



Province of Alberta

The 28th Legislature  
First Session

# Alberta Hansard

Tuesday afternoon, November 27, 2012

Issue 23a

The Honourable Gene Zwozdesky, Speaker

## Legislative Assembly of Alberta The 28th Legislature

First Session

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Barnes, Drew, Cypress-Medicine Hat (W)  
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Fox, Rodney M., Lacombe-Ponoka (W)  
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Fritz, Yvonne, Calgary-Cross (PC)  
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)  
Griffiths, Hon. Doug, Battle River-Wainwright (PC)  
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Sandhu, Peter, Edmonton-Manning (PC)  
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Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)  
Xiao, David H., Edmonton-McClung (PC)  
Young, Steve, Edmonton-Riverview (PC),  
Government Whip

### Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Eggen	Sherman
Fenske	Smith
Goudreau	Starke
Hehr	Strankman
Jansen	Towle
Luan	Young
McDonald	Vacant
Olesen	

**Standing Committee on the Alberta Heritage Savings Trust Fund**

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Casey
Dorward
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Sherman

**Select Special Conflicts of Interest Act Review Committee**

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Johnson, L.
McDonald
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Fraser	Webber
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Cao	Webber
Casey	Xiao
Fenske	Young
Fraser	Vacant
Hale	

## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, November 27, 2012

[The Speaker in the chair]

### Prayers

**The Speaker:** Let us pray. O gracious God, remind us daily of the efforts put forward by those who came before us and of the impacts of our decisions today on those who will come after us. Amen.

Please be seated.

### Introduction of Visitors

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

**Mr. Lukaszuk:** Thank you, Mr. Speaker. It is my pleasure to rise today and introduce to you and through you to all members of our Assembly someone who is no stranger to most of us here. Seated in your gallery is city of Edmonton ward 4 councillor Mr. Ed Gibbons. As many of my hon. colleagues are aware, Mr. Gibbons is a dedicated champion of the city of Edmonton and his ward and the entire capital region. They may not be aware that he was just recognized by Chief of the Defence Staff General Lawson with a Canadian Forces medallion for distinguished service. Along with his commitment to his city Councillor Gibbons has fostered an outstanding relationship between the city of Edmonton and the Canadian Forces since 1994. Indeed, this relationship has not only benefited the city but has also cemented our province's respect for and relationship with the Canadian Forces. I ask Councillor Gibbons to rise and accept the traditional welcome of our Assembly.

**The Speaker:** The hon. Minister of Service Alberta.

**Mr. Bhullar:** Thank you, Mr. Speaker. It's my privilege to rise on your behalf and introduce to you and through you to members of the Legislative Assembly some special guests. Seated in your gallery are Peggy and Hilary Lynkowski, the spouse and daughter of the late Doug Lynkowski, our beloved Deputy Minister of Service Alberta. Joining them is Maureen Towle, Doug's long-time assistant. During Ministerial Statements we will remember the remarkable life and career of the man affectionately known across the government as Deputy Doug. I would ask Peggy and Hilary and Maureen to all stand and receive the warm welcome of the Legislative Assembly. [Standing ovation]

### Introduction of Guests

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

**Mrs. Sarich:** Thank you, Mr. Speaker. It's an honour and privilege for me to rise today to introduce to you and through you to all members of the Legislative Assembly 65 guests from Evansdale school, which is located in my constituency of Edmonton-Decore. Evansdale school opened in 1972 as a community school and is named after Judge Harry Marshall Evans, an Alberta coal baron of the early 20th century who in 1917 served as Edmonton's 14th mayor. In keeping with their motto, Evansdale school strives to develop partnerships that involve the students, their parents, and the teaching staff all working together to be the best that they can be. The grade 6 students are in both the public and members' galleries, and they're

joined this afternoon by teachers Mrs. Amy Hines; Mrs. Rebecca Grams; Ms Katie Lee, student teacher; and Mr. Brian Ha, also a student teacher. Parent helpers include Mr. Sleiman Darwich, Mrs. Nabeela Dahrouj, and Mrs. Yusra Chamseddin. I would ask the students, the teachers, and the parent helpers to now rise and please accept the traditional warm welcome of the Assembly.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Mill Woods.

**Mr. Quadri:** Thank you, Mr. Speaker. It is an honour for me to rise today and introduce to you and through you the very bright students of Grace Martin school from the Mill Woods constituency. They are joined today by their teachers: Mrs. Nicole Morley, Mr. Joel Stephens, and Mr. Farooq Maseehuddin. Now I would request that they please rise and receive our traditional warm welcome.

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

**Mr. Horne:** Thank you, Mr. Speaker. I have two introductions to make this afternoon. First, it is a pleasure to introduce to you and through you to all members of the Assembly two guests from the Alberta College of Optometrists. Dr. Lori Jaffray is the president of the college. Dr. Jaffray is an optometrist from Calgary and has practised there since 2003. Joining Dr. Jaffray this afternoon is Dr. Gordon Hensel, registrar of the Alberta College of Optometrists. Later this afternoon I'll be tabling the college's 2011 annual report. I'm very pleased that both Dr. Jaffray and Dr. Hensel are able to join us for this tabling. I would ask them both to rise and receive the warm welcome of the Assembly.

**The Speaker:** Hon. Minister of Health, you have a second introduction. Please proceed.

**Mr. Horne:** Yes. Thank you very much, Mr. Speaker. Also joining us today are guests from the Alberta College of Social Workers. Mrs. Lynn Labrecque King is the executive director and registrar of the Alberta College of Social Workers. Joining her is Ms Lori Sigurdson, manager of professional affairs at the college. The annual report of this college will also be tabled this afternoon. I'm very pleased to have college representatives with us, and I'd ask them to rise and also receive our traditional warm welcome.

**The Speaker:** The hon. Minister of Municipal Affairs.

**Mr. Griffiths:** Thank you, Mr. Speaker. It's an honour today to rise to introduce to you and through you to members of this Assembly two different groups. The first is a group of public servants who keep Albertans safe during natural disasters and emergencies. Earlier this month the government of Alberta received two awards from the International Association of Emergency Managers for our public warning system. That system utilizes social media, so it's no surprise that we have 25,000 followers on Facebook and another 19,000 followers on Twitter. It's very important because that's one of the fastest ways to get emergency alert messages out to the public. It's through the tremendous efforts of the Alberta Emergency Management Agency and all its public safety partners and media partners who work together that Alberta emergency alert's success works. I would now like to introduce the members of the Alberta emergency alert team. I'd ask them to rise and receive the traditional warm welcome of the Assembly as I call their names. April Diver, Andrea Kennedy, Kevin McClement, and Shie Boychuk, please rise in the members' gallery.

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

**Dr. Sherman:** Thank you, Mr. Speaker. I'd like to introduce to you and through you to all members of the Assembly five individuals from the Calder seniors' drop-in centre. Calder seniors are kicking off a \$4.5 million fundraising initiative to do a much-needed expansion and renovation to their centre. The fundraising efforts are starting right here today. I ask all MLAs and Albertans to rally around these seniors and go to [helpcalder.ca](http://helpcalder.ca) and make a \$5 donation so they can continue to engage in healthy and socially inclusive activities. Spearheading these initiatives are Bill Sim and his wife Gladys, Joyce Ruptash, Debbie Creaser, and Allison Boychuk. There is an MLA who used to say: it's all in Calder. I ask these folks to rise and receive the traditional warm welcome of the Assembly.

Thank you.

**The Speaker:** Hon. Minister of Municipal Affairs, you had a second introduction. Please proceed.

**Mr. Griffiths:** Yes. Thank you for your indulgence, Mr. Speaker. My second introduction: I'd like to introduce Vicki Martin. She's with the Ministry of Environment and Sustainable Resource Development, where she provides oversight for a portfolio of key initiatives for the ministry. Prior to joining ESRD, Vicki was at the Ministry of Justice, where she led the development of integrated Justice services programs sponsored by the ministries of Justice, Solicitor General, Human Services, and Health Services. Now, you might ask why I'm introducing her since I'm the Minister of Municipal Affairs, but Vicki was the winner of the Municipal Affairs United Way fundraiser, which is a fantastic cause. Vicki is here with her father, who is visiting from B.C. I know they're both incredibly proud of each other, but I'm pretty sure Vicki knows that her dad is very proud of the work she does with this government. I'd ask them to both rise – they're in the members' gallery – and receive the traditional warm welcome of this Assembly.

1:40

**The Speaker:** The hon. Member for Fort Saskatchewan-Vegreville.

**Ms Fenske:** Thank you, Mr. Speaker. It is a pleasure to rise today and to introduce to you and through you to all the members of the Assembly some wonderful people from the constituency of Fort Saskatchewan-Vegreville. These are members of the Elk Island Art Club, who meet regularly in the hamlet of Josephburg, and it's always better in the 'Burg. I'd like to ask them to rise as I call their names: Diane Smith, Luree LeBlanc, Evelyn Yost, Evelyn Melnyk, Jamie Panych, and Ralph Smith. I would ask you to give them the warm greeting of the Assembly.

**The Speaker:** The hon. Member for Edmonton-Calder, followed by Calgary-Hawkwood.

**Mr. Eggen:** Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the Assembly a group of 26 people from the Calder seniors' drop-in centre that we brought in this morning on the ETS bus. The Calder seniors' drop-in centre has some of the most vibrant and engaged individuals that I've ever had the pleasure of representing. We are in Edmonton-Calder, the seniors' drop-in centre, building an extension with a kitchen and an elevator. Although it's in Calder, it services people throughout north Edmonton. So anyone who is a senior or has plans to become a senior should be contributing to our extension

and the very best seniors' centre, I think, in all of Alberta. Can they rise, please, and receive the warm welcome of our Assembly?

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

**Mr. Luan:** Thank you, Mr. Speaker. Actually, my two guests have already been introduced by the hon. Health minister, but I just want to add more beyond that introduction. Dr. Lori Jaffray and Dr. Gordon Hensel not only are outstanding optometrists in their profession but passionate community leaders. Dr. Jaffray covered campaign miles with me in the last election and currently volunteers for the Calgary-Hawkwood PC association. I want to acknowledge her work in the community, so thank you very much.

## Ministerial Statements

**The Speaker:** The hon. Minister of Service Alberta.

### Douglas Lynkowski

**Mr. Bhullar:** Thank you, Mr. Speaker. It is with a heavy heart and profound sorrow that I rise to pay tribute to an esteemed public servant and a gracious and loving family man. The government of Alberta is mourning the loss of one of our own: our friend, our colleague, and the man lovingly known as Deputy Doug. Doug Lynkowski, our beloved Deputy Minister of Service Alberta, passed away at the age of 56.

I admired him as an honest, hard-working man whose focus and attention was on improving the lives of Albertans, and I admired him as a gracious and generous man who loved his family with every ounce of his being. He is survived by his wife, Peggy, and his daughter, Hilary. This devoted public servant, a kind and gentle man, lives on in the hearts of all who had the honour and good fortune to work with him.

Peggy and Hilary, all of those missed dinners and all of that time that he spent away from you and with us was to make this province a better place. Thank you. [applause]

The Alberta public service, Mr. Speaker, has a rich history, featuring many devoted individuals whose legacy has shaped the Alberta we know today. Doug Lynkowski was among the finest of these proud and devoted public servants. Having earned his designation as a chartered accountant in 1985, Doug joined Alberta Treasury, where he was the chief internal auditor. Always being a community-minded man, in 1991 he joined the city of St. Albert and served as its chief financial officer. He led the city's strategic planning process, literally building the community in which he lived, the community in which he raised his daughter, Hilary, and the community in which he and Peggy were pillars through their involvement in their community associations.

Doug rejoined Alberta Finance in 2003 as executive director in the office of budget and management. In this position Doug was instrumental in implementing business planning standards for government. Doug was appointed Provincial Controller in 2006 and worked closely with the Public Sector Accounting Board to establish accounting standards for government entities across Canada. In 2011, Mr. Speaker, our Premier appointed Doug as the Deputy Minister of Service Alberta, where he earned the affection and esteem of his staff and colleagues for his warm and effective leadership and genuine open-door policy. In fact, employees in Service Alberta will always remember him as Deputy Doug, an example of his welcome leadership style. He was a tremendous contributor to our entire deputy minister team and a key leader in their efforts to continue to renew the Alberta public service.

There is no doubt that we worked hard together. We went through a few battles together, and we were in the midst of making significant change together. I wish that we had also spent more time laughing together. I will miss the live play-by-play stream of text messages we sent each other. It reminded me of the feelings I had many years ago while chatting with my friends on MSN Messenger.

I knew he was a compassionate man when during our very first meeting I got a message that a family friend had unexpectedly passed away. At that moment I first witnessed his thoughtfulness and consideration. It was clear that he did not see me as a minister but saw beyond that and saw me as human being with a very personal story. Doug did that, Mr. Speaker. He didn't just see others by the position they held but, rather, by the feelings in their hearts, desires of their dreams, and all the little things that, when added up, form a complete picture of a human's life. I knew he was a considerate man when he would buy me Starbucks because I took a break from Tim Hortons.

In the end, Mr. Speaker, although Doug's professional achievements and skills were immense, it's not his briefing notes that I will miss. It's the way he used to say, "Yeah, hi, Manmeet," when he picked up the phone. I know that he is in the comfort of the Creator now because he was a gentle soul, a man that genuinely appreciated everyone that crossed his path. He was a man that showed his appreciation of people by taking the time to get to know them, by reaching out to them, by being gentle with them when they slipped and being generous in his appreciation of them.

Simply put, he passed the test of being a truly caring human being because he brought people up when they were down, he encouraged and helped them progress, and he never let them sit in defeat alone. He was always with them. I know, Mr. Speaker, that soon enough Service Alberta will have another deputy minister, but we will never have a leader so gentle with the hearts of his fellow team members as Doug Lynkowski.

Peggy and Hilary, no words can fill the void that the loss of Doug has left in your hearts, but know that from our hearts to yours we've all been made better for knowing Doug Lynkowski. We will never forget him. God bless you. [applause]

1:50

**The Speaker:** The hon. Member for Lacombe-Ponoka.

**Mr. Fox:** Thank you, Mr. Speaker. Thank you, Minister. That was a very moving – very moving – statement. It's very difficult to follow that, so I'm going to keep this a little bit brief. I'd just like to pass along my sympathies. On behalf of the Wildrose caucus please accept our deepest condolences in your most difficult time. To the friends, family, and colleagues of the Deputy Minister of Service Alberta, Mr. Douglas Lynkowski, thank you so much for sharing Doug and his many talents with the province of Alberta during his life of public service. He did Alberta proud, he did your family proud, and we are better for having had him serve us.

Thank you.

**The Speaker:** Hon. members, a request for permission to participate has been received from the third and fourth parties. It requires unanimous consent. I'll ask one question. Does anyone object to the members of the Liberal caucus and the NDP caucus offering their statements at this time?

[Unanimous consent granted]

**The Speaker:** The hon. leader of the Liberal opposition.

**Dr. Sherman:** Thank you, Mr. Speaker. I'd like to thank the Minister of Service Alberta for his compassion and respect for a good man. It's always difficult when we lose a close member of our family, and I'd like to offer my sincere condolences to Doug's wife, Peggy; his daughter, Hilary; and their entire extended family, including the extended family in the civil service as well as the Legislature. I want you to know we hold you in our thoughts and in our hearts. I understand what it's like to lose a father and a loved one.

I'd like to recognize the exemplary man Doug Lynkowski was and to acknowledge the work that he did for this province. Public service and politics can sometimes be a rough business, but Deputy Minister Lynkowski was a kind and thoughtful man who worked diligently to ensure that Albertans receive the best service possible. Mr. Speaker, members of the civil service are the unsung heroes who make our democracy function. They work hard day in and day out, sometimes 24 hours a day, and their family members also work alongside them. Doug Lynkowski was the epitome of a public servant. He gave his life and heart and soul to this province.

On behalf of the Alberta Liberal opposition I offer my sincere condolences to Doug's family and to his many, many friends. We were lucky to have had him serve Alberta. May God bless Doug. God bless his family.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Beverly-Clareview.

**Mr. Bilous:** Thank you, Mr. Speaker. On behalf of the New Democrat caucus we would like to offer our condolences to the family and friends and thank Doug Lynkowski for all of his years of service to this Assembly and to Albertans.

Thank you.

### Oral Question Period

**The Speaker:** The hon. Leader of Her Majesty's Loyal Opposition.

**Ms Smith:** Thank you, Mr. Speaker. I, too, would like to express my condolences to the family of Doug Lynkowski. Thank you so much for being here today and for sharing your father and your husband with the province.

### Premier's Participation in Oral Question Period

**Ms Smith:** Mr. Speaker, question period is a time-honoured tradition across parliamentary democracies. The government answers questions posed by the opposition, and usually the Leader of the Opposition questions the leader of government, the Premier, about matters of policy and other accountability issues, but here the Premier rarely answers the questions that are put to her. More often it's left to the Deputy Premier to run interference, blather on, or resort to name-calling. When will the Premier raise the bar on transparency and accountability and directly answer the questions?

**Mr. Lukaszuk:** Mr. Speaker, I'm heartbroken that the Leader of the Opposition is not enamoured with me, but I'll have to live with that.

While the Premier has been meeting with political leaders of this country, with Premiers of other provinces, while the Premier was developing good relations with the newly elected Premier of Quebec and looking to sending our commodities to and via Quebec and strengthening our industry, while she's meeting with world-wide investors in infrastructure, the Leader of the Opposi-

tion has been dredging up receipts and has been printing posters. I suggest to you that our Premier is serving the province very well.

**Ms Smith:** Mr. Speaker, since the election the Premier has answered less than a third of the questions that have been posed to her. One of her peers, Premier Darrell Dexter of Nova Scotia, was in question period for 100 per cent of the sitting days in the fall session. Robert Ghiz in PEI is there 90 per cent of the time. Will the government agree to set aside a certain number of sitting days where the Premier will answer all of the questions put to her?

**Mr. Lukaszuk:** Mr. Speaker, I don't know whether our Premier has answered fewer questions than other Premiers may have answered in other Legislatures, but I can tell you that our Premier has spent the entire summer serving Albertans, meeting with communities, meeting with political leaders. She was not examining political systems in the United States; rather, she was developing a plan for this province that reflects our commitments during the election. She is focusing on education, on health care, on building seniors' homes – I'm sure the seniors in the gallery will be interested – and developing markets for our products and pipelines throughout the country, which is not something that we can say about the Leader of the Opposition.

**Ms Smith:** Mr. Speaker, in the United Kingdom the British Prime Minister respectfully answers at least 30 solid minutes of questions each week in Prime Minister's Questions. Here it feels like the Premier hasn't answered 30 minutes of questions for the entire session. Will she make a commitment to answer the questions posed to her by Alberta MLAs rather than making speeches in vote-rich Ontario?

**Mr. Lukaszuk:** Mr. Speaker, I know that the Leader of the Opposition has spent extensive time studying American systems. Now she's studying British systems. Our Premier is committed to Alberta, and she has full confidence in all of the cabinet members that you see on the front bench to be able to very capably answer any question that the leader may have on any particular portfolio, which is unlike the Leader of the Opposition, who doesn't allow her members to speak during and after campaigns.

#### **Speaker's Ruling Referring to the Absence of Members**

**The Speaker:** Hon. members, I just remind you that the *House of Commons Procedure and Practice*, page 126 and page 614, line 7, clearly makes reference to the fact that it is inappropriate to refer to the absence or presence of any members of the Assembly. Please bear this in mind going forward so that we don't have to rule any good questions out of order.

**Mr. Anderson:** A point of clarification.

**The Speaker:** A point of clarification. We'll deal with it later. In the meantime let me recognize the leader of the Wildrose opposition.

**Ms Smith:** Thank you, Mr. Speaker. If you have a look at my questions, you'll see that they were very carefully crafted not to make any reference to the absence of any member.

#### **Health Regions' Expense Reporting**

**Ms Smith:** Mr. Speaker, more health expenses, more lavish spending. This time it's the chief information officer of the former Capital health region. It's a pattern that we're seeing over and

over. Now, the minister will say that – and I already know this – health region doesn't exist, and he'll also say that now the expense rules are really tough, but Albertans deserve to know how things were managed in the past to trust that they're being run properly now. Many of the same executives still work for AHS. Why won't the minister just release all of the expenses for all of the executives for all of the health regions going back to 2000?

