

## Legislative Assembly of Alberta

Title: **Thursday, March 6, 2003**

**1:30 p.m.**

Date: 2003/03/06

[The Speaker in the chair]

head: **Prayers**

**The Speaker:** Good afternoon.

Let us pray. Our Father, we thank You for Your abundant blessings to our province and ourselves. We ask You to ensure to us Your guidance and the will to follow it. Amen.

Please be seated.

head: **Introduction of Guests**

**The Speaker:** The hon. Minister of Community Development.

**Mr. Zwozdesky:** Thank you, Mr. Speaker. It's indeed a pleasure to rise once again and introduce to you and through you to all members of this House some very special guests who are here today, six representatives from Chrysalis. Yes, indeed, Chrysalis is one of our very special Alberta societies for persons with disabilities. Representatives who are here today include Mr. Stan Fisher, the president and CEO; Trevor Crick, the vice-president for Edmonton; Linda Pinney, vice-president for Calgary; Laurie Balfour, the controller; and Isabelita Wheeler, the executive assistant. As with many members in this House we've all had the pleasure of seeing some of the tremendous work these individuals do on behalf of some of the most needy people across this province. I've been to many of their events, and I know how hard they work and the sincerity that they bring to that work. So it is with great, great pride that I ask them all to stand now and receive the very warm welcome of all members of this House. Please rise.

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

**Mrs. Nelson:** Thank you very much, Mr. Speaker. It is with great pleasure that I introduce to you and through you to members of the Assembly a number of people who are visiting the Legislature from the Department of Finance. For many of them this is their first time since they were in grade school that they've been back into this actual Assembly. So we do welcome them today. They are Peter Blandy, Bradley Geddes, Felix Choo, Gerald Beaudry, Sophie Baran, Tara Dahl, Linda Sinclair, Lorna Smith, and Dave Mulyk. They are in the members' gallery, and I'd ask them all to rise and receive the very warm welcome of the Assembly.

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

**Dr. Oberg:** Thank you very much, Mr. Speaker. I have two sets of introductions today. The first one: it gives me great pleasure to introduce to you and through you Janice Schmidt, who is a first-year student at NAIT in the office and records administration program. Today she is job shadowing with Tanya Cliff, who works in my office and is a graduate of the same program. I would ask that both Janice and Tanya stand and receive the warm welcome of the Legislative Assembly.

The second set of introductions is two people that have journeyed from Brooks to meet with the Minister of Seniors and receive some excellent news today, I understand, about things that will happen in Brooks. They are Barry Morishita and Diane Murray. I would ask them to stand and receive the warm welcome of the Legislative Assembly.

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

**Mr. Cao:** Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the Assembly Allan Jobson, one of my Calgary-Fort constituents. He has in-depth knowledge of WCB matters, has written many documents to suggest improvement in WCB legislation, policies, and regulation. He currently volunteers in my office advising injured workers regarding their WCB claims. He is here in Edmonton to help organize the injured workers groups provincewide. The new umbrella organization helps to inform injured workers of their rights, including the right to be informed of all benefits, entitlements, administrative procedures, and appeals, and also their doctor's right to assist them with their medical treatment and rehabilitation. This organization, sir, hopes with the help of government and training institutions to devise a way for injured workers to take charge of their rehab. Also, in Allan's words: we also want to dismiss the continued myth . . .

**The Speaker:** Hon. member, there is part of the Routine known as Members' Statements. Perhaps the member might look at that and just get on with the introduction now.

**Mr. Cao:** Thank you, Mr. Speaker. I would like to ask Allan to rise and receive the traditional welcome of this House.

**The Speaker:** The hon. Member for Edmonton-Castle Downs.

**Mr. Lukaszuk:** Thank you, Mr. Speaker. With us today in the gallery are three fine employees of ATCO company, a company that has just donated brand-new computers to schools in Castle Downs, and they are Mr. Bart West, director of corporate affairs; Ms Aleksandra Nowacka, senior analyst; and Mr. Bob Baer, regulatory manager. I would like them to rise and receive the traditional welcome of this Assembly.

Thank you.

**Mr. VanderBurg:** Mr. Speaker, it gives me great pleasure to introduce three special ladies to you and to all of my colleagues: first, my mom, Kitty; my baby sister, Pat; and my lovely bride for 27 years, Liz.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Today I'm very pleased to introduce to you and through you to the Assembly some very important people. The first is the person who's known me longer than anyone else, and that's my father, Bob Mason, as well as my stepmother, Kay Guthrie. With them today are my cousins who are visiting from Britain, Stewart Wallace and Annalisa Wallace. They're going to take some time touring the province. They've spent some time with my sister in Calgary, and they're going to be seeing a Flames and Oilers game. They're going to be doing a little bit of skiing, and they're going to be seeing many of the fine things that Alberta has to offer. They are seated in the public gallery. I would ask them to rise and receive the warm welcome of this Assembly.

head: **Oral Question Period**

### Energy Prices

**Dr. Nicol:** Albertans gripped by the chill of soaring natural gas prices must brace for another icy blast when they open up their next power bill. This government has broken one promise after another: first, no natural gas rebates, and now higher, not lower, power bills

due to this government's botched deregulation scheme. To the Premier: will the Premier admit that thanks to deregulation, where the price of power is determined by the highest bidder, that system causes power prices to spike along with natural gas prices?

**Mr. Klein:** Mr. Speaker, I guess it's a matter of the market prevailing. Quite simply, through deregulation we firmly believe that competition will bring the price down. That is happening. You know, there are some tremendous deals out there. Just listening to the radio – and this is a city-owned utility, Enmax, and if I recall, a city of Calgary owned utility. I know that he's familiar with the city of Edmonton owned utility because they set the rates. At least when he was on the board of EPCOR, they set the rates. But I heard an ad just the other day saying that if you sign a contract for gas and electricity through Enmax, you get two months free of both electricity and natural gas. Now, that seems to me to be a deal. I don't know the intricacies of how long the contract is, but this is an example of how competition works. This is a company that's out there competing in the retail market and offering deals. It's just like any other commodity, any other retailer. We see it all the time with automobiles. We see it with groceries. We see it with furniture. We see it with real estate, and now we're seeing it with power. So there are deals to be had.

1:40

**Dr. Nicol:** To the Premier: given that it is impossible for a school board to put on a sweater and the Catholic school board needs an additional \$2.2 million to pay their utility bills, will this government help schools pay their utility bills, just like they did before the last election?

**Mr. Klein:** Mr. Speaker, there is a program in place. I've repeated the answer I think about 17 or 18 or maybe 27 or 30 times, but I'll say it once more just so the hon. leader of the Liberal Party understands and he won't have to ask the question ever, ever again.

The answer is that we put in a legislated rebate program that kicks in when the price of natural gas reaches \$5.50 a gigajoule, and this government plans to do absolutely nothing beyond abiding by the rules and regulations associated with that protective legislation.

**Dr. Nicol:** Mr. Premier, then why didn't you put together the regulations on that particular piece of legislation the way you promised Albertans you would during the election and the way you promised them you would during the debate on that legislation? You talked about onetime support, not this year-long average. Is that not true?

**Mr. Klein:** I'll tell you what is true, Mr. Speaker. You know, the Liberals didn't follow me to all my campaign stops. They should have. Perhaps they would have been more successful. I don't think they would have been, but I say that facetiously. I can tell you that what I said during the campaign at every campaign stop was: folks, after dealing with this emergency situation on an ad hoc basis, we will consider a program very similar to the interest-shielding program that was introduced by then Premier Peter Lougheed, where interest rates were shielded down to 12 percent. Once the price dropped below 12 percent, the shielding came off. I said that we would introduce a program similar to that relative to natural gas, and we were true to our promise. We did precisely that.

### Energy Marketing

**Dr. Nicol:** This government is good at making promises but short on delivery. They promised natural gas rebates we will never get. They

promised low electricity prices that will never arrive. Now it's unleashing energy retailers on consumers who don't know what a kilowatt is from a gigajoule. Mr first question to the Minister of Government Services: how will the government ensure that Albertans are not taken advantage of by retailers who seem to come calling just when energy prices spike?

**Mr. Coutts:** Mr. Speaker, under the legislation that we have in Government Services, as it pertains to natural gas and electricity marketing, marketers that go out there have a code of conduct that they must follow. As well, they must present themselves, identify themselves, the company they're representing, and they must come forward with a contract to present to the person that they're trying to sell to, and they must properly represent themselves and their company and the product that they're trying to sell before that prospective customer. That legislation is in place, and we adhere to that legislation. When we get complaints, as was indicated here last fall, we will take the proper procedures to investigate those complaints and take the appropriate action under the legislation.

**The Speaker:** The hon. minister to supplement.

**Mr. Smith:** Well, thank you, Mr. Speaker. I want to help the Leader of the Opposition out as much as I can. A megawatt-hour is the amount of energy used to heat one home for a year, and in fact a gigawatt-hour is equal to 1 million kilowatt-hours or 1,000 megawatt-hours. So anytime the member needs further information on how to measure electricity either by its consumption or by its sale, I would direct him to [www.energy.gov.ab.ca](http://www.energy.gov.ab.ca).

**Dr. Nicol:** To the Premier: why didn't the government bring in the consumer education plan that was suggested at the time deregulation was brought in?

**Mr. Klein:** Mr. Speaker, the question may be a good one, or it may not be a good one – I really don't know – but I'll have the hon. Minister of Government Services answer it.

**Mr. Coutts:** Mr. Speaker, in terms of energy pricing either on the natural gas side or on the electrical side, that comes under the EUB, and the Minister of Energy for the province of Alberta has explained that whole process many, many, many times in this House. I have just explained what Government Services does in terms of consumer protection when people are asked to sign a contract. That legislation is in place and we abide by it and we will investigate when we get complaints.

**Dr. Nicol:** To the minister of consumer affairs. Do you not think that education of the consumer is an important part of consumer protection? Why haven't you implemented that education plan that you promised?

**Mr. Coutts:** Mr. Speaker, I don't know where the hon. member opposite has been. We have had consumer tip sheets out on electrical marketers, on natural gas marketers, on conservation, on energy conservation. We have had that out there for many, many, many years. It's available on the web. I'm sorry; unlike others in the Assembly I don't happen to know the [www](http://www) dot numbers, but I'll get it for you. That information is available on tip sheets. It's also available from the people in the industry. You've got EPCOR. You've got Enmax. You've got all of the companies that give out these kinds of tip sheets on energy savers for their homes.

### Energy Efficiency Retrofit Assistance

**Ms Carlson:** Mr. Speaker, with energy costs skyrocketing, everyone is paying more, and while this government wallows in royalty cash, schools, hospitals, and municipalities must take valuable dollars from vital areas like classrooms and emergency wards to be able to keep the temperature in their buildings at a reasonable level. My questions are to the Premier. Given that every American state and many Canadian provinces have already accepted and developed energy efficiency retrofit assistance and incentive programs, when is the Premier going to introduce one in Alberta?

**Mr. Klein:** Mr. Speaker, a very, very interesting question. I had a briefing note on exactly what we have done, and the list is very impressive. I'm looking for it. I would be very happy to provide the hon. member with the steps that have been taken to conserve energy. The steps have been very significant indeed.

Yesterday – I haven't discussed this with the Minister of Infrastructure yet – I had the opportunity of introducing two individuals in the Legislature, both involved in architecture and retrofits and designing buildings in a way that is energy efficient. One of the participants, who couldn't be here, was about to conduct a seminar with the Alberta Urban Municipalities Association, but she's also on the board of governors of an organization called LEED. I don't know exactly what the acronym stands for, but it is an American organization that really sets standards for the construction of institutional buildings: hospitals, schools, other government buildings. I've asked that individual to send me as much information as she possibly can as to how we can participate in that program, and I'll be having that discussion with the hon. minister and members of my caucus.

**Ms Carlson:** Well, Mr. Speaker, here's another good idea for the Premier: now that the government has adopted two of the Alberta Liberals' great ideas, the sustainability fund and infrastructure fund, will he not adopt the retrofit fund for the benefit of all Albertans?

**Mr. Klein:** Mr. Speaker, I'm not going to get into the establishment of funds or anything else until we decide exactly what we're going to do. As I said, we've already done a tremendous amount. I'll have the hon. Minister of Infrastructure supplement relative to what we have done, and we will do more.

After we decide what we're going to do as a matter of policy, then we will assign the appropriate amount of money to that particular project. Whether it's in a special fund or not, I don't know at this particular time. I'll have the hon. minister supplement.

1:50

**Mr. Lund:** Mr. Speaker, in all of our modernization plans and whenever we build anything new, we do put in all the necessary things to make the building the most efficient that it can be, whether it be added insulation, the most efficient types of lighting, those types of things. But I think it's also important to recognize what the government itself has done over time. Back in about '95-96 we started the energy efficient retrofit program, which saw us do some 200 projects where we put in efficient lights, did things with the insulation, did things with the heating, and that whole program has shown the reduction in our consumption in the electrical and the energy side by a very large percentage. So we would encourage people to look at something along that line because, in fact, there are many things that you can do in your own home or in your own business that will have a payback within three years or five years.

