunity primarily for members of the opposition, who have not had that opportunity to participate in the development of a bill, to bring an external view, if you will, another view to a bill – sometimes we've actually seen in this House times when opposition has come forward with a good amendment to a bill that has been accepted by the House.

Most often the amendments are really ones of philosophy or differences of viewpoint and are not accepted, but it is an opportunity in this House to have that final say, and bringing it to this House is the apex of the system, which requires all the rest of the work to be done. To suggest that no work is being done because you can't see it being done here is absolutely false.

**10:40**

Now, with respect to the Premier's promises this bill is public inquiry plus. What this bill does is not only have the Health Quality Council file an annual report with the Legislature, which then can be dealt with by a Legislature committee and, therefore, has an openness and a transparency to the Health Quality Council

and its reports, but it also provides for the empanelling of a commissioner with all of the powers under a public inquiry. In fact, in section 17(5): “In conducting an inquiry . . . the Panel has all the powers, privileges and immunities of a commissioner under the Public Inquiries Act.” So it’s a process with full public inquiry power.

**The Acting Speaker:** Hon. Member for Fort McMurray-Wood Buffalo, please. The hon. minister has the floor. If you’d like to be added to the speakers list, I’d be more than happy to put you down.

**Mr. Boutilier:** Yeah, please do.

**The Acting Speaker:** Thank you.  
Hon. minister, please continue.

**Mr. Hancock:** The pieces that make it a public inquiry plus are in subsection (7)(a), which adds a provision that says that no person who is required to furnish information or to produce documents, et cetera, et cetera, can refuse to do so on a ground relevant to the inquiry that requires the person to maintain secrecy or not to disclose any matter. In other words, there’s an additional clarification of the powers of a public inquiry officer or commissioner under the act.

Hearings have to be public unless they meet the requirements to go in camera. This is again a plus, not a minus. It’s a plus. What it does is encourage everybody who has relevant information to come forward and participate in an inquiry. They know that they can ask the inquiry, if it deals with their personal information or any of the items disclosed in 19(1)(a), (b), (c), (d), (e), (f), or (g) – the panel, not the individual, can make a decision to go in camera on request if there is information as set out in that, which is very important for full disclosure. It’s very important to encourage people, particularly in the health system, to come forward but letting them know that under appropriate circumstances information that would be harmful to them or to others can be heard by the commission but held in private.

I would suggest, Mr. Speaker, that this not only fulfills the Premier’s promise of having the opportunity for a full public inquiry – it can be a judge-led inquiry if so desired but with all the authorities of an inquiry under the Public Inquiries Act with additional protections built in to ensure a full and complete review.

Mr. Speaker, I would commend this bill to the Legislature and ask for its support.

**The Acting Speaker:** Thank you.  
Standing Order 29(2)(a) is available.

**Mr. Anderson:** A very vigorous debate from the House leader. There was obviously a massive nerve hit there.

I guess my question to the member. He talks about, you know, how caucus was widely consulted and so forth on this matter and all the opportunities that members of the House have to debate on this. You know, there was a story just came over the line about the Member for Vermilion-Lloydminster. He felt that he wasn’t consulted at all and felt that his caucus had no real consultation, anyway, with regard to the previous bill that we talked about, the drunk-driving bill. I know that in the time that I did spend over on that side, I felt that the way we developed legislation, at that time anyway, did not allow private members . . .

**Mr. Boutilier:** Or ministers.

**Mr. Anderson:** I don’t know about ministers. I can’t speak for that.

. . . certainly private MLAs, to have virtually any real say in the development process of any bills. I could point to a hundred examples, which I won’t do because we’re not talking about that.

I guess I would wonder. If the Member for Vermilion-Lloydminster is saying that he wasn’t properly consulted on a previous bill and Albertans clearly are saying that they haven’t been consulted on many of these bills, including this one, who exactly are you consulting with if you’re not consulting with your caucus? Is it just in cabinet? Where is the information coming from? Your own members are saying that they’re not being consulted. Are they lying? Is that hon. member lying about the lack of consultation? Just maybe clarify for me.

**Mr. Hancock:** Well, I hesitate to suggest who might be lying in this circumstance, Mr. Speaker. I think that members of the House on our side would understand who might fit that designation.

What the hon. member talks about is not having any input on bills, but I can remember a vigorous debate that he participated in in caucus on one bill. He and I were on opposite sides of it. His side happened to be successful, and that bill went forward. I would suggest that he was a major part of that particular piece of that particular legislation being successful. Then he turned around and said: I have no input into bills in this caucus and will leave. So I’ll let members of the public and members of the Legislature make their view as to who has the veracity in this.

I wasn’t participating because a nerve was touched; I was participating because there were some inaccurate, in my view, statements put on the record about how bills come forward and what the expectations of members are and what the bill actually does. I thought it was appropriate in third reading to take a very small moment of time and correct those inaccuracies.

**The Acting Speaker:** Thank you.

The Member for Fort McMurray-Wood Buffalo next. Just before you go, hon. member, let’s be very careful about referring to members who are not able to speak out perhaps right at this particular time and who may not be here.

**Mr. Boutilier:** Thank you very much, Mr. Speaker, and I appreciate the comment.

Speaking about the nerve that the Member for Calgary-Fish Creek hit with the Member for Edmonton-Whitemud, I have to ask him – there have been rumours relative to the fact that the Premier’s transition team person, who, in fact, was the head of the superboard, said that we can’t have a public inquiry because all of the skeletons will come out of the closet. Is that true?

**Mr. Hancock:** Mr. Speaker, it’s not our job in this House to deal in rumour and innuendo. I know the hon. member opposite and his friends like to deal with rumour and innuendo. In fact, I think half the time they make up the rumour and innuendo. But that’s what it is: rumour and innuendo. And it doesn’t really bear any further comment.

**Mrs. Forsyth:** You know what, Mr. Speaker? I have a really simple question, actually. The government talks about consulting, so my question is to the health minister. I would like him to tell us who they consulted with on bill 24, and I would like to know specifically what physicians they consulted with. Did they talk to the AMA? I can quite frankly tell you that all of the people that I have spoken to have told me that they haven’t been consulted. [interjection] Yes, you have to answer. It even goes to the mental health of . . .

**The Acting Speaker:** Thank you.

The hon. Member for Calgary-Mountain View is next on the list, followed by Airdrie-Chestermere, followed by Calgary-Buffalo, followed by Fort McMurray-Wood Buffalo.

**Dr. Swann:** Thank you, Mr. Speaker. The question around this bill – I think we've been dancing around it for some time, Bill 24, Health Quality Council of Alberta Act – is really one of trust. The question is about restoring public trust in a health care system that has been profoundly undermined, disrupted, and in many cases, if not broken, is on the verge of catastrophic collapse, as a number of physicians in the province have indicated.