**Mr. Horne:** Well, Mr. Speaker, leaving aside the questions that the hon. leader asked and answered for herself, what I can tell you is that the answer is very simple. The fact is that the policies and procedures that govern the expenses in question, which go back seven years, in fact, are not the policies and procedures that are in place in Alberta today. As you'll know, Alberta Health Services has adopted the government of Alberta's new travel and expense guidelines. They are among the most stringent you'll find in North America. They are endorsed by the Canadian Taxpayers Federation, which should be a source of immense pride and gratification to the members of the Official Opposition, and we stand by those.

**2:00**

**Ms Smith:** Mr. Speaker, the lavish lifestyle of the Capital health chief information officer included \$700 at one restaurant, \$1,000 at another, and even included 75 cents for a newspaper and mileage claims as low as 1 kilometre at a time. Honestly, minister. The minister will say that these expenses were in keeping with the norms of the time, and that is precisely why the minister should clear the air by releasing all of the expenses for all of the executives for all of the regions going back to 2005.

**Mr. Horne:** Mr. Speaker, if the hon. Leader of the Official Opposition is going to continue to ask me a question and then answer it on my behalf, I don't know why I would waste House time by standing up and answering. But I will say to you once again – and for the record I have never said – that these expenses represent a, quote, norm of a period of time. These expenses are of as much concern to members of this side of the House as they are any other. The fact of the matter is that people in government, people who ran for government in 2012, not 2005, have a responsibility to deliver policies and procedures that Albertans would expect today. We have done that. Those are in place. The information is there for all to see.

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

**Ms Smith:** Thank you, Mr. Speaker. Fair enough. It was AHS who said that the rules were in keeping with the norms of the time. But, Mr. Speaker, not all the news is bad. The latest release proves that the government relations officer in the former Capital health region, Brian Hlus, was very modest in his expenses. Why won't the minister protect the reputations of other good employees like Mr. Hlus by releasing all of the expenses of all the executives of all of the health regions going back to 2005?

**Mr. Horne:** Mr. Speaker, what should be the most transparent of all to everyone in this Assembly is that the Official Opposition persists in regurgitating public information, including the names of particular individuals who served under former health regions, in question period every day. Their motives are beyond our ability to comprehend. What I can tell you is that if the Official Opposition wants to persist in looking up policies and procedures of health regions that no longer exist, we allow that to be their prerogative. They also told us that they want to take us back to the



days of local hospital boards, when a province-wide policy on travel and expense claims like we have in place today would not be possible. We leave it to Albertans to decide which they would prefer.

**The Speaker:** The hon. Leader of the Opposition for third main set of questions.

**Ms Smith:** Our motive is simple, Mr. Speaker. We're just trying to raise the bar on openness and transparency.

### Provincial Budget

**Ms Smith:** Mr. Speaker, the next quarterly fiscal update is coming tomorrow, and we hope the Minister of Finance is going to be a lot more open and transparent than he was three months ago. Oil is holding steady at around \$15 a barrel below the government forecast, energy revenues are dropping, and looking out a couple of years, oil will be nowhere near the \$108 the government is predicting. Will the minister provide the details of the adjustments to spending in the current fiscal year to offset the drop in revenue?

**Mr. Horner:** Well, Mr. Speaker, the quarterly update is tomorrow as the hon. member said. I wouldn't presume to preclude the announcement tomorrow. In fact, we'll have a technical briefing in the morning.

**Ms Smith:** What I fear that means, Mr. Speaker, is that it's going to be spend, spend, spend as if nothing is wrong. The Premier talked recently about the new fiscal reality as the reason she has to borrow for the basics like roads and schools, yet the Finance minister says that everything is fine and that he'll deliver a balanced budget. What's the truth?

**Mr. Horner:** You know, Mr. Speaker, it's interesting that the financial illiteracy from across the way continues. I would like to just quote something out of a report that I have here: the P3 approach is an essential part of our government's future plans; at the federal level we intend to do more P3s. Mr. Flaherty, our federal Finance minister, urged governments to avoid an ideological approach to P3s. Is the hon. member now criticizing the federal government? Or perhaps we should look at the Saskatchewan budget update. I'll come back to that.

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

**Ms Smith:** Thank you, Mr. Speaker. On this side we don't believe in debt, and on that side they didn't used to either.

Frankly, this needs a lot more explaining. Just yesterday in the House the Finance minister claimed that we will not deficit finance the operations of this government, and then he talked about operating, capital, and savings budgets. It's an all-in-one budget, he insists. Let's be clear. Within that all-in-one budget – operating and capital and savings – will it be balanced?

**Mr. Horner:** Well, Mr. Speaker, again I guess I'm going to have to correct the hon. member across the way. I never said that we were going to have a savings budget or a capital budget or an operating budget. I said that we were going to bring forward a budget that will include an operating plan, a savings plan, and a capital plan, the way that Albertans understand how they do their finances, the way businesses in Alberta do their finances, the way the Alberta Chambers of Commerce has encouraged us to do their plans and our plans, the way the Saskatchewan government is going to balance their budget next year, the way the federal

government is going to deal with their finances. I guess they're the only ones in North America that understand financial accounting.

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

### AHS Care Centre Showering Policy

**Mr. Hehr:** Thank you, Mr. Speaker. I recently had the opportunity to meet with many individuals living in the long-term care centre at the Dr. Vernon Fanning Centre in Calgary. These are seniors and people with disabilities, some as young as 20, some as old as 90, who need assistance with daily living. I was shocked to learn that the policy of AHS in regard to these Albertans is that they're only given one shower a week. To the Associate Minister of Seniors: is it your view that it is reasonable that seniors living in the Dr. Vernon Fanning Centre are only allowed one shower a week?

**Mr. VanderBurg:** Mr. Speaker, it's clear that the member doesn't understand the process. [interjections] What's available for residents is appropriate bathing and appropriate care in all our facilities. [interjections]

**Mr. Hehr:** Well, I'll enlighten you.

**The Speaker:** Hon. member, proceed, but let's please cut down the interjections. We happen to have an esteemed group of seniors here who are very interested in this question and the answer, I'm sure.

**Mr. Hehr:** Clearly the minister doesn't understand the policy of the wholly owned subsidiary of AHS who is delivering the care there. It is one shower a week for seniors there. Is this a reasonable policy for people in this province to live under, to only get one shower a week?

**Mr. VanderBurg:** Mr. Speaker, maybe this time I'll say it slower. The number of showers, the amount of bathing, the amount of safety provided in our seniors' facilities is what's appropriate and what's needed. I'd never get down to saying one per week. In some cases maybe the residents may need more, and that's what the local decision-making, the local administrator will always do. They'll make the decision of what's best for the senior in the appropriate place where they live.

**Mr. Hehr:** The hon. minister clearly doesn't have a clue what is going on. The people living in the Dr. Vernon Fanning Centre are only allowed one shower a week. Is this reasonable for our seniors and people living with disabilities in this province?

**Mr. VanderBurg:** I will say it even slower, Mr. Speaker. [interjections] The appropriate care is always provided for our seniors and the residents in our seniors facilities across the province. If this member or any member would like to travel with me when we travel around the province and talk to seniors that live in facilities, not that want to raise a little bit of an issue in here, those people that live in those facilities are very well taken care of. [interjections] The caregivers treat those people with care and compassion. Thank you.

### Speaker's Ruling Decorum

**The Speaker:** Hon. members, some decorum would really be appreciated. I've asked for it once, I'm going to ask for it a second time, and after this I just won't tolerate any more interjections like

that. It's rude, it's impolite, it's offensive, and it really hampers everyone else from hearing an answer to a question. I've said before that you may not like the questions, hon. government members. Opposition members, you may not like the answers. But people have a right to say what's on their mind in response to a question or to ask a question such as it may be. Failure to abide will just mean I'll have to overlook you, and I'm serious about that. Let's move on.

The leader of the New Democrat opposition.

**Mr. Mason:** Thank you very much, Mr. Speaker. Well, I'm not sure the hon. member here would want to travel with the minister if he only had one shower a week.

### 2:10 Premier's Attendance in the Legislative Assembly

**Mr. Mason:** The Premier and her government were elected on a promise to be accessible, open, and transparent, yet since the election the opposite has been the case. The Premier won't answer questions in the House, ignores reporters, and travels extensively while the Assembly is in session. My question is to the Premier. What are you hiding if not to avoid accountability?

**Mr. Lukaszuk:** Mr. Speaker, while the opposition is lamenting that the price of oil is dropping and that we have limited access to markets and at the same time asking us to increase our operating costs by providing better services, which we would like to – and we are committed to do so – our Premier actually is travelling the country right now trying to open up markets for our commodities so that we can sell our precious commodities at a better price and to more markets.

**Mr. Mason:** Mr. Speaker, the Premier is talking to students at Queen's University.

Albertans just can't trust this Premier or her government to be accountable. Given that the Premier has only answered two questions out of 17 put to her in the last five sitting days, will the Premier admit that she is refusing to be accountable to Albertans? Why won't you answer questions in question period, Madam Premier?

**Mr. Lukaszuk:** Mr. Speaker, accountability to Albertans is multilevel. The Premier is accountable to Albertans through making sure that she puts together a cabinet that is capable to answer any single question that these members can come up with. As such, I don't believe that there are any questions that are unanswered. She has full confidence not only in her cabinet but in the fact that all questions will be answered for the opposition by these capable cabinet members.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. It's a bit hard to take, this Deputy Premier claiming that all questions get answered here.

Given that the Premier has spent much of this session travelling outside of Alberta and given that Albertans expect the Premier to be inside the Assembly doing her job, will the Premier tell this Assembly why she is in Ontario today?

### Speaker's Ruling

#### Referring to the Absence of Members

**The Speaker:** Did you not hear what I just said, hon. member? Referring to the absences or presence of a member is not on. It

applies to questions, and I meant to say that it also applies to answers. That was the point of clarification I was going to make for Airdrie.

I'll allow you to rephrase your question. But, please, future references like that that are a blatant abrogation of the rules will cause a violation and will cause me to stand and overlook you. Please rephrase.

**Mr. Mason:** Thank you, Mr. Speaker. I apologize, and I'll rephrase that.

### Premier's Attendance in the Legislative Assembly

*(continued)*

**Mr. Mason:** Given that the Premier spent much of this session travelling outside of Alberta and given that Albertans expect the Premier to be inside this Assembly doing her job, how can the Premier do that if she is travelling in Ontario?

**Mr. Lukaszuk:** Yes, Mr. Speaker. I would gladly answer that question. The member's disregard for the rules of the House: I don't take them personally. I think it's a disregard for Albertans.

Our Premier has met with the Canadian Council for Public-Private Partnerships at a conference in Toronto, Mr. Speaker. She has also been speaking with political leaders relative to the importance of building infrastructure not only for the benefit of this province but for the benefit of Canada so that we can move our agricultural products, our petroleum products, and other products not only to the United States but to other markets through other provinces and spread our wealth from coast to coast to coast.

**The Speaker:** The hon. Member for Lac La Biche-St. Paul-Two Hills, followed by Fort McMurray-Wood Buffalo.

### Political Party Financial Contributions

**Mr. Saskiw:** Thank you, Mr. Speaker. This government has shown an utter disregard for being open and honest about the misuse of public funds for political parties. While the mayor of Toronto was removed from office for a conflict of interest, this government gets away with repeatedly hiring insiders with no job competitions and blowing taxpayer money on partisan purposes. The Chief Electoral Officer has noted that several ridings are under investigation for accepting public dollars. Can the Justice minister tell the Assembly which ridings are under investigation?

**Mr. Denis:** Well, Mr. Speaker, we've been through this already, and I'll give the same answer to roughly the same question he's asked before. The Chief Electoral Officer operates independently. Prosecutions are independent. Investigations are independent. I would not know about any direct investigation.

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

**Mr. Saskiw:** Thank you, Mr. Speaker. Given that in January it was confirmed that 10 ridings were under investigation for accepting public funds, can the Justice minister tell this House if any member's riding is under investigation and, if so, whether he really thinks it's a good idea for them to be voting on legislation that puts them in a direct conflict of interest?

**Mr. Lukaszuk:** Glad to help this member because you know well that the Justice minister nor any member of cabinet can know and does know what is being investigated, but I do know of one investigation. One certain candidate for the Wildrose in

Edmonton-Castle Downs was giving away large-screen TVs and scholarships if you voted for him. He is investigating that for sure.

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

**Mr. Saskiw:** Thank you, Mr. Speaker.

**Mr. Anderson:** Point of order.

**The Speaker:** Hon. Member for Airdrie, I recognize your point of order at 2:15. Deputy Premier, I recognized you for an answer. You may get another chance.

Right now the floor belongs to Lac La Biche-St. Paul-Two Hills.

**Mr. Saskiw:** It would be interesting to see how he knows that, unlike the Justice minister.

Given that the Premier talks about transparency but also accountability, will the Justice minister turn the page on this government's ethical failures and ensure that no member whose riding is under investigation will be involved in debate on laws about disclosure and penalties for exactly these investigations?

**Mr. Denis:** I appreciate the member's comment, but again we don't know who is under investigation, and frankly, Mr. Speaker, nor should we know because we don't live in a banana republic where the Justice minister can just walk in and say, "investigate" or "don't." [interjections]

**The Speaker:** Edmonton-Strathcona, you have made the list. Airdrie, you have also made the list. One more peep and you'll lose your spot. I see you're listed later, so let's be careful.

Fort McMurray-Wood Buffalo, please, followed by Calgary-Fish Creek.

#### Infrastructure Alternative Financing

**Mr. Allen:** Thank you, Mr. Speaker. This government has used P3s and has talked about borrowing for important capital projects like highway 63. Many critics and opposition members say that this type of financing is just putting the province back into debt. To the Minister of Finance: does alternative financing save money in the long run, or does it just unduly burden future generations with debt?

**Mr. Horner:** Well, Mr. Speaker, Alberta right now has a triple-A credit rating. It's the result of some very good financial management over the years. What it means is that today we have access to 30-year bonds at somewhere around 3 per cent. To give you an indication, the heritage savings trust fund earned 8.2 per cent this year. Does it make a lot of sense to take money out of something that's making you 8.2 per cent and put it into the highways or the schools or the roads when you can borrow at 3 per cent? You're losing money.

The other point is that you could defer it. Well, we know, Mr. Speaker, that the deferral will cost you 5, 10, 15, 20 per cent more than if you build it today.

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

**Mr. Allen:** Thank you. Well, talking about roads and their costs – and we know that they're very costly, having just gone through this with highway 63 – to the Minister of Transportation: how does using P3s and other alternative financing fit into the roads construction plans for our future success?

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

**Mr. McIver:** Thank you, Mr. Speaker. On the Calgary and Edmonton ring roads, started in 2005 under Premier Klein, this fiscally prudent government is saving Albertans up to \$2 billion on a construction investment of \$5.1 billion. We're meeting the safety and infrastructure needs of our people. We're doing it so that people can enjoy it now instead of waiting for generations to come, and we're doing it so that the people that use the infrastructure pay for it instead of, as the opposition would have, having everybody pay for it now and everybody who's using it for 20 more years not pay for it. This government is using good fiscal practices that give Albertans the infrastructure they need when they need it in order to drive this province forward.

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

**Mr. Allen:** Thank you. Roads are one thing, Mr. Speaker, but can the Education minister tell us how he's used alternative financing to deliver schools in Alberta and where the government is at in getting classrooms to kids where they live?

**Mr. J. Johnson:** Mr. Speaker, we need to exhaust every option at our disposal to build schools for the kids that need those spaces. Since 2007, when this government announced it was going to take on some debt through P3s to build some schools, we've built 28. We have 12 more on the way. That will be 40 schools, and that will be a total of over 30,000 desks for kids across this province, kids that are learning their ABCs and 1-2-3s in alternatively financed schools in communities like Airdrie, Okotoks, Chestermere, Brooks, Beaumont. As icing on the cake, by investing about a billion dollars in P3s, we saved about \$245 million off of traditional methods and got these schools done years quicker.

**The Speaker:** The hon. Member for Calgary-Fish Creek, followed by Fort Saskatchewan-Vegreville.

#### Family Care Clinics

**Mrs. Forsyth:** Well, thank you, Mr. Speaker. This PC government continues to mismanage our health care system, preventing essential health dollars from reaching patients in the front lines. There is perhaps no better example than with the expensive promise to build 140 family care clinics with no plans, no outreach, no research, no evaluation, no consultation, and, more importantly, ignoring the advice of physicians and health experts across Alberta. To the Minister of Health: was there a comprehensive evaluation done on the three pilot projects before promising to build a hundred family care clinics?

2:20

**Mr. Horne:** Mr. Speaker, as the hon. member knows, family care clinics are part of a broader initiative in our health system to raise the bar when it comes to primary health care, the first point of contact for Albertans with their health system. The three very successful pilot projects that the hon. member referred to were offered as demonstration projects in different parts of the province. They were designed to meet very different needs. The family care clinic in northeast Edmonton, for example, is designed to serve new Canadians and designed to serve a community with very high addictions and mental health needs that were previously unmet. Family care clinics, like the evolution of primary care networks, continue to evolve in our province. We'll continue to work with local communities and do what meets their needs.

**Mrs. Forsyth:** Given that Alberta Health documents that we have obtained, which I will table, show that there is no evaluation mechanism in place for the three pilot FCCs and that evaluations themselves aren't going to be complete until late next year, can the minister understand the concern Albertans may have as you barrel ahead on potential billion-dollar health care gambits?

**Mr. Horne:** Well, Mr. Speaker, when Albertans get concerned is when they don't have timely access to primary health care in or near their own community. This government has committed an investment of \$75 million in the budget for this year and the next two years to support further development of primary care networks and family care clinics. We are working broadly with stakeholders, including a Minister's Advisory Committee on Primary Health Care, to develop the criteria. Most importantly, the business that we are engaged with is the understanding and action on community health needs as expressed to this government. We make no apologies for that. We will continue to do that. The hon. member can table whatever documents she chooses.

**Mrs. Forsyth:** It's your request for proposal, not mine.

Given that on a major undertaking like this an open and accountable government should be consulting, just like you said, with experts in the field and in primary health, why won't the minister bring physicians to the table, consult with experts, and, most importantly, be transparent and tell Albertans exactly – now listen, Minister – how much money the FCC initiative will cost and where you are getting the money from?

**Mr. Horne:** Mr. Speaker, I guess there is one point on which the hon. member and I might agree, and that's that an open and transparent government does talk to people, and that's what we spent the summer doing when members of our caucus conducted over 190 community consultations on primary health care in every constituency, whether represented by our party or another party in this House. We've reached out broadly to health stakeholders. Physicians, nurse practitioners, and others have been working with us since last year on the development of the family care clinic model. We're actively working with primary care networks now to discuss how to enhance the services they offer, and we'll continue to do that.

**The Speaker:** The hon. Member for Fort Saskatchewan-Vegreville, followed by Edmonton-Centre.

### St. Joseph's General Hospital

**Ms Fenske:** Thank you, Mr. Speaker. Moving along on the access to health care, my constituents in Vegreville are concerned that the St. Joseph's general hospital will no longer be able to handle the medical needs of the town and the surrounding areas that access this facility. It's been difficult attracting doctors when the infrastructure of the hospital is rapidly aging. We know that you should have received a report earlier this year, Minister of Health, that would support our cause. We would like to know: will the government commit to reviewing or, if you don't have a business case, to preparing a business case to support an upgraded or replacement facility?

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

**Mr. Horne:** Thank you very much, Mr. Speaker, and thank you to the hon. member for the question. Well, of course, we're committed to investing in infrastructure that meets the health needs of our growing province and as we come to understand

those needs through Members of the Legislative Assembly who talk to us about those needs. Currently Covenant Health and Alberta Health Services are developing a service plan for St. Joseph's hospital and will ensure that it aligns with the broader service plans for that region of the province. A needs assessment is also in development, and once it's finalized and submitted by Alberta Health Services, we'll certainly take a close look at those needs and decide the next steps.

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

**Ms Fenske:** Thank you. To the same minister: could you perhaps give us some projected timelines to ensuring that we will have an improved facility?

**Mr. Horne:** Mr. Speaker, we expect the needs assessment to be completed and submitted by the end of this year. As soon as we have an opportunity to review it within the context of the zone plan for that part of Alberta, we'll make a decision on what needs to happen next to ensure that we're going to meet the continuing and growing health needs of that part of Alberta.

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

**Ms Fenske:** Thank you. To the same minister. The hospital is now in need of some upgraded medical equipment to be able to handle the needs. What are we doing to ensure that all of the facility upgrades and the replacement are being done in a timely manner?

**Mr. Horne:** Mr. Speaker, I understand the hon. member's question. The first question, of course, is going to be what the needs assessment determines or suggests as far as the specific services that should be offered at St. Joseph's hospital and how those relate to the broader zone. Once we have a chance to review the needs assessment, that will lead to some conclusions with respect to equipment and fitting out of the hospital in the future.