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

**Ms Carlson:** Thank you, Mr. Speaker. To the Premier: given that we've heard this minister brag about their own energy efficiency initiatives, which are good, when is this government going to help schools, hospitals, and municipalities attain the same level of energy efficiency, which would also be good, and seriously put more money in the hands of these organizations for operating costs?

**Mr. Klein:** Mr. Speaker, according to this expert – and I will take my advice from experts. This individual from yesterday – I believe her name was Ms Manasc – devotes her architectural life to designing and retrofitting buildings to make them energy efficient, and she is a recognized spokesperson on this particular issue, so she is an expert.

Once we decide what we're going to do as a matter of policy, that policy will then extend to school boards and hospital boards, hospital districts, and so on.

But the point I want to make, because I asked her precisely this question, is that the Liberals say: you need more money to do this. And she says no. She says that the construction costs are about the same, and the operating costs are far, far less, so they should be asking for less money.

**The Speaker:** We've already spent nearly six minutes on this set.

The hon. Member for Edmonton-Highlands, followed by the hon. Member for Calgary-McCall.

### Electricity Prices

**Mr. Mason:** Thanks very much, Mr. Speaker. A survey by Manitoba Hydro, released by the New Democrat opposition this morning, shows that Albertans in every community from Taber to Grande Prairie are paying more than other Canadians for their electricity, and as the wholesale price of electricity keeps going up, this government's credibility drops like a stone. The one exception to this is the shining example of Medicine Hat, where publicly owned utilities lead the way with the cheapest nonhydro power in Canada. My first question is to the Minister of Energy. Now that this government has the distinction of being the administration that squandered the best energy advantage in the entire country, will the minister stop trying to convince Albertans that bills are going to go down and, instead, admit that, in fact, almost every part of this province, with the exception of Medicine Hat, pays more for electricity than the rest of the country?

**Mr. Smith:** Mr. Speaker, because we do not own our own generation facilities – and, in fact, unlike the other parts of Canada, where there is at least 100 billion Canadian dollars of debt stacked up against these artificially low electricity prices, we don't keep track of the prices we have because we aren't responsible for them. The marketplace is. I do have in my possession information that indicates that of the people that are offering electricity in the province, ATCO is competitive with other jurisdictions across Canada.

Now, with respect to the policy, there may be others who wish to add. Thank you.

**Mr. Klein:** Well, Mr. Speaker, I can't help but supplement because the hon. Member for Edmonton-Highlands is leaving the wrong impression. You know, it's true that electricity prices are higher than normal right now, and it's probably true that they're higher than in Manitoba, but you have to understand that Manitoba and Quebec, the two supporters of the Kyoto protocol, co-incidentally, have huge, vast amounts of water – huge amounts of water – and they're able to build these huge, massive dams to generate hydro power.

**Dr. Pannu:** What about Medicine Hat?

**Mr. Klein:** Medicine Hat, as Rudyard Kipling says, has all hell for a basement. Name me one other city.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. I do appreciate the Premier's effort to help out his minister.

I do want to ask the minister another question. Since he is so insistent on meddling with utilities and rearranging the deck chairs on the *Titanic*, will he at least look at the Medicine Hat model, which still delivers the cheapest nonhydro power costs in the country?

**Mr. Smith:** Mr. Speaker, you know, one of the good fortunes this government has is that it has two representatives in this government from the city of Medicine Hat, unlike the zero representatives that come from the ND for Medicine Hat. I have information from the Member for Medicine Hat, who says: "The prices in Medicine Hat have gone up dramatically over the past two years. As old gas reserves are depleted and new gas is used, the price rises even more, until it reaches the same level as anyplace else." Fundamental market supply and demand.

Now, Mr. Speaker, let's just talk about the Manitoba example for one second.

**The Speaker:** Hon. minister, please. We've now gone five minutes in this exchange. There are a whole series of members that want to participate.

The hon. member.

**Mr. Mason:** Thanks very much, Mr. Speaker. My final question is to the Minister of Finance. Since the Minister of Energy has proven himself unable or unwilling to deal with high power prices, will the Minister of Finance tell us if she has any plan to combat the high inflation in this province, caused in large part due to rising energy prices, other than dealing with the person three places to her right?

**Mrs. Nelson:** Well, Mr. Speaker, there's no secret to the fact that Alberta is leading the way in economic growth in this country once again, and I can tell you that we believe that that will continue. I believe that someone wants to supplement my answer, but there's no secret to that kind of arrangement. I don't know why the opposition is so surprised with the growth and success that's occurring in this province, that is not found anywhere else.

#### Centennial Programs

**Mr. Shariff:** Mr. Speaker, Alberta's centennial year, 2005, is rapidly approaching. Many communities, municipalities, and other organizations throughout our province are becoming very anxious to know how the plans announced a few years ago by our government are proceeding. My questions are to the Minister of Community Development, who is responsible for Alberta's centennial program. Can the minister apprise this Assembly of the status of this important program that Albertans are counting on?

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

**Mr. Zwozdesky:** Thank you, Mr. Speaker. I'd be happy to do that. In fact, we've had tremendous interest in the Alberta centennial programs. We have dozens of municipalities and community-based

organizations who are right now undertaking and finalizing some of their plans for special arts festivals, special cultural events, sports days, contests, competitions, reunions, homecomings, and so on.

From the government of Alberta's perspective we're also working on our medals program, coins, flags, banners, and of course the important celebration day itself, September 1. Our MLA for Calgary-Fort is chairing the official Alberta song competition, which will be unveiled very soon. That's drawn a lot of interest as well.

Finally, I would just say that our provincial government, myself specifically, has been working with the federal government on some larger initiatives, and those details will flow out as we come closer to the event itself.

2:00

**Mr. Shariff:** Mr. Speaker, my first supplemental is again to the same minister. What is the status of the request for financial assistance from community-based projects?

**Mr. Zwozdesky:** Well, Mr. Speaker, members of this House will recall that we had an application deadline for phase 2 of community-based centennial programs looking for financial assistance. That deadline was March 1, and unfortunately just prior to our being able to announce them, we experienced the tragedy of September 11, and the centennial program was deferred. The bottom line is that we had about 150 applications that came in, requesting hundreds of millions of dollars, which was beyond our official capacity anyway, but that centennial program for community-based projects still remains officially deferred.

I would say, Mr. Speaker, that we were happy to fund approximately 12 projects to the tune of about \$56 million from Olds to St. Paul to Grande Prairie to Calgary to Edmonton, and I'd be happy to provide that list at some point if members of the House would wish to have it.

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

The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Calgary-Fort.

#### Labour Legislation

**Mr. MacDonald:** Thank you, Mr. Speaker. Health care workers are very concerned that their democratic rights will be eroded even further by this government. Unions in a wide variety of professions, from teachers to tradespersons, fear that they will also be on that list and that that list will lead directly to right-to-work legislation. My first question is to the minister of human resources. Is it the ultimate goal of this government to bring in right-to-work legislation for teachers and other unionized workers in this province?

**Mr. Dunford:** The answer is no. We recognize the ability of people to bargain collectively. What we have here, of course, though, is the situation where the importance that has been portrayed to the government and portrayed by this government is that health care is the most important issue we have in front of us. There are reforms that need to go forward, and we think – and we think that many Albertans will agree with us – it is very important, then, to find a way to streamline and make more effective and more efficient the labour relations that take place within the health care sector.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. Again to the same minister: how many professions is this government prepared to deem an essential service in order to abolish unions in this province?

**Mr. Dunford:** Well, one of the interesting things about Alberta, Mr. Speaker, is that we generally enjoy very good relationships with the union movement despite the fact that we're a Progressive Conservative government. Now, there are all kinds of Liberals and there are all kinds of NDP people that try to find ways to wiggle in between there and wedge us apart, but when you look at the record in Alberta, you find that we have an incredibly successful way in which we handle the disputes that arise at times between employers and employees.

One of the areas of measurement of a minister within this portfolio, of course, is the number of negotiations where job action is the end result. You know, we're the lowest in Canada. We think that's very important, and we think that's a sign of a healthy relationship between the government and its union movement.

**Mr. MacDonald:** Mr. Speaker, to the Premier: given that the Premier was quoted in 1999 stating that this government has always resisted right-to-work legislation because there is a good balance between the right to work and the right of unions to organize, if this is true, why set up a secret, powerful cabinet committee to study right-to-work legislation, that is going to do nothing but destabilize labour relations in this province for the next five to six years?

**Mr. Klein:** Mr. Speaker, I am so happy that the hon. member asked that question and, as part of his preamble, alluded to this so-called secret committee. I take the hon. member back to *Hansard*, Thursday, November 21, 2002. Please excuse me for not using the hon. member's constituency, because I am quoting directly from *Hansard*.

Ms Carlson: To the Premier: then how does the government answer the charge that this new policy they are floating is a socialist policy, not free market based? Mr. Premier, you look like Pierre Elliott Trudeau on wage and price controls.

Mr. Speaker, here's the answer:

Mr. Klein: Mr. Speaker, again the Liberals are conducting their research in the *Edmonton Journal* and the *Calgary Herald*. Clearly, public-sector salaries account for about \$10.8 billion of the government's budget, and each increase in public-sector salaries costs the province about \$108 million, and since government funds the public sector, we have to ensure that salary settlements are sustainable over the long term. We need to do that so we can budget and budget properly. So we do have a group of government members looking at strategies to deal with the impact of public-sector salary increases on the provincial budget . . .

Mr. Speaker, that so-called secret committee was announced almost six months ago.

. . . but I can tell the hon. member that no concrete proposals have been brought forward to cabinet or caucus or Treasury Board [at this time].

Mr. Speaker, this nonsense that they spout about a secret committee is nothing more than that: absolute nonsense. They are misleading the people, because they knew – they knew – at that particular time. They are not telling the truth, and that is a shame.

**The Speaker:** The hon. Member for Calgary-Fort, followed by the hon. Member for Edmonton-Mill Woods.

### Electricity Supply

**Mr. Cao:** Thank you, Mr. Speaker. Given that electricity is a vital part of Albertans' businesses and a key component in Albertans' quality of living and that this winter has been the coldest in a number of years, because of news they are hearing about blackouts in other provinces, my constituents are concerned. My question is to the

hon. Minister of Energy. How does Alberta's restructured electricity market work to prevent blackouts and ensure adequate supply?

**Mr. Smith:** Mr. Speaker, in many ways, and it does it in such a way that it brings power to the marketplace so that there aren't blackouts.

But in terms of comparing provinces, I think that maybe the Premier may wish to supplement on some of the discussions that go on about people leaving one province and coming to another. Is it for the power? What reasons is it for?

**Mr. Klein:** Well, Mr. Speaker, indeed, I do appreciate very much this opportunity to supplement, because while the opposition NDs are out telling Albertans how bad it is in this particular province – and they are. I don't know how they provide policy direction to their communications director, if indeed he is their communications director still, but I do quote Lou Arab. Now, I don't know if Lou Arab is still with the NDs, but

Lou Arab cut \$240,000 off his mortgage when he left Vancouver in April [of last year] for a job in Edmonton that paid him less money, but left him further ahead financially with less stress.

"We lived in this great neighbourhood (yet) we were one car accident or roof repair away from financial ruin," said Arab, communications officer for the tiny New Democrat caucus in the Alberta legislature.

**The Speaker:** Hon. Member for Edmonton-Highlands, you rose on a point of order?

**Mr. Mason:** Yes, I did, Mr. Speaker.

**The Speaker:** Okay. We'll deal with it later.

The hon. Member for Calgary-Fort.

**Mr. Cao:** Thank you, Mr. Speaker. My second supplemental question is to the Minister of Energy. Talking about the concern for blackouts and ensuring an adequate supply of energy, I would like to ask the minister: how does this new generation restructuring benefit Albertans?

2:10

**Mr. Smith:** Mr. Speaker, Alberta's restructured market does not hide the true price of power. In fact, some 2,500 new megawatts of generation came on without causing the ratepayer additional expense. Now, it's so difficult these days to compare apples and apples in the power business. Ontario, which reverted to the Crown model and to the price-fixing model, is now being subject to rolling blackouts. That has not happened in Alberta. Manitoba, which allegedly has some low power rate – also, what is not being mentioned by the New Democrat Member for Edmonton-Highlands is that that New Democratic government put Manitoba in the highest personal tax rate in Canada. Is that the price you pay?

**Mr. Cao:** My last supplemental question is to the same minister. Thinking about the Alberta situation here, what electricity choices do Albertans now have?