We've seen a history of the failure of management in some areas but also a clear attempt in the past to privatize the payer system in our health care system and, ultimately, in 2008 the creation of one health employer in the province with no transition plan, resulting in a huge disruption of the complex services from prevention programs through early intervention programs, mental health, addictions, children, pregnant women, seniors, long-term care. All of this without a transition plan – it has created such suffering – and without consultation with the very people that are trained and provide the front-line services, all of this on top of decisions made over a decade ago to blow up and sell off our hospitals, leaving us with much less in-patient capacity for all forms of in-patient needs than we've ever had in our history relative to patient population.

10:50

We're dealing with a profound loss of trust in a system that is designed to care for people in a trusting environment. We're dealing with a system in which if you don't please the managers, you leave the province. Whether you're an EMS worker, a pathologist, a nurse, a lab technician, a licensed practical nurse, if you don't please your boss, you look for another job in another province. You leave your home, your family, your extended family in some cases. You move to another province. That's the nature in which we are seeing such profound loss of morale, I would say the lowest morale in the history of our province in health care. I've heard it from EMS workers. I've heard it from physicians. I've heard it from a number of nurses, though not nearly from as many nurses as I have from others.

This bill is trying to address, I think, the question of loss of trust. We've pushed and pushed and pushed to get even the Health Quality Council to examine some of the key issues that the government has known about for years, at least since 2007: emergency room frustrations and a loss of quality of care and cancer care, wait-lists that have seen queue-jumping or bumping, or undue delays due to interference.

[The Deputy Speaker in the chair]

We've seen prominent physicians, the only people in the system with any sense of power to challenge what's going on: even that profession has been cowed into silence, by and large. A few members, men and women, have been silenced and in some cases moved off and paid a severance package or something with a nondisclosure clause such that it's very clear to all the health workers in this province that it's unsafe to speak the truth to this power. It's unsafe professionally. It's unsafe socially. It's unsafe economically. Frankly, the terrible ethical dilemma that it puts people in hasn't fully been appreciated by this government. Nurses and doctors take oaths to act in the interests of their patients and only in the interests of their patients, and here they're forced into a situation where if they do so, they lose their job. If

they don't do it, they lose their sense of who they are and their professional ethics.

This act is really designed to try to deal with the damage that has been done over this decade of mismanagement and privatization and the communication of that in various direct and indirect ways, both in directly proposing it, as former Premier Klein did, but in also denying it as in the current administration. There's confusion. There are mixed agendas, and there's incompetence and mismanagement.

This is an attempt, instead of going to a public inquiry, to create a new body called the Health Quality Council association of Alberta as a new, fresh, independent public inquiry. It raises serious questions, troubling questions of trust. Does that mean that our public inquiry system is broken in this province, that decades of public inquiries really haven't gotten at the heart of some of the issues that we think they need to? Does it mean that only under this new act are we getting to the heart of protecting confidentiality and keeping certain things in camera, that we couldn't otherwise do? I think not. I think that to say so is to say that we need other kinds of inquiries for different types of problems, whether it's environmental violations or infrastructure violations.

It's very difficult for us on this side of the House to believe that this is anything but an ill-advised attempt to delay, to deny justice. Certainly, I can tell you from the professionals I've talked to that there's no sense that this is an attempt to honour their concerns, to respect their fear, to understand the distrust and broken relationships that have occurred over the last decade, really. This is an attempt to avoid, to deny, and to create the image but not the reality of a serious commitment to understanding what the problems in the system are and to hold accountable those people that actually created the problems and have been promoted, not fired, in the very system that they have been abusing and those professionals that they've been abusing and silencing. That's the part that is so galling for many in the system.

Mr. Speaker, it goes without saying that we simply cannot support this attempt to send some kind of a reassuring message and restore trust and restore accountability to a system that has been so clearly mismanaged, in which those who have most mismanaged have been promoted, including the present Minister of Finance, who actually orchestrated the biggest blow-up and destruction of our health care system in the last 25 years. How can we believe in this government when they have done such a terrible job in managing our most sacred trust to Albertans?

Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a)?

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

**Mr. Anderson:** Thank you, Mr. Speaker. I, too, will be brief. I want to recognize and thank the hon. Member for Calgary-Mountain View, a doctor, clearly someone who has had the misfortune of being a part, essentially, of that culture of intimidation that exists there. Yet he stands in this Legislature. He decided to leave his career, essentially, and take part in the democratic process. You know, obviously, we're in different parties and don't agree on everything, but I very much respect the fact that he's fighting for those doctors and those colleagues of his that, no doubt in my mind after talking with so many of them for the last two years, have been bullied, intimidated in every way, shape, and form from a variety of different levels of government. I really do appreciate that.

I hope that one day we can see this public inquiry go forward in a true fashion, a judge-led inquiry, presided over by a judge, not

some panel, by a judge with full powers of subpoena and no get-out-of-testifying-free cards for any of those ministers, former ministers, public officials, deputy ministers, anybody involved. What has happened over this last decade and a half needs to be exposed. If there is nothing to hide, then surely the government shouldn't fear having the public inquiry before the next election.

The members for Fort McMurray-Wood Buffalo and Calgary-Fish Creek have brought this to my attention. I've read it before, but it's a good reminder. I'm going to quote something here from an article in the *Calgary Herald*.

We need to change how we make decisions. We must make time and processes available for consulting with Albertans before we pass laws. That doesn't mean every Albertan will agree with every decision, but there will be time to learn about the issue and weigh in.

We need to change how the Legislature and MLAs operate. More free votes so MLAs can reflect constituents' views. More time between proposing and voting on legislation. More collaboration among departments so that initiatives mesh in achieving goals.

And it goes on.

The author of this article is the new Premier. She wrote this article on August 22, 2011. Again:

We need to change how we make decisions. We must make time and processes available for consulting with Albertans before we pass laws. That doesn't mean every Albertan will agree with every decision, but there will be time to learn about the issue and weigh in.

We need to change how the Legislature and MLAs operate.

Absolute rubbish. If she meant one word of this, one word, she would not be doing what we are doing right now, which is ramming through a piece of completely unnecessary legislation without any consultation.

**11:00**

She promised a public inquiry into various things – the alleged queue-jumping, intimidation of health officials, and a variety of things – on the record. She promised it before the next election, that it would be conducted prior to the next election so Albertans would have answers. She promised more transparency, more consultation. What did we get? We got this joke. That's what this is. It's a joke. It's a disgusting joke. She should be ashamed, and anybody who supports this charade – that's what this is. This is a charade. Anybody who supports this charade should be ashamed.