Thank you.

**The Speaker:** The hon. Member for Edmonton-Centre, followed by Edmonton-Strathcona.

### Groundwater and Hydraulic Fracturing

**Ms Blakeman:** Thanks very much, Mr. Speaker. Is fracking affecting our groundwater? Well, nobody really knows. Why in 2012 do we still not know the answer? It's because this government waited too long to get a baseline, and it still has not made progress on the recommendations from the 2006 Coalbed Methane/Natural Gas in Coal final report. So to the minister of environment: why has the government failed to fingerprint the gas in the water so that it could be proved or disproved that it came from fracking or deep drilling?

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

**Mrs. McQueen:** Thank you, Mr. Speaker, and thank you for the question. In fact, this government and this province are testing groundwater. We've been doing groundwater mapping in different parts of the province, making sure that we have that baseline data. We also look at baseline water testing as well. We are moving in this direction.

**Ms Blakeman:** Madam Minister, the groundwater testing is not the same thing as what I'm talking about here.

Why didn't the minister and the government take every possible scientifically rigorous action to determine the cause of water

contamination following drilling in Rosebud or the Wildmere field or the Campbell or Jack wells?

**Mrs. McQueen:** Well, Mr. Speaker, we do do baseline testing in this province, and we continue to do that. We know that we have a strong regulatory system in this province. We know that we've been drilling in this province for a number of years, over 60 years, hundreds of wells. We take this very seriously. That is why we also ground water map to know what we have in the science. That's why we do base water testing as well.

**Ms Blakeman:** Well, back to the same minister: why would the government be any more diligent in using scientific advice in 2012 than it was in following the advice in 2006? Is it because you really, really, really mean it this time?

**Mrs. McQueen:** Well, Mr. Speaker, we've made a commitment in this province to make sure that we are doing the baseline testing. We are also in the new year going out and having a water conversation in this province. One of the four topics that we will be talking about, because it's important to Albertans, is hydraulic fracturing. We'll hear from Albertans, and we'll be able to tell them the story and the facts about what we do in this province to make sure that they have the facts out there with regard to mapping and with regard to baseline testing and not some myths that some people like to tell.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by Innisfail-Sylvan Lake.

#### Labour Protection for Paid Farm Workers

**Ms Notley:** Thank you, Mr. Speaker. During her run for the PC leadership the Premier said, and I quote: we have to have farm workers protected; hired employees on farms are entitled to that protection. End quote. Now, over a year later, not only has the Premier broken her word to farm workers, but her government has also stopped reporting farm fatalities. This government breaks its promises and then hides information from the public to stop them from finding out the consequences. My question is to the Minister of Human Services. Will he admit that this government's inaction on farm safety is yet another broken promise?

**Mr. Hancock:** No, Mr. Speaker.

2:30

**Ms Notley:** Well, Mr. Speaker, given that 10 years ago this government's own labour code review said that farm workers should receive protection as soon as possible and given that the farm advisory council's recommendations from February were as predictable as its industry-dominated membership, will the minister admit that his government's ongoing delay is just another broken promise from a government too weak-kneed to stand up and do what is right?

**Mr. Hancock:** Absolutely not, Mr. Speaker. In fact, we are doing a very, very thorough review of this particular area. I've been working very closely with the Minister of Agriculture and Rural Development. We've been talking with the people engaged across the province. There are three particular areas that are of importance in this area. One is with respect to workplace standards, another is with respect to occupational health and safety standards, and a third is with respect to workers' compensation. All three are very complex areas that bear us doing a very considerate look at it both from the perspective of the individual

protection of the individual farm worker and the support for their families as well as for the farm industry itself.

**Ms Notley:** Well, Mr. Speaker, given that this has been going on for well over a decade and given that Alberta is the only province that hasn't already extended basic protection to farm workers and that that protection ensures that they become more safe, will the minister admit that the only deliberation still required is that about the strength of this government's principles on keeping its promises and protecting vulnerable Albertans?

**Mr. Hancock:** Well, again, Mr. Speaker, that's absolutely the last thing that I would admit. This government is keeping its promises.

One of the things I'd ask the hon. member to do is to review across the country the change in workplace safety regulations and laws – workers' compensation laws, occupational health and safety laws, and workplace standards laws – and tell me where she can show that the agricultural industry has been improved in its safety record by a marked amount. So legislation is not the only answer to this. Legislation and protection of workers is very, very important. I'm certainly advocating that we move in that direction, but we want at the end of the day to achieve results. That's safe places for farm workers and support for farm families.

**The Speaker:** The hon. Member for Innisfail-Sylvan Lake, followed by Edmonton-Mill Woods.

#### Care Centre Showering Policy

**Mrs. Towle:** Thank you, Mr. Speaker. Alberta's seniors deserve dignity and respect. We're hearing from seniors across Alberta about how they struggle to receive more than one bath per week even after soiling themselves. In Alberta one would be hard-pressed to believe that as seniors age in place, that would mean a total loss of basic personal hygiene. My brother Ron lived at the Dr. Vernon Fanning Centre, and I can tell you that he received one shower per week just like many others in facilities, and that's cruel. To the Associate Minister of Seniors: do you honestly believe that it is fair to tell seniors that they get one shower per week based on a care plan and not based on just common compassion?

**Mr. VanderBurg:** Mr. Speaker, you know, the issues around the province when I visit facilities – I visit people that are the caregivers of our most precious commodity, and that's seniors. These caregivers care about the people that they take care of. They take good care of them with compassion and care each and every day. I really don't care for these comments made about our caregivers. These are top-notch people, and they have the ability to do what's right and what's appropriate for our seniors in those facilities.

**Mrs. Towle:** It's interesting to know that the associate minister doesn't care for these comments because I was my brother's caregiver.

Given that many seniors and their families find it degrading to only be showered once a week, if they're lucky, will this government make a firm commitment to stand up for our seniors and ensure that they have a basic right to more than one shower per week?

**Mr. VanderBurg:** Mr. Speaker, you know, the whole ministry, the supports from the ministry, and the caregiver supports are absolutely outstanding in this province. Everything we do is about

the seniors' care and safety and health outcomes. I will stand by the work that our caregivers do each and every day. [interjection] I guess you don't want to hear the rest.

**The Chair:** Hon. members. Let's return to some decorum here. I'm trying to put a finger on who it is that's interjecting here, and I'm going to focus on you during this next question and answer to make sure that I identify who it is. That person will lose their place either today or tomorrow or the next day, and that's that.

Hon. member, you have the right to ask a question and be heard. Hon. minister, you have a right to give an answer and be heard, and both should be done with respect.

**Mrs. Towle:** Thank you, Mr. Speaker. I would suggest that I and the associate minister go with one bath per week and see how we like it.

Given that this province already allows customers of our provincial judicial system access to a shower a day, can the Associate Minister of Seniors please explain why our fragile seniors are not allowed the same affordability?

**Mr. VanderBurg:** Mr. Speaker, what our seniors afford is the best care in this province that can possibly be given. I've said over and over that the caregivers in our seniors' facilities are caring, dedicated, loving people and would never allow anything less than the best care possible for our seniors in this province, and I'll stand by that care. Thank you. [interjection]

**The Speaker:** Hon. Member for Innisfail-Sylvan Lake, decorum, please.

The hon. Member for Edmonton-Mill Woods, followed by Airdrie.

### Foreign Qualifications and Credentials

**Mr. Quadri:** Thank you, Mr. Speaker. My question is to the Minister of Enterprise and Advanced Education. There are many foreign workers, professionally trained, who are coming to work in Alberta. As you know, Alberta employers are very desperate to hire them. They come here as very highly qualified professionals, but our system is so complex, and it takes so long to get their foreign credentials recognized. My question to the minister: do you think it is fair for your ministry to charge them a hundred dollar fee for their qualification against Alberta's standard? Should we waive this service fee at least for immigrants who are already living in Alberta so we can get them into the workforce faster?

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

**Mr. Khan:** Thank you, Mr. Speaker, and thank you to the hon. member for the question. The service that the hon. member is referring to is the international qualifications assessment service, which we provide for a fee to landed immigrants or those thinking of immigrating to Alberta. This fee is one of the lowest of its kind in Alberta, and we want to use that as an incentive to encourage folks who want to come to Alberta to ensure that their skill set matches up with job qualifications.

However, we also acknowledge that those folks who are living here in Alberta who want to have that service can go to one of the 60 offices we have in the province and have that fee waived if they meet the criteria.

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

**Mr. Quadri:** Thank you, Mr. Speaker. To the same minister again. Getting foreign credentials recognized can take a long time. What are you doing to ensure that foreign-trained professionals can quickly and easily start working in their occupation once they arrive here? How are you ensuring that a doctor is not driving a cab or an engineer becoming a security guard?

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

**Mr. Khan:** Thank you, Mr. Speaker. Assessing and recognizing foreign qualifications is complex. Just as no two individuals are the same, neither are their credentials. That's why we work with professional regulatory organizations, employers, and educational institutions to ensure that we have the adequate tools and resources to make sure we're matching skill sets with those job requirements.

A week and a half ago I had the honour of co-chairing a federal-provincial meeting of immigration ministers. One of the things that we discussed in terms of future movement is the expression of interest model, which will ensure that we are now placing emphasis on demand rather than supply of workers in Alberta.

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

**Mr. Quadri:** Thank you, Mr. Speaker. To the same minister again. In the Alberta immigration nominee programs we used to have a very, very precious class called the family class. Now the class has been removed. Can the minister explain to me why?

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

**Mr. Khan:** Thank you, Mr. Speaker. The family stream under the Alberta immigration nomination program mirrors changes that the federal government has made to their programs. Our program now focuses on nominating temporary foreign workers to meet our labour demands. As the hon. member mentioned, we have, mirroring the federal system, eliminated the family stream application. However, we know that families coming to Alberta add so much to our communities and add so much to the fabric of our society, so Canadian citizens or permanent residents may be able to sponsor eligible relatives under Citizenship and Immigration Canada's family class program.

Thank you.

### New School Construction Priorities

**Mr. Anderson:** Speaking of financial illiteracy, Mr. Speaker, the government seems to have great difficulty understanding the concept of an infrastructure priority list, so let me explain it. For schools you list all the requests made by school boards onto an Excel spreadsheet. Then using an objective formula, you sort the list, putting the most urgent priority on top, followed by numbers 2, 3, 4, and down to number 1,000. Then you put an estimated cost by each project. Then you post it online for all to see, subject to changes if circumstances dictate. Minister of Education, why have you not provided such a list?

2:40

**Mr. J. Johnson:** Mr. Speaker, we had a good discussion about this yesterday at great length. I guess I'd reiterate that we have literally thousands of schools in this province, and we have hundreds, if not thousands, of requests coming at us from school boards. To list all of those schools onto one list that won't change from one month to the next, when you come up with situations

that are thrown at you from the perspective of growth pressures that you didn't forecast or the perspective of finding mould in a school you didn't expect or having a storm rip a roof off a school, is just not practical. We're doing everything we can to build a proper list, and Albertans are going to see the announcements of new schools in short order.

**Mr. Anderson:** You can change the list. It's okay. The point is that it's public, Minister.

Mr. Speaker, given that according to the former Minister of Education's most senior staff member, who in 2009 told me that roughly 30 schools announced prior to the 2008 election were placed in locations based on where votes were needed most instead of where student needs were highest, and given how tight money is right now, wouldn't it make sense to publish a full prioritized list of all requested school projects so that we can ensure that every dollar allocated for new schools is spent on the most urgently needed ones first?

**Mr. J. Johnson:** Mr. Speaker, I think we can agree that we want to spend dollars on the schools that are most urgently needed. The rest of that was just comical. I mean, if you look at the schools that were awarded, are you saying that the urgent need didn't exist in Airdrie, didn't exist in Fort McMurray, didn't exist in Okotoks? Those are the constituencies that got the most schools in the last round of schools, and those are all opposition ridings. If this member is saying that his constituency wasn't as big a priority as someone else's or that it shouldn't have been on the priority list or wasn't of urgent need and that the decision was made purely on politics, I challenge him to stand up in his community and say that it wasn't a big need.

**Mr. Anderson:** Mr. Speaker, that's not what I was saying at all. I was saying that we need to build schools in the most prioritized areas. That's all it is. Over on this side we don't care – we don't care – where the schools get built as long as they get built where they're needed the most.

How many times do we have to get through to this minister, Mr. Speaker, before he'll release a public list so that every single community member across this great province of ours will know where they are in the priority queue and when they can expect to get the school? Quit playing politics with education.

**Mr. J. Johnson:** Mr. Speaker, I can tell you that the lists are very important, and they are a work-in-progress. I think the open disclosure of the list is very important as well. As I said yesterday, the Official Opposition has an alternative infrastructure plan that's very specific. It's not \$2 billion, \$1.5 billion. They want to defer \$1.623 billion worth of capital – \$1.623 billion – so someone put a lot of work into that number. They obviously have a very specific list, and I'd like to know which schools, in a collaborative effort here to come up with a best possible plan for Albertans, they think we should defer because, obviously, it's not the ones we were requested to build.

**The Speaker:** The hon. Member for Calgary-Hawkwood, followed by Strathmore-Brooks.

### Organ Donations

**Mr. Luan:** Thank you, Mr. Speaker. Organ donations save lives. Unfortunately, Canada and its provinces lag behind many countries such as Spain, U.S., France, and others in organ donation and transplantation. This is of concern to me and my constituents. To the Minister of Health: what specific strategies

will the government of Alberta undertake to address this shortfall in our health care system?

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

**Mr. Horne:** Thank you very much, Mr. Speaker. Well, I want to thank the hon. member for the question because organ donation in Alberta is lagging behind other parts of the country. I've committed to this House and as part of government to Albertans to developing an intent-to-donate registry that will allow Albertans to formally and in electronic form declare their wish to donate organs and tissues. We're also creating a provincial advisory working group for organ and tissue donation and transplantation. The group will be tasked with developing initiatives to improve donation rates in this province.

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

**Mr. Luan:** Thank you, Mr. Speaker. Research has shown that an effective registry program helps save money and lives for people waiting for organ transplants, yet Alberta does not have such a system. To the same minister: when will Alberta establish a robust donor registry system?

**Mr. Horne:** Well, Mr. Speaker, this topic has been the subject of work by several members of this Assembly over a number of years, and it has been well studied. The time for action is now. We will create the intent-to-donate registry as quickly as we can. Obviously, we want it to be effective. We want it to provide an opportunity for people to make informed consent. And for those Albertans who do wish to express their informed consent, we want that information to be accessible in the times and the places when it is needed most.

**Mr. Luan:** Thank you. That's encouraging.

To the same minister: would the government of Alberta consider modifying the existing legislation so that other family members cannot override the original donor's wish when they wish for organ donation?

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

**Mr. Horne:** Thank you, Mr. Speaker. That is a very good question, and that is something that the provincial advisory group is going to have to study in detail. As you can appreciate. There are legal considerations. There are ethical considerations, there are health system considerations involved in establishing an intent-to-donate registry. We want to make sure that while we move as quickly as possible, we do take the time to study all of these implications very, very carefully to ensure that when our registry is launched, it will stand up to any challenge and scrutiny that it could possibly face.

**The Speaker:** Hon. members, in a few seconds from now we will commence with the first of six members' statements, beginning with Edmonton-Riverview.

### Members' Statements

**The Speaker:** The hon. Member for Edmonton-Riverview, followed by Chestermere-Rocky View.

### 100 Years of Women in Policing

**Mr. Young:** Thank you, Mr. Speaker. Nineteen twelve was a noteworthy year. The unsinkable *Titanic* sank, the first Calgary

Stampede was held, Edmonton and Strathcona amalgamated, and Annie May Jackson became the first woman police officer with the Edmonton Police Service. Annie was the first woman police officer not just in Alberta but in Canada as well. This was such big news that her hiring was mentioned in newspapers as far away as London, England. Like the Famous Five Annie blazed a trail that many other women have followed.

Mr. Speaker, long gone are the days of female jobs versus male jobs, pink versus blue. Policing is a modern career choice for modern women. Policing has embraced a more community-based, problem-solving approach, and our police services effectively reflect the interests of our community.

Women bring a perspective to policing that is required and highly valued. As a police officer I have certainly benefited from such influences of female members. When I was with the Edmonton Police Service, I certainly benefited from my training officer, numerous members of my squads over the years, and several partners.

I applaud and am proud of the work that all Alberta police officers, both men and women, accomplish each day, the efforts and services that these officers provide while engaging the community, solving problems, preventing and detecting crime and disorder as they advance public safety for all Albertans. And they do this with the highest level of professionalism.

One hundred years of women in policing started with Annie Jackson and continues to this day with women of the police services across Alberta at every level of rank and file. I am confident that the next 100 years will see women in policing continue to play a strong role in ensuring public safety in this province and shaping how we deliver policing today and in the future.

Thank you, Mr. Speaker.

**The Speaker:** The hon. Member for Chestermere-Rocky View, followed by Calgary-South East.

## 2:50 New School Construction Priorities

**Mr. McAllister:** Mr. Speaker, thank you. I rise today as we always do in this Chamber on behalf of Albertans, the countless Albertans that have asked me about this issue. We have continually asked the Minister of Education to release a priority list of education projects so that we all know when and where schools are going to be built and renovated. The government continues to refuse. Yesterday and today the government seemed confused about what we are asking for and even offended that a member would ask about a school in his riding to know where it was in priority. So let's clarify what exactly we are asking for to alleviate the confusion.

First, open Excel on a laptop computer. Second, list every single request made by a board for a new school or a major school upgrade. Third, prioritize that list using objective and publicly disclosed criteria. That should result in putting the most urgently needed school first as number 1, and number 2 is second, et cetera, et cetera, until you get to the bottom of the list. Fourth, provide an estimated cost for those schools. And, fifth, post it online so everybody in the province can see it.

Once this list gets posted, then the real fun begins, Mr. Speaker. The government should announce how much money it plans to spend on new school projects for that year, apply that money to the project, and when completed, strike it off the list, and move the other ones up. It's not that difficult.

We might disagree about how much money to spend, Mr. Speaker. Obviously, the government will say that we need to spend more as they are planning to borrow and go into debt to do so. The Wildrose will present a debt-free capital plan that's more modest but still takes care of the needs of Albertans.

It's long past time that we did the right thing, provided boards, parents, students, communities with the list so they know where they stand and when they are going to get the schools that they so desperately need. It's the right thing to do.

**The Speaker:** The hon. Member for Calgary-South East, followed by Calgary-Foothills.

## South Health Campus

**Mr. Fraser:** Thank you, Mr. Speaker. I have to thank the voters of Calgary-South East for giving me the opportunity today to rise and talk about the new South Health Campus, located in Calgary. This campus will redefine the way in which health care is delivered within the community. The facility, when completed, will be state of the art in its use of innovation and technology, education, and research. The South Health Campus will focus on wellness, inclusive care, community connections, and, most importantly, serving Albertans in a timely and high-quality manner. It will service a catchment population of over 2 million people – and this number includes residents of Calgary, the immediate surrounding region and rural area, and the population of southern Alberta – as a referral centre.

Every facet of the South Health Campus operations will be guided by four key pillars: patient- and family-centred care, collaborative practice, innovation, and wellness. Innovation and cutting-edge technology, while a major part of the health services delivery within the facility itself, have also played a large role in the design and construction of this campus, in particular making its operations environmentally sustainable.

The South Health Campus is undergoing a process of phased openings. At this point in time the family medicine teaching centre, diagnostic imaging facilities, and neurosciences labs are completed and open for operations.

Mr. Speaker, I believe that it's especially noteworthy that citizen participation played a key role in the design and planning process of this new facility. Nothing could be more important for health services delivery than input from those who receive and use those services. This involvement reflects that campus's orientation towards patients and families.

Over the course of 2013 the final phases of the campus will continue to become operational. I look forward to witnessing the community that has invested so much in the innovation and technologies and practices of this new facility begin to reap the numerous benefits of this new facility. I'm very excited that the South Health Campus is located in Calgary-South East, the constituency which I am proud to serve in this House.

Thank you, Mr. Speaker.

## Tribute to the Moustache

**Mr. Webber:** Mr. Speaker, the popularity of the moustache in society has been a long journey full of ups and downs. Over the course of history men with facial hair have been ascribed various attributes such as wisdom, sexual virility, masculinity, and even high status. Equally, the moustache has fallen on less illustrious times, and its popularity has dwindled as a result of being sported by some notorious dictators of the world.