**Mr. Smith:** Mr. Speaker, this marketplace still remains regulated. There is the regulated rate option, that is tabled on an annual basis. The EPCOR/Aquila service network tables with the Alberta Energy and Utilities Board. The ATCO service network tables with the Energy and Utilities Board. After, I'm hoping, through the successful guidance of the Member for Grande Prairie-Smoky, that in fact EPCOR and Enmax RROs will be approved for the year 2004-2005. During that time there are other options outside of the regulated

envelope that customers can avail themselves of, and I strongly advocate that they contact their utility companies.

**The Speaker:** The hon. Member for Edmonton-Mill Woods, followed by the hon. Member for Red Deer-North.

#### Preschool Programs

**Dr. Massey:** Thank you, Mr. Speaker. Each Thursday Alberta Liberals will ask a specific question that members of the public have asked us to pose. Today's questions raise the concerns of Helena Beca, who is an Edmonton playschool teacher and also vice-president of the Edmonton Preschool Association. My questions are to the Minister of Learning. If children are such a high priority for this government, what will be done for Edmonton playschools that cannot afford the recently announced 500 percent rent increases?

**Dr. Oberg:** Mr. Speaker, I, too, read the *Edmonton Journal* this morning and saw this. It looks like what is occurring is that the playschools have had very much a subsidized rent from the Edmonton public school board. Playschools are outside of the basic mandate of the School Act, and they have decided to take the money and subsidize a playschool program. The average amount of dollars that goes on operations and maintenance for schools is around \$55 per square metre, and even at that point the school boards are saying that it's quite tight.

My understanding is – and again I must only say that I read this in the paper – that they were paying approximately \$8 per square metre. What Edmonton public school board is looking to do is bring their rate up to be very comparable with Edmonton Catholic over the next five years. I agree with Edmonton public that they should not do that immediately, that it has to be done slowly to allow the parents to be able to come to grips with that. My understanding is that they are bringing it up to the same level as the Edmonton Catholic school board.

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

**Dr. Massey:** Thank you. Again to the same minister: was jacking up leases on preschool and out-of-school care programs a suggestion of the minister's audit team?

**Dr. Oberg:** No.

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

**Dr. Massey:** Thank you. My third question is to the Minister of Children's Services. Will your department take any responsibility for helping to keep these Edmonton preschool and out-of-school care programs open?

**Ms Evans:** Mr. Speaker, through family and community support services in this province we fund \$57 million to the municipalities of Alberta, 266 of which take advantage of that program. The city of Edmonton gets approximately \$15 million and, with local family and community services boards, can assign priorities, does assign priorities, and spends dollars in support of programs that support the community. We do not directly manage how those priorities are established except to fund on an 80-20 basis, 80 cents from the province and 20 cents locally, those municipalities that make that identification.

With the Minister of Human Resources and Employment over the last three years there have been times, for before- and after-school

child care, when we have directly assisted the city of Edmonton at their request for very special needs for those children that are in that category. Mr. Speaker, it would not be appropriate for us to pick either their priorities or influence that. No doubt those parents can go back and talk to family and community support services and say: are there assignments of dollars that can be made to this program? But I do believe that, fundamentally, parents through their local municipal government have the right to set those priorities.

I should point out further, Mr. Speaker, that this past year, when we added \$15 million more to that program, we made it fully funded, as per the request of municipalities for social programs that they wanted to influence.

**The Speaker:** The hon. Member for Red Deer-North, followed by the hon. Member for Edmonton-Glengarry.

#### Crystal Methamphetamine

**Mrs. Jablonski:** Thank you. Mr. Speaker, we may be facing an epidemic of crystal methamphetamine use in Alberta. Crystal meth is an illegal drug that can be produced from raw materials found on store shelves and is sold on our streets, usually to students. Crystal meth creates a feeling of euphoria for six to eight hours. Use it twice and you're addicted. This drug is considered to be the worst drug that ever hit the streets of the United States, and there is an alarming increase in its manufacture and use in Alberta. Our children are being targeted, and there is a high risk of aggressive and violent behaviour, paranoia, and brain damage. Our youth, our parents, and our teachers need to be well informed of this highly dangerous drug. My question is to the Minister of Health and Wellness. What is this government doing to deal with the rapid increase in methamphetamine use in the province?

**Mr. Mar:** Well, Mr. Speaker, this drug is highly addictive, and as has been suggested by the hon. member, it's easy to manufacture with ingredients that are relatively easy to obtain. In this province AADAC is the Alberta government's lead organization in providing information, prevention, and treatment services for alcohol and drugs. AADAC is well aware of the concerns and the problem associated with the increase in the use of crystal meth, or speed, as it's referred to. The drug is more technically known as methamphetamine.

Now, Mr. Speaker, in order to address crystal meth use in Alberta, AADAC has been working with community organizations throughout the province including the police, schools, and workplaces as well. Their focus has been to increase the awareness of the risks associated with the use of crystal meth. AADAC is also reviewing its treatment protocols around this particular drug to ensure that it continues to follow best practices. AADAC does offer information and treatment assistance for crystal meth use, and anybody needing help should contact AADAC.

**Mrs. Jablonski:** My second question is to the Solicitor General. Given that the synthetic drug has an extremely high potential for abuse, dependence, and brain damage, what are our police services in Alberta doing about the crystal meth labs and crystal meth dealers, that are on the increase in Alberta?

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

**Mrs. Forsyth:** Thank you, Mr. Speaker. The hon. member is right. The increase of meth use and the production of meth is well known to the law enforcement agencies in this province. The RCMP K

Division drug awareness, service, and chemical diversion program is working on a number of strategies to address this very serious issue. A drug-endangered children's seminar was presented in Edmonton in January. More than 800 police members, prosecutors, and children's service workers attended. Also, the conference was well attended in Calgary. The hon. Minister of Children's Services and I both attended. At the seminar a U.S. team of experts spoke on an innovative approach to dealing with the issues of meth and children. Under the program in the U.S. parallel drug and child abuse investigations are used to deal with home meth labs and the dangers children are exposed to.

The Minister of Children's Services and I have requested more information about the program. I have discussed it with the chiefs of police across the province, and I'm meeting with the RCMP in the next couple of weeks to discuss a drug-endangered children's protocol and how to address meth labs.

### Injured Workers' Allegations

**Mr. Bonner:** Mr. Speaker, yesterday I tabled documents in this House that clearly illustrate the violation of the right to natural justice of an injured worker. In the tabled letter from the Solicitor General's public security department to the fraud investigation department of the Workers' Compensation Board, the public security department asked, "Can you please review and advise me what information should be provided from the Solicitor General to [the injured worker]." To the Solicitor General: why, given the Solicitor General's and the Minister of Justice's comments yesterday, was there no police investigation after allegations concerning bribery were forwarded to the Solicitor General?

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

2:20

**Mrs. Forsyth:** Thank you, Mr. Speaker. Again, we're at a question that was asked yesterday, and I had gone back to my office immediately after the questions and forwarded a letter to the hon. member asking him to provide documentation. I still haven't received that, but I have been doing some investigation, and I have some tablings that I'd like to present in regard to the injured worker he's talking about.

I'd like to quote from my letter that I wrote to the person he is referring to.

In regards to the allegations of bribery within the Workers' Compensation Board, I would encourage you to forward this information, in writing, to the Calgary Police Service. My department does not have investigative authority to address this.

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

**Mr. Bonner:** Thank you, Mr. Speaker. To the same minister: since this injured worker cannot trust the Solicitor General for a fair and unbiased review of his complaint, who in the province should he turn to?

**Mrs. Forsyth:** Mr. Speaker, you know, you wonder how low they'll go. Through all of this information and all of this stuff I have to tell you that I got a call from someone, and they said: don't get off the horse to fight the pigs, Heather.

I would like to mention again that I have directed the person who is inquiring about this particular issue: "In regards to the allegations of bribery within the Workers' Compensation Board, I would encourage you to forward this information, in writing, to the Calgary Police Service." This has nothing to do with my department. I have told him to refer it to the Calgary Police Service.

**Mr. Bonner:** To the same minister, Mr. Speaker: given that tabled WC benefits payment documents indicated that the injured worker received a pension of \$155,199.06, of which he has not received to this day 1 cent, will the Solicitor General commit to conducting an investigation into this matter?

**Mrs. Forsyth:** Mr. Speaker, again the hon. member has asked me a question – this is a dispute that this particular person has with the WCB and obviously some payments that he feels he's due. He can contact the Minister of Human Resources, and certainly they'll try and do something.

**Mr. Dunford:** What's happening here isn't right. The hon. member in the opposition is trying to cast aspersions on an hon. member that's trying to do her job.

Now, he knows very well that I'm the minister responsible for the legislation, and if he's got something like this, then it should be showing up on my desk. Let's start directing the responsibility where it is. He knows very well that I'll take up this case.

Don't you go start picking on some other ministers. It's here where the responsibility is, and you know that.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Buffalo.

### Water Use by Oil and Gas Industry

**Dr. Pannu:** Thank you, Mr. Speaker. One year after a very serious drought in this province Albertans are more aware than ever that we live in a province with an abundance of oil and gas and a growing shortage of water. Almost all Albertans agree that too much freshwater is being used by the energy industry to produce and replace oil, thus taking that water out of the ecosystem and reducing our ability to engage in sustainable farming, to produce food, or to provide safe drinking water to Alberta communities. Unless the government takes action now, these simple, basic, everyday necessities and activities will be beyond the reach of future generations of Albertans. My questions are to the minister of environmental protection. What concrete action is the government taking in support of the phased reduction and eventual elimination of the use of freshwater by the energy industry?

**Dr. Taylor:** Well, Mr. Speaker, it's an interesting question, and it's been answered several times before in the House. Perhaps his staff should write different questions for him, but by the same token I will repeat my answers.

We have a water strategy that will be on our web site at roughly the end of March. At that stage it's a draft strategy; every Albertan will be able to respond to it. Very clearly, one of the issues is the utilization of freshwater, potable water we should call it, by the oil industry. But conservation is not just about the oil industry. Conservation is about all Albertans; the agricultural industry, for instance. I spoke at an irrigation conference just two weeks, three weeks ago and talked to irrigators about their need to conserve water. I spoke yesterday at an AUMA conference. To them I talked of the need of the municipalities to conserve water and the consumers to conserve water. So it's not about picking on one industry. It's about making all our industries more efficient in their utilization of water.

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

**Dr. Pannu:** Thank you, Mr. Speaker. To the same minister: can the minister outline a time frame with specific benchmarks for the

phased reduction and eventual elimination of the use of freshwater by the oil and gas industry?

**Dr. Taylor:** Mr. Speaker, I've already outlined the time frame. I've told this House before that at the end of March we'll have our strategy out there for people to comment on. Part of the discussion will be on all industries' utilization and consumer utilization of water, including, you know, his own use of water. For instance, consumers can save water.

I was in Australia just recently on a private visit, and I happened to notice that they have interesting toilets there. They have a toilet there that you can use a half a flush or a full flush. I would suggest that he get one of these toilets in his place because he needs to use the full flush quite often.

**Dr. Pannu:** Mr. Speaker, my last question to this minister, who's managing to be a little humorous today. I'm glad to see that. Will this minister give an undertaking to this House and through this House to all Albertans that any policies that he brings forward for conservation of water will not mean that this basic human need will be turned into a market commodity to be available only to those who can pay the highest price?

**Dr. Taylor:** We have no plans at present of putting a price on water, but I will be honest with you, Mr. Speaker, and the member. In the discussion strategy that you are going to see, you're going to see some discussion and a statement about whether or not there should be some kind of price for water. Now, that doesn't mean that it's our policy. This is a draft document that's coming out, and where we got this from was the stakeholder conference that we had last June in Red Deer and the thousands of responses that we got from Albertans saying that this is one issue that we should consider. So it will be part of the draft discussion document.

**The Speaker:** Hon. members, prior to recognizing the first of several hon. members to participate in Members' Statements today, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**

(reversion)

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

**Mr. Ducharme:** Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all the members of the Assembly a group of ladies and gentlemen representing the Métis Mothers of Alberta. They are here to witness the tabling of a petition by my colleague the MLA for Calgary-Cross. They are seated in the members' gallery, and I'd ask them to stand as I introduce them. I understand that some of the guests may not have arrived yet, but I will introduce all of them. Maryann Stepien; Gayle McKenzie; Muriel Stanley Venne; Audrey Poitras, the president of the Métis Nation of Alberta; Bertha Clark Jones; Deborah Coulter; Mr. Bob Coulter; Barb Budesheim; Melanie Omeniho; Mr. Jerry Letendre; Carol Carafelle-Brzezicki; and Mr. Trevor Gladue. I'd ask all members to please join me in extending them a warm, traditional welcome.

head: **Members' Statements**

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

### Lois Hole Library Legacy Program

**Mrs. O'Neill:** Thank you, Mr. Speaker. Alberta's libraries are among Canada's finest, and they play a vital role in the lives of each generation and in the future growth and prosperity of our province.