We have a Public Inquiries Act. It is very clear. It is very easy to use. It's not something you use all the time, obviously, but it's very simple. There's legislation. It can be activated at any time by the Executive Council, led by the Premier. It's simple. It's straightforward. It gets the job done. Instead, we sit here with this bill that's a charade, that will not change a thing other than make it possible for this process to be delayed even further, until after the next election.

Well, at some point, I think, Albertans are going to say – and, granted, a lot of Albertans are busy, and they're not paying attention right now to what's going on in politics. It's the Christmas season coming up and so forth. But they will pay attention when the election is called, and these things will be reminded to them. At some point they're going to say: "You know what? I'm pretty much sick and tired of this. I'm sick and tired of these guys promising things and then going back on those promises. I'm sick of being lied to." That's what they're going to say. There's a gag reflex level that I think at some point has been breached, and as soon as it's all brought together for Albertans,

they're going to say: "You know what? We can't trust a blinking thing that these guys say. They just simply can't be trusted."

They're going to go into an election – and I hope it's wrong. I hope that the Solicitor General or the Human Services minister or the Health minister is going to be able to stand up and say: "You know what, Member for Airdrie-Chestermere? You're wrong. This is what we're going to do. We're going to call this public inquiry. We're going to do it before the election. In fact, we're going to do it the minute this is passed. In less than an hour we're going to call this public inquiry. We're going to make sure it's done before the election, and then you're going to look like the fool." I hope they do that. Prove me wrong.

Or are you going to go into the election, and are we going to be able to say – and you really want to campaign on this. We're going to be able to hold this up and say: "You know that public inquiry that your Premier talked about before the next election? They didn't do it. They're going to do it after the next election. You can trust them. You know how they say they're going to balance the budget? We know we're in deficit right now. Guess what? After the election we'll balance that budget. We're not going to raise taxes. You can trust us. We haven't told the truth on anything so far, but you can trust us. But after the election, don't worry. We won't raise your taxes. Really, we won't. There's no need for more revenue. We'll get our house in order just by being smart with our budgetary decisions." Do you really think that Albertans are going to buy that? I sure hope not. I sure hope for the sake of this province that people will take a long look at this and say: this is unacceptable.

They've got many options other than that governing party. They have the Liberal option, they have, obviously, the New Democratic option, and they, of course, have the Wildrose option. That option will be put in front of them and promises will be made, and I guess at some point Albertans are going to have to decide who they trust.

This piece of legislation, Bill 24, is a farce. It's a disappointment. I'll tell you that there are doctors and more who are going to be coming forward. There is going to be one bomb after another for this government. It's going to get bad again for them. But they're going to find out as the weeks go by here that their treatment of the doctors in this matter, their treatment of the health workers, their treatment of these good folks in our province is going to be the end of their domination. If they had just treated them fairly, they were willing to forgive, and they were willing to forget. They were willing to just have this public inquiry, get it all out in the open and move forward.

Instead, it's been swept under the rug, and we are to the point where nothing is going to be found out before the next election. Nothing. What a disgraceful, distasteful thing to do, to insult the intelligence of Albertans so much, to think that Albertans are dumb enough to actually believe that they won't do anything before the next election. "Just trust us. Don't worry. After the next election, we'll take care of it all." Yeah, right. I don't think so.

With that, Mr. Speaker, I will absolutely not support this bill, and I call on the Premier of this province to keep her promise, to keep her word. If she doesn't on this, if we don't have a full public inquiry conducted prior to the next election, she cannot be trusted on anything that she says prior to or during the election because she broke her word on this.

Thank you, Mr. Speaker.

**The Deputy Speaker:** Standing Order 29(2)(a). Is any hon. member wishing to take that option? The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you, Mr. Speaker. I appreciate very much the comments of the Member for Airdrie-Chestermere. I hear the emphasis on professionals, physicians and nurses and others. I guess the bottom line is that patients are suffering as a result of this. That is what really needs to be kept at the centre of this discussion. If we don't restore trust, then we don't restore confidence in patients and professionals to work together to solve problems to get the system back on track. Everyone is just pulling away because they don't believe that it actually is going to change for the better and that trust is going to be restored. Does the member agree that the public themselves are the ones that are suffering as a result of this?

**Mr. Anderson:** Absolutely I do. I think that what people in Alberta will say at the end of the day – I mean, you have this government saying that this health inquiry is being used as a way for doctors to intimidate other doctors or intimidate their superiors and so forth. I'll tell you what. We've all had doctors. I sure as heck trust my doctor more than most of the politicians that I've met in this Assembly or anywhere else, for that matter. I think we all should. I think most people do. Certainly, most Albertans are going to take the word of doctors over the word of politicians who are not being honest with them.

I think that's important because doctors are all saying exactly what you said, hon. member, that this is about patient care. They are advocating for their patients, and that's what's at the heart of this is that doctors are advocating for their patients, and they're being stonewalled. They're being intimidated in some cases out of the province. They're being intimidated into silence in other cases. There is a culture of silence and intimidation. I mean, how many doctors have you spoken to, hon. member, and as a caucus have we spoken to that would love to come out with some of the most incredible stories and reports of intimidation that you could imagine, yet they can't. Why can't they? Because they're afraid of getting fired or getting blacklisted and so forth.

**Mrs. Forsyth:** And they have a health minister that says that it's a workplace issue.

**Mr. Anderson:** Right. They have a health minister that says that it's a workplace issue.

We have to allow doctors to advocate for their patients. I will tell you that this health minister over there can be as offended as he would like to be, but the fact of the matter is that if he would just spend one day listening to some of the doctors that have come to us and have talked with us, if he was able to be a fly on the wall, I think he would be amazed – I'm hopeful that he would be amazed with surprise – at the depth to which this culture of intimidation has sunk. And he would do something about it. I hope he would do something about it – that's my hope – because that would be in his heart. Maybe he's not getting the story; I don't know. But it is clear as day that it's happening.

11:10

We need to open up the files and open up the contracts and open up everything that is right now silencing these pieces of information from coming forward. The only way to do that is a full public inquiry. It will exonerate the folks on that side of the House and their staff and so forth that are not involved. It will exonerate those folks, but it will condemn, and rightfully condemn, those folks that are involved, and there are folks involved. Only a public inquiry is going to be able to legitimately come up with who those folks are, and those folks should be removed from the health system so that they're not in a position to

hurt the health and safety of Albertans or intimidate doctors as we go forward.

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

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

**Mr. Hehr:** Thank you Mr. Speaker. I'll be brief. The Premier promised a judge-led public inquiry. Anything else is crap. That's sort of all I have to say on the bill.

Thank you.

**The Deputy Speaker:** That's it? All right. Standing Order 29(2)(a) is still available.

Seeing none, the chair shall now recognize the hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Boutilier:** Thank you very much, Mr. Speaker. I appreciate all the comments from all sides tonight, especially the Member for Airdrie-Chestermere and the Member for Calgary-Fish Creek, from the Wildrose caucus, on this issue.