That said, the moustache has proved itself to be resilient. Just when it's thought that the moustache has been resigned to the halls of history, a cultural revolution has swung the pendulum back and has ushered in a new day for moustaches.

During November each year, Mr. Speaker, Movember is responsible for the sprouting of moustaches on thousands of men's faces – and some women's faces, but mostly men's faces – in Alberta, across Canada, and around the world. With their mo's these men and women raise vital funds and awareness for men's health, specifically prostate cancer and mental health initiatives. During the month of November the people participating in Movember effectively become walking, talking billboards for their cause. I applaud all my mo bros in the House here today and across the country for sporting their moustachery.

Mr. Speaker, some interesting facts. Did you know that on average a man with a moustache touches it 760 times in a 24-hour period? And did you know that a one-month-old moustache is capable of holding approximately 30 millilitres of beer before leaking down the face of the owner? Most importantly, women – yes, women – are more attracted to men with moustaches.

With that in mind, Mr. Speaker, I encourage you and all members of the Legislature to visit [www.movember.com](http://www.movember.com) and give generously to this great cause. Thank you.

**The Speaker:** The hon. Member for Edmonton-Mill Woods, followed by Strathmore-Brooks.

#### Support for English Language Learners

**Mr. Quadri:** Thank you, Mr. Speaker. I will be making this statement in the language called Urdu in support of English language learners. Before I speak in Urdu, I would like to give a little background about Urdu. I know you must understand Urdu very well.

Urdu is spoken and understood by over 1 billion people in the world. Its root lies in Hindi and throughout the years has been nourished by Persian and Arabic. Urdu has all the sounds needed for an individual to pronounce words in English, French, and German. Urdu literature has been translated in Russian, German, and English.

Urdu is the national language of the country called Pakistan. Urdu and Hindi share the same Indo-Aryan base and are so similar in basic structure and grammar. One important thing: usually English is from left to right. Urdu is right to left. They write in the Persian way. Today the combined population of Urdu and the Standard Hindi speakers is the fourth largest in the world.

Now I will begin in Urdu. Please bear with me. I think you all have the statement in front of you, so you can see what I'm saying. [Remarks in Urdu] [Mr. Quadri's speaking time expired]

**The Speaker:** Thank you, hon. member. We'll read the rest of it in translation.

**Mr. Quadri:** [Translation] Thank you, Mr. Speaker. All of us in this Legislature agree that Alberta is a great place to live and learn. For many new Albertans the challenge they face when they come to Alberta is learning English, especially young people who come to Alberta with their families.

The increasing number of students who don't speak English is also a challenge for our teachers. That is why the government of Alberta has developed a new online resource to help teachers address the unique needs of students who are learning English as a

new language. The supporting English language learners website, which can be found at [learnalberta.ca](http://learnalberta.ca) by entering the keyword "ESL," includes tools to help teachers gauge each student's language proficiency and plan lessons accordingly. The site also includes a series of videos showing real-life English language learners in the classroom. These videos provide teachers with a model for how to assess the speaking proficiency of their English language learners.

This is a perfect example of our education system striving to make sure every student is successful even if English is not their first language. All Alberta students should have the opportunity to learn and be inspired, and that means having resources readily available to assist with learning. I encourage teachers, school administrators, and members of the public with an interest in the education of newcomers to check out the supporting English language learners website.

Thank you. [As submitted]

**The Speaker:** The hon. Member for Strathmore-Brooks.

#### Out-of-province Health Services

**Mr. Hale:** Thank you, Mr. Speaker. Russell Coyne, a constituent of mine, suffered with 30 per cent compression in his spinal cord with loss of function and sensation in his left arm. Mr. Coyne was advised that despite being placed as urgent, it would still be a two-year wait time. The Alberta orthopaedic specialist advised him that if it was not taken care of soon, he would be teetering on full paralysis, and this needed to be addressed urgently.

Mr. Speaker, my constituent took the advice of the specialist and had the surgery completed in Vancouver, False Creek, and I'm proud to say that he's making good progress on the road to recovery. My constituent paid \$27,000 for this surgery and through the out-of-province health and wellness issues management was only reimbursed a mere \$1,500. This is the second constituent of mine that has faced this issue.

Health care is something that concerns all Albertans, and all citizens deserve treatment within an appropriate time frame. If the government is not able to provide these services, then we must have means through out-of-province and out-of-country services to ensure Albertans are not being paralyzed while waiting for their surgery.

Mr. Speaker, this is about the universality of health care, this is about Albertans being able to receive care when they need it, and moreover this is about having a government who actually wants to do something about it.

3:00

The Minister of Health has had this file on his desk since June 27, well over four months. Mr. Speaker, I argue that this response time is no more appropriate than the time frame for surgery in Alberta. I would like to know when this hard-working Albertan can expect an answer on the fair remuneration he deserves. I will be tabling the untimely correspondence between myself and the hon. minister. Hopefully, this will serve as a reminder to follow up on his commitment as the Minister of Health.

Thank you.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Seeing that it's 3 o'clock, I'd ask for unanimous consent of the House to complete the Routine.

**The Speaker:** Hon. members, the Government House Leader has risen pursuant to our own standing orders requesting unanimous consent to proceed until we complete the Routine since it is now 3 o'clock. I'll ask one question: does anyone object to giving unanimous consent for that purpose?

[Unanimous consent granted]

### Tabling Returns and Reports

**The Speaker:** Minister of Health, you have two tablings?

**Mr. Horne:** Yes, Mr. Speaker, I do. Thank you. My first tabling is the requisite number of copies of the Alberta College of Social Workers 2011 annual report. The College of Social Workers is both a designated regulatory body for the practice of social work in Alberta and the professional association representing the interests of social workers within our province. Currently over 6,000 people are members of the college. Members are usually individuals with a diploma or a degree in social work. This year the Alberta College of Social Workers is celebrating its 50th anniversary.

Mr. Speaker, my second tabling today is the 2011 annual report of the Alberta College of Optometrists. The College of Optometrists is the regulatory and licensing body for the profession of optometry in our province. The college is also responsible for the establishment, maintenance, and enforcement of standards of practice, competency skills, and a code of ethics to ensure the optometrists practise their profession in the best interests of the public.

Thank you, Mr. Speaker.

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

**Mr. Luan:** Thank you, Mr. Speaker. It's my pleasure to rise to table an article published by the founding member of the Alberta Grandparents Association, who resides in my constituency. The report's name is A Special Relationship: Grandparents and Grandchildren.

**The Speaker:** Are there others? The hon. member.

**Mr. Barnes:** Thank you, Mr. Speaker. I rise today to table a letter, and I have the requisite number of copies. It's a letter from Bill Smith, the past president of the Progressive Conservative Association of Alberta. He's writing a letter to the presidents, the CFOs, and the MLAs indicating that Elections Alberta has decided to formally investigate 10 constituency associations as it relates to prohibited donations.

**The Speaker:** Are there others? The hon. Leader of the Opposition.

**Ms Smith:** Thank you, Mr. Speaker. I'm tabling five copies of a letter that I received from the Health Services Preferential Access Inquiry. Last week the Premier, the Health minister, and the Deputy Premier all made statements of concern about me writing a letter to the inquiry. I'm happy to inform them and you, Mr. Speaker, that the inquiry thanked me for my letter, informed me that it was consistent with their rules, and assured me that they would follow up on the information provided to them.

**The Speaker:** Thank you.

The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Thank you, Mr. Speaker. I am pleased to table the request for proposals that I mentioned to the Minister of

Health earlier in regard to the evaluation framework for primary health care. I'd like the minister to note that this is an Alberta government document, and he should be paying attention to it.

Thank you.

**The Speaker:** Thank you.

Are there others? The hon. Member for Strathmore-Brooks.

**Mr. Hale:** Mr. Speaker, I have the required number of copies of the letters that I made reference to in my member's statement.

**The Speaker:** Thank you.

Hon. members, the last item here we're going to deal with is the points of order. I have Airdrie with a point of order at 2:15 this afternoon. Did you wish to proceed with it? It's been clarified? Thank you very much.

### Statements by the Speaker

#### Preambles to Supplementary Questions Members' Statements

**The Speaker:** While I have the floor, very briefly, hon. members, tomorrow I'm going to more strictly enforce the no preambles rule that we have. I have indicated to you before that the current rule or guideline that we're following says that supplementaries should not be preceded by any preambles. Tomorrow I want to see if we can get through with no preambles.

The primary reason for it is twofold. One, it cuts down on the amount of noise and flak that arises when people get a little carried away with some of the preambles. It applies to both sides of the House, I should say. Secondly, it precludes members who are further down the list from getting up to ask their question at all because inevitably it creates some disorder, and the Speaker has to intervene, and that consumes valuable time. I do not like that practice, so I'm going to try and enforce more strictly tomorrow no preambles to your supplementary questions. Please pass that on to any other colleagues who are interested to know.

Secondly, members' statements. I'm reflecting on what happened on Monday, when members may have used that occasion for members' statements to deride, defame – in other words, try to destroy – the character of a member of this House or perhaps someone outside the House. Let's be reminded that tomorrow for any members' statements that dip into this area of personal attacks on another member or for a member of the general public who is not here and able to defend himself or herself, I will intervene. It's been done before, and I am going to do it again if necessary. It will be my first time having done that if I do it at all.

The last little note is just a request. Please, if you're speaking at any point, delivering an answer or giving a question or participating in the debate, frequently you will have notes. Please do not hold them between yourself and the microphone because it does not pick up well on audio. While that might be at times desirable for some, generally speaking it is not. Thank you for that.

### Orders of the Day

#### Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

**The Deputy Chair:** Colleagues, I will call the Committee of the Whole to order.

**Bill 4**  
**Public Interest Disclosure**  
**(Whistleblower Protection) Act**

**The Deputy Chair:** Under consideration is amendment A1. The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Well, Madam Chair, thank you very much for allowing me to start off the speaking today on Bill 4 as you refer to amendment A1. I think this is going to be a fairly long boxing match. I'm not sure how long boxing matches go, but I can tell you that this is our first amendment of many. We have been very, very fortunate on this side of the House to get some unbelievable help in regard to what is good about this bill and what's not so good. I can tell you that the not-so-good outweighs the good by far. It has been an interesting conversation that we have had back and forth with the experts in whistle-blower legislation.

Amendment A1, which is our first amendment of many as I explained today, talks about section 31. What it talks about is:

- (1) The Commissioner may, in accordance with the regulations, exempt any person, class of persons, public entity, information, record or thing from the application of all or any portion of this Act or the regulations.

It goes on to:

- (2) The Commissioner may impose any terms and conditions the Commissioner considers appropriate on any exemptions provided for under subsection (1).

Then the third one is:

- (3) The Commissioner must provide reasons for giving an exemption under this section and must ensure the exemption, including any terms or conditions imposed, and the reasons for giving the exemption are made publicly available.

**3:10**

What we are proposing in our amendment is to delete section 31 from this act totally for various reasons, obviously. What we have proposed on page 21 of the act, for all of those who are watching or have access to this, is the deletion of section 31. I guess that for us it's that the commissioner will be given the ability to give anyone or any group exemption status from this act. My only comment for that is that it's beyond our belief that anyone or anybody should be exempting anybody from whistle-blowing protection. It's just one of those shake-your-head minutes.

I spoke on Bill 2 about this bill. I found it very interesting that the bill is called the Public Interest Disclosure (Whistleblower Protection) Act when, in fact, the only one that is protected in this bill is the government. You know, I wonder how you have the Associate Minister of Accountability, Transparency and Transformation and the Service Alberta minister speak in a press conference about the groundbreaking legislation that they're introducing in this Assembly.

My question to the Associate Minister of Accountability, Transparency and Transformation: who did they talk to about this particular section? I can tell you that the sources and the people who are helping us are from all over North America. They're all quite stunned about the fact that a government would even consider putting this particular section in a whistle-blower act. I think what would be important for the Associate Minister of Accountability, Transparency and Transformation – I know he's here – would be his willingness to stand up and explain to Albertans whom they spoke to in regard to this particular section, because if he can do that, I'm quite frankly willing to listen. I'm

going to be asking, on probably what I consider a very long day and a very long night, where they got some of this information.

I can tell you, Madam Chair, that every whistle-blower legislation across this country, including the federal legislation, including legislation in the United States of America, including legislation in Australia, does not have that section. Somewhere or somehow this particular minister has gotten his advice, which I think government should do. They, you know, talk to the stakeholders, and they say: we're bringing this innovative, groundbreaking piece of legislation to the Assembly because we want to protect whistle-blowers in this province. He needs to explain where section 31 came in and what brought him to bring this particular section into the legislation.

The commissioner under Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, has a lot of power. It's interesting to me that this particular commissioner has also got the power to say, "Hmm, maybe; hmm, maybe not" or "Yes, maybe; yes, maybe not." This exemption goes to the heart of what's happened when we have a conflict of interest piece of legislation and the commissioner or the person at the head decides to make an exemption under that particular piece of legislation when it clearly says: one-year cooling off for a minister. We saw what happened under that with a former member who was given an exemption and has now set up his office in southern Alberta. He didn't even know what job he was doing. It's the power that this particular commissioner has.

Madam Chair, let's go to you, a former minister of seniors if I recall. You have an employee in the seniors ministry, and they have all of these checks and balances that they have to go through for the legislation. They have to go to the manager. You and I both know that for any public servant that's working very hard on behalf of the minister, the last place they're going to go is to the manager, especially if they know there are some wrongdoings going on in the office. This same commissioner can all of a sudden say: hmm. In accordance with the regulations that we have not seen, he can exempt any person, class of person, public entity, information, record, or thing from the applications of all or any portion of the act or the regulations.

For us as the Wildrose, as I explained to the members that are currently sitting in the Legislature, it's like a boxing match, and we're going to go round after round after round. I know members of the opposition also have several amendments that they're going to bring forward. So I put the question on the table, and I think it's important for the Associate Minister of Accountability, Transparency and Transformation, who I know is sitting there and listening. What brought them to bring this into the act? I was at that particular press conference where they talked about the groundbreaking piece of legislation. I haven't got all of the words because we were at that particular time trying to go through the legislation quite quickly as to what's important to be contained in legislation.

I will tell you, though, Madam Chair, that people need to understand the definition of what a whistle-blower is to understand why our proposing to have section 31 struck right out of act is important. Now, I don't know if you know that Ralph Nader – everybody knows who Ralph Nader is – in 1972 defined whistle-blower legislation, which is very important. You need to understand this isn't new. Whistle-blower legislation isn't new. It's been around. He defined it as

an act of a man or a woman who, believing that the public interest overrides the interest . . .

And this is important.

... of the organization he serves, [publicly] blows the whistle that the organization is involved in corrupt, illegal, fraudulent or harmful activity.

That is the definition of a whistle-blower, which, interestingly enough, I'm having trouble finding. Maybe the minister can point out to me where they've defined what a whistle-blower is other than alluding to certain sections in the act. There is never any definition.

I have to say that this is first year of legislation that we're seeing from the government where I haven't seen the whereases. We haven't had the ability to go through the whereases in any of the new legislation, quite frankly, that the government has put forward in the spring or in this particular session.

**3:20**

So, as I explained, our amendment is deleting section 31 from this act. This section, obviously, allows the commissioner, as I explained, to exempt any one or any group – I lost my train of thought; sorry – from the whistle-blower protection act. By deleting this section, cabinet couldn't exempt certain people or groups at a later date by regulations.

Madam Chair, I am really quite interested to sit down because the last thing we want to be accused of is filibustering. I expect it's going to be a long night, but you know what, Madam Chair? I won't use up my time. That time can be used up by the government members to stand up, talk about why they feel it was important to put this particular section 31 in.

There are several cabinet ministers here, including the minister responsible. The minister of advanced ed is sitting there nodding away, so I know he's excited to get up and speak about this. I, again, am looking forward to hearing not only from the Minister of Enterprise and Advanced Education but the Associate Minister of Accountability, Transparency and Transformation. In regard to this particular section maybe the Member for Fort McMurray-Conklin would like to answer why this section is in the act, who suggested that you put it in the act, and who you consulted that said that this was a good section to put in the act.

With that, Madam Chair, I'll sit down, and I look forward to hearing from the minister, to be honest with you.

**The Deputy Chair:** Thank you, hon. member.

I would remind hon. members that it is not appropriate to refer to the attendance of members in the House while we are in the House. Just a reminder.

The hon. Member for Airdrie.

**Mr. Anderson:** Thank you, Madam Chair. I've been really looking forward to debating this bill in the House. Of course, this is kind of the first full session of the Legislature that we've had since 17 of us in our caucus were elected, so this is kind of one of the major pieces of legislation that the government has brought forward that we want to take a look at and go through carefully along with Bill 2 and Bill 7. So we're really excited to be here and to talk about these amendments. Our caucus has put together roughly 20 amendments. I believe it's 21. Or is it 20?

**Mrs. Forsyth:** Twenty-one.

**Mr. Anderson:** Twenty-one amendments. We're looking forward to moving through these at a relatively steady pace after they're debated fully.

I think it's important to perhaps let members on the other side understand that what we do in this Legislature is, frankly, very rare in Canada. In fact, it's almost unheard of, Madam Chair. We

sit for a very short period of time, and to pass a bill as important and as substantive as this in a one- or two-day period is, frankly, unheard of. Usually it takes much longer. Usually there are weeks of debate or certainly a week of debate on things like this if you went to the House of Commons or other provincial Legislatures in the major provinces. We as opposition MLAs in Alberta, where democracy is conducted a little bit differently than in other areas of the country, really have to be on our toes because the government, obviously, doesn't fool around when it comes to getting its legislation through as quickly as humanly possible.

That said, we're like the Eveready bunnies over here. We're ready to go all the time. We're going to go through this and are going to attempt to get it through in a very, very more-than-reasonable time period. I hope that by the end of tomorrow we can have fully vetted this bill. But, of course, that's not just our call. It's the government's call. The other two opposition parties, of course, might have something to do with it.

For our part we're willing to do that over the next two afternoons and two evenings, go through all 21 of our amendments and over a dozen amendments that the other two opposition parties have and hopefully put together a good piece of legislation going forward. I hope that the government will be open to some of these amendments, hopefully all of the amendments but certainly some of them. Some of them are so reasonable, it's painful. To not pass them would hurt us, physically hurt us in our hearts not to pass some of these, so we hope that the government will do that.

It is not our intent at all – and we have no intention whatsoever – to filibuster this bill, but we would ask the government's co-operation to make sure that we're not here till 4 or 5 in the morning every day and that we get out at a reasonable time, debating these amendments so we can have things in this bill complete, hopefully, by the end of tomorrow evening. That, I think, would be a benefit to all Albertans, but that does mean a ton of debate, 10 to 15 hours, possibly more, and lots of time to go over this. That's a subjective assessment. Lots of time would probably be closer to double or triple that, but we're in Alberta, so we'll go fast.

The first amendment we're dealing with here – and such good work has been done on this by the hon. Member for Calgary-Fish Creek, and of course the amendment is from the hon. Member for Lacombe-Ponoka – talks about section 31 being struck out. Of course, section 31 is talking about:

- (1) The Commissioner may, in accordance with the regulations, exempt any person, class of persons, public entity, information, record or thing from the application of all or any portion of this Act or the regulations.
- (2) The Commissioner may impose any terms and conditions the Commissioner considers appropriate on any exemption provided for under subsection (1).
- (3) The Commissioner must provide reasons for giving an exemption under this section and must ensure the exemption, including any terms or conditions imposed, and the reasons for giving the exemption are made publicly available.

Then, also, it would amend section 36 of the bill by striking out clause (l) which is simply:

The Lieutenant Governor in Council may make regulations . . .

- (l) respecting the exemption of any person, class of persons, public entity, information, record or thing from the application of all or any portion of this Act.

This right here is one of those wonderful things that the governing party has become very adept at putting into almost every bill that they pass, which is an exemption in certain completely unprescribed – for just a completely random reason,

they may exempt a party from an act. We saw this very clearly earlier on this year, before the session started, when the former minister of agriculture and Member for Livingstone-Macleod was given a job without any kind of public tender at all by the government's own admission. It was just that they felt he was the right guy for the job, and they gave him the job. The only problem was that in the conflicts of interest legislation it specifically states that former ministers may not be hired back into their ministry within a six-month period after they leave office.

It's called the cooling-off period. They do that for obvious reasons. There's a conflict of interest because, obviously, a minister, when they leave office, has a lot of friends, has a lot of associates that are good friends in office and in the ministry they were just overseeing, which is fine. Nothing wrong with that. It's good. Of course, the people doing the hiring may not be very objective when it comes to that person.