Yesterday I had the opportunity to attend the official and proud launch of the Lois Hole library legacy program at our St. Albert public library. This program is truly the brainchild of Her Honour, after whom the program is named. The Lois Hole library legacy program began as an idea formed when our Lieutenant Governor gave a rousing speech to the library community at a library conference. On this occasion, as is her wont Her Honour departed from her prepared text and told the tale of Grandma Hole and her drawer full of sweaters. Apparently Her Honour discovered one Christmas that her mother-in-law had been graciously accepting the gifts of her children and relatives, often sweaters, and putting them into a drawer, where they were never worn. Her Honour noted: would it not have been better for everyone, including Grandma Hole, if the gifts had been to a library, honouring Grandma Hole in the process? Her Honour concluded by commenting that Grandma Hole certainly didn't need another sweater but the local library could certainly use another book.

2:30

So it is that the Lois Hole library legacy program invites friends to help build the collections in Alberta's libraries. Donations may be more than simply a personal gift to your library and community. The legacy program allows for a donation in the donor's own name or to honour a friend, family member, or organization. In recognition of Her Honour's special link to our St. Albert community through her contribution to libraries as both author and advocate and by virtue of Her Honour's longstanding utilization of our libraries, I am honoured to speak about this wonderful program in our Legislature today. I encourage everyone to consider participating in the Lois Hole library legacy program.

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

### International Women's Day

**Ms Blakeman:** Thank you very much, Mr. Speaker. I would venture to say that many, perhaps most, people would say that women have achieved it all. You've come a long way, baby, and all of that rhetoric. Certainly, there are success stories: federal pay equity legislation, recognition of Alberta's Famous Five as nation builders, women in elected office in every level from school trustee through to MP and Senator, almost limitless career choices for our daughters from stay-at-home mom to CEO. I know that some will feel it's churlish of me to observe that we continue to have a gender gap in wages, that female lawyers and doctors continue to flee from an antifamily corporate culture, that choices in reproductive health are there on the books but not in reality. Just when will the minister of health have studied coverage and accessibility to midwifery services enough?

Well, gee whiz, Laurie, can't you just be content with how far women have come and sit down and be quiet? [interjections] Well, I wish I could, and that exchange of interjections is exactly why I stay up. It's no fun being a feminist in Alberta, I'll tell you, but those Alberta women who haven't achieved pay equity still look to me.

Sexual and workplace harassment toward women is still high on the hit parade of complaints to the Human Rights Commission. Poverty is still a women's area of expertise. Elderly women are still more likely to be staggeringly poor. Poor single-parent families are



still more likely to be headed by women, and poor kids come from poor families. Talk about your intergenerational debt. Women's shelters still ask me about their funding, and, yes, they did get an increase for staff salaries – rightly so, as they'd fallen behind their government counterparts – but shelters still do not get enough funding for most of the programs and outreach they offer.

So women have come a long way, far enough to celebrate but, for me, not far enough to sit back and be quiet. Happy International Women's Day.

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

### International Women's Day

**Mrs. Fritz:** Thank you, Mr. Speaker. I, too, rise today to celebrate and acknowledge International Women's Day, which will be celebrated around the world this Saturday, on March 8. In 1977 the United Nations established International Women's Day as an opportunity to reflect on the many issues that affect women. These include reviewing the progress made to advance women's equality, assessing the challenges that are unique to women in a contemporary society, and considering future steps to enhance the status of women and acknowledging the gains made in each of these important areas.

This year, Mr. Speaker, the theme is Worldwide Women, WWW: Surfing the Digital Revolution. This theme encourages us all to take a closer look at the impact of information and communications technologies, in particular Internet applications, as they affect women and use these technologies to help advance women's issues and to promote greater equality.

The hon. Minister of Community Development, who is responsible for women's issues, recently met with his federal/provincial/territorial counterparts to address a number of issues which are of particular importance to women. These issues included the prevention of violence against women, promoting and pursuing women's health issues, and encouraging greater economic equality for women.

Mr. Speaker, International Women's Day is an important time to focus our attention on these and many other issues affecting our women in our province and elsewhere. Therefore, I would ask all members of this Assembly and all Albertans to consider these issues as we reflect on the many significant contributions that women have made and continue to make to our society.

Thank you, Mr. Speaker.

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

### Electronic Health Records

**Dr. Taft:** Thanks, Mr. Speaker. Nothing is more personal than someone's health information. It can reveal what medical conditions you've had, what medication you're on, whether you suffer from an embarrassing or a socially unacceptable illness, and what treatment you're receiving. Every day health professionals collect and document these details to assist in diagnosis and treatment, but few health professionals or patients really have any idea where that information goes, who has access to it and under what circumstances. Nor do they know of the many secondary purposes this information may be used for.

Until now the Health Information Act gave Albertans a direct measure of control over these files. It required health professionals to get permission from Albertans before their identifiable health information was shared over electronic systems with other custodians. Now the Alberta government is taking part of that measure of control away.

The issue of control revolves around ownership. In Alberta this government has gone to great lengths to avoid even suggesting that Albertans own their own health information, because ownership implies rights, and ultimately it is the rights of individual Albertans that are being forgotten in this debate over health information. We are not opposed to electronic health records or to sharing of those records for medical purposes among health professionals. We are not opposed to streamlining the process to improve patient care, but this should not be done in haste, trampling patient rights in the process.

Roy Romanow, in his recent report on the future of medicare, recommended that individual Canadians have ownership over their personal health information. We agree with his recommendation. As Liberals we value the individual and the individual's rights. Health information is probably the most sensitive information that can be shared. Albertans should have some measure of control over how that information is shared.

Thank you.

head: **Statement by the Speaker**

### Calendar of Special Events

**The Speaker:** Hon. members, before proceeding to the next order of business, every time an individual member in this Assembly rises to give recognition to a particular week or day, my office tends to get lit up with phone calls saying: well, how come these other days are not recognized? So just for the awareness of all members, the year 2003 is the International Year of Freshwater, March is Help Fight Liver Disease Month, National Kidney Month, National Nutrition Month, National Epilepsy Month, Learning Disabilities Month, Red Cross Month. March 1 to April 30 is Easter Seal mail campaign, March 2 to March 8 is International Women's Week, March 3 to March 7 is National Social Work Week, March 3 to March 9 is Pharmacist Awareness Week, March 7 is the World Day of Prayer, March 8 is the International Women's Day, March 8 is also the United Nations Day for Women's Rights and International Peace, March 9 to March 23 is the Semaine nationale de la Francophonie, March 10 is Commonwealth Day, March 14 to 20 is National Farm Safety Week, March 17 is St. Patrick's Day, March 20 is the Journée internationale de la Francophonie, March 21 is International Day for the Elimination of Racial Discrimination, March 21 is also World Poetry Day, March 21 to 28 is the Week of Solidarity with the Peoples Struggling against Racism and Racial Discrimination, March 22 is the World Day for Water, March 23 is World Meteorological Day, March 24 is World Tuberculosis Day, and March 27 is World Theatre Day. My apologies for any days or weeks that I'm unaware of.

head: **Presenting Petitions**

**The Speaker:** The hon. Member for Banff-Cochrane.

**Mrs. Tarchuk:** Thank you, Mr. Speaker. I wish to present a petition with 53 signatures from the constituency of Banff-Cochrane requesting the Legislative Assembly to urge the government of Alberta to revise the Public Health Act food establishment permit regulations as they relate to bed and breakfast.

Thank you.

head: **Notices of Motions**

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

**Mr. Zwozdesky:** Thank you. Mr. Speaker, I rise pursuant to

Standing Order 34(2)(a) to give notice that on Monday I will move that written questions appearing on the Order Paper do stand and retain their places with the exception of written questions 1, 2, 4, and 7.

I'm also giving notice that on Monday I will move that motions for returns appearing on the Order Paper do stand and retain their places with the exception of motions for returns 1, 4, 5, 9, and 11.

Thank you.

## 2:40head: Introduction of Bills

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

### Bill 12

#### Financial Sector Statutes Amendment Act, 2003

**Mr. Magnus:** Thank you, Mr. Speaker. I request leave today to introduce a bill being Bill 12, Financial Sector Statutes Amendment Act, 2003.

Bill 12 includes amendments to the Alberta Treasury Branches Act, the Credit Union Act, the Insurance Act, the Loan and Trust Corporations Act, and the Public Sector Pension Plans Act.

Thank you, Mr. Speaker.

[Motion carried; Bill 12 read a first time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. I move that Bill 12 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

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

### Bill 25

#### Class Proceedings Act

**Mr. Rathgeber:** Thank you very much, Mr. Speaker. I rise today and request leave to introduce Bill 25, the Class Proceedings Act.

Mr. Speaker, this legislation will help ensure that Alberta's civil justice system operates in a manner that is fair [inaudible] in promoting class action matters. This legislation sets out specific procedures that the parties must follow when pursuing a class action while bringing our legislation in line with the majority of other provinces.

[Motion carried; Bill 25 read a first time]

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

**Mr. Hancock:** Thank you, Mr. Speaker. I would move that Bill 25 be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

## head: Tabling Returns and Reports

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

**Mrs. O'Neill:** Thank you, Mr. Speaker. I rise to table five copies of a letter that I received from Karen Ferrari, who attended the education forum on Tuesday evening, a letter addressed to me asking me to continue to speak to the issue of education and its funding.

Thank you.

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

**Dr. Taft:** Thank you, Mr. Speaker. I have the appropriate number of copies of a document to table today listing prices on materials from the Learning Resources Centre of the Department of Learning and comparing them to prices from a private wholesaler. In some cases the Learning Resources Centre price is lower, but in many cases the private wholesaler is lower.

Thank you.

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

**Ms Carlson:** Thank you, Mr. Speaker. I have three tablings today. The first two are on behalf of the Leader of the Official Opposition, the first being from David MacBain, who is very concerned about freezing in the dark because of heating bills.

The second is from Al Yarmoloy, who is requesting that the Premier call an election, because he would like more money to offset his energy costs.

The third is the much awaited, for some strange reason, CAPP's, Canadian Association of Petroleum Producers', own paper entitled Water Use. I referred in my question yesterday to where they say, "Concern has been expressed that Alberta's oil and gas industry uses a large percentage (up to 30%) of Alberta's licensed ground water," and then state, "This is true," and, of course, then we get the "but."

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

**Dr. Massey:** Thank you, Mr. Speaker. With permission I table five copies of an e-mail from Lyn Palindat, secretary of the Kate Chegwin school council, addressed to the Minister of Learning asking why the minister declined an invitation to be a panel member at the forum on public education hosted by Kate Chegwin school council.

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

**Mr. MacDonald:** Thank you very much, Mr. Speaker. I have two tablings today. The first one is a press release dated February 14, 2003, from the Alberta Liberal caucus, the Official Opposition, and it's in regard to high heating bills and a reminder of yet another Tory broken promise.

The second tabling I have this afternoon, Mr. Speaker, is copies of a petition urging the government to reinstate natural gas rebates. There are 152 signatures on this petition, and they are from Albertans from Smoky Lake, Waskatenau, Coleman, Bellevue, Castor, Innisfail, and Calgary.

Thank you.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I rise to table five copies of a document which comes from this House's own Standing Committee on Privileges and Elections, Standing Orders and Printing. It's dated November 25, 1987, and the title of this document is Report in Response to Government Motion No. 9 in Relation to Matters Dealing with Order and Privileges of the Assembly.

Thank you, Mr. Speaker.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. I have one tabling today. It's a letter from Jacqueline Powell addressed to the Premier

and dated March 3, 2003. She is extremely disturbed that her combined gas and electric bill now surpasses her monthly mortgage payment.

Thank you, Mr. Speaker.

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

**Mr. Cao:** Thank you, Mr. Speaker. With your permission I rise today to table a report authored by Mr. Allan Jobson and a letter to him from the president of WCB. Mr. Jobson's report, a cross-examination of WCB annual reports, contains questions and suggestions hoping to lower workplace injury rates and claim costs.

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

**Mrs. Fritz:** Thank you, Mr. Speaker. In honour of Métis women I am pleased and proud to table in the Assembly today four copies of an historical petition of over a thousand names on behalf of all Métis mothers, who are deeply concerned and who are working hard to ensure that the Métis children taken into care in our province are identified in the child welfare legislation. This petition demonstrates a strong commitment to the culture and desire of Métis mothers, some of whom are with us here in the gallery today, to properly nurture their very precious children. Congratulations.

head: **Projected Government Business**

**The Speaker:** The Official Opposition House Leader.

**Ms Carlson:** Thank you, Mr. Speaker. I would ask at this time that the Government House Leader share next week's projected government business with us.

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

**Mr. Hancock:** Thank you, Mr. Speaker. Under projected government business for the week of March 10 to March 13, on Monday, March 10, under Government Bills and Orders for second reading at 9 p.m. Bill 22, Child and Family Services Authorities Amendment Act, 2003, Bill 23, the Family Support for Children with Disabilities Act, Bill 24, Child Welfare Amendment Act, 2003, and Bill 21, Ombudsman Amendment Act, 2003.