I listened intently to what the minister of health said when he did his preamble on third reading, and I noticed that he had mentioned the word "judge" numerous times, yet nowhere in the legislation does it say that they will appoint a judge, which is very disheartening. As I look at that, it reminds me of a couple of weeks ago, when I indicated that the minister of health was like the fox in the henhouse. Not only was he the fox in the henhouse; he actually had feathers in his mouth when it came to some of the things that he was actually saying relative to the issue.

My point, though, and what is most important, is this. I believe tonight that the seriousness of this issue is like Watergate and that we still haven't found Deep Throat. But let me tell you: we will. And you know how we will? Because the doctors, all of them who are involved, are the deep throats. The minister of health may be laughing now. He wouldn't be laughing so because he might have heard of the Saturday night . . .

**The Deputy Speaker:** Hon. member, speak through the chair.

**Mr. Boutilier:** Yeah, through the chair. The minister of health might be laughing, through the chair, but it is not so funny. It is not so funny. Perhaps if he looks at the history of Watergate, when Deep Throat did come out, it was like the doctors who do want to speak out with the independence of being able to be free rather than being intimidated or bullied by the government. I can assure you that this will make Watergate look like something smaller than what it was because of what has taken place. I sincerely say that because there are deep throats among doctors and nurses who do want to speak out, and they will, as the Member for Calgary-Mountain View said, for the betterment of their patients and for citizens of Alberta, who deserve the best health care they can get.

I can only say that, obviously, through the chair, the minister of health could not, I guess, be able to say that there will be a judge appointed for this independent judicial inquiry because there is none. I guess he couldn't say it because there were, quite simply Mr. Speaker, too many feathers in his mouth.

That being the case, I will not be supporting this charade that is going on here tonight. Thank you, Mr. Speaker.

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

Seeing none, any other hon. member wishing to speak on the bill?

Seeing none, the chair shall call on the Minister of Health and Wellness to close the debate.

**Mr. Horne:** Thank you very much, Mr. Speaker. I want to take the opportunity to respond to a number of points that were raised in third reading. I'll try to be as brief as possible. First of all, the remarks of the last hon. member with respect to the appointment of a judge. If the hon. member had taken the trouble to read the bill, he would see that there is an explicit provision that provides for cabinet to request the appointment of a judge or judges to serve as the panel to conduct a public inquiry. And when asked in Committee of the Whole as to why this provision was requested in the form of an amendment, I referred to a document entitled Protocol on the Appointment of Judges to Commissions of Inquiry. If the hon. member took the trouble to check the Public Inquiries Act, he would see that the appointment of judges to commissions of inquiry is done by cabinet in consultation with the court in accordance with this protocol.

Contrary to how the hon. members may wish the system to work, Mr. Speaker, the fact of the matter is that cabinet, when it wishes to appoint a judge to perform a public duty such as serve on a commission of inquiry, is bound to consult with the court in the course of requesting that participation. This amendment made explicit reference to the process outlined in the protocol. It, in fact, strengthens the opportunity for the Health Quality Council to request cabinet to appoint a judge to conduct the inquiries. That is the sum total of the debate on that matter, Mr. Speaker.

With respect to the questions raised about consultation, I remind the hon. Member for Calgary-Fish Creek that I, in fact, did consult with the Alberta Medical Association in the preparation of this legislation. They issued a President's Letter with respect to that discussion, which I believe the hon. member quoted in the course of debate during question period over the last couple of weeks. They expressed on numerous points agreement or support for provisions that are in this legislation. Consultation was held with many groups, Mr. Speaker, not the least of which was my own caucus, which I'm very pleased to stand here and say fully supports the bill and holds it forth as evidence of fulfillment of the Premier's commitment to conduct a full and independent inquiry into this matter.

One of the last things I'd say, Mr. Speaker, and it's a topic that has been very conveniently ignored by all members opposite as part of their insistence, is that there is a full review of this matter under way currently by the Health Quality Council of Alberta. We've heard through the interim reports from the council that dozens and dozens of physicians and other health professionals have taken the opportunity to be interviewed by the Health Quality Council. They have participated in good faith. I know that members of this House have been in touch with the Health Quality Council and presented information to them that concerned them.

I only hope that any hon. member who is standing here this evening voicing objection to this bill and who has claimed to have information and evidence to support some of these allegations has also taken the personal responsibility of contacting the Health Quality Council and presenting that information. I only hope that is the case, Mr. Speaker, and unfortunately that is something we will never know unless the member voluntarily discloses that information.

The last thing I'd say, Mr. Speaker. I'd refer to the remarks of the hon. Member for Calgary-Mountain View because I think he came closest of all to identifying the very important principle that high-performing health care systems are built around a culture, and that's a just and trusting culture, that's a culture where physicians and all health professionals feel free to fulfill their duty to advocate on behalf of their patients. Despite some of the personal attacks and other remarks that I've sat here and listened to over the last several weeks, I would like to believe that all hon.

members of this House share that commitment to create the culture that allows for physicians and health professionals to advocate on behalf of their patients.

The hon. member talked about the change in the organization of the delivery system that took place in the last few years. I certainly don't mind as minister saying that that was, in fact, a massive change, one of the largest reorganizations in any province in Canada, certainly, that I'm aware of. And while this government stands behind that decision and while we believe we are providing evidence to this House on a regular basis of the benefits of that decision in the form of better access and quality of health services to Albertans, I want to also acknowledge as minister that a change of that magnitude does not come without a cost, and it often can come at a cost to the people who deliver care.

I think if anything, in my tenure and the tenure of previous ministers, we have demonstrated consistently that we want the input, we want the advice, and we want the opportunity for health professionals to take responsibility and accountability in making decisions that directly affect their ability to deliver care to their patients.

This bill, in summary, Mr. Speaker, not only delivers on the Premier's commitment; it creates a reasonable process with the proper safeguards such as protecting confidential patient information to ensure that these matters that have been alleged here in this House and, heaven forbid, future matters that may be alleged by members opposite have the opportunity to be reviewed in a full and fair manner through the process stipulated under Bill 24.

With that, Mr. Speaker, I'd ask for the support of all members in the passage of this bill.

**The Deputy Speaker:** The hon. Minister of Health and Wellness has closed the debate.

The chair shall now call the question.