Now, a six-month cooling-off period, frankly, is a bit of a joke. Six months is not even close to enough time for a cooling-off period. It should be at least a year, probably a term, certainly a couple of years. But even though we have a very poor time period for the cooling-off period in that conflicts legislation, the government still hired this individual before the cooling-off period had ended.

3:30

How did that happen, one would say? How did they get around that? Well, even though it says strictly in the conflicts legislation specifically about that exact purpose – there are clauses in there, verbatim, to keep that exact thing from happening – the reason the government got around it is because of a clause just like the one we read here, virtually exactly like the one we read here. In that case the Ethics Commissioner, if he feels that it's appropriate, that there's no conflict, et cetera, can exempt the rule and allow for the hiring to occur within the cooling-off period.

Of course, this is very offensive to Albertans. Everybody knows it's wrong. It is wrong. It's not even a matter . . .

**The Deputy Chair:** Hon. member, are you speaking on amendment A1? We are on amendment A1. This is connected?

**Mr. Anderson:** Yeah. This is part of the debate, Madam Chair. This is a great thing.

**The Deputy Chair:** Through the chair. I like looking at you. Through the chair. [interjections]

**Mr. Anderson:** Sorry? I don't even have a mustache? I don't even know what that means.

I'm very excited that this chair is keeping me focused. I like having focus. My parents always said that if we could just focus his energies – focus his energies – he'd be unstoppable. You know, that's why it's important that you focus my energy. If I'm all over the place, it's a mess.

**Mr. Hancock:** Still a work-in-progress.

**Mr. Anderson:** That's right, still a work-in-progress. The Government House Leader always helps me with that as well. It's like I have, you know, extra parents in this Chamber, Madam Chair. It's heartwarming. It's just like home. It's just like home.

That's why it's so important, Madam Chair, with regard to this clause. An exactly similar clause, virtually the same clause, exists in that conflicts-of-interest legislation and has allowed for the

Ethics Commissioner in that case to exempt individuals from that particular clause, which is why it's so critical that we do not make the same mistake here.

That is why with regard to section 31 we need to make sure that we do not give the commissioner the power to exempt people or exempt portions of this act, to "exempt any person, class of persons, public entity, information, record or thing from the application." That's very important. What if – Madam Chair, let's just use our imaginations. Let's use our imaginations and think that possibly maybe one day somebody in the position of commissioner might – I know this is hard for people. Brace yourselves. I know that this is a huge stretch to something that might happen, but there could be someone with ties to the governing party that becomes a commissioner under this act. I know that's hard to believe, but it could happen. If that happens . . . [interjection] There are lots of good folks with ties to the governing party. No doubt about that. I'm not saying that there aren't.

Let's say that an individual with ties to the governing party becomes the commissioner in charge of this act and that with one of his friends – you know, one of the ministers who is his friend – all of a sudden something happens, and there's a whistle-blower that comes forward and wants to blow the whistle on one of his friends on something that might have happened in that friend's ministry. Well, then all of a sudden this commissioner is in a tough bind. He's in a tough bind because he's got to make a choice. Is he going to choose between his friend in government . . .

**Ms Kennedy-Glans:** Or she.

**Mr. Anderson:** He or she. Absolutely. Once again, focusing me. That's good. That's right. Absolutely.

Is he or she going to pick between protecting the minister or protecting the whistle-blower? I don't think it's fair, frankly, for the commissioner to be put in that position. He or she should not have to be put in that position. It's truly not something we should do. Whereas if we take this out, then the legislation is clear, and then that individual, even if he or she has ties to the governing party and members of the governing party or members in the government or deputy ministers in the government or – who knows? Maybe it's no relation to the governing party at all. Maybe it's just friends within government. We all have friends within government that work for different public bodies and so forth. It could be anything, but because there's this exemption there, there's that temptation. Essentially, it opens this act up to be meaningless. Many people would say that the current conflicts-of-interest legislation is in a lot of ways, specifically with regard to the issue we talked about earlier with regard to the cooling-off period, essentially useless legislation. It has no force and effect, essentially, because it can be circumvented by a clause just like this.

I think that this is a very good amendment. I think that in order to make this the strongest possible piece of legislation, we absolutely must get rid of this kind of get-out-of-jail-free card – not a get-out-of-jail-free card but this throw-the-act-to-the-wind-and-not-enforce-it-if-it-makes-us-too-uncomfortable clause. That would make it a much stronger bill.

Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

Hon. members, just to clarify the record, there is a typo on your notice of amendment, and it has been corrected in the official

document. If you would like to correct it so as not to refer to it again, we have changed the “Mrs.” to “Mr.”

With that, we’ll continue debate on amendment A1. The hon. Member for Cardston-Taber-Warner.

**Mr. Bikman:** Thank you, Madam Chair. It’s a pleasure to be here today and participate in this act of democracy where we’re talking about the important things that we’ve been elected to do to represent all people of Alberta, not just our own constituencies but them first, of course, by design. Nevertheless, this bill affects us all, and it’s a good bill. I was excited to see the bill and pleased that it was being introduced, and I retain in spite of its shortcomings high hopes that because we are people of integrity and have been elected because of this to do a good job for the people of Alberta, we will give serious consideration to this very essential amendment.

I suggest, subject to debate, that this amendment speaks to the very heart of why whistle-blower legislation needs to exist and that this amendment allows the bill to be viewed with credibility and will allow the bill to do, in fact, what its stated purpose is, which is to encourage people who are aware of misdeeds, inappropriate acts, misappropriations, unfairness in the commission of their duties to be brought to the attention of a commissioner, who, hopefully, has been selected in an objective, arm’s-length way and can be not only just perceived as neutral and objective but, in fact, actually is and that the laws are in place to ensure that he behaves in that way.

Now, I suggest and I admit that the governing party has been in power for 41 years because it’s been perceived to have been doing a very good job, and I think that most of us on this side agree with that up to a point. It’s when that point of deviation occurred, which I think that we can see in the minds of some Albertans – perhaps 35 per cent of voters think that that has happened. You’ve been able, hon. members of the government, to pretty much do what you’ve wanted to do. Now, we know that democracy is only a fit form of government for a moral society, and as we drift from our moral anchors, it becomes more and more necessary that our laws become more and more specific.

3:40

That’s what we have here now. For 41 years you’ve pretty much been able to do what you wanted to do. You’ve had the majority. You’ve had on very rare occasions a vocal, articulate opposition, but you do now. I think it’s a good thing that we’re here. We’re glad to be here. We’re glad to play the role that we play, which is to help you stay on point, to help you, as the chairwoman was doing with the hon. Member for Airdrie, to keep focused and on point.

Where am I headed with this? You’ve been able to do what you want to do, but it isn’t about perpetuating that ability to do what you want to do. It’s about seeing that you do what you ought to do. That’s what this amendment is all about, Madam Chair. It’s about seeing that the government does what it ought to do. If I was to ask every member of the House what kinds of calls they mostly get from their constituents, it has something to do with some aspect of the government or some government agency perhaps not executing its mandate properly. Well, if your situation is that different from mine – my most common call has to do with workers’ compensation, which is some aspect of being an arm of the government, I believe.

Laws are required because not everybody is honourable. Now, if I were to assume that everyone in this room always dealt honourably and that everyone out in society and in all of the agencies of the government always dealt honourably and honestly, fairly and equitably, then we wouldn’t need laws, would we? What would we need laws for if everybody was honest and honourable?

**Mr. Denis:** Lawyers.

**Mr. Bikman:** Well, I know why lawyers need laws. I know that one lawyer in a small town starves to death, but the minute a second one moves in, they both make money. I know I’m stating the obvious. Nevertheless, the occasion seemed appropriate.

**Mr. Hancock:** When you haven’t got anything else to say, pander to the crowds by mocking lawyers.

**Mr. Bikman:** I couldn’t hear you. I’m sorry. Being partly hard of hearing is the secret to a happy marriage and managing 13 kids.

Back to the point, we need laws and rules, and they need to be clear and transparent. The person who is charged with this incredible responsibility of being the commissioner needs to be somebody who is allowed to do his job. He or she can’t be subject to influence by outside bodies, nor can he or she be allowed to exercise discretion about which people should be exempt from the rules of law. That simply is not just. That’s not honourable. I don’t know how this portion got into the act. I can’t conceive of anyone thinking that whistle-blower legislation could be perceived as effective, could be perceived as fair and transparent when you allow one person the power to decide whether or not the act applies to this specific situation.

Now, I can understand that there need to be exemptions for vexatious or other types of complaints. Of course that needs to exist. The discretion for those kinds of situations can be narrowly focused and written instead of giving this blanket, as the Member for Airdrie said, get-out-of-jail-free card or get-out-of-avoidance-for-the-consequences-of-your-actions-and-statements charge. We can’t allow that. This can’t go on. This can’t be included. If all of us really are intent on seeing that this whistle-blower legislation is, in fact, the best legislation in Canada – why not in the world? – then it can’t have a clause like this.

It will never ever be perceived or taken seriously if somebody has the ability to be exempted merely because of the party they belong to or the way they cut their hair or the fact that they don’t have any hair or because of the jokes they tell or the jokes they don’t tell or whatever else the situation might be. Whatever the circumstances might be, we cannot have it be at the whim of somebody who just simply decides: “Well, you know, they’re pretty good guys. I don’t think they meant it. I don’t want to embarrass them. I’ve known them for years. I know their family. It would really be hard on them if they got brought up on these charges, so I’m just going to make them exempt.” If it isn’t transparent and if this kind of a law exists, how are you going to know that that’s not happening? How are we going to hold somebody accountable if they’ve got this kind of opportunity . . . [interjection] Really? Pardon?

**The Deputy Chair:** Through the chair, please.

**Mrs. Forsyth:** Gary, get the minister to get up and speak to it.

**Mr. Bikman:** Well, I’d be pleased to hear from him, and I’m sure we all would. He is a very intelligent fellow and, certainly, somebody we all admire, and he always has something to contribute. If he wishes to address or answer my points, I’d be pleased to hear them.

In the meantime, while I still have the floor, I think we can’t overemphasize enough that clause 31, the exemption clause, undermines the whole purpose of the legislation. That’s why we’re introducing it first. Quite frankly, if this passes, if this is allowed to remain in the bill, you’ve already neutered it. You’ve

already rendered it impotent to do the job it's intended to do. You're really asking for an incredible leap of faith and an incredible amount of trust, which, I submit, is not the point of the bill. If that trust existed, we wouldn't need the bill in the first place.

All people aren't honourable. We all often act in our own self-interest, and we can always justify it. If there's one thing I've learned from raising 13 kids and running a business for 30 years, it's that everybody acts rationally from their own point of view. I'm sure that the government has a point of view in allowing this clause to be here, but I can't understand it. Now, I'm not the smartest guy in the world, but I don't think I'm the dumbest either. I'm certainly literate. I can read, I can study, and I can seek outside information to try and see what other whistle-blower legislation has a clause like this. I haven't found one. Maybe you all have, but I haven't. If you have, how is it working? I suspect it ain't.

That's the reason why I think it's important that you really are open. I'm not accusing anybody of intentionally trying to subvert the purpose of the bill. I'm prepared to accept that you're trying to do the right thing. You brought it forward, and I don't think you brought it forward as some sort of sleight of hand, trying to fool people into thinking that now they're really protected. I know you take pride, as I would, too, in being able to say that something is the best or this is the most robust or this raises the bar to the highest possible level. I want it to be so. That's why I rise to speak to it. I want this to be the best whistle-blower legislation. But saying that it is not the same as making sure that it is. I submit to you that this clause cannot stay if we want this legislation to be taken seriously.

I appreciate the opportunity to speak to it, and I'll yield the floor to someone else who might be prepared. Otherwise, I'll keep talking.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Madam Chair. I'm pleased to be able to rise to speak again to this amendment, which I believe I have spoken to once, to have an opportunity to give a bit more consideration to it and to outline again why it is a good amendment and, indeed, is one of the amendments that we had initially considered putting forward. A lot of people have talked about the problems that exist with credibility if you allow the commissioner unfettered access or unfettered authority to exclude entities from coverage of the act as well as to exclude types of information from protection under the act should that be something that is disclosed through the process.

But I haven't heard as much discussion about section 36, which is also something that this amendment is geared towards amending in that it asks the government to consider amending that section which would allow the Lieutenant Governor in Council to make regulations "respecting the exemption of any person, class of persons, public entity, information, record or thing from the application of all or any portion of this Act." Basically, not only are we giving the commissioner carte blanche to pick and choose pieces of the act that apply and don't apply and all that kind of stuff, but we're actually also giving cabinet carte blanche to turn around and pick and choose pieces of the act that apply today, may not apply tomorrow, who it applies to, not only who it applies to, Madam Chair, but also the types of information that it applies to.

3:50

Imagine this kind of scenario. Imagine you're in a situation where we get back to a point where people are really concerned

about the issue of climate change in Alberta. Let's say for discussion's sake that we actually manage to convince the Official Opposition that it's a real issue and the public starts pushing us on this issue and we get back to the level of conversation that was going on in about 2006 or 2007 around that issue. Perhaps it was the early 2000s that I'm bringing to mind right now. But imagine that's the case, and imagine that you have a public health official who works for, let's say, AHS, and they decide to exercise their rights under this legislation to go forward and publicly disclose their concerns around issues that relate to climate change and this government's actions with respect to climate change.

Well, as you may recall, that was actually sort of the scenario that impacted the Member for Calgary-Mountain View. Indeed, there being no whistle-blower legislation, he was fired from his job by a public entity as a result of his decision to speak out on a matter that was of grave public interest in his view.

Now, the interesting thing is that what this bill allows the government to do is to simply with the wave of a pen go behind closed doors, as cabinet does, and exempt public officials engaged in the provision of public health from the application of section 3(1)(b)(ii), "a substantial and specific danger to the environment." That particular type of information can be exempted from the list of wrongdoings that a person is otherwise protected from should they report it. We can decide: "Well, you know what? There's a lot of public interest in this whole issue of protecting the environment right now. People are more and more interested in holding us accountable, and society has evolved to a point where they actually make their voting decisions on the basis of whether or not our government is actually conducting itself in a way to protect the environment, such that we would not ever want to see the government engage in anything that would result in a substantial and specific danger to the environment."

As a result of that, you know, there are a lot of people that are suddenly thinking: "Well, you know what? We need to avail ourselves of the so-called protections under this legislation, and we need to go public with it." As a result of section 36, all that has to happen is that the government can go behind closed doors and pass a regulation that says: "Yeah, you know, 3(1)(b)(ii) is a little politically awkward right now. I'd rather not have people disclosing about substantial and specific dangers to the environment. So you know what? We're just going to temporarily suspend the operation of that section of the act."

Interestingly, unlike under section 31, where at least the commissioner is compelled to report that he has exempted that section of the act and provide some rationale for the exemption from that piece of legislation, section 36(l) has no corresponding obligation on cabinet. Cabinet can pick and choose and apply and unapply and use and not use at will, Madam Chair, with no obligation to ever explain to people. I find it very interesting that section 36(l) does not require the cabinet to provide any explanation, but section 31 does require the commissioner to provide an explanation for why we would exempt either a body from the coverage of the act or the nature of their wrongdoing or the nature of the information that would be disclosed or whatever the case may be.

So we don't require cabinet to explain itself, but we do in the act require the commissioner to explain themselves. Now, I'm all for having the commissioner explain themselves, although the better solution, as outlined in this amendment, is to simply not have the commissioner in the position where they're explaining themselves. Rather, they simply apply the act, and they're not constantly compelled to consider whether they should be exempting people from the act or exempting bodies from the act

or all that kind of stuff. That, of course, creates a huge, huge source of controversy for the commissioner.

At least in that case the commissioner is compelled to explain to Albertans why that piece is exempted. Madam Chair, why would we not expect the cabinet to do the same? Why is the cabinet giving itself the authority? Why? Why? Please, tell me why cabinet is giving itself the authority to exempt any and all elements of government from coverage of this act at a whim. Well, I suppose, I mean, you know, the previous speaker talked about anticipating and relying on and looking forward to the goodwill of the cabinet at all times, knowing that they would only ever do anything in the public interest. Let's just hope that everyone operates that way.

Madam Chair, we've had, unfortunately, a number of examples under this 41-year-old government. I know they like to say: "Well, you know, the election was just eight months ago. It's a brand new group of people. Our record is clean. It's all fresh. Anything before April 23, 2012, we are no longer responsible for, nor should we be held accountable for it." You know, that's an interesting argument in Disneyland, I suppose, but I think that most Albertans do know that when you've got a 41-year-old government, you know, the chickens do come home to roost, and that's an appropriate place for them to end up. Regardless, the point is that we have a history of the government periodically resisting full disclosure of pieces of information which might serve to embarrass them.

I mean, you know, one of the biggest examples of that, Madam Chair, in my first term in office here was when we discovered that emergency room physicians had provided this government with exceptionally sensitive and damning and important information about the state of our emergency rooms. Government went to great lengths to keep that information secret for at least two and a half years and failed to disclose it and, in fact, ran an election with that letter in the hand of the Premier who was running, yet that certainly was not disclosed in the 2008 election, nor was it disclosed afterwards until the cracks started to show within the caucus itself. The point is that that is exactly the kind of information that Albertans should hear about. That's exactly the kind of information that people in the public health system should feel they are able to disclose without fear of repercussion.

Now, the degree to which this act ever actually allows that information to see the light of day is a whole other set of problems with this act and is a whole other set of reasons for why it probably needs to be rejected in the whole. Nonetheless, if you assume for the moment that it's possible to actually allow this act to do the job that the government claims it will do, which is allow for transparency as opposed to a 25-year-long labyrinth of a process that keeps everything tightly controlled behind closed doors, if you assume that it's actually going to allow for transparency, then the fact of the matter is that that information should come forward, and the people who have that information should be protected.

What section 36(l) would allow is for cabinet to go behind closed doors and go: "Man, you know, that letter from the ER physicians is a little dicey, a little sensitive. We could take a bit of a hit in the media on this one, just a teeny bit. So you know what? Let's exempt that kind of information from the application of the act. Let's just exempt it. We can do that under section 36(l), and we don't have to give any reasons for why we've done it," although I'm sure they'll talk about the privacy of the patients involved because that's the standard rationale for not disclosing stuff, even though it's usually the patients that are out there that are the first ones to talk about the problems.

4:00

Anyway, Madam Chair, 36(l) is an absolutely outrageous provision in this legislation. It begins the process of ensuring that

Albertans question what it is this government is actually trying to achieve. If it gives itself a backdoor escape clause through which they have no legislative obligation to explain to Albertans and if they write that in before the process even starts, one can be forgiven for considering the very distant possibility that perhaps this legislation is more about public relations than it is about actually ensuring transparency because there's always that escape clause which the government is so keen on keeping in the legislation.

Were the government really interested in just focusing on that transparency, then I would suggest that they would agree with this amendment, and they would eliminate 36(l), and they would also eliminate I believe it's 31 so that we know they can't change the rules of the game three-quarters of the way through that particular match. That would start the very long, slow, arduous process of restoring some semblance of trust in this government when it comes to the issue of accountability and transparency.

I would urge all members of this Assembly to support this amendment for these reasons. If we carry on without fixing this fundamental flaw for them to run away from the act the minute it gets inconvenient, then I think that, quite frankly, all subsequent conversations about the so-called value of the act become suspect.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Medicine Hat.

**Mr. Pedersen:** Thank you, Madam Chair. I just want to say to everybody here that it's such an honour for a first-timer like me to stand and speak to you in this situation. It's democracy at its root. It's exciting for somebody like myself, and I appreciate the fact that you're giving me the opportunity to speak to you. I hope that you'll take into consideration what I say, and then I hope there's some conversation back and forth because I'm learning from you, and I hope that you can learn from me.

I want to thank the Associate Minister of A, T and T, just to keep it short, for putting this bill forward. A lot of the heavy work has been done, and we realize that. But also we understand that as opposition our role is to look through these bills with our own eyes and with the judgment of experts that we can bring onside and to offer amendments which we think strengthen the bill, make the bill better, build upon what you guys have presented to us. At the end of the day that's all we're trying to do, to make something that has been presented the best that it can be.

I don't think that we want to be happy with one of the best bills or one of the best set of rules and regulations. I think we have the opportunity to actually lead the way, make other places look to us as the point of reference for best in class. I think there's an opportunity for that, and I hope that the fine minister doesn't take offence to the number of amendments that are coming across. It's not the intent to offend; it's the intent to improve, and I hope that's the way it's perceived on that side. That's how I want to present this.