On Tuesday, March 11, in the afternoon under Government Bills and Orders for second reading Bill 12, Financial Sector Statutes Amendment Act, 2003, Bill 18, Energy Statutes Amendment Act, 2003, Bill 22, Child and Family Services Authorities Amendment Act, Bill 23, Family Support for Children with Disabilities Act, and Bill 24, the Child Welfare Amendment Act, and for third reading Bill 4, Alberta Personal Income Tax Amendment Act, 2003, and Bill 5, Line Fence Amendment Act, 2003. On Tuesday, March 11, at 8 p.m. under Government Bills and Orders in Committee of the Whole bills 6, 10, 15, 16, 19, 21, 18, and 3 and as per the Order Paper.

On Wednesday, March 12, in the afternoon under Government Bills and Orders for second reading Bill 14 and Bill 20, the Alberta Municipal Financing Corporation Amendment Act, 2003, and Bill 25, the Class Proceedings Act; in Committee of the Whole Bill 14 and Bill 20; and for third reading bills 3, 6, 7, 8, 9, 11, 13 and as per the Order Paper. At 8 p.m. under Government Bills and Orders Committee of Supply, interim supply, day 1 of 2; third reading of the Electric Utilities Act and as per the Order Paper.

On Thursday, March 13, in the afternoon under Government Bills and Orders Committee of Supply, interim supply, day 2 of 2, and we would at that time anticipate requesting unanimous consent of the

House to revert to Introduction of Bills to allow for the introduction of the Appropriation (Interim Supply) Act.

**The Speaker:** The hon. Member for Edmonton-Highlands on a point of order.

**Point of Order**

**Referring to Nonmembers**

**Tabling a Cited Document**

**Mr. Mason:** Thank you very much, Mr. Speaker. I rise on a point of order with respect to the comments made by the Premier in response to a question from the hon. Member for Calgary-Fort. The Premier read some document with which I am unfamiliar about a staff person of the Alberta New Democrat caucus. He read at some length and made suggestions that he didn't know if this person was still in our employ or whether he should remain in our employ. I don't have the Blues, but these are certainly my recollections of what the Premier said. He talked at some length, quoting personal information of this individual, and quite frankly it was nothing but a deliberate drive-by smear of the employee of our caucus, and I take very, very strong exception to it.

**2:50**

I have a number of citations, Mr. Speaker, with respect to this. Standing Order 37 deals with the tabling of documents, and it is well established in this House that when you are referring to a document, it should be tabled in the Assembly. Also, Standing Order 23(j) talks about use of language which is intended to create disorder.

I would like to also draw your attention, Mr. Speaker, to *Beauchesne* 77, which says:

Freedom of speech does not mean that Members have an unlimited or unrestrained right to speak on every issue. The rules of the House impose limits on the participation of Members and it is the duty of the Speaker to restrain those who abuse the rules.

That leads to *Beauchesne* 493(4), which I will quote briefly.

The Speaker has cautioned Members to exercise great care in making statements about persons who are outside the House and unable to reply.

This is also a subject of Marleau and Montpetit on page 524 of *House of Commons Procedure and Practice*, under Reference by Name to Members of the Public.

Members are discouraged from referring by name to persons who are not Members of Parliament and who do not enjoy parliamentary immunity, except in extraordinary circumstances when the national interest calls for the naming of an individual. The Speaker has ruled that Members have a responsibility to protect the innocent, not only from outright slander but from any slur directly or indirectly implied, and has stressed that Members should avoid as much as possible mentioning by name people from outside the House who are unable to reply and defend themselves against innuendo.

Mr. Speaker, the Premier's deliberate and premeditated attempt, in response to a question that did not even come from a member of the New Democrat opposition caucus, on a staff person who we highly value and who, obviously, the Premier fears is completely unacceptable. We take great offence to it. It's a violation of the rules of the House, the standards of the House, and I believe that the Premier should stand in his place and apologize to this House for that despicable slur upon our staff person.

Mr. Speaker, I know that you have ruled in the past that you wish the people who are the subjects of the points of order to be present at the time when you deal with them, so we would be happy to wait until Monday for the Premier to be present in order for this matter to be further dealt with.

Thank you, Mr. Speaker.

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

**Mr. Hancock:** Thank you, Mr. Speaker. There is no point of order raised in anything that the hon. member has just said. With respect to tabling of documents, he may have a point, and I would be happy on the Premier's behalf to table the requisite number of copies of a newspaper article, which normally doesn't get tabled in the House, a matter of public record from the *Edmonton Journal*, December 11, 2002, which is available to all members. So it needn't be made part of the sessional record. It's available to all members and anybody else on the Internet.

It's a newspaper article that the Premier was referring to, the reference of which was that the individual involved clearly submitted himself to the interview for the purposes of the article. It was an article, quite frankly, about how good it is to be in Alberta. A number of individuals were quoted in that article about why they've moved from B.C. to Alberta and how they have a better life in Alberta as a result of that. One of the people quoted in that article happened to be the individual mentioned by the Premier, and the information which he read at that time came directly from the article and referred to the individual, information that that individual obviously provided to the newspaper for the newspaper's publication about his role as a communications officer with the New Democrats.

I believe that I heard the Premier say – and I was sitting right beside him – that he didn't know whether the person was still working with the New Democrats. He didn't want to suggest for a moment that the situation that applied at the time the article was printed was still extant today, and I think that was an appropriate clarification on his behalf, but in no way did he cast any aspersions as to whether or not the individual should be working for the New Democrats. He only used the reference of the newspaper article to indicate that people are moving to Alberta because Alberta is a wonderful place to live, even New Democrats, obviously, or people who work for them. One shouldn't assume that they have memberships.

With respect to the issue about tabling, I'd be more than happy, if it's appropriate, to table the newspaper article, more than happy to do so on behalf of the Premier.

With respect to whether it creates disorder, I should hope that it wouldn't create disorder in this House to refer to people who, of their own accord, tell the media what a good opportunity there is in Alberta and what a good life you can have in Alberta if you choose to move here. I wouldn't think that that would be creating disorder.

With respect to *Beauchesne* 77, that "freedom of speech does not mean that [you] have an unlimited or unrestrained right," no, but during question period there's certainly a lot of latitude to be able to speak to issues that are raised. Again, at a time when you're talking about, as I remember the question, the comparison of energy prices and the cost of living, the remarks of the Premier were absolutely bang on point with respect to the privilege and benefit of those of us who have the opportunity to live in this great province.

With respect to the reference to *Beauchesne* 493(4), cautioning the members to "exercise great care in making statements about persons who are outside the House and unable to reply," I think that is a very, very important rule that all members should keep in mind at all times. Many members should be admonished with respect to that, sometimes with respect to letters or questions they raise and naming individuals' names. They ought to make sure that they have the permission of that member and that they don't refer to members. But, in this case, the rule does not apply because it was a newspaper article which that individual, obviously, submitted to the interview, gave his quotes, and it was published and is in the public domain for everybody to read both in back copies of the newspaper and on the Internet.

Mr. Speaker, there is no point of order.

**The Speaker:** Additional comments from members on this point?

Would the hon. Minister of Economic Development get to his place? The chair is going to stand up. Otherwise, he wants to stay there for 10 minutes. Well, hon. members, it's Thursday afternoon, so why not?

First of all, the hon. Member for Edmonton-Highlands is certainly within his right to rise on a purported point of order. I'm going to make one statement though. Swords tend to be sharp on both sides, and sometimes people may not necessarily want what they ask for. In the context of the comments that were made by both parliamentarians here this afternoon, should one accept all the arguments and enforce all the rules that were being demanded to be enforced, I daresay that question period would change very, very dramatically. So let me just deal with some of these things very, very quickly.

A comment was made with respect to *Beauchesne* 77 at the time, on freedom of speech, that members have an unlimited right to speak on every issue. Well, the fact of the matter is that in the exchange between the hon. Member for Calgary-Fort and the minister in question – and then there was an interjection by the Premier – that whole exchange for that set of questions took less than four and a half minutes. Now, that compares to the first set of the Leader of the Official Opposition, five; the second, four and a half; the third, five and a half; the third party question, the fourth question, was five and a half; the Member for Edmonton-Gold Bar and the minister of health's session was six minutes plus. So in terms of time it fits right within the norm. There was not anything inordinate, out of order with respect to that.

3:00

Secondly, in terms of what was actually said – and I'm going to quote from the Blues – this is what the Premier of the province of Alberta said:

Well, Mr. Speaker, indeed I do appreciate very much this opportunity to supplement because while the opposition NDs are out telling Albertans how bad it is in this particular province – and they are. I don't know how they provide policy direction to their communications director, if indeed he is their communications director still, but I do quote Lou Arab. Now, I don't know if Lou Arab is still with the NDs, but Lou Arab cut \$240,000 off his mortgage when he left Vancouver in April of last year for a job in Edmonton that paid him less money.

It goes on for some additional sentences. There's nothing in there that to my knowledge is scurrilous or meets the test of being scurrilous or disparaging or anything else, so I don't know. As far as I know, this was a quote that came from a newspaper. At least, the Government House Leader basically verifies that it is. He will table the document so that it'd be to the benefit of all members. If this is something that came right out of a newspaper, well, members tend to do this quite frequently.

Now, the business of naming names. There's caution here that should be applied to this, because let me tell you that today was a good example of a lot of individuals standing up and saying that they want to name names. The hon. Member for Edmonton-Highlands says: well, don't ever mention somebody's name. This is a name that came out of a newspaper, which is quite different. We also heard the Member for Edmonton-Mill Woods saying that each week he would bring to the attention of the Assembly a personal issue from somebody and raise the name of the person. No interjection was given at that time. We all saw another question and answer with respect to some purported legal dispute, so one has to be careful with respect to this.

On the point of order the closest point of order that I could ever find with respect to this whole thing might be the fact that a document might have been tabled at that point, but it was a quote

that came out. It was a short quote. Generally, our rule is that if you're going to have a long quote, table the document. You can quote a line or two or three out of something and you can generally get away with it. But I don't find any slur, directly or indirectly, with respect to this, hon. member, so I think we'll just pass on this one.

Now, before I say the next number of words, there is the question of when one deals in the Routine with a motion arising out of a ruling that basically caused a *prima facie* case of privilege. So we looked back as best we could and found that on May 12, 1994, there was a situation in terms of a ruling, and the Speaker of the day basically said that he would deal with it after Orders of the Day. So I'm now going to call Orders of the Day, sit down and get up, and we're going to deal with this question.

head: **Orders of the Day**

#### **Motion under Standing Order 15(6)**

**The Speaker:** Hon. members, before recognizing the hon. Member for Edmonton-Strathcona and a debate, if there is to be a debate, on a motion, if there is to be a motion . . . I'm couching my words because until we have the motion actually moved – I don't know if there's going to be a motion, but let's assume that there's going to be one. The chair would like to review some procedural issues surrounding this motion.

First, this motion is unique as it does not appear as a government motion or a private member's motion. It has its own category on the Order Paper as matters of privilege are extremely important matters to the life of a Legislature. The last privilege motion the chair recalls being debated in this Assembly was moved on May 12, 1994, and hon. members should know that the chair has firsthand knowledge with respect to that particular motion because at that time the chair ruled that the current Speaker, who was then the Deputy Premier, had a point that was in favour of the then Deputy Premier. So it was this chair, then, who could actually go that step. So there is firsthand knowledge with respect to this.

But since then, the time limits of debate have changed by changes to the Standing Orders. Now under Standing Order 29(1) there is one set of speaking times for government bills and motions and another set of time limits given for debate on private members' motions and bills under Standing Order 29(3). As this is a hybrid motion for which there is no existing provision, the chair must make a decision as provided for in Standing Order 2. Accordingly, the chair finds that each member speaking on the motion will be limited to 10 minutes. In reaching this decision, the chair was influenced by the provisions for debating a matter of urgent public importance under Standing Order 30, where every member is limited to 10 minutes. Like here, the Assembly is setting aside the ordinary business to debate something of significance. For greater clarity there will be no question-and-comment period after a member speaks.

As a follow-up to the many questions from members since yesterday's ruling let me reiterate that there is nothing in the ruling that precludes consultations prior to a bill going on notice. Putting a bill on notice presumes that the bill is in its final form. At that point, it is the members of the House who are to have first knowledge of the contents of the bill. This occurs at first reading.

Now, a ruling was given with respect to this matter. A decision was arrived at. An hon. member rose in the Assembly, apologized to the Assembly, and we moved on. But as a consequence of the House's Standing Orders, Standing Order 15(6), the Assembly has a motion before it, and if moved, then the House has to deal with it and dispose of it.

So at this point the chair will recognize the hon. Member for Edmonton-Strathcona, if he chooses to be recognized.