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

[Several members rose calling for a division. The division bell was rung at 11:20 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Griffiths	Mitzel
Bhullar	Hancock	Olson
Campbell	Horne	Ouellette
Danyluk	Horner	Prins
DeLong	Jablonski	Renner
Denis	Johnson	Sandhu
Drysdale	Klimchuk	Vandermeer
Fawcett	Leskiw	Weadick
Goudreau	Liepert	Woo-Paw

Against the motion:

Anderson	Hehr	Swann
Boutilier	Notley	Taft
Forsyth		

Totals:	For – 27	Against – 7
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[Motion carried; Bill 24 read a third time]

### Bill 23

#### Land Assembly Project Area Amendment Act, 2011

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

**Mr. Johnson:** Thank you, Mr. Speaker. I'm pleased to rise and move third reading of Bill 23, the Land Assembly Project Area Amendment Act, 2011.

Bill 23 delivers on our Premier's promise to ensure landowners in our province are consulted, fairly compensated, fully compensated, and have access to the courts if their land is needed for a major infrastructure project.

Mr. Speaker, governments of all levels have always had the ability to restrict development. This law does not give government any new powers. It's about giving Albertan landowners more certainty and, more importantly, more rights, protections, and options when they're working with the government when their land is required for the public good. That's our government's commitment to landowners.

Mr. Speaker, let's be clear about one thing. The suggestion that this law is not needed or should be repealed would in fact diminish landowner rights within Alberta. Under the previous process of restricted development area regulations, that have been used for the last 40 years to establish land for the ring roads and transportation/utility corridors, the government was not required to consult landowners or to be transparent with Albertans about their plans for the future. The government was not required to make decisions within a reasonable amount of time on what land is or is not going to be impacted. The government was the only one legally that could initiate the purchase of the land.

Our government thinks landowners deserve better. Under this law landowners will now have the right to be notified and consulted if their land is needed for a major infrastructure project. The government will be required to decide within two years if that land will be part of a project or not. Once land is designated as part of a project, rather than waiting on government timelines, landowners can initiate the sale either by negotiation or by using the powers that we have given them of reverse expropriation. If they choose to sell their land, landowners will have the first right to lease their land back from the government if they want to continue farming or living on it until the project begins and their land is required.

Mr. Speaker, since we've introduced these amendments, I've heard many positive comments from landowners across Alberta, from the legal community, from municipal leaders, and even from the opposition. Earlier today I tabled an article from the *St. Albert Gazette* in which the Wildrose critic for this legislation and my ministry, the Member for Calgary-Glenmore, was quoted as saying, "having access to the courts is a great move forward, being able to declare when they want to sell their land is another important one." During second reading debate that same member said: "We thank the government for bringing forward these amendments. They are good amendments. We will be in favour of and voting for these amendments." I do appreciate the support from the Wildrose Party on this.

During debate on Bill 23 one issue was raised with respect to the wording of the preamble, an amendment which was proposed but not passed in Committee of the Whole. Mr. Speaker, I want to make it clear that in the preamble and in the bill our intent has been clear. The legislation ensures that landowners will have full compensation. It clarifies that landowners also have the ability to access the courts or the Land Compensation Board if they do not agree with the compensation component, and it's now absolutely crystal clear that the courts and the Land Compensation Board can compensate landowners for any applicable losses under the heads of compensation for their specific losses in things like severance, disturbance, or business losses.

A second issue that was raised during committee that I need to respond to, Mr. Speaker, is the impact of this legislation on a

landowner's standing with their bank or lending institution and how a notice on title could affect that. We take all concerns that Albertans bring forward to us very seriously and have given this fair consideration, but the fact of the matter is that the notice is just about transparency to all potential landowners, buyers, and sellers. This is not a new process. Actually, it's decades old. It was the existing process with the restricted development area regulations, so this legislation did not change that.

**11:30**

Mr. Speaker, during the entire history of the ring roads and the transportation/utility corridors dating back nearly four decades, 40 years, numerous landowners with a wide variety of circumstances received financing and were refinanced by their banks or credit unions or other institutions. I'm not aware of any cases where banks called loans on landowners within those transportation/utility corridors with respect to their land being designated as part of a restricted development area. If the opposition has examples of those, I'm very eager to learn of those, and we will take them under fair consideration.

We've also checked with various lending institutions who advise us that this is not a process that will negatively impact landowners or their ability to loan money to landowners. As a matter of fact, the Agriculture Financial Services Corporation reviewed the proposed legislation, and what they told us is that AFSC would not see notifications registered on title as an abnormal impediment in considering financing to an applicant, whether it's agriculture or business. The legislation provides mechanisms to ensure that property value is not negatively affected and, therefore, would not impair AFSC security in such land.

What's also important to understand, Mr. Speaker, is that this legislation will give a landowner a guaranteed purchase from the Crown, and the timing of that purchase will be solely in the hands of the landowner. I can tell you as a former businessman that that's a level of certainty and liquidity that adds security and should not be seen as a negative but a positive.

Mr. Speaker, we've addressed Albertans' concerns in these amendments. We will continue to listen to Albertans on legislation and this legislation in particular during the development of the regulations in the coming months.

I'd like to close, Mr. Speaker, by just reiterating that I'm a fourth-generation Albertan. I grew up in a rural community. Several of my extended family still farm. I continue to live and raise my family in a rural community. I operated a small business for many years with rural customers throughout the province. I know how important the land is to my family, my friends, my colleagues, my customers, and my constituents. I know how important the land is to all the members of this Assembly, many who own land, including myself, many who actively still farm their land, including the member sitting beside me.

Our government stands firmly beside landowners. This legislation clarifies what is a LAPAA project and the fact that utility projects, pipeline projects, and transmission line projects do not qualify. It takes significant steps to ensure full compensation, it guarantees access to the courts, and it removes the heavy-handed penalties that were in the legislation previously. It meets the promise that our Premier made to landowners in this province to have full compensation, full consultation, and guaranteed access to the courts.

I encourage all members of the Assembly to support this bill, Mr. Speaker. It's a good bill for Alberta.

**The Deputy Speaker:** Any other hon. member wish to speak? The hon. Member for Airdrie-Chestermere.

**Mr. Anderson:** Thank you, Mr. Speaker. I would like to applaud this minister for his comments today. They were very informative. I very much appreciate that he took the time to look into the matter of the banking institution concern that was raised by several members in our caucus. There may still be work to do on that front, but I do appreciate that he took the time in that regard.

I also want to thank the minister for bringing this bill. It is a good bill. It certainly helps undo much of the damage, if not all of the damage, that the original Bill 19, the Land Assembly Project Area Act, did. He should be commended for bringing that forward. Many of the members over there have interests in land, and I do not doubt their love of the land or their love of rural Alberta and so forth. I was raised for most of my life on an acreage out in the Balzac area, and I have the same feelings about the importance of life in rural Alberta.

I think that some things do need to be said, though, tonight. I want to take a moment and thank Keith Wilson again for the incredible efforts that he made. I do give credit to the minister for bringing it forward, but make no mistake: this bill is the product of the efforts of a few individuals that stood up against the big blue machine. One of those guys was Keith Wilson. This is a huge victory – a huge victory – for him on behalf of Albertans.