Our party was very excited to see this bill. I think that, again, being new to the Legislature, this is something that I would have thought would have been in place, and I'm fairly surprised that it isn't already actually in law. Alberta and Albertans need this. We need this protection so that when there is wrongdoing, individuals can feel that they have the safety and they have the support behind them to actually go to somebody to report an indiscretion, to feel that their lives and their livelihoods and their reputations are not going to be smirched or are not going to be ruined or that they're going to lose their jobs. I think that's very important. Of course,



people coming forward have to have a grounded reason for coming forward, and I think, hopefully, the bill balances that out.

On this side of the House, you know, we're trying to represent about 56 per cent of the voting population. Again, I think that our amendments do have some validity. There's no way that we think that we're going to get all of our amendments through, but I do think that a lot of the amendments do deserve to be read and to be considered. Hopefully, the government members will have a look at them and consider implementing a few of these amendments. It would greatly increase the participation of all voting members in Alberta.

As we've stated before, between the opposition parties there seem to be about 30-plus amendments, so it does present a little bit of observation that there is some tweaking to be done. There are some opportunities for improvements and to close some loopholes. I think that's probably the biggest thing that we want to do is to close loopholes, to make legislation that works and take it out of the hands of the regulators. Once it leaves here, regulations can be made by bureaucrats, and it's out of our hands at that point.

I am standing to support this amendment to the Public Interest Disclosure (Whistleblower Protection) Act. The amendment is A1. We're talking about section 31. Again, the word "exemption," I think, just gives me a whole lot of bad feelings when we're talking about whistle-blower protection. It's just a simple clause. This whole part of the bill gives me reason for concern. I say that with all due respect. Exempting, you know, in this bill just creates a really, really bad impression, in my opinion.

31(1) The Commissioner may, in accordance with the regulations, . . .

which, again, without knowing what the regulations are going to be at the end – you know, what are they? How is that going to affect individuals through the exemption process? I think that's something that we have to consider.

. . . exempt any person, class of persons, public entity, information, record or thing . . .

Again, there's that word "thing" here, which is very ambiguous.

. . . from the application of all or any portion of this Act or the regulations.

We have to ask ourselves: what is the purpose of the exemption? You know, why would we want to exempt any one of those individuals in this bill? I mean, this is what's creating the opportunity for some great things in Alberta, for indiscretions to be reported, for individuals to come forward. Once you talk about exemptions, you're already scaring individuals from coming forward. I think there's a problem there.

(2) The Commissioner may impose any terms and conditions the Commissioner considers appropriate on any exemption provided for under subsection (1).

Again, why? We're referring to subsection (1). I think it's not really encouraging anybody to come forward because, oh, guess what? Somebody could be given an exemption. If that's the case, why would you risk it? That is a real serious question.

(3) The Commissioner must provide reasons for giving an exemption under this section and must ensure the exemption, including any terms or conditions imposed, and the reasons for giving the exemption are made publicly available.

When I read this, to me this creates subjectivity instead of objectivity. You're talking about, you know, creating a whole set of rules based upon somebody's subjectivity. I think that's a concern. What grounds or precedence is used to create the reasons? Again, what grounds or rules are used to create the exemption? What grounds or rules are used to create the terms and conditions imposed? I mean, there are a whole lot of issues at

stake. Having this clause in here just creates a myriad of questions.

I think it's just best that this whole section be taken out. It would support the belief and the reasoning for creating this bill. I don't know. I think it would be so much better. It would strengthen it, and it would make it so that people really believe that this bill is supportive of them.

In saying that, I'd like to sit down. Hopefully, we can get some responses back. I'd really appreciate that.

Thank you.

4:10

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Calgary-Mountain View.

**Dr. Swann:** Thank you very much, Madam Chair. It's a pleasure to stand in support of this amendment proposed for Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act. Reflecting on this from my own experience as a would-be whistleblower in 2002, 10 years ago, I wonder what might have transpired if this legislation was in place at the time I was summarily dismissed from Palliser health region at the recommendation, privately I gather, of the then minister of environment, Taylor, to my board chairman, who didn't like my comments about the need for real action on climate change and my support for the Kyoto protocol at that time to reduce our carbon emissions in this province and to show some leadership in the country.

That not only offended the minister, apparently Premier Klein didn't like it, and the former Member for Cypress-Medicine Hat, who was the board chairman at the time, took their advice to heart and fired me within 24 hours of making a statement in support of this important global commitment to serious action on climate change.

We're still, 10 years later, struggling to find leadership in the western world on climate change, in my view, probably the most serious threat to our generation and the next generation according to many, many authorities, including the CIA in America, for example, who have said that climate change is actually the biggest threat to their security and stability. I would take that to mean that Canada, too, is going to be seriously threatened by all kinds of unrest as a result of food production problems and new infectious diseases and, of course, pine beetle and West Nile virus, floods, droughts in different parts of the world.

If this bill were in place, this whistle-blower legislation were in place, and this particular exemption were in place, I wonder: if the information got up to this level and the commissioner reviewed my data and was asked to rule on whether my raising issues of public health significance was appropriate and if it was done through the proper channels and if it was helpful to the public interest, if he or she might also have said that, well, this kind of action isn't appropriate to the public interest, and we'll have to exempt this as relevant to whistle-blowing and a legitimate public concern.

I don't know. What I do know is that after 41 years in government, it's very easy to rationalize all kinds of things in the name of maintaining power, maintaining position, continuity, stability, maintaining some kind of consistency, I guess. There is a famous quote about consistency that has to do with lack of innovation and a lack of using evidence, but I can't quote it particularly.

My argument, I guess, Madam Chair, is that if this was being presented by Premier Lougheed back in the '70s and '80s, I doubt that we'd have as much debate about this. I don't know that we would have the concerns that we have today, after 41 years. Some

of the examples that we've heard around election irregularities and cover-ups, donations, abuse of power, and the lack of accountability and the hiding of information: I doubt that we'd have this kind of debate in Lougheed's time. In fact, I think we might even skip over this particular issue and say that we trust that this man has integrity. He's trying to do the right thing. He's bringing in some legislation to allow people in the public service, not in the private sector but at least in the public service – trying to move us into the 21st century with whistle-blower legislation.

That isn't the case today. There is a tremendous cynicism, I think well earned by this government, especially in the last decade or so, that we're not sure about the integrity of decisions, about the interference in officers' actions. We're not sure how much influence 41 years of power and one government has meant for some of those who would like to be independent and want to say they're independent in reporting to the Legislature but may not feel truly independent because of the experiences we've had.

Madam Chair, I happened to hear from a contractor who was involved in an injury on the work site that when the occupational health and safety inspectors came, who are supposed to be independent officers of the government, they were told not to call in the RCMP and get the records from the contracted company, in this case CNRL. It related to the deaths of some workers. They were told not to pursue it in the records of the CNRL. That was a disturbing revelation to me. These are independent officers of the government, and it was worth their job if they pursued evidence within a company when the minister herself was saying: don't go any further. That gives us all pause when we think about legislation that's designed to expose more abuse of power and expose attempts to hide information, in this case hide it from the courts. I think Albertans and, certainly, the opposition party would have very grave concerns about giving this government more power to decide what is and what isn't appropriate to the whistle-blower cause.

While it looks good to have, finally in 2012, a whistle-blower act – and I applaud the government for at least bringing it forward – I think that if they are really serious about wanting to set the standard in the country, we have to learn from some of the rest of the country and actually go the next step and make it impossible for people to feel vulnerable by coming forward. Take it outside of the bureaucracy. Make sure there are avenues in which the government has no capacity to interfere. Make it truly independent and set a new standard for whistle-blower legislation.

My caucus and I will be supporting this amendment and hoping that over the course of the next couple of days we'll see some of the amendments that will actually make this the best whistle-blower legislation in North America.

Thanks, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Madam Chairman. Lest there be great excitement over there, I only rise to ask for unanimous consent to shorten the bells.

**The Deputy Chair:** The hon. Government House Leader has asked for unanimous consent to shorten the bells. Are there any opposed?

[Unanimous consent granted]

**The Deputy Chair:** We will shorten the bells if and when the time comes.

The hon. Associate Minister of A,T and T. That's easier.

**Mr. Scott:** Thank you, Madam Chair. One of the reasons that I'm proud of this legislation is the wide scope of the act. It will have the broadest application in Canada, governing the Alberta public service; provincial agencies, boards, and commissions; postsecondary academic institutions; school boards; and health entities. Additionally, municipalities and Métis settlements that wish to adopt the legislation will have the ability to do so.

The opposition has decided to focus on the perceived misuse of the exemptions in the act as opposed to what the section is really about. That, Madam Chair, is the flexibility given to the commissioner so that organizations with diverse mandates and sizes can be governed effectively by this act. For example, where public bodies are extremely small – for example, three employees – it would be inefficient and practically impossible to have functional and effective internal disclosure procedures as required by the act.

4:20

As explained previously in the House, section 31 allows the commissioner to exempt such an organization from establishing these internal processes. This section allows the commissioner to attach conditions to such an exemption. In these circumstances the commissioner could require that all disclosures go directly to the commissioner for review and investigation. Again, what many opposition members are neglecting to recognize is that the commissioner is obligated to publicize every exemption they grant and the supporting rationale for granting such an exception. That's contained in section 31(3).

Madam Chair, we have said time and again that this government is committed to accountability and transparency. To suggest that we would want to thwart the process of our own act is ludicrous. In short, the commissioner will be held accountable by all of us in this Assembly for each and every exemption they grant.

For these reasons, Madam Chair, I do not support this amendment. Thank you.

**The Deputy Chair:** Thank you.

The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Well, thank you, Madam Chair. If I may, I'd like to thank the Associate Minister of Accountability, Transparency and Transformation for getting up and reading into the record his response to our first amendment. Unfortunately, he's not answering the questions that our members have been trying to get on the record. It's interesting. He talks about internal disclosure. Minister, one of the things that we're opposed to is this disclosure process that you seem to have in place, where you have an employee that wants to go to the manager, and then the manager has to go there. We believe it's important.

I can tell you that the Member for Calgary-Mountain View is a prime example of what he was alluding to in talking about losing his job in the Palliser health region. You can't even imagine his position as an employee of the health region at that particular time going to his supervisor to explain all of those things. You know, he alluded to the fact that he wondered what would have happened if the whistle-blower legislation would have been here 10 years ago. Well, I can tell the member . . . [interjection] Madam Chair, I wonder if the Minister of Human Services, because of the conversation that he's throwing across the floor, would like to get up and speak to the legislation.

I'm not a lawyer – I can tell you that – and he is. I can only tell you that I have talked to a lot of lawyers. I have talked to a lot of world-renowned people on whistle-blower legislation, and what they're telling us is simple: this law is a backwards step because it

does the opposite of what it claims, effectively shielding the government from embarrassing publicity while doing nothing to protect the whistle-blower or the public.

You know, the associate minister stood up in regard to section 31. Well, let's talk about that just for a minute. The commissioner has unlimited powers to exempt any person or organization, placing them above the law, an extraordinary provision to put into any legislation. As I explained when I first stood up and spoke in regard to our amendment on striking section 31, there is no other legislation in the world with whistle-blower legislation that contains section 31, which we have been trying to amend by striking out not only section 31 but section 36 by striking out one of the particular clauses in that legislation under our first amendment.

With that, I'm going to sit down, and I'm hoping that the associate minister – we have two ministers here, actually. You know, I really hate to call him A, T and T. I hope he's not offended by that, but it seems, Madam Chair, that you got away with calling him the Associate Minister of A, T and T, so I'm sure the opposition can.

Also, the Service Alberta minister was at the press conference, and I look forward to having him stand up and speak about the legislation. I know he was very enthusiastic at the press conference about this groundbreaking piece of legislation.

With that, I'll sit down and hope that someone else will speak.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Madam Chair. Yes. In the hopes that the Associate Minister of Accountability, Transparency and Transformation will get up to engage in debate again, I listened intently to his comments around the fact that we ought not be concerned about the exemptions provided for in this bill under section 31 of the act. He talked about, as we'd already discussed, the obligation of the commissioner to outline his reasons for giving an exemption under this section and how although we weren't pleased with the opportunity, at least we saw it as some safeguard.

I'm wondering if the minister can then speak to the application of section 36(1), which appears to allow for the same type of exemption from coverage of this legislation with the same degree of the kinds of things that can be exempted by cabinet without a corresponding obligation to provide an explanation or be accountable to this whole Legislature, say, for instance, through an officer of the Legislature. He made a compelling statement, but then, of course, it truly begs the question: well, if that's the safeguard from the commissioner making inappropriate exemptions, what is the safeguard from cabinet making inappropriate exemptions? If there is no safeguard from cabinet making inappropriate exemptions, would it not then be appropriate to at least consider eliminating section 36(1)? Otherwise, it appears as though some of our very significant concerns, for all intents and purposes, remain unaddressed by the comments made by the associate minister.

I look forward to hearing from him about the concerns under section 36. Thank you.

**The Deputy Chair:** Thank you.

The hon. Associate Minister of Accountability, Transparency and Transformation.

**Mr. Scott:** Thanks very much, Madam Chair. Just to speak to a few of the points that were just raised, there was a point raised a

moment ago about the internal procedures and how they work. I just want to bring to that member's attention section 10(1)(h). If there's fear of reprisal, you can go directly to the commissioner. I'm not sure if the member saw that in the materials, but it's section 10(1)(h). If there's fear of reprisal, you go straight to the commissioner.

**Mrs. Forsyth:** Oh, I've seen it.

**Mr. Scott:** Oh, I see that you have it all tabbed up. Sometimes when I hear comments, I'm not sure if people have actually read the act. I'm impressed that you at least have tabs on it.

Again, the intent of this section is to make sure that we have the ability to deal with flexibility in situations. We want the commissioner to be able to deal with situations where there's a small number of employees, for example, in an organization. We believe that this section does provide that.

**The Deputy Chair:** Thank you, hon. minister.

The hon. Member for Lacombe-Ponoka.

**Mr. Fox:** Thank you, Madam Chair. Listening to what the associate minister had to say on the exemption, I'm curious what he was thinking "class of persons" and "exemption of any person" would be. We did hear about the public entity. What people are you looking to exempt specifically? Not just organizations.

**The Deputy Chair:** Thank you, hon. member.

**Mrs. Forsyth:** I'm going to be brief. I actually admire the courage of this particular member, the associate minister, in standing up and trying to defend his legislation. You know, it's like my colleague from Medicine Hat indicated earlier when he was speaking. It's his first time in the Legislature. He talked about how important the debate is. I know that this member is a first-timer in the Legislature, and I appreciate him getting up to defend his bill.

I want to put on the record – he talked about how interesting it was that I tabbed everything – that I can tell you, Member, that I have spent an incredible amount of time on this particular bill, more time than I really hoped I'd have to. I actually was quite excited about the whistle-blower legislation, and I had that on record.

4:30

I know the member pays close attention, and I know he knows that I have a motion on the floor in regard to the government bringing whistle-blower legislation forward. I'm not sure if he knows, but my private member's bill for the spring Legislature is number 2, and it's whistle-blower legislation. I have probably been working on this particular legislation for a year, have spent a lot of time talking to people not only across this country but in the United States and, quite frankly, in other areas of our fine world.

Having said that, I am going to sit down, and I'm going to hopefully have the government think about our first amendment in regard to striking section 31 down. I look forward to the votes.

**The Deputy Chair:** Thank you, hon. member.

Are there any other comments on amendment A1?

Seeing none, I'll call the question.

[The voice vote indicated that the motion on amendment A1 lost]

[Several members rose calling for a division. The division bell was rung at 4:31 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anderson	Hale	Stier
Bikman	Notley	Strankman
Forsyth	Pedersen	Swann
Fox	Rowe	Towle

Against the motion:

Allen	Fritz	Lukaszuk
Bhardwaj	Goudreau	McDonald
Bhullar	Hancock	Olesen
Brown	Horne	Quadri
Calahasen	Hughes	Quest
Cusanelli	Johnson, L.	Scott
Dallas	Kennedy-Glans	Starke
Denis	Khan	VanderBurg
Fawcett	Kubinec	Weadick
Fraser	Luan	Webber

Totals:	For – 12	Against – 30
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[Motion on amendment A1 lost]

**The Deputy Chair:** We will return to the bill. Is there anyone that would like to speak on Bill 4? The hon. Member for Calgary-Fish Creek.

**Mrs. Forsyth:** Yes. Thank you, Madam Chair. I am going to move that Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, be amended after section 11. I have the number of copies that are required.

**The Deputy Chair:** We'll pause for a moment while we distribute those copies.

**Mrs. Forsyth:** You betcha. Do you want me to sit down while it's being distributed?

**The Deputy Chair:** Yes, for a minute or so, please.

We will call this amendment A2.

Hon. Member for Calgary-Fish Creek, if you would like to proceed on amendment A2.

**Mrs. Forsyth:** Thank you, Madam Chair. I'm going to mark that down. As I've explained, we have numerous amendments, and I know the opposition has numerous amendments, so I'm going to start marking our amendments.

Madam Chair, thank you for the opportunity to rise and speak. I guess we've lost the first round, so we go on to round 2. Under section 11, which if anyone is interested is on page 12 of Bill 4, the Public Interest Disclosure I'm Going to Protect Whistleblowers Protection Act, what we're doing here – I need to get some introductions in this particular bill if I may. Under section 11 – and the associate minister alluded to this actually – it talks about disclosure to a designated officer. Section 11 reads:

11 As soon as reasonably practicable after a disclosure is made under section 10(1)(f), the employee must also make a disclosure about the matter to the employee's designated officer.

I can tell you how we feel about an employee having to go to a designated officer, and we will be bringing one of those amendments forward on that also.

Our amendment talks about adding under section 11, on page 12 of the act:

Reporting a wrongdoing to a Member of the Legislative Assembly

11.1 Notwithstanding any provision in this or any other enactment, an employee may report a wrongdoing to a Member of the Legislative Assembly.

4:40

I am sure that the members opposite are going to support this because their role as MLAs obviously is to represent the people that they're honoured to serve, who have voted them in and asked them and given them the ability to be their MLAs. We have got a situation where we've added this amendment in here, and I just know that the associate minister is going to accept this amendment because it's so reasonable. Again, I look forward to him standing up and speaking to why he will not accept this amendment.

It gives the ability if you have a whistle-blower that is not comfortable with his designated officer or, for that matter, not comfortable with going to the commissioner – I can tell you what I've learned over the last two and a half years, soon to be three years, as a member of the Official Opposition and having people coming to me all the time, especially as the Health critic. I can't even explain how many people I've had come to me in regard to health issues, some of our fine physicians in this province, Dr. Tony Magliocco being one that went through all of the processes, every single process that was available to him.

The incredible thing about Dr. Magliocco at the time was that he kept a record, as most doctors do because it's important to keep records, of all of the processes he went through. He went through what this act would probably be suggesting, his designated officer. He went to the Alberta Health Services chief operating officer at that particular time. Virtually ignored. He finally out of desperation – and I had never met Dr. Magliocco, to be quite frank with you – came to us and spent an awful lot of time going through his file and the history of his file because he was turned down at the process. He came to me as an opposition MLA and the Health critic, quite frankly, and decided that he was so concerned about what was happening to the patients at the Tom Baker cancer centre that he thought it was important to go public. So he went to a Member of the Legislative Assembly.

I think this is a reasonable amendment. If we have a whistle-blower that is not comfortable with going through the process of his designated officer or, for that matter, through the commissioner, he has an opportunity to go to his MLA. It's going to be interesting as we go through round 2, as I'm going to call it, listening to members of the government to see the rationale for them to vote against this particular amendment on whistle-blowers having the ability to go to their MLA and provide them some protection and provide them the opportunity to be able to talk to their MLA, especially if they're concerned about something that's happening.

Now, the nice thing about being able to go to the MLA – and I know that we have all had the opportunity where we have had people come to us, and you've listened very, very intently, and you think about the fact that: "Hmm. I'm not too sure about this. Maybe I should do some checking." I can tell you that I did that when I was a government MLA and I did that as a member of the opposition. I've had the opportunity over the last just about three years as the Health critic to be able to get what I consider is both sides of the story.

It is included in this legislation about frivolous complaints, so that can be weeded out very fairly and very quickly so that we're not having someone as a whistle-blower that, for example, would

complain about 101 different things. That's important when we talk about who is a whistle-blower. In the broadest possible terms any person who exposes or reports wrongdoing is a whistle-blower. For example, an employee of a company who reports fraud, whether to a supervisor or to the police or anyone, for that matter, is a whistle-blower. It also refers to the bureaucrats that we have working in this government who report mismanagement.