**Dr. Pannu:** Thank you, Mr. Speaker. I will begin by putting the motion on record. I move that

the matter of the question of privilege raised on March 4, 2003, by the Member for Edmonton-Strathcona regarding the Energy ministry media briefing on Bill 19, Gas Utilities Statutes Amendment Act, 2003, prior to it being introduced in the Legislature be referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing to review the procedure to be followed in such cases in light of the Speaker's ruling of March 7, 2000, and the ruling of Speaker Milliken of the House of Commons of March 19, 2001, and the subsequent report of the House of Commons Standing Committee on Procedure and House Affairs

and, in addition, Mr. Speaker, in light of the ruling made by yourself yesterday.

I want to begin by acknowledging the apology of the Minister of Energy on behalf of the government in the Assembly yesterday. The minister's apology is full and complete. I accepted the minister's apology and consider that particular aspect of the matter closed.

It should be noted, Mr. Speaker, that the motion before us today does not deal with an apology for past actions. The motion before us today does not involve past actions at all but, rather, actions that need to be taken by this House in the future to ensure that these past mistakes are not repeated.

In this respect, it's important to note that the House of Commons voted in favour of a motion to refer the matter to the Standing Committee on Procedure and House Affairs. While there does not appear to have been a recorded vote on the motion brought forward by Alliance MP Vic Toews, it would not have been approved without the support of the government members, I think.

Mr. Speaker, as you noted yesterday in your ruling, what we are dealing with in the motion is a very narrow window of time, the time between when an item is put on notice and the time it is introduced into the Assembly. In most cases this time frame is only perhaps one full day or, at most, a few days.

As you noted in your ruling yesterday, Mr. Speaker, the matter that's before us in this motion should in no way impede the executive branch in its consultations and briefing on government legislation prior to and after a bill being placed on notice. I'm fully supportive of the consultations, whether it be news media, the public, or the opposition caucuses, prior to a bill being placed on notice. In fact, we on this side of the House encourage it and appreciate the opportunities for consultation with the government side. However, that's not the subject matter of this motion.

I note that the Standing Committee on Privileges and Elections, Standing Orders and Printing is chaired by the Member for Leduc and the deputy chair is the Member for Wetaskiwin-Camrose. I have had the pleasure of working with both of these members in other capacities and know them to be persons of the highest integrity. The fact that this standing committee rarely meets is not a valid argument for why it should or should not meet to consider the particular motion. In fact, I remind this House that the government members themselves have voted in favour of referring a *prima facie* breach of privilege to the standing committee on privileges and elections on at least one previous occasion. The fact that the standing committee on privileges and elections has rarely met is also reflective of the rarity with which the Speaker has actually ruled that a *prima facie* breach of privilege exists.

**3:10**

In fact, in the research on this that we have been able to do thus far, there have only been very few occasions in the past 20 years in

which the Speaker had ruled that a *prima facie* breach had occurred. It's a very rare event in the life of a Legislature, Mr. Speaker. One occasion involved a former Member for Athabasca-Lac La Biche and the right to use the French language in the Assembly. In that case, the Assembly voted in favour of a motion referring the matter to the standing committee on privileges and elections. The standing committee deliberated on that matter and issued a report with the recommendations that were tabled earlier today.

On another occasion, April 1993, that you have already referred to, the *prima facie* breach of privilege involved an allegation by a former Member for Calgary-Buffalo against a former Attorney General. On April 29, 1993, this House approved a motion to refer it to the standing committee, which involved allegations made by the then Member for Calgary-Buffalo against the then Attorney General. The Member for Barrhead on behalf of the government made the motion to refer. The motion was subsequently debated and approved by this House, though there is no record that the standing committee was ever called to consider the motion.

It is important to note that the matter that led to the breach in the case before this Assembly today did not involve any wrongdoing on the part of any individual member but, rather, imperfections and gaps in the process whereby this House deals with its own business and affairs.

In support of approving this motion, I also wish to refer this House to a memo from the Government House Leader to the Speaker dated March 5, 2003, and tabled yesterday in this Assembly. In this letter the Government House Leader makes the argument that this serious matter is best dealt with by way of an all-party committee. The House leader says:

Thus, I argue . . . there is no *prima facie* case of privilege; however with the able assistance of the Speaker, perhaps we can find some all party mechanism to once and for all establish some all party agreed-to process that eliminates this constant privilege issue and its nebulous relatives, and guides the honest efforts of people to consult with stakeholders.

Mr. Speaker, I couldn't agree more with the Government House Leader. The motion that is before this House today would do exactly what the House leader recommends be done in the submission yesterday to the Speaker.

In light of the Government House Leader's submission to the Speaker yesterday, I look forward to his support of this motion today. I'm certain that should the Assembly see fit to approve this motion, the standing committee of this Legislature, like the standing committee of the House of Commons, can work effectively to develop protocols that safeguard the rights of members while ensuring that information is provided in a timely manner to the news media and the public. Should the Assembly approve this motion, I'm prepared to commit that my colleague and I are prepared to work constructively to develop protocols and rules that achieve all of these ends. For all the above reasons I urge members on all sides of the House to support this important motion.

Thank you, Mr. Speaker.

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

**Mr. Hancock:** Thank you, Mr. Speaker. I'm pleased to rise and speak to this issue, and I want to start by indicating to the hon. member who moved the motion that, unfortunately, I cannot support his motion. I'll try and outline to the House why I cannot support his motion, but the gist of it is that the motion is tainted with a breach of privilege. A motion to refer a matter to the committee to deal with the issue of how briefings should be dealt with or when the House owns a bill and those sorts of things might be quite another

matter, but this motion is on the floor today because you, Mr. Speaker, ruled yesterday on a *prima facie* case of a breach of privilege, and thus this motion is about privilege. This motion is about referring a breach of privilege to the standing committee.

With respect, Mr. Speaker, I would have to argue that not only was there not a breach of privilege yesterday in the House with respect to the matter that was raised, although you found that there was a *prima facie* case. As you so eloquently pointed out yesterday, the test that you face is a threshold test. It's for the House to determine whether or not there was, in fact, a breach of privilege. But even if there was a breach of privilege, that breach of privilege has been fully and completely purged by the actions of the Minister of Energy on behalf of and taking responsibility for his department, making a full and complete and abject apology to the House for the actions of the department in providing the briefing to the media before the bill was before the House.

Of course, it was evident in the evidence that was before you that the bill itself was not shared with anyone. It was a media briefing on the technical aspects of the bill and information relating to the bill, which is, of course, the stuff and substance of all briefings. But no paper was shared, and the bill itself was not shared, so there was not, in my view, a breach of privilege, and if there was a breach of privilege, the question is moot because the full and complete apology is the most that one could expect, I would argue, in terms of any disciplinary action.

Now, the hon. Member for Edmonton-Strathcona has indicated that because of the apology he is not looking for any further sanction but looking for a process, but unfortunately what we're vested with is a motion which is referring the breach of privilege to the standing committee, and I cannot ask members in this House to support that. In fact, the record would show, if that motion was passed, that this House passed a motion based on the breach of privilege, and that is inappropriate as a method, in my submission, to get a resolution to the issue, which we would all like to get a resolution to.

So what we have, I would submit, Mr. Speaker, is a situation where the rules of this House were actually followed to the extreme. You made a ruling on March 7 of 2000, relative to a similar situation, and at that time it was clear in your ruling that

in keeping with the role of the Assembly and the respect that it should be accorded that bills in their final form should first be reviewed by the Assembly after first reading. In the chair's experience this is the accepted practice in Alberta, and the chair would expect it to continue.

Indeed, that was honoured in this case.

I will go on.

Even in the federal Parliament, where the Speakers of the Commons and the Senate exercise control over the entire building, it has been held that restricting attendance at a media lockup does not constitute a question of privilege.

Again, by having a technical briefing for media and not including other members or allowing other members to attend it or inviting them to attend, it is specifically not a breach of privilege in accordance with that ruling.

Allowing or not allowing a member to attend a media briefing does not constitute an impediment or an obstruction to the member performing his or her parliamentary duties.

So that is clear in terms of the rules of our House.

Now, Mr. Speaker, you were placed on the horns of a dilemma because since that ruling there's been a subsequent ruling from the Speaker of the federal House. The Speaker of the federal House, the House of Commons of Canada, did in fact rule that once a notice is placed on the Order Paper, it becomes the purview of the House and that doing a briefing between that time and the time it's introduced for first reading is a breach of a member's privilege. So I think it

was fully within your purview to indicate that now, having the opportunity to revisit the issue, you take into account the ruling of the federal Speaker.

However, you also took great care to indicate that we were not bound by the decisions of the federal Speaker, and therefore I believe that the advice that I as House leader have been giving to my colleagues throughout with respect to briefing opposition and briefing media was in accordance with the rules of the House as we understood them to be. We will now, of course, have to deal with the rules of the House as they now are, which is a different thing, as we go forward, and we will certainly be doing that. I for one as Government House Leader will certainly be encouraging members to follow the rules as we now know them to be until such time as we can visit those processes and procedures in an appropriate manner.

3:20

So, Mr. Speaker, I would argue to members of the House that they should not pass this motion because the motion is tainted with the aspect of a breach of privilege. By passing this motion, it would suggest that we wish to refer a breach of privilege to the standing committee. Although the motion does go on to talk about the processes, it cannot divorce itself from the reason why it's on the Order Paper in the first place, which is the question of breach of privilege. As I've said a number of times, first of all, because the actions that were taken were fully consistent with the March 7 ruling, I would argue that there was not a breach of privilege. Secondly, if there was a breach of privilege and even in the absence of it, the Minister of Energy did the right thing and apologized for what really is the gist of this issue, and that is that the hon. member was not afforded a timely briefing so that he could have been in a position to respond to media questions, which, again, was the subject that the federal Speaker was ruling on as well.

So without this question of privilege having been raised, the matter which really ought to have been dealt with would have been a complaint, I would suggest, from the hon. member perhaps to the House leader or perhaps to the Minister of Energy indicating that he ought to have been briefed in a timely manner, consistent with the media, so that he would be able to respond to media questions.

As we move forward, it's in the interests of all members that we have good, solid public policy discussion and, in the interests of all members, that the public understand the issues that are going to be before the House and that are before the House and that all members have the opportunity to understand them to their fullest extent, and sometimes that requires a technical briefing.

So we do need, Mr. Speaker, to move on to a manner of resolving this in an appropriate way at some point. The hon. Member for Edmonton-Strathcona mentioned my submission to you on this, and I believe it to be something that we need to do. We need to get together, perhaps with the Speaker and all parties, to talk about what the rules of the House should be.

As House leader I encourage us to put bills on notice at the earliest possible opportunity so that all members of the House can know as soon as possible when a bill is going to come before the House. Prior to the House meeting we issue a news release to indicate, to the extent that we are able, that the bills that are ready or are close to being ready have gone through all the approval processes that will be brought before the House. I meet with House leaders and outline in some detail what our legislative agenda is going to be, provide a great deal of material and want to continue to do that, and then when bills are ready in their final form or close to their final form, we put the bills on notice on the Order Paper so that people can know in advance, even if they don't have the detailed content, what items might be coming up. Then I encourage colleagues to provide in-

depth briefings to opposition members, and obviously they will also want to provide in-depth briefings to the media.

So now we're in a position where, by putting the bill on notice, we are no longer able to brief the media, although in your ruling, Mr. Speaker, you did indicate that we could still share, on a courtesy basis, information with members of the opposition and perhaps, if I read it correctly, even a copy of the bill, which is something which we have not done under the earlier rules. We do need to resolve those issues, because in the absence of resolving those issues, what we have is a blackout period, in essence, from the time the bill goes on notice to the time that it comes into the House, and that's not, in my view, in anybody's interest.

However, I'll make a commitment to work with opposition House leaders and with the Speaker's office to try and find an appropriate resolution and recommendations to bring back to the House, but, Mr. Speaker, I have to ask members of this House not to support this motion, because the motion is tainted with the question of privilege. Although it purports to be a motion to send it to the standing committee for the purpose of dealing with the process, it's a privilege motion.

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

**Ms Carlson:** Thank you, Mr. Speaker. We agree with your ruling that there was a breach of privilege in this case. We accept the Minister of Energy's apology for that, and that has been the practice of this House in previous situations, and we find that that is acceptable in this case.

With regard to the motion we see before us, we agree, certainly, with the intent of the motion. This whole situation has brought to light a procedural issue in terms of dealing with a large number of bills coming right at the very beginning of session and the briefing processes around them. While we support the intent of the motion where it talks about reviewing the procedures to be followed with each case, we have very grave concerns that if this motion goes to the committee, it won't be dealt with in a serious fashion. We know the committee structure, we know generally how those votes go in those kinds of committee structures, and this is an important issue that needs to be dealt with.