I'd also like to congratulate and I think we should congratulate Danielle Smith, the leader of the Wildrose, who's been an outspoken property rights advocate for years before she even got into politics. She was one of the first ones on this. She's been a very outspoken advocate on this, just right from the get-go seized upon this issue as something that was wrong, Bill 19 being that issue.

Also, the Member for Calgary-Glenmore, as he did with the royalties and as he's done many times before, was one of the first elected people to rise and speak against these property rights bills that have come through.

I'm glad that the government is starting to listen. The Wildrose will certainly claim this as a victory for landowners and as a victory of why we have opposition in government, why it's important to have opposition. The government doesn't know all of the answers, and sometimes they do get it wrong. In fact, a lot of times they get it wrong. It's important that there's opposition here that, when they do get it wrong, can push back hard enough and is a legitimate threat to their hold on power that they listen.

In this case that has happened. There was a huge amount of sagging support in rural Alberta for this PC Party and PC government. They knew that it was a legitimate threat, so they listened a little bit more acutely than they otherwise would have. I think that's a good thing. That's what democracy is. It's not something to be ashamed of: the fact that you get something wrong the first go-round. It's better late than never. It's always good to get it right the first time and to do proper due diligence, which was not done in this case. But this has been undone before too much damage could have occurred under the original Bill 19.

I thank the governing party for listening in this respect on Bill 23. It just so happened that the right thing as well as the politically advantageous thing were the same thing this go-round. It was not the case for health care, not the case for fixed election dates, not the case for the other bills that we've been talking about tonight, where the political interest and doing the right thing are not in the same category.

With that, I will on behalf of the Wildrose say that Bill 23 is acceptable. We will vote in support of it.

But we do note and will hold to that Bill 24, Bill 50, and Bill 36 are still on the books, not the bills but the acts that they represent, and each one of those bills needs to be repealed. That is what rural Albertans are telling all of you, and they're telling us that as well. They need to be repealed. We need to start from scratch. Bill 24 is

a joke. It should just be repealed and scrapped and never looked at again. But with Bill 50, with regard to transmission, and Bill 36: let's scrap those bills and start over again and actually consult with Albertans on what needs to happen going forward instead of leaving those bills on the books right now. If you do that, you will have repaired the damage that these very poor land bills have caused. Although Bill 50, in particular, will come with a huge price tag because a lot of money has already been spent, it's better to turn it around now than to waste billions more. It's better to lose a few hundred million than several billion, so let's scrap that one as well and start from the beginning.

Thank you, Mr. Speaker.

11:40

**The Deputy Speaker:** Any other hon. members wish to join the debate on Bill 23?

Seeing none, the chair shall now call on the minister to close the debate.

**Mr. Johnson:** Question.

**The Deputy Speaker:** All right. The chair shall now call the question on the bill.

[Motion carried; Bill 23 read a third time]

## Bill 21

### Election Amendment Act, 2011

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

**Mr. Olson:** Thank you, Mr. Speaker. I am pleased to rise this evening to move third reading of Bill 21, the Election Amendment Act, 2011.

Mr. Speaker, this important piece of legislation will create certainty for Albertans. We want Albertans to get involved in the democratic process as voters, as volunteers, and as candidates, and this legislation will provide them with both the certainty and the needed flexibility to do so. This act will provide for a fixed election time period for general elections to be held every four years. Starting in 2012, a general election would be held between March 1, 2012, and May 31, 2012. Afterwards, general elections would be held in this same three-month period in the fourth calendar year following polling day in the most recent general election.

The second amendment clarifies that the Lieutenant Governor's constitutional power to dissolve the Legislature stays intact. Removing this power of the Lieutenant Governor would be unconstitutional in our opinion. Our legislation is a made-in-Alberta solution. It does differ from other jurisdictions, but it's reasonable and common sense. We trust that Alberta's approach to this legislation will provide the additional flexibility that's needed to result in a greater public participation in our general elections.

Mr. Speaker, I encourage all hon. members to support this legislation. Thank you.

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

**Dr. Taft:** Yes. Thank you. I appreciated the comments from the Minister of Justice, but I'm sure he'll be dismayed to know that I can't support this bill.

**Mr. Denis:** No. I'm shocked.

**Dr. Taft:** You're shocked and appalled.



**Mr. Denis:** I just said shocked, not appalled.

**Dr. Taft:** Not appalled.

I'd like to get a few comments on the record as we wrap up here. There is no doubt, as the minister said, that this is a made-in-Alberta solution. I can't imagine anybody, any other government anywhere taking this approach of having an election season, as it's been called, rather than an election day. It isn't common sense in our view over here although it is over there. I think it's another disappointing position taken by this new Premier and by this government when a much more obvious and effective solution was right at hand.

Mr. Speaker, one of the rare pleasures I have in this Assembly is working with the Member for Edmonton-Gold Bar, who we all know has a one-of-a-kind sort of mind, and I say that in the full sense of the term. I've never met a guy like the Member for Edmonton-Gold Bar. He constantly sprinkles his wisdom and knowledge into the lives of the Alberta Liberal caucus and those of all of us.

Now, I'm holding a document here, Mr. Speaker, which is typical of documents that fill the office of the Member for Edmonton-Gold Bar. The remarkable gift he has is to go through countless thousands of pages of material and make notes and put stickies on them and so on, like he has with this document, and then months later, in a different conversation or a different context, be able to go exactly to that page and that document and say: well, lookit, this relates to that debate.

He has done that yet again this evening. In fact, he left me a note at the top of page 67 of the report on the March 3, 2008, provincial general election of the 27th Legislative Assembly, which is the report filed by the Chief Electoral Officer. It's a report I have for other purposes spent some time with, but I had completely forgotten about this page. Not the Member for Edmonton-Gold Bar. He's written on the top of page 67: good stuff for third reading on Bill 21. He's right, and I'm just going to take a moment here because what's written here by the Chief Electoral Officer gives a little insight into why I feel this bill falls short.

The title of this section of the Chief Electoral Officer's report is Establishment of a Fixed Election Date. The second paragraph – well, actually I'll start at the beginning. It goes:

The current practice of establishing an election date through Order in Council causes significant challenges to electors, election officers, political participants and other stakeholders.

Then he goes on to itemize some of those challenges. While those challenges will be, in all fairness, reduced by this legislation, they will not be eliminated, and they could be eliminated just like that.

Here's what the Chief Electoral Officer wrote:

From a management perspective, a fixed election date would be advantageous for administration of the event . . . With a known date for employment, a commitment of the approximately 15,000 staff required during the election could also be confirmed.

Now, Mr. Speaker, this is an interesting point.