We're going to be dealing with another amendment shortly, and I would like the minister to consider amendment A2 and explain the rationale of why, one, this was excluded when both he and the Service Alberta minister talked about the fact that they had consulted extensively. I'm still waiting for the Associate Minister of Accountability, Transparency and Transformation to explain to members of the Assembly. While we think no one is engaged at this particular time in regard to what's happening in this Legislature, I can tell you, Madam Chair, that there are lots of people watching what's happening with Bill 4, and they have been waiting patiently for us, the Official Opposition, and, I know, other opposition members, actually. We've fielded a lot of calls, myself and the Member for Lacombe-Ponoka, in regard to what particular amendments we are bringing forward.

I know that amendment A2 allows for – and I've explained this, and I want to repeat it – the ability for a potential whistle-blower to go to their MLA and discuss their concerns if they're not comfortable, as I've explained on this particular bill, with the designated officer or, for that matter, the commissioner. What's important to emphasize over and over and over again – and I'm going to read it into the record – is that this amendment would allow anyone dissatisfied with or distrusting of their designated officer or the commissioner to go directly to an MLA with their complaint or disclosure.

I want to emphasize once again that this current bill is extremely restrictive, and it's stifling. I talked about all of the work that I have put in on whistle-blowing and the knowledge that I have received from some incredible, talented people in North America, to be very honest with you, who have spent an incredible amount of not only time but energy in regard to whistle-blower legislation in North America. This amendment, which came from the United States of America, allows any military personnel to go to a member of Congress.

While we're referring to the United States, I think that if Alberta truly wants to be on the map – and the minister truly talks about his groundbreaking legislation – this amendment has to be brought into the Legislature. I know that the minister's staff is listening because I've been on that side when I've brought legislation forward. While he's receiving text messages or e-mails from his staff or, for that matter, briefing notes, maybe your staff would like to also tell you how many other provinces across this country have this particular amendment in the legislation.

I'll take it one step further because it was you, associate minister, not me, that talked about the groundbreaking legislation that you're bringing forward and how you're following the Premier on her open accountability and how she's going to raise the bar and, quite frankly, how she criticized one of the members that she was running against about his legislation not being strong enough.

Having said that, I know that there are several people that want to speak to this particular legislation, and I am looking forward to them standing up and speaking on this particular legislation.

Thank you.

4:50

**The Deputy Chair:** Thank you, hon. member.

I recognize the hon. Member for Barrhead-Morinville-Westlock.

**Ms Kubinec:** Thank you, Madam Chair. I'm really pleased to get up and speak against this amendment. As MLAs it is our job to represent our constituents and our regions. We are a governance body, not an operating board. The appropriate administrative structures are in place for the public service to operate. Delving into operational matters could be seen as political interference. Adopting this amendment would not do anything meaningful or have any legal effect.

As has been made clear many times before, nothing in this legislation prevents an employee from reporting a wrongdoing to a Member of the Legislative Assembly already. This amendment offers nothing further. An MLA has no powers or obligations to investigate, make recommendations, compel the production of records, or offer the whistle-blower any protection other than what an MLA can currently offer. So I fail to see, Madam Chair, how this amendment would add any value to this act.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Airdrie.

**Mr. Anderson:** Thank you, Madam Chair. Interesting, let us say. Thanks for sharing your opinion, hon. member, but I guess I would say that I think you're sadly mistaken. Obviously, what we're talking about here is that you cannot have a whistle-blower protection act – we all know that we get the little brown envelope sometimes. I think we all understand that, and we have to go out and verify whether they're accurate and so forth. Sometimes you get a whole bunch of off-the-record conversations from people. We get them every day, telling us about some of the things that this government has done or is doing, and they would make your hair curl. It's pretty bad. It's pretty bad stuff in a lot of cases. You'd be surprised, especially you new members, about how bad it is.

I'll give you an example. Just the other day I had a justice of the peace give me a call, and he was absolutely insistent. He said: you could say that I'm a justice of the peace in a question in question period, but you can't, obviously, name me because I feel I would lose my job if it came out who I was. So we talked for a bit and had some very interesting conversation about some of the unbelievable waste and mismanagement going on in our judicial system, actually, with regard to how we manage resources and how those resources could be better managed so that we could put more time and resources and effort into cases that are more serious and not have them stayed or dropped, as was the case with a sex abuse case in Airdrie, for example. It was a very good conversation with a very well-known and experienced justice of the peace, just a very good conversation.

Anyway, that's the kind of fear that they live in, and that's just one example, the most recent one off the top of my head from this week. But if you go back, I mean, there have literally been dozens and dozens and dozens of conversations similar to that, hon. member, where folks have been coming forward to us with instances of bullying, intimidation, corruption, and I don't use that loosely. It is what it is. I'm not saying that it necessarily always involves members in this Assembly. Often it does not. Often it involves people in different institutions of government. Of course, the government is quite large, so there are always going to be a few bad apples amongst all the good. There always are. But they're very serious issues.

The problem is that a lot of these folks feel, and probably rightfully so, that if they come forward and tell folks about this information, their jobs will be lost. That's why they have to come forward anonymously. How many times have we heard the

government in there, “If you have any proof, if you have any witnesses, take it to this person or tell the police officers,” to tell this, that, the other thing? We say, “Well, you know, we’d love to do that, but we’ve already made a promise to certain individuals who are afraid for their job that we won’t do that.” I think we have to respect that. I don’t think it’s right for us to break that trust when people come forward to us in that regard.

However, it does create a problem when you can’t bring forward a witness to some of these things because they’re not willing to come forward because they’re scared out of their minds for their job, in some cases for even more than their job. By putting this section in there and saying that one has to go to a specifically designated officer within their – what’s the exact language used?

11 As soon as reasonably practicable after a disclosure is made under section 10(1)(f), the employee must also make a disclosure about the matter to the employee’s designated officer.

That, to me, is completely wrong. They should not have to go to their designated officer. I don’t blame them for coming forward and feeling that they would be intimidated by that section. The designated officer: who knows? Maybe that person is the problem. To put this “must” language in there, that they have to come forward and report it to the designated officer, I just think is unreasonable.

If you look at section 10(1), which is what this refers to, it says:

Subject to section 12, an employee may make a disclosure directly to the Commissioner only . . .

Very narrow language. Have you noticed that?

(f) if the employee reasonably believes that a matter constitutes an imminent risk of a substantial and specific danger to the life, health or safety of individuals, or to the environment, such that there is insufficient time to make a disclosure under section 9.

Okay. Let’s use a graphic example here. Let’s pretend that somebody in a hospital discovers that tools, scalpels, equipment were not being properly cleaned. We had that issue – was it at the Vegreville hospital? – a while back. It was Vegreville. The Health Quality Council released a report and so forth, so there was all this stuff.

What if you had the whistle-blower in this situation, that seems to constitute this here, finding out that the manager of his hospital, because of poor management and so forth, wasn’t doing his or her job properly, so this risk to public safety occurred, “an imminent risk of substantial and specific danger to the life, health or safety of individuals”? So he or she wants to blow the whistle and wants to do so faster than what section 9 permits, which is the regular disclosure by an employee to the designated officer, which we also disagree with. We think it should not be a designated officer, period. The whistle-blower would be forced under this to then, “as soon as reasonably practicable after [the] disclosure is made” to the commissioner, also make a disclosure about the matter to the employee’s designated officer.

Okay. What if the employee’s designated officer is an individual that might be responsible for the situation or might know folks that are responsible for the situation? What if there’s just a lack of trust there? I mean, that person would be sweating bullets. What happens is that if they’re legally required to do so and they’ve told the commissioner that but they don’t want to tell the designated officer that, then the commissioner knows that, essentially, they’re breaking the law if they don’t tell the designated officer. They know for a fact that this person didn’t tell the designated officer right away because he or she was afraid for

his job or for being advanced in the future and so forth. Therefore, that person is contravening the act, and the commissioner would know that. The commissioner would fully understand that.

5:00

So it would seem a very reasonable amendment in this case. “Notwithstanding any provision in this or any other enactment, an employee may report a wrongdoing to a Member of the Legislative Assembly.” What that is saying is that they do not have to go to the commissioner; they can go to a Member of the Legislative Assembly. And the protections afforded by this act would extend to that person if they did not go to their designated officer, did not go to the commissioner but, instead, went to a Member of the Legislative Assembly.

Now, perhaps an MLA isn’t the best person that we should put in here. Perhaps it is somebody else, hon. member. The point here is that we need to make sure that the protections afforded under this act, Bill 4 – and there some protections there if you go through the right hoops – are made for folks regardless of whether they go to their designated officer or whether they go to the commissioner or whether they go to neither and just report it to the media or whether they report it to their MLA or whether they report it to anybody they deem will make something happen to correct the wrong, to stop the imminent danger from occurring or whatever.

Right now this act as written does not do that. This act is not going to protect folks enough that they’re going to come forward. People out there are really scared, a lot of them, for their jobs and so forth with regard to coming out and telling people about some of the problems in our system. They shouldn’t have to be scared, not in a province like Alberta. We can do better here. You know, we have an act that is meant to be a whistle-blower protection act, but it’s not. It doesn’t protect whistle-blowers because it creates so many hoops. It produces danger so that folks have to report to people that may be the problem. They have to report to people they may not be comfortable reporting to for whatever reason. I think that that has to be alleviated.

I don’t know if this amendment in and of itself is going to cure that wrong, but I’ll tell you that as Members of the Legislative Assembly one of our duties is to not only represent our constituents in here, but it is to protect them. I feel it is my duty to help protect my constituents. I feel it is my duty. For example, the case that we’re dealing with in the Justice portfolio right now on that. I just feel that those folks went through every single process. They went to the Crown. They wrote letters to the government. They did everything they possibly could to take care of a situation where Arizona, which is her alias, was harmed and didn’t get her day in court because of problems in our justice system. They felt that they had absolutely no recourse but to go their MLA.

I think that everyone in here has probably had a similar experience to that. For those that are new, I’m sure you’ll have it soon if you haven’t had it already.

I think it makes sense for that to be the case. We’re their elected representatives. In some cases we’re the only folks, the only voice that they have left. The bureaucracy of government can be an absolute labyrinth, and it can be very confusing for people. I think that in putting in this legislation, the powers of protection that this bill does afford will extend to those that decide only to go to their MLA and report these issues, report a wrongdoing. I think that’s legitimate. I think that the act should cover those folks.

Thank you, Madam Chair.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Calgary-Varsity.

**Ms Kennedy-Glans:** Thank you, Madam Chair. I would like to respond to the comments from the hon. Member for Airdrie. I understand entirely your comments about an MLA having an accountability to constituents and a need to be available to respond to queries and to offer guidance. However, I'm very, very concerned that if we add MLAs to this list in the act as suggested, we're going to very much cloud the constituents' understanding of what our role is and the role that the legislation is there for.

There is nothing in this legislation that precludes someone from talking to an MLA and asking these questions. I'm sure that will happen and that that guidance will be provided, and I'm sure that MLAs will point out this legislation and clarify people's understandings of it. But to suggest that an MLA can step into the shoes of an independent commissioner I think is terribly confusing.

I am not the ombudsman for my constituency members. I am not a commissioner. I think it's very, very confusing for people in the community to believe that an MLA has the same independent powers. We've talked so much about having independence in this House and the need for MLAs and for the political process and governing to be independent of bodies that we create that I'm a little bit confounded by your request, actually, to include it in this legislation.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Airdrie.

**Mr. Anderson:** Yeah. You know, it's a good question. I'll always remember, though – it's kind of funny. You'll have to tell Premier Stelmach that because when I was first elected as a member of the PC caucus, he specifically said: you have three roles as an MLA. The very first one that he said was ombudsman. "You're an ombudsman for your constituents." You know what? He was absolutely right. He was an ombudsman. MLAs are ombudsmen for their constituents. I think one of the most critical roles that we have, actually, is that of ombudsman. It's when government institutions fail our constituents. It's at that point, when they have nowhere else to go, that we are there as almost, you know, a last voice for them should all the other ones fail. I think that advice was extremely sound and is absolutely correct.

I mean, obviously, we can discuss back and forth whether this provision is the exact way to go about doing this or not, but I think the fear is that if we want to extend the protections of this act to individuals who perhaps don't feel comfortable going to the commissioner but do feel comfortable going to their MLA, I think that that's a mistake. I think we should be able to extend those protections to folks that decide to report wrongdoing through their Member of the Legislative Assembly and that all the protections afforded under the act should be given to those folks as well, not just those who go through the commissioner.

**The Deputy Chair:** Thank you, hon. member.

The hon. Government House Leader.

**Mr. Hancock:** Thank you, Madam Chair. I should defer to my hon. friend, but I just want to say that I think the Member for Airdrie has misconstrued the context. Of course, we play a role as ombudsmen for our constituents. Our constituents come to us with their problems. Often their problems are problems related to dealing with government in one way or another, and we work with them to help achieve the type of result that they want to achieve. We do not act as ombudsmen insofar as we do not investigate independently their claim. We do not act as an Ombudsman does

in terms of reviewing in detail whether they've been treated fairly and then making some comment back to the department or the individuals involved and trying to get a response and trying to get it back on track. So there are two different contexts there, and the Member for Airdrie has chosen the language and suggests that there's something wrong in that.

I think the former Premier's characterization of the role of an MLA is absolutely correct. That is the major job of an MLA in many ways: helping our constituents find the right connection with government in terms of some of the problems that they deal with. But we do not do the job of the Ombudsman in terms of the deep investigative role, the review of a complete file, requiring a department or requesting a department to review and do again. I think that's the distinction that he's missing in the process.

5:10

By analogy, with respect to a commissioner, a public disclosure commissioner, an MLA can already do without the benefit of this amendment exactly that job. We do it all the time – at least I have – where people who work for government come to you and they're concerned about something that's happening. They'd like something to be done about it, but they don't want to be necessarily associated with it, so they come to the MLA because that's who they feel comfortable with. We do on their behalf, sometimes without disclosing who they are because they've requested nondisclosure, find a way to have a discussion around what's happening and get to the bottom of it. We will continue to do that role, I am sure. However, we do not perform the role of the public disclosure commissioner of the investigation and the thorough analysis and the protection of that person's job. We can't. That is the role of the public disclosure commissioner. So very appropriate comments by Calgary-Varsity in terms of the role we play and what we don't do as MLAs.

The fact is that the amendment that's being brought forward actually very significantly confuses the issue by suggesting that someone can come to us to do an investigation when we don't have the resources to do that kind of an investigation. We don't have the resources to do what a public disclosure commissioner does.

We already have both the authority and the ability to maintain confidentiality to do the role that the hon. Member for Airdrie is talking about.

**The Deputy Chair:** Thank you, hon. member.

**Mrs. Forsyth:** Well, Madam Chair, we've got some debate in the Legislature, which is nice. It means we've obviously woken some people up – and I don't mean that literally as in woken them up like they're sleeping – to the fact, maybe, of the importance of this particular piece of legislation.

What's astounding to me is how people see the role of an MLA and the advocacy of the role of the MLA. I'm going to take you back a bit of time in regard to something that happened in this Legislature about two years ago. The fellow's name was Dr. Paul Parks, an emergency physician, a well-thought-of physician who went through the processes to alert this government in regard to the crisis in emergency. He did all of that. He did exactly what he should have done, including going to the Premier of the province. Guess what? Zero. Zip. Nothing happened.

Meanwhile the crisis in emergency continued, continued, and continued. Finally, out of frustration he goes to the members of the opposition. The hon. Member for Edmonton-Meadowlark, who's an emergency physician, brought it to my attention as the

Health critic. He tabled his lengthy letters continuously that were written to government members who chose to do nothing. Guess what hit the fan?

Then we realized the crisis that we're in in health care. Two years ago, probably just about to the date, we're in an emergency debate in the Legislature that the particular Speaker at the time approved because he knew in the Legislature the situation of what was happening in our emergency rooms. To this day Dr. Parks and several other doctors in regard to their concerns have sat patiently, tried to go with what the government says, and again we're hitting that iceberg. We're in constant conversation with them in regard to what's happening in emergency. Now, in this government this Health minister can talk about occupancy spaces and how he's improving the health care system.

The idea for anybody to be able to even try to go through the process that's written in here – and I know that the member is an honourable person and obviously very caring and intent on listening to the debate. On page 12 of the bill it talks about disclosure to a designated officer. Section 11 talks about: “As soon as reasonably practicable after a disclosure is made under section 10(1)(f).” I want you to go to 10(1)(f), and that talks about the disclosure to the commissioner. You know, this bill is very complicated. You have keep going, well, back and forth. Trust me. I've read it 101 different times.

“The employee must”: you've got to love this. I used to sit on the Legislative Review Committee, and I got some pretty good lessons from the Member for Edmonton-Whitemud, who is the Government House Leader, when I was the Solicitor General, actually, and when I was trying to learn this legislation. There is a huge difference between “must” and “may” in legislation because “must” means that you must – must – do that. It says, “The employee must also make a disclosure about the matter to the employee's designated officer.”

Here we have Dr. Parks, a well-known physician, and you know what, Member? I bet you he would be pleased as punch to talk to you because he tried talking to his MLA. That didn't work, so he chose to come to you. That's the idea. You have someone that's in a crisis situation. They've gone to their designated officer, and the designated officer at that particular time said: “Hmm, not listening to you. It's not an issue.” “I'm reporting it directly to the Minister of Health.” “No, I don't want to.” It's like that mushroom all of a sudden comes out. It's like putting that umbrella over your head so you don't get wet. You know, I just can't emphasize it to you.

This allows that person, Dr. Parks – and we talked about Dr. Magliocco earlier. I could name the Member for Calgary-Mountain View. All of these people went through the right processes. If we don't have this amendment about allowing them to come to their MLA, the unbelievably dedicated health people like Dr. Parks, Dr. Magliocco, Dr. Maybaum – I mean, honestly, I have 65 physicians in this BlackBerry that have tried to go through the process, who don't have that opportunity. They're not making things up. They're not trying to usurp the process. All they're trying to do is bring it to the attention of someone that will listen to them. Our role, as much as we may or may not like it, as an MLA is to advocate on behalf of the people that come before us.

You know, I've been around as an MLA on both sides, as the government and as a member of the opposition, and I know there are times we get those constituents whom we have some doubt on. I'm getting calls from constituents that haven't liked what you as a government MLA have said to them. I'm smart enough to say: have you contacted your MLA? Then we start digging a little further, and we think: hmm, I bet they've done as much as they

can in their role as a government MLA, and this person just isn't going to take an answer, or they don't like the answer either the government or the opposition MLA has. I can give you hundreds of examples of that over the last three years as an opposition MLA and 15 years as a government MLA. You know, that's okay. It's learning how to weed out.

I think we need to understand the importance of this amendment, where it's coming from, and that any constituent or employee with this government or, for that matter, anywhere else wanting to make a disclosure should be able to go to their MLA if they feel that the disclosure that they've brought forward isn't being handled properly. We're not trying to be the law. We're just trying to help people through a system that they feel they haven't been treated right. If people in this Assembly have read this legislation as much as I have – and I know the minister has probably read this legislation – in this legislation it talks about frivolous. That is particularly covered under that.

**5:20**

I just want to emphasize once again that we don't willy-nilly bring these amendments forward. We want you as the government to have strong whistle-blower legislation that people in this province, all of the employees out there that have a concern – and it can go to what happened in Vegreville-Vermilion. It was very interesting to have the member speak up because there's a prime example of what happened to your hospitals in your constituency at that time, with your Premier, which was ignored. It needs to be brought to attention.

**Mr. Hale:** Barrhead-Morinville-Westlock.

**Mrs. Forsyth:** If I've got your constituency wrong, I apologize.

But, Members, it's important for everyone to think about what we're saying. We don't willy-nilly come up with 21 amendments because we think that's important as the Official Opposition and should be contained in the legislation. I can tell you that the amendments we're bringing forward are coming from hundreds and hundreds of hours of talking to what you consider your stakeholders. I have yet to hear from the minister whom you consulted with, and I look forward to that because every single person that I have consulted with on whistle-blower legislation – and there are numerous ones that are known across this country – has not heard from the government.

If the minister can explain that to me. Maybe I've missed something. I could very well have missed someone that I should have consulted with and that I didn't consult with who is an expert on whistle-blower legislation, and for that I apologize. I'd be more than willing to get the name, get the number of whom you've consulted with, talk to those people, sit down with you, Minister, and sit down with the people you've consulted with. I can bring the people that we've talked to, and I know that they're prepared in a heartbeat to have a conference call with your people and hash it out so that we're not spending hundreds of hours on this particular legislation and debating the 21 amendments. I'd be pleased to do that. If you want, Minister, I will make my time available so that I can understand who you've consulted with.