It would be my hope and suggestion that first of all we could do what the Government House Leader has outlined, and that is to get the House leaders together to develop a more formal structure in terms of briefing on substantive bills and the timing of that briefing in terms of how soon before or after the bill gets introduced in the House. The Government House Leader has attempted to get his ministers to brief the Official Opposition and the ND opposition party in a timely fashion. In some cases it has worked very well and in some cases not so well. For example, in this session on Bill 3, which is a substantive bill, also from the Minister of Energy, offers were made early on, prior to the bill being introduced, for substantive briefings. We would like to see that kind of a process more formalized so that situations like we saw happen this week don't happen again in the future.

I think it's in the best interest of all members of the House if we try that approach on an informal basis first and have House leaders go back to their caucuses and see if we can find a framework, a set of procedures, to move forward on that will be agreeable to all parties, because the intent here, really, is to give us good information in a timely fashion. That's what we need to debate these substantive bills. There are other issues with other bills in terms of people getting briefed well after they've been introduced. In fact, my colleague for Edmonton-Centre is right now at the briefing for a bill that was supposed to be up for second reading this afternoon. Of

course, it's impossible for us to raise substantive issues and questions on a bill that we haven't seen or had explanations of.

So we would ask first that all members in the Assembly agree to move forward and try to find a framework for resolution to this. If that doesn't work, Mr. Speaker, I believe that the option is open to us to bring forward this kind of a motion in the future that would be unrelated to any situations of privilege brought against members, and that's what we would support.

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

**Mr. Mason:** Thank you, Mr. Speaker. Well, to say that I'm disappointed with the comments of the Government House Leader and the Official Opposition House Leader is an understatement.

Dealing first of all with the comments of the Government House Leader. You, Mr. Speaker, did not find that a breach of privilege had occurred. Rather, you found that a *prima facie* case for breach of privilege had been found, and this is a distinction which should be clear to the Government House Leader as he is a lawyer by profession. That means that the issue needs to be resolved, and I think that in terms of any pursuit of that, it is largely the procedures of this Assembly that this motion should be put. In fact, the rules call for such a motion or anticipate it at least.

The minister has gone on to argue the case here in his debate on this motion as to whether or not a case of privilege actually exists, and this is not the forum for that, Mr. Speaker. This is a motion on whether or not to refer your finding that there was a *prima facie* case of privilege to the appropriate body within our rules in order that it can be dealt with there.

Now, we have said – and we're sincere in this – that in terms of any sanction that might be applied for this offence, it has already been dealt with by the minister's apology, which we completely accept. I'd like to refer hon. members to the recent case with respect to the House of Commons when the Minister of Health did a very similar thing, and she issued her apology prior to the motion being debated. Nevertheless, the House of Commons voted to refer this to their committee not in order that the minister be punished but that some sort of resolution could be found. This is, in fact, exactly what the Government House Leader anticipated in his brief to you, Mr. Speaker, prior to your ruling that there should be some all-party attempt to deal with this. This is precisely where the matter ought to be dealt with, and it is the body where the rules indicate these cases should go.

3:30

I want to correct, I think, the Government House Leader on one other important point, and that is that at no point in your ruling yesterday, Mr. Speaker, did you say that the government is now in a position where it cannot share briefings on legislation with members of the media. In fact, my recollection is that you went out of your way in that ruling to indicate that that was not the case. What needs to happen, as we interpret the ruling and as we interpret the report of the committee of the House of Commons that dealt with a similar case there, is that if a briefing on legislation is going to be provided to the media, it must be provided to members of the Assembly first. So there is no limitation or prohibition on briefing the media as far as we are concerned and as far as we interpret both your ruling and the report of the committee of the House of Commons, and I would suggest that any attempt to persuade people that the government can no longer share with the media or any policy adopted by the government to limit briefings to the media in light of your ruling yesterday is not in accordance with what has been said.

Now, I thought that the response of the Official Opposition House

Leader was disappointing, but it really is a sad commentary on the state of the democratic institutions of this Assembly when the opposition feels that reference to a standing committee of the Assembly will not produce a serious result, and that's not the Official Opposition's fault, Mr. Speaker. I think it speaks to the fact that we have a number of standing committees of this Assembly that, if they've ever met at all, certainly haven't met in the recollection of many of us in this Assembly. Nevertheless, we believe that this is the appropriate place to refer the matter.

Mr. Speaker, we've said and we want to reiterate that in terms of any sanction that might be applied in this case, we believe it's already been met by the minister's apology. But we also believe that there is a great opportunity, which was anticipated in your ruling yesterday, that we can resolve some of these questions about what constitutes a case of privilege, what the rights of the members of the Assembly are with respect to getting information, and so on.

In conclusion, Mr. Speaker, I have to say that I am very disappointed that the government is going to use its majority to block the course of parliamentary justice in this case. It is a bit akin to after someone being indicted for an offence, the police would decide that the person was not guilty, and it wouldn't be going to trial. Of course, these institutions are the parallel within this Assembly to the court system that exists outside it. We've got the Government House Leader now standing up and saying that essentially nobody's guilty even though the person in question has – effectively it's been found that there is a *prima facie* case, and there will be no trial because the government can use its majority to prevent it. This is not the trial; this is the motion to refer it for consideration. I just want to reiterate that what's on trial here is not the Minister of Energy, who's apologized, but what is on trial here are the procedures that have sometimes been used by the government, and what we want to do is find an effective way to correct those so that the rights of members are respected in the future and we do not have to spend time in this Assembly on matters like this.

So with that I will conclude my remarks and suggest that the members ought to protect the rights of the Assembly, uphold the suggestions made by yourself in your ruling, Mr. Speaker, and vote in favour of this motion.

**Mrs. McClellan:** I'd just like to make a couple of comments regarding the motion and through those comments urge members not to support the motion. I've read very carefully and listened to your ruling on the procedures that occurred. I listened very carefully to, I think, a very profound apology from the minister. Mr. Speaker, I've not as long a time in this Legislature as yourself or maybe one or two other hon. members, but I have been here quite some time and have had the opportunity to act in several ministerial capacities, and I have to say that I have experienced, I think, three Speakers, two Premiers, and, of course, an assorted number of colleagues.

Mr. Speaker, the practice of briefing, if you wish, or talking with the opposition members is not a common practice, and it is not a requirement. It has been a courtesy, and I think it has been done with the best interests of the amount of information that can come and for the best interests of developing the best legislation. I have had the privilege of having information that I have shared with my critics – often critics because sometimes it doesn't work that everyone is able or wants to avail themselves of that – and I would feel very badly if I felt that I could no longer do that. Again, I was disappointed that this occurred. I think it has been a good practice.

I'm going to use an example. After this I'm a little bit afraid to use anything, but I'm going to use an example. On a piece of legislation that would be coming into the House on an agricultural matter, Mr. Speaker, the bill is due to come in and is put on notice,



and it is discovered by one of my colleagues, the opposition members, somebody, that the people affected by this bill have some very serious concerns with a clause. If we were to proceed this way, I couldn't sit down with that group and, indeed, try to identify the concern and repair to make the appropriate change if that bill had been put on notice. This is a very real example because it could've happened in this session but just by chance did not. I think that's really unfortunate. I know debate tends at times to be a bit confrontational, but it really isn't. The idea of debate on a bill – I try to accept the comments of the opposition in that way, that they are trying to improve the legislation that we are putting forward. I think the briefing, anything that we can do to improve the legislation prior to bringing it in, solves some of those issues, lessens the amendments, makes the House flow better and probably better legislation.

So I just wanted to make those very brief comments as a person who has been here for a period of time in different House rules. I find that these things work well for us, and I would not want to see them discouraged or stopped. It is a courtesy. It is not a requirement, although I understand from Mr. Speaker's ruling very clearly what the issue was in this particular case, and as I say, the minister has, I think, very eloquently and very profoundly apologized for the infraction. I think we all understand it better, and I do not want to see us go to something that might change something that has worked effectively in these last short years that it's been in place, the courtesy of briefing with our opposition members.

Thank you, Mr. Speaker.

3:40

**The Speaker:** The hon. Member for Highwood.

**Mr. Tannas:** Thank you, Mr. Speaker. I just wanted to clarify something and particularly in the comments made by the hon. Member for Edmonton-Highlands that somehow this vote is a matter of upholding your ruling. I would hope that I misunderstood him, but just so that it is clear to all hon. members what the role of the Speaker and the duties of the Speaker are, I refer to *Beauchesne* 117 on page 29 on the role of the Speaker.

Once the claim of a breach of privilege has been made, it is the duty of the Speaker to decide if a prima facie case can be established.

Further down at (2):

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege is limited to deciding the formal question . . . and does not extend to deciding the question of substance.

I think that's what we're really looking at today.

Further to that, *Beauchesne* again, 172(2) under the procedural duties of the Speaker:

It has often been laid down that the Speaker's function in ruling on a claim of breach of privilege does not extend to deciding the question of substance whether a breach of privilege has in fact been committed – a question which can only be decided by the House itself.

Then when we go to the motion as recorded in our Votes and Proceedings that we all received today, it says that the hon. Member for Edmonton-Highlands on behalf of the hon. Member for Edmonton-Strathcona "gave oral notice of his intention to move that the matter of the question of privilege raised on March 4, 2003 by the Member for Edmonton-Strathcona regarding the Energy Ministry media briefing . . ." That is what the substance of the motion is, and I would think that the apology as everyone has accepted it would do, and I concur with the remarks of the Government House Leader and the House leader of the Official Opposition.

**The Speaker:** The hon. Member for Edmonton-Strathcona to close the debate.

**Dr. Pannu:** Thank you.

**The Speaker:** Hon. members, I just want to make it very clear. No other member wants to participate?

Then proceed, please. Close the debate.

**Dr. Pannu:** Thank you, Mr. Speaker. First, a very brief clarification because the Member for Highwood has drawn the attention of the House to this matter. I want to quote from your ruling so that the matter is clear to every one of us once and for all. I just want to quote from the last few lines of your statement in one paragraph. You said:

Perhaps that committee . . .

That is, the Select Special Committee on Parliamentary Reform.

. . . could be reconstituted or the matter referred to the Standing Committee on Privileges and Elections, Standing Orders and Printing. The Chair wishes to stress that this is a matter of concern to all members, not just one caucus.

I just want to first of all express my disappointment with the position that the Government House Leader has taken in opposing this motion before the House, a motion that is principally intended to refer this whole matter and the matter of your ruling yesterday to the committee that would work collaboratively and co-operatively, involving members from all sides of the House, to resolve these matters in a way that becomes a public record. We are certainly willing to engage in backdoor negotiations prior to that. There's no reason why the three House leaders cannot meet in preparation for that, but this is a matter that is of public concern.

This is a matter that the all-party committee of the House of Commons, an all-party committee represented by five different parties: the Canadian Alliance Party; the Liberal Party, the ruling party; the Conservative Party; the new Quebec forum or whatever it's called; and the NDP . . . All five parties are represented on this committee of the House of Commons, and this committee, Mr. Speaker, says what you quoted here yesterday, and I want to requote that. It's important for everyone to pay attention to it for our own good to make sure that the work of this House, the reputation of this House is maintained and done in the best possible way. This is the quotation:

The rights of the House and its Members in this role . . .

That is, the role as elected representatives.

. . . are central to our constitutional and democratic government.

This case should serve as a warning that our House will insist on the full recognition of its constitutional function and historic privileges across the full spectrum of government.

So, Mr. Speaker, really, what's at issue here is the obligation of the House to define clearly the boundaries between the powers of the executive branch of the government of Alberta and the legislative branch of the government of Alberta, which is this Assembly. I really find it difficult to understand why the Government House Leader and the Deputy Premier resist the opportunity that this House has to draw these lines clearly in the interest of the health of democratic government and constitutional government in this province. This is what I find very difficult to understand.

It is true that the minister was contrite when he stood up yesterday in this House in the best possible way, and that particular matter has been resolved, but the matter that has not been resolved, Mr. Speaker, the matter that led me in the first place to rise on a point of privilege and contempt of the Legislature, is the inappropriateness in constitutional and legislative terms of the practices and procedures that have been used in this particular instance that call into question the rightful role of this Assembly in debating the legislation, in receiving the legislation and the information. So it is those practices that will not be examined publicly by an all-party committee. It will not become a record of this House.

In essence, what the Government House Leader has argued, what the Deputy Premier has argued, is that there is nothing with that particular practice that your ruling has put into question, that I have certainly raised questions about. So if this House votes against this motion, it in fact then votes to get a message to the government to continue with the kind of practice that is challenging this House. That's the issue, Mr. Speaker.

3:50

We need a public record of this House speaking in one voice that it does see that there is something wrong with those procedures and practices. Then this House, as a House, as a collective, is willing to take on this challenge and collaboratively and co-operatively address those issues. That's why I call on the members of this House to vote for this motion that's before it in my name.

Thank you, Mr. Speaker.