An election called late in the week can incur costly overtime charges for weekend installation of telephone lines, and delivery of equipment, supplies and furniture for the 83 returning offices throughout the province.

We're all wanting to save money. Choosing one date for an election would save money. Why don't we do it?

Then he goes on further down. I won't read every word on the page because it is getting late.

**Mr. Denis:** Thank you.

**Dr. Taft:** You're welcome, Mr. Solicitor General.

It does say here, again quoting from page 67, that

fixed provincial election dates would offer many benefits to voters and to Elections Alberta in preparing for and administering these events. Knowing the date in advance:

- would enable voters to better plan for their attendance at the polls to vote on election day or at an advance poll,
- would enable voters to better plan and prepare for absentee voting,
- would permit Elections Alberta to confirm the availability of Returning Officers and their key staff,
- would enable Returning Officers to commit to dates for office and polling place rental, allowing them to secure the locations well in advance,
- may enable Returning Officers to select better locations for their returning offices and polling places and to better negotiate lease rates for such space,
- may enable Returning Officers to better negotiate rental rates for returning office furniture and furnishings, and . . .

Mr. Speaker, you'll be glad to know that this is the last point I'm going to read.

- would enable Elections Alberta to reserve telephone, cellular and fax numbers in advance for more timely publication of this information for the benefit of the public and political participants.

The Chief Electoral Officer actually goes on for hundreds of more words, Mr. Speaker, but I will not subject everybody to those. The point I'm trying to make is that we should have had the guts in this Assembly to choose one date and pass that through the Legislature. Almost every other province in the country has now done that. Municipalities in Alberta have done that for decades. I don't know why we can't. I have not heard one reason – not one reason – why we can't.

I think this bill falls short on third reading, as in the earlier stages. I just can't support it.

Thank you.

**11:50**

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

**Mr. Fawcett:** Thank you, Mr. Speaker. I just wanted to speak briefly to the bill because I want to commend the Premier for her leadership on this particular issue. I think it takes a lot of guts, courage, and determination to change what has been a practice in this province for a hundred years. From what the hon. Member for Edmonton-Riverview just read out, you would wonder how elections even happened in this province for the last hundred years, but they did. You know, the world didn't come to an end, like many of the opposition parties would like to claim.

One of the things that I just wanted to focus on is what the intention of this bill is, in my opinion, and that has to do with being fair and transparent with citizens, being fair and transparent with those that are putting forward their name to run for public office, and being fair and transparent to political parties, that are a big part of our democratic institutions.

The reason why it's fair, Mr. Speaker – you know, I think we're splitting fine ends if you say: well, you need to pick a day over a three-month period. I think that with some of the biggest proponents of fixed election dates, their biggest concerns have been with manipulation of the political process as far as the timing of the election. For example, I think there were lots of complaints about a government that is three and a half years into its mandate. "Things are going quite well. The poll numbers are looking good. Why risk going another six months? We're going to call an election." You know, I think that, generally, reasonably, a lot of people would say: yes, that's probably unfair, a very unfair

advantage to the governing party. This bill prevents that from happening.

I can think of millions of other scenarios. Look at the scenario right now. We have a Premier that has just come off a leadership victory. She's been very clear that she is committed in legislation, by law, to go to the polls within a three-month period. I think that's a very strong statement for a Premier that has just taken office. She could not do anything and maybe wait and see how the spring goes, maybe wait till the fall, maybe wait till next spring – that's what the law is right now – but this Premier has made a commitment to not do that because she believes in transparency and fairness to Albertans.

My last comment, Mr. Speaker, is the same thing. These are the types of things that this government has considered when bringing this in. I know that members over there will remember it. It was a former member of this House who left to pursue an opportunity in federal politics. He became leader of the Canadian Alliance party federally, and as soon as he became Leader of the Official Opposition, I think three and a half years into a mandate, the then Prime Minister, Jean Chrétien, called a snap election. That Leader of the Official Opposition could barely even get into his office, and he was into a campaign. That was unfair manipulation of the election process, that I think was unfair to all Canadians.

Again, this bill will not let that happen, Mr. Speaker. It's fair, it's honest, and the last point is that it provides flexibility. We don't know what's going to happen four years from now, okay? We don't know. Maybe we had a great opportunity for a royal visit. Maybe they scheduled that during an election, and they skip over coming to Alberta because they don't want to get involved in the political shenanigans that go on during an election.

Mr. Speaker, this provides the intent of what most proponents of fixed election dates want – that manipulation of the timing of election, going out to five years, cutting it short at three and a half years – with the flexibility to be able to use some common sense on a four-year planning cycle.

Thank you, Mr. Speaker.

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

Seeing none, then the chair shall now recognize the hon. Member for Airdrie-Chestermere on the bill.

**Mr. Anderson:** I have no idea how someone could honestly with integrity stand up in this House and defend a Premier who made a specific promise to call an election in March of 2012 and then every four years thereafter and to set fixed election legislation that is exactly the same as the other fixed election legislation in other provinces, modelled after that, and then goes and completely breaks her promise not more than a couple of weeks after her selection as leader. That you can stand up and somehow defend that kind of deceit is just unbelievable. I don't know. I would expect better from that member and from other members.

This isn't like, you know, a difference of opinion. This was a promise that was made and a promise that was completely broken. It was deliberate, it was blatant, and it was wrong. I think that Albertans are and should be completely disgusted with what happened here.

**Mr. Liepert:** We'll see.

**Mr. Anderson:** Yeah, we will see. We will see whether they are in the next election or not. Wisdom from the Member for Calgary-West. We will see in the next election whether Albertans will put up with these lies and deceit. That's what they are.

Mr. Speaker, here's the problem. There is not a single jurisdiction in North America that . . .

**The Deputy Speaker:** Hon. Government House Leader, you have a point of order?

#### **Point of Order Parliamentary Language**

**Mr. Hancock:** Yes, under Standing Order 23(h), (i), (j). I know it's late. I know that we'd like to complete the day and go home to our families safely, but there are things that can't be permitted in this House and that is unparliamentary language. We have a duty to treat each other with dignity and respect if we want the institution of parliament to be treated with dignity and respect. We're talking about an electoral act. The purpose of bringing it forward is to encourage public participation in the electoral system, to encourage the public to have some respect for the concept of government. They don't have to like us. They don't have to agree with us. We can have respectful discourse, but we should not be using terms like "lies and deceit" in reference to any individual member of the House or, quite frankly, with respect to government or anyone else.

The hon. member has in this session stooped to new lows of both behaviour and attitude and respect for the institution. I don't ask that he respect me as an individual – people earn respect as individuals – but I do ask that he have respect for the institution and stop using unparliamentary language like "lies and deceit."