I know the Member for Lacombe-Ponoka has spent an incredible amount of time on this particular bill. We will drop everything. We will meet with your consultants. We'll hook you up with the people that we've talked to, let the consultants duke it out, for all that matters, and say: “Well, we'll give you this. You give me that. We'll understand why you're doing this, and we'll understand why you're doing that.” You know what? You



probably will end up with the best piece of legislation not only in this country but in North America.

With that, Minister, I'm going to sit down. I'm going to challenge you with that. Maybe you can text your staff, your deputy. I've been there, done that as a previous minister of the Crown. I'm more than willing to talk to the people that you've consulted with, and maybe they can explain. I look forward to hearing from you on that.

**The Deputy Chair:** The hon. Member for Lacombe-Ponoka.

**Mr. Fox:** Thank you, Madam Chair. I would like to move that amendment A2 to Bill 4, Public Interest Disclosure (Whistleblower Protection) Act, be amended in the proposed section 11.1 by adding . . .

**The Deputy Chair:** Hon. member, we'll just pause till we get that distributed to the other members in the House, please.

It looks like we have distribution. If you would like to proceed, hon. member. Just to keep things in order, this subamendment is known as SA1.

Please continue.

**Mr. Fox:** All right. This amendment amends Bill 4, the Public Interest Disclosure (Whistleblower Protection) Act, in the proposed section 11.1 by adding "or the media" after "Member of the Legislative Assembly" wherever it occurs. Now, there are a couple of reasons why I decided to bring this forward. One was because, actually, the Premier campaigned during her campaign for the leadership of the party on not using the Ombudsman approach to whistle-blower protection.

What is this bill designed to do? Is this designed to protect the individual coming forward. Or is this just meant to put in place a process so that we can kind of shuffle it off to the side and just have a report year after year after year, where we don't even really know what's going to be in that report? There's nothing in this piece of legislation that states exactly what this commissioner is going to report back to the Legislature other than just a line saying that they've got these wrongdoings that came forward, that this was the date, and here's your report. We don't know if that's going to happen. I would hope that that doesn't happen.

I think that if we're going to have real whistle-blower protection, we're going to protect the whistle-blower no matter what venue they choose to come forward through, be it the Ombudsman – how do we put it in here? – the designated officer. Or why don't we go to the MLA, maybe even the media? Where would we have been with the federal sponsorship scandal had that whistle-blower not come through the media? Had Allan Cutler just stayed in a corner, we would not have known what was going on. We would not have seen a fundamental shift in the way the government of Canada operates. He was a hero. These are heroes coming forward.

I was listening to the Member for Calgary-Varsity, to what she was saying about MLAs being persons that a whistle-blower could come to, stating that they wouldn't be independent, that they don't have . . .

**An Hon. Member:** Investigative.

**Mr. Fox:** Investigative abilities. That's it. That is the word I'm looking for.

I'm asking: what makes the designated officer any more able to investigate than the Ombudsman? I mean, it states here in section

7(1) that "a chief officer may designate a senior official to be the designated officer for the purposes of managing and investigating disclosures." I'm not clear on how that person is going to be independent. How is somebody who works for the department going to be independent of that department? I don't see how that can happen. I think they're going to be worried about their department.

Now, hopefully – hopefully – instead of looking at protecting the department or protecting the government, we're going to think about protecting the whistle-blower, the person coming forward with vital information, somebody who can help change the direction of how a matter is being handled within that department, that ministry, that public entity. I would hope – I would absolutely hope – that you'd want to see that person protected and you'd want to see that information come out and come forward so that it can be fixed right away, not maybe a year down the road or a year and a half down the road or two years down the road when the investigation is finally completed and it's kind of swept under the rug.

5:30

It is of paramount importance that we look at protecting the whistle-blowers themselves when they come forward, not the public entity that they're coming from. I would hope that everybody here would be in support of this amendment and in support of what the fair recommendations are. The independent body that is looking at this – I mean, right now under this act no matter how egregious any wrongdoing uncovered by the commissioner, the public may never learn about it.

The Premier, who released her democratic renewal strategy in May, said she would pass a law that protects whistle-blowers no matter what the manner they choose to expose the wrongdoing. Right now in this bill there is no place – no place – that states this. We are prescribing the manner in which they can come forward and blow the whistle with this bill. We're not protecting them when they choose to come forward in a manner of their choosing.

I'm going to read this again because it's very important. The Premier, who released her democratic renewal strategy in May, said she would pass a law that protects whistle-blowers no matter what the manner they choose to expose the wrongdoing. When you start saying that a whistle-blower must report to the Ombudsman, you're being prescriptive again about the structure that is in place in an effort to manage the information. I think that defeats the purpose, the Premier said. I think they need to be protected if they go to the public with it, the Premier said. The Premier proposes to protect whistle-blowers who go to opposition politicians, media – I think that's this subamendment and this amendment – as well as the courts, as well as the Ombudsman and internal managers. She said that the political leaders need to send a message that allegations of wrongdoing will be examined in full no matter how they come to light. I'm going to repeat that little bit again: no matter how they come to light. You either have an open government or you don't, the Premier said.

Because we've brought these amendments forward, that specifically address what the Premier said, to put these provisions in this act to protect the whistle-blower, I would hope that all of you would stand in support of the subamendment and then this amendment because it supports what your Premier has put forward and has said.

With that, I'll sit down. Thank you for the opportunity to put those arguments forward.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Fort McMurray-Wood Buffalo.

**Mr. Allen:** Thank you, Madam Chair. Of course, this is the first time I've seen this, so I really don't have an awful lot to say, but I am pleased to rise to speak to this subamendment. I guess it brings some reasonable question to the practicality of what we're doing here. We've been discussing and debating the amendment regarding reporting wrongdoings to Members of the Legislative Assembly, but to add in media, this does two things. I think what we end up doing – section 11 is specifically designed to say that the employee has a duty within a certain reasonable amount of time to disclose the matter to a designated officer.

I think that if you are going to put in any amendments to add other individuals, whether it's a Member of the Legislative Assembly or the media, you in fact cloud the matter to a point where it could be felt that the media are now designated officers as well. We end up getting to a point where we're debating things in the media and we're negotiating things and trying to fix problems in the media.

I believe that the intent of this act as it's been designed by the hon. Associate Minister of Accountability, Transparency and Transformation is that we're putting a process in place that is going to work for any employee that feels that there's been wrongdoing, that they can come forward through a designated process, through a designated officer, and be treated in a manner which treats them with respect and will come out with results.

Madam Chair, for that reason alone, to add anything as 11.1 under section 11, "Disclosure to designated officer," I can't support this amendment. I certainly don't believe that it would be appropriate to name either Members of the Legislative Assembly or the media as designated officers.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

On subamendment SA1, the hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you, Madam Chairman. This is a very interesting amendment. In fact, it speaks to issues that we, too, had prepared for amendment, which I actually think will probably still be in order, and we'll have an opportunity to discuss them even if this is defeated because our proposal for how to address this issue is more limited in its application than this one would be. I think it will be a different outcome.

I'd like to take this opportunity to talk about the principle that the members of the Official Opposition are trying to get at through both the amendment and the subamendment, which is part of the amendment. Like all members of this Assembly, I've taken the opportunity to read through the act and look at the particular expectations and prohibitions and directions within this act. As you know, Madam Chair, my preliminary concerns about this act are that, really, rather than serving at its very essence to be an act which protects whistle-blowers, in fact, what it does is that it sets out a very limited set of circumstances in which the whistle-blower can disclose.

Then it sets out about – I don't know – 30 rules around that disclosure, and it sets out the authority for probably another 30 rules to be set out around that disclosure. Then it basically suggests that nobody can penalize that whistle-blower if they follow the collective list of roughly 60 rules, although if they don't follow the rules, they may themselves be subject to discipline under the act. It's really not clear that what we're really doing is getting at the so-called intent of the Premier, just quoted a couple of speakers ago, in terms of ensuring that a whistle-blower

will be protected no matter how they choose to disclose information which is important to the public interest.

[Mr. Goudreau in the chair]

What this principle is getting at is ensuring that the efforts of the whistle-blower are not lost in the incredibly detailed and rule-oriented process which exists here. Because here's what it looks like, Mr. Chair. First of all, under section 5(2) each body needs to come up with procedures relating to 11 different issues, which will circumscribe the process for the whistle-blower to follow. Now, we don't know what those procedures will be. They may not be consistent. The obligation for those procedures to be fair is not really laid out in the act, but they need to come up with at least 11 sets of rules in each public body.

[Mrs. Jablonski in the chair]

Then, once they've done that, assuming that the rules are remotely functional and in themselves don't create a process which can go at least 12 months or 24 months or 36 months – we really have no idea how long that procedure would last, and there are no limitations on that procedure and the sets of rules that are being laid out.

5:40

Then after that what happens is that the whistle-blower is compelled to disclose their issue to the designated officer, who will then follow the rules set out by the public body, and we don't know what they are yet. Then in certain limited circumstances the whistle-blower could disclose the issue to the commissioner. But it's not an absolute ability to disclose to the commissioner. They can only disclose to the commissioner under certain circumstances. If the 12 or 13 or 14 procedures that were described under section 5 have not yet been established, then you can go to the commissioner. If they have disclosed unto the designated officer but the investigation is not following the procedures, which we don't know what they are, then you can go to the commissioner, although you can write procedures in such a way that it's very easy to say: yeah, we're following them.

Anyway, if they haven't followed the time period under those procedures that we don't know what they are; if they have actually completed the investigation and the employee is dissatisfied – but bear in mind that because we don't know about these procedures, they may not complete the investigation until, you know, three years after they've first disclosed – then if the subject matter actually is related to the designated officer; if there's a possibility of imminent risk, and we've talked about that already; and if there has been a reprisal taken against the employee. Of course, if there's been a reprisal against the employee, I'm thinking that their first priority is to actually get a job and put food on their family's table rather than go to the commissioner, but that's an opportunity to go to the commissioner. If the employee reasonably, to an objective standard, believes that a reprisal might be forthcoming, they can go to the commissioner. So there are a lot of hoops that have to be jumped through before an employee can actually go to the commissioner.

Now, should they go to the commissioner, though, Madam Chair, it's not all tickety-boo at that point because in fact there are – oh, my goodness – at least one, two, three, four, five, six, seven, eight, nine circumstances under which the commissioner can choose not to investigate or to kick it back to the designated officer or kick it back to the public body. In fact, if that person actually manages to climb that hill of getting the attention of the commissioner, the commissioner can under a whole slew of circumstances kick it back. There are so many opportunities that

the commissioner has to not act on it. One of them is simply that – you know what? – if it happened more than two years ago, the commissioner can stop the investigation.

So even if this person has dutifully gone through the process that the public body has set up – and let's say that that public process took a year. They get through that process, the decision is made, the person is not satisfied with it, and then they get to the commissioner and the commissioner has a six-month waiting list, which, quite frankly, for most investigations by administrative tribunals – I think everybody on that side knows that any response within six months is dreaming in Technicolor. Within about a year – no administrative tribunal manages to dispose of a matter within six months – let's say that they get there, then the investigation starts. Say it's a complex matter. Boom. We hit two years. The commissioner can just stop. "Well, yeah, you know, I realize that it took awhile to get here, but the act says that if two years have passed, even if I've already started my investigation, I can stop in the middle of it."

So there's a whole slew of ways in which this act allows for the whistle-blower to basically fall through the cracks. Why do we care if the whistle-blower is able to manage to avoid falling through the cracks? Well, basically it's because all of this act hinges on section 24, this notion that section 24 will protect this person from being disciplined or harassed or fired because they've chosen to try to disclose.

Now, quite frankly, you can drive a truck through section 24, the loopholes written into that. But notwithstanding that, the point of all of this is to keep the person able to still hold onto section 24 and not have their livelihood stolen from them by somebody who decides to engage in reprisal because this person has questioned their activity or questioned the activity of the public body.

The point of going through this process, Madam Chair, in so much detail and pointing out all the ways in which the person can go through the cracks is to then explain why it is so important to have a fail-safe that ensures that if the whistle-blower falls through the 25 or so cracks that have been written into this act, then there is a fail-safe, and they can go to an MLA or go to the media and have some semblance of hope that they can rely on section 24 of the act.

You know, we've had previous speakers say that there's nothing stopping people from going to MLAs right now. No. No, there's not. Except that they could be fired for it. And be very clear: they could be fired for it. So section 24 is designed – it's the lynchpin of this act. Not a very well-constructed lynchpin, a bit rusty, likely to fall out, doesn't actually fit the tool with which it's gauged, shall we say, but it is nonetheless the lynchpin of the act.

Section 24 currently does not apply if the person goes to their MLA or an MLA, nor does it apply if the person goes to the media. When we're talking about transparency, folks, we're talking about a public debate. We're talking about ensuring that the media has the ability to share these facts with those in the community who presumably, through that little process we call an election, hold this government accountable. When we talk about regular accountability, accountability outside of that four-year period, well, we're talking about debate and conversation within this Legislature, which doesn't happen if this whole process is hidden inside a whole bunch of bureaucratic silos designed to keep it from the light of day. This amendment is geared towards putting a fail-safe in place.

Now, we will be proposing an additional amendment. Should this amendment not pass, we shall be proposing an additional amendment which, I would suggest, amounts to a compromise because it limits the scope or the opportunities at which the whistle-blower can go to the MLA or go to the media. However, the

general principle here is correct. Should this pass, then obviously, yeah, our amendment would be unnecessary. [A cellphone rang] I think I do feel the need to question the member on his musical taste. Nonetheless, I hope you're enjoying it, and I hope I didn't interrupt your enjoyment of that music by speaking about this.

**Mr. Khan:** No, not at all.

**Ms Notley:** In any event, that's what these amendments together are geared to do. It's really important that the discussion with the media is clearly delineated because it, frankly, doesn't help to simply allow an MLA to become aware of it and then have the MLA constrained by the very same confidentiality which constrains the commissioner and would constrain the Assembly from engaging in a proper debate around whatever issue it is that is raised through the information provided by the whistle-blower.

It's really a natural link to include the media because you need for there to be an open, transparent – you know, it's amazing that I'm saying this. I mean, it seemed to me during the election that all the Premier could ever say was: open, transparent; open, transparent. Here we're actually trying to make it happen, yet this bill is all about: "No, we shall not be open and transparent. We shall not let the media know about it. We shall not let the Assembly know about it. We shall keep it in this small office, and it will never ever come out of that little office." Well, this is about trying to change that. This is about really trying to create open and transparent debate and conversation about whatever issues the whistle-blowers bring forward. So we absolutely support the principle behind these motions.

5:50

I will say, Madam Chair, that throughout this process we will be constantly examining what are best practices in other jurisdictions. And be very clear that this piece of legislation that we have here before us in total, as I've said before, mirrors legislation brought forth by that government known nation-wide for its commitment to openness and transparency, the Tories in Ottawa and the Prime Minister. Just to be clear for those listening, I am being very sarcastic when I say that.

This legislation is modelled on legislation that exists in Ottawa, legislation which experts on the issue of openness, transparency, government accountability have long since concluded is not transparent, is not accountable, and is not effective at protecting the rights of public servants when it comes time for them to exercise their conscience and disclose potential wrongdoing on the part of any branch of government, including the most senior people in the executive branch of government.

As a result of that, we're not going to get true transparency in this legislation as it currently exists. We will get an enhanced level of opaqueness. We will actually be injecting darkness into the window and ensuring that fewer people can see what's going on if we pass this act.

This amendment is clearly geared towards introducing a fail-safe, as I've said before, to a process which, as I've described, includes roughly 30 or 40 cracks through which the whistle-blower can fall to not only their demise but to the demise of open and transparent public debate in this province. So we're certainly happy to support the principle behind these amendments.

We do think that it's important to include the media in this amendment as much as the MLAs. If I had to choose one, I would say that it should just be the media because if the media is aware of it, then the MLAs become able to have the conversation in an accountable fashion within the Legislature and in other places. Quite frankly, it's really only when the weight of public opinion

through the work of the media starts to pressure this government that we ever see any kind of response. As a result, if I had to chose, this subamendment is easily the most important component of this combined amendment by the Official Opposition, but we're certainly happy to support both.

Thank you.

**The Deputy Chair:** Thank you, hon. member.

The hon. Member for Calgary-South East on subamendment SA1.

**Mr. Fraser:** Thank you, Madam Chair. Let me speak to this amendment. You know what? I think that on the face of things this sounds great: let's go to the media; let's go to our Member of the Legislative Assembly. Those are all good things.

**Mrs. Forsyth:** It's your Premier that wanted it.

**Mr. Fraser:** Absolutely. But I think the question is: does this bill preclude you from doing that? Does it allow you not to do that? I don't think it does. I think you can do it. In fact, Madam Chair, a wise man once told me that not all media is good media.

When we talk in the best interest of people, the people that we're here to serve and protect, let's look at a couple of things. Let's look, for instance, at Alberta Health Services with a hundred thousand employees. You can't tell me – and in fact, I've worked there – that everybody gets along. I would imagine that there are whistle-blowers there right now, whether it's against a physician, a paramedic, or a nurse, or the governing colleges, the labour groups. Those problems are being solved based on the process that we have today, but this bill goes one step further. It creates more transparency. It gives more ability to the whistle-blower to feel protected.

Now, at the end of the day when we think about media and we think about the way that we need to move, wouldn't we as politicians always love to control what comes out in the media on both sides? But that doesn't always happen. The media doesn't always report things in the best interest of the person or the entity. They're there for a particular reason. I think that when we include this, that's what we are saying, that they're a definitive protection, and they're not.

Further to that, I'd even say this. If you go to your MLA, which you should be able to, the MLA should do everything to fight for you in your best interest. I can tell that when I was president of the Calgary paramedics, I had to protect people. I had to give them advice, whether it was dealing with the media or with their supervisor.

Well, you shake your head, but I've been in Alberta Health Services and I can tell you that when you talk about bullying and you talk about that process, you should be injected into the front lines to see how that works. It is really important to understand how that works. It's really important to understand what the long-term effects of that are. Once again, as I've said before, the way this legislation is written, and over time whether it's all legislation, we will see the proven effectiveness of these bills as they move forward.

Now, you say that we need to have this large collaboration as if this government didn't have it, as if we're not meeting the mandate that the Premier gave us. You're talking about 61 different diverse points of view, people that went to school like myself and

our chief government whip that protect people every day. You can't tell me that the dialogue that we have in our caucus isn't to put people in the front. There has to be some rationality here. The good people that have been serving these people and constituents in this province, not just today but for many years: we continue to build on those strengths.

So to say that because the media is not in it – ask yourself that question. The media is not always the right way to go. Your MLA is not always the right way to go. There is a process, just like we have processes in our families and in our other businesses that we hold dear to our hearts. There is a process that we follow. I encourage, in fact I dare, the members across the aisle and other parties to follow this process, to get out there. [interjection] You know what? My Premier empowers you and every other person in this province to go to their MLA. I'm on the record.

**Mrs. Towle:** And the media.

**Mr. Fraser:** Go to the media if you feel that's your best avenue. The Premier is not saying not to do that. The Premier, in fact, said to go ahead and do that.

Our job should be to see if that is the correct action, to follow a process, to make sure that we are not breaking any laws or precluding anybody from getting the kind of justice that they need. It doesn't always need to be politicized. It doesn't always need to be on camera. Sometimes the best work happens behind closed doors.

You know what? I know that the members across the way know that. You're laughing, but you know this. In fact, I'm a testament to why I stand here, because you know what? I didn't hijack meetings with union members. I went on my own and I talked to people and built credibility. I built credibility. I built a relationship. And that's what this is about.

I'm happy, and I'm proud to stay here. I will stand here until the end of this campaign in the next four years, and you know what? I'll stand behind the work I did. I'll stand with the members on this side and all sides that did hard work, that were honest with Albertans, that work for Albertans.

I believe this bill speaks to that, and I won't be supporting these amendments. Thank you.

**The Deputy Chair:** Thank you, hon. member.

**Mrs. Forsyth:** Well, time is short. Actually, it's interesting that the member talks about the mandate that the Premier gave them. What he is discussing is exactly the mandate that the Premier was trying to sell Albertans on when she was running for the leadership.

We've already had the Member for Lacombe-Ponoka speak, and I think it's important for the member – and I admire what he is trying to do. I'm sure when he talks about the processes in place and he talks about his paramedics, which I know he has . . .

**The Deputy Chair:** Hon. member, I hesitate to interrupt you, but it is now 6 o'clock, and the committee stands recessed until 7:30 p.m.

Thank you.

[The committee adjourned at 6 p.m.]





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