[Motion lost]

head: **Government Bills and Orders**  
head: **Second Reading**

**Bill 16**  
**Agricultural Dispositions Statutes**  
**Amendment Act, 2003**

**The Speaker:** The hon. Minister of Sustainable Resource Development.

**Mr. Cardinal:** Thank you very much, Mr. Speaker. I wish to move second reading of Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003.

Mr. Speaker, the intent of the bill is to promote co-operation and respect between disposition holders and other users of public leased land for grazing. In particular, it addresses recreational users and industry that may want access to the land for exploration. The legislation sets clear rules that encourage better communication.

We provide these leases because we recognize the importance of grazing to the sustainability of these public lands. Over the years the farmers and ranchers with leases have provided excellent stewardship, taking care to ensure that these lands are kept in good condition. At the same time we recognize that other Albertans, such as hikers, hunters, and anglers, want access to these lands also.

[The Deputy Speaker in the chair]

There are about 10 million acres of agricultural public land, also known as the white area, and about 5 million of those are currently leased. We work with about 5,700 grazing leaseholders to manage these lands, Mr. Speaker. For background, we have almost 100 million acres of public land in the province of Alberta, of which 86 million acres are in a green area. Less than 1 percent of the green area is under agricultural lease that would restrict access.

The department will continue to use a commonsense approach to this legislation.

**An Hon. Member:** That'll be new.

**Mr. Cardinal:** That'll be new, but we'll do that.

Right now legislation and regulations do not specifically address the rights of either these recreational users or the leaseholders, Mr. Speaker. This can lead sometimes to confusion. If there is a conflict now, the only solution is the courts, which can be lengthy and very costly. The new legislation and regulations clearly state the rights and responsibilities of the leaseholder and the recreational user.

These leaseholders are the stewards of this land and need to be aware of who is using it, Mr. Speaker. Recreationists also want to access these lands. Most people who go hunting or hiking want to know where they are, whether it is on public land or private land. This is something recreationists have asked for since the early 1990s. This legislation balances these needs. For example, leaseholders will be required to provide contact information to the department and allow access for defined recreation purposes unless there are extenuating circumstances; for example, in some cases when there is a fire danger or when users want access to fenced pasture where livestock are present. On the other hand, recreational users will be required to contact the specific agricultural disposition holder prior to entering the land for recreational purposes and follow the duties outlined in the regulations, such as packing out all litter, not lighting fires without consent, and closing gates where possible.

The legislation will be accompanied by better information than was available before: a brochure including general information, public lands' office phone numbers, toll-free telephone lines, and the web site; a train-the-trainer program to help our staff provide local information sessions; and continued use of our Use Respect signage to encourage more use in potentially high traffic areas. The web site will allow leaseholders to be contacted but will contain safeguards to protect the privacy of leaseholders. As well, under legislation the leaseholder will have reduced liability for the recreational user.

This legislation also provides an appeals process for the resource companies who want to access the lands for exploration purposes. In the past once a leaseholder refused access for exploration, the company had no right to appeal the process. All the current processes of negotiation and a review will continue to occur until the leaseholder ultimately rejects the exploration request. Under the proposed legislation, Mr. Speaker, if a leaseholder refuses entry, a new dispute resolution process can be used. The final step is that the company can go to the Surface Rights Board and apply for a right-of-way entry in order to explore on a grazing lease or a farm development lease. In this way the explorer's activity is dealt with the same way as oil and gas development accesses.

Mr. Speaker, this bill rescinds the Agricultural Dispositions Statutes Amendment Act that was passed by government in 1999 but not proclaimed. The intent of this new bill is similar: good stewards of our public lands. With regard to compensation the original legislation only dealt with part of this issue; that is, the compensation payments. We will continue to study the issue of surface compensation as well as rental rates and assignment fees as a package over the next year or so. The key stakeholders in this government are confident that we can develop a better solution on these issues than contained in the former act, a solution that is workable for leaseholders and all Albertans. One other change from the former act is the continued payment of taxes directly by the leaseholder to the municipality. This is an efficient process that we want to continue.

Our legislation builds on extensive public consultation that occurred in 1997 and reflects recent discussions with the stakeholders. We believe our new legislation accomplishes a balanced approach. It considers the varying needs of users and provides secure access for our resources.

Thank you very much, Mr. Speaker.

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

**Ms Carlson:** Thank you, Mr. Speaker. Happy to have this opportunity to speak to Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003. Well, the one thing we know for sure is that as long as there are grazing leases in Alberta, there is going to be controversy about a variety of the issues surrounding grazing leases, and this is certainly no exception.

This bill is a case where we did get a briefing by the department prior to the bill being put on notice – I don't think even the final drafting was done – and it's good information to have, certainly, to go over what the highlights of the bill are going to be, what both sides think are controversial issues. In some cases we can decide to agree on some aspects of the bill and disagree on other aspects of the bill and move forward from that point. It's more helpful to get a briefing on the bill when we can see more information, more detail of what's going to be in the bill, so I was quite pleased by the part of the Speaker's ruling that talked about the potential for us seeing bills ahead of time on an embargoed kind of basis or any other kind of basis. So I look forward to those kinds of discussions and debates being held and new rules being put in place around that.

4:00

What we see before us with Bill 16 is the result of a bill that was talked about back in 1999. There are about 5 million acres of public land leased for the purpose of grazing with about 5,700 grazing leaseholders, and those 5 million acres account for approximately 3 percent of Alberta's total geographic land. It happens to be land, Mr. Speaker, that is used for multiple purposes, not the least of which is recreation, and that seems to be where the most amount of conflict comes between existing leaseholders, recreational users, and then oil and gas who want access to the land for a variety of reasons.

When we saw Bill 31 come forward in 1999 and subsequently being passed, what we also saw after the passing of that legislation was some really quite strenuous discussion and objection from a variety of stakeholders but most especially grazing leaseholders, Mr. Speaker. Bill 31 at that time was intended to establish dispute resolution processes for industrial and recreational land access disputes and to clarify the rights and responsibilities of leaseholders and other persons in respect to the access of public land. These changes actually never attracted too much attention during the actual debate of Bill 31. What made it so controversial was that the government planned to change the terms of all the leases held to public lands so that the lessees would no longer receive compensation from resource companies who were using the same land. This was very controversial in part because lessees paid out approximately \$3 million in fees for the rights to their leases but received over \$40 million in compensation from resource companies.

The other controversial issue at the time was that the government was going to see changes in terms of the lease, which is a contract, unilaterally so that lessees received no compensation for the land they had paid to use but lost to resource operations. We saw that at the time as a breach of contract law and that there should have been some compensation.

Most of the debate happened after the bill was passed. At the time of passing, the Premier talked about taking some time before they would proclaim it, pending further consultation with those affected. He said that they would make a change to the bill, saying that the amendment will empower the agriculture minister to make regulations and that it would probably take about six months for that bill to be proclaimed. So that was in May of 1999. Here we are in March of 2003, and we see a new bill in place, and those controversial sections are out of this bill so that, hopefully, they can get this part of it passed, which deals with the least controversial portions of the old Bill 31.

The minister talks about those more controversial parts being brought in later on, and I'm sure there will be a lot of debate. Sometimes it's easier to get controversial legislation passed in the first part of the Legislature, when people don't seem to be paying as much attention as they do when the weather warms up and we get towards the end of it. He might have brought these bills in in the

wrong order, Mr. Speaker, but that remains to be seen, and I guess we'll see it during the debate.

For the most part, we don't have too many concerns with this bill as it stands. It clarifies the rights and responsibilities for recreational and exploration access to public land used for agricultural purposes, and that's a good thing. The dispute resolution mechanisms are created, and to have those resolutions is also a good thing, Mr. Speaker. We have some concerns around those, which I'll get into. In principle they're very supportable, but in a practical application they may not be as useful as other forms might be, so we're looking at that now in terms of potentially bringing an amendment when we get to committee stage.

We, as always with these bills, have a concern about the regulations. Once again we see in this bill that a lot of the power is going to be designated to regulations, and some of those decisions, Mr. Speaker, are quite substantive and should in fact, we think, take place on the floor of this Assembly so that the reasons for putting them in place are talked about, the reasons why some parties may not like them to be put in place are talked about, and that is public information that people can review and look at later on to make comments on and understand the process of how it happened. [interjection] Yeah, we may be looking at that too.

The biggest concern we hear from groups at this stage is that the new fees that are talked about here could be substantial and may create some issues for groups. They're taking a look at it now. So for the most part it's not too bad, but we do have some concerns with a few parts of it.

Really, the stakeholders who were unhappy with this particular bill were those who are primarily recreational users, and I think they have some legitimate concerns. The minister talked about the process for people notifying leaseholders that they want access to the land, and in theory that sounds like a really good idea, but it's a little harder in practical application when you get out on those 5 million acres and decide where it is you want to go and how you're going to plan your trip. What this means now is that recreational users have to put in a great deal of planning and thought to where they're going to go, when they're going to be on the land, and how they're going to access it. So the spontaneity of being out on some of these slopes and deciding to change your route for whatever reasons – there could be a multitude of reasons why you would want to do that – is going to be lost because you're going to have to notify leaseholders now that you want to cross their land. So if you're out there and you want to go somewhere, you hope, first of all, that it's well posted, that you're notified that you're going to be going onto grazing leases. That should be obvious in most cases because there'll be fences, but then there has to be some sort of notification process, I think, posted on those fences so that if people are there and want access, they can.

The way the process is set up now, it seems to me – unless I've misunderstood it – that they've got to take a look at a map and they've got to notify local offices on the web site or by phone or, I'm sure, by fax and find out what the access number is to get permission from the leaseholder and then wait for that leaseholder to respond back to them. We hope all that happens in a timely fashion, but we don't know how long that process is going to take, and I think those are legitimate questions to ask. What are we looking at for a turnaround time here in order for people to get permission? This is not the kind of province where people plan their hikes out in that kind of detail far, far in advance. I'm a hiker, and certainly I know that often when we get out there on the slopes, we'll change our mind about where we want to go, and it doesn't look like that's going to be a viable option if it's a grazing leaseholder's land that we want to go on to.

I understand the leaseholders' concerns, and I think some of the rules being put in place are very good. We should always, when we're in the countryside, pack out our litter. There is no doubt about that. I'm not a supporter of having open fires at any time because of the high potential for fire damage. There are many ways that heat and cooking materials can be provided for other than open fires, so I think that's a good regulation. Definitely, any responsible hiker will be very careful about things such as closing gates, and certainly, in our case, staying out of fields that have herds on them unless you're some distance from them. You can be disruptive to the herd, and of course the herd can be quite disruptive to you if they choose to do so. So just an issue of safety on both sides. That part is good, but we do see, certainly, a cramping of style and access for recreational users. I talk about hikers, but this applies to other recreational users, too, including snowmobilers and horse riders and ATVs. So I think that that's a part of the bill that's going to be under some discussion in the future and needs to be talked about.

4:10

The dispute resolution is another part that might be of issue. The law previously was very unclear as to whether recreational access had to be allowed by the disposition holders. For exploration access the lessee had total discretion to accept or reject access proposals with no appeal for the company, and these areas needed to be clarified and changed respectively, and a dispute resolution process needed to be implemented. So this bill does accomplish those goals.

I see in the very near future that we will have, I believe, increased controversy between resource companies and leaseholders as we see water become an even greater scarce resource than it is right now. We have these rules now where resource companies can use freshwater in a nonrecoverable kind of manner. We've seen already resolutions being passed by municipalities and different agricultural associations to say that they are urging the government not to let resource companies use clean water for injection purposes. As that fight heats up, I believe we can see more issues arise in terms of land access. So definitely it's very timely to have a dispute resolution process in place.

The dispute resolution process, if I recall correctly, is having a designated person in a region be the person who makes the decisions. Of course, when there's only one person in charge of that process, there are always going to be some issues. Some people will say that one person is better than a panel because they're easier to find and the dispute is resolved quicker, and I think both of those statements are true. However, you don't have the kind of balancing or mitigating aspect if there is an issue between personalities or if the person making the application believes there was any unfairness or bias in the decision. There's no balancing effect there, so that's, I think, an issue. In addition to that, we don't know what the appeal process is if someone doesn't like the decision. So if we could get that clarified in committee, that would be helpful.

So it's mostly good. I think I'd like the minister to address those issues that I've talked about there and see where they go.

Public access to public land, of course, is a long-standing argument in this province. Stakeholders such as some environmental groups certainly believe that the public should have foot access to all public lands at all times, and Bill 16 now requires any person who wishes to enter leased land for recreational purposes to contact the leaseholder, who is required to allow reasonable access. So this provision will certainly be disruptive to recreational use, but it seems to be at least a move towards some kind of a balance in terms of safeguarding the rights and privileges of the person who's paying for access to the land. But I think it is a big issue, and I think it's one that we need more explanation on, or I do believe we will be

bringing an amendment forward in this regard. The regulations are always a problem.

I really do want the minister to tell us why so much of the detail will