**The Deputy Speaker:** The hon. Member for Airdrie-Chestermere on this point of order.

**Mr. Anderson:** Well, my exact quote was that Albertans are going to get sick and tired of the lies and deceit. I think they will get tired of the lies and deceit. If, in the opinion of the leader, I have attached the words "lies and deceit" to our Premier, then I withdraw those and just say that it was deception. Or is that unparliamentary, too, or untrue, misleading, wrong, pathetic, whatever you'd like? I do withdraw the word "lie" if that suits you. But it was very deceptive. It was very wrong. It was disgusting.

You know, with regard to this hon. member opposite – we're still on the point of order, I assume? We're still on the point or order?

**The Deputy Speaker:** Please. The chair heard enough on the point of order, so can you please sit down when the chair stands up, by the rules of our parliament?

The chair heard both sides. I have enough information, and I heard enough, so the chair shall now ask the hon. member to withdraw those words.

**Mr. Anderson:** I just did.

**The Deputy Speaker:** I didn't ask you, but now I ask you, hon. member. Please withdraw.

**Mr. Anderson:** Done.

**The Deputy Speaker:** So you have withdrawn the words "lies and deceit" in the Assembly?

**Mr. Anderson:** Yes.

**The Deputy Speaker:** Then please stand up and continue your remarks.

12:00

**Debate Continued**

**Mr. Anderson:** And the charade continues with this democracy that you call. Everyone in this House should be ashamed of what's

going on. [interjections] No, I don't have respect for you, but I do have respect for this House, very much so. The reason that I have respect for this House, hon. members, is because I believe very much in democracy. I believe very much that we are here in order to represent our constituents freely and openly and be able to speak the way that we want to speak for them, and then we're all held accountable by what we say or what we don't say. Some of us choose to actually represent our constituents; others choose to represent their party. That's fine. That's certainly a choice that many in this Assembly have made.

I have no reservations in saying that what the leader of the governing party, the Premier, has done was completely dishonest with what she said. She misled the public. That's wrong, and we all know that here. Some people choose to, you know, say that that's okay, and others don't.

The Wildrose absolutely will not be supporting this bill. We will make sure that one of the first orders of business after this government is replaced, whether that be in four months or four years or whenever it be, is that we will bring in a fixed election date, and we will do so regardless of what the situation is because it's the right thing to do. It should not be a situation where one party is given an opportunity or an advantage over another party in an election, and that's what has happened here. What is more egregious than the seasonal election date, what is far more egregious is the fact that there was a promise given by this Premier. It was a clear, concise promise that she made during her election campaign, and a week later she changed her position and went against exactly what she had said.

Now, apparently, we're not supposed to use the word "lie," so I won't use the word "lie," or "intentionally deceitful," so I won't use those words. I won't use any of, you know, the double-talk, double-speak and all the other things that could explain that. But whatever you want to call it, that's what was done to the people of Alberta when she specifically said something and then did the opposite to that. It is absolutely distasteful, and it's a disgrace to this Legislature. That is something that I think Albertans will feel very strongly about as well.

Mr. Speaker, with that I will sit down, and we can all, hopefully, go home. Is this the last bill? Hopefully, it is.

**An Hon. Member:** No.

**Mr. Anderson:** There's still more? Jeppers.

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

Seeing none, the chair shall now recognize the hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Boutilier:** Yeah. Thank you very much, Mr. Speaker. I do not support the bill. A fixed election date. We were all born on a day. The member from Calgary who put in the great outdoors day or whatever that was called: it's a day. The question, quite simply, if Albertans were watching and listening tonight to the Government House Leader and others would be: "What happens when a politician doesn't tell the truth? What happens?" You're not allowed to call it a lie. You're not allowed to do this or that, so what do you call it? I know out in the street Albertans call it a lie, but in here you're not allowed, so I accept that if that's the parliamentary language. Maybe we need to change the parliamentary language and start talking like Albertans. If someone is lying, then we should say that they're lying. Apparently, that word is not allowed in here, and I am not using it in here. What I am saying, Mr. Speaker, is that in the future let us begin to speak a language that Albertans are speaking.

Consequently, I do not support this bill. I was born in February on a day, not in a season. The season, I can say, was actually a leap year, believe it or not, if leap years are seasons. The bottom line is that this is wrong. Why don't we quite simply – I'm glad to see some members are listening on that side: the Member for Red Deer-North. That's good to see. I see the Member for Innisfail-Sylvan Lake nodding his head. I think I interpret that as an agreement. I said nice words about him earlier tonight, about the great job he had done as the Transportation minister, even though we didn't get the twinning of highway 63 as quickly as I would have liked. It still hasn't come yet, and I'm not going to hold my breath.

That being the case, I want to say, Mr. Speaker, that I am not supporting this bill on a fixed election date. But it is an improvement on the former PC leader and Premier. This is an improvement over what the former PC leader did. But the bottom line is that it just didn't go far enough, and that's why I will not support it.

**The Deputy Speaker:** Standing order 29(2)(a)?

Seeing none, any other hon. member wish to speak on the bill?

Seeing none, the chair shall now call on the hon. minister.

**Mr. Olson:** Question.

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

[Several members rose calling for a division. The division bell was rung at 12:06 a.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Amery	Hancock	Mitzel
Bhullar	Hayden	Olson
Campbell	Horner	Ouellette
Danyluk	Jablonski	Prins
DeLong	Johnson	Renner
Denis	Klimchuk	Sandhu
Drysdale	Knight	Vandermeer
Fawcett	Leskiw	Weadick
Goudreau	Liepert	Woo-Paw
Griffiths		

Against the motion:

Anderson	Swann	Taft
Boutilier		

Totals:	For – 28	Against – 4
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[Motion carried; Bill 21 read a third time]

12:10

**Bill 22**

**Justice and Court Statutes Amendment Act, 2011**

**The Deputy Speaker:** The hon. Member for Calgary-Mackay.

**Ms Woo-Paw:** Thank you, Mr. Speaker. I'm pleased to rise to move third reading of Bill 22, the Justice and Court Statutes Amendment Act, 2011.

The changes in Bill 22 will increase clarity, fix a few errors, improve the functioning of Alberta's courts, and increase the effectiveness of our legislation.

I'd like to thank all hon. members for their support of this legislation. Thank you.

**The Deputy Speaker:** Any other member wish to speak on the bill? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Mr. Speaker, it's the end of bill debates, so I'm just going to say good night, everybody.

**The Deputy Speaker:** Hon. member, do you wish to close the debate?

**Ms Woo-Paw:** Question.

[Motion carried; Bill 22 read a third time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. In light of the good work that we've done today in dealing with six bills in third reading plus two in committee, three of which, by my recollection, have been passed by this House unanimously, I would move that we adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 12:13 a.m. on Wednesday to 1:30 p.m.]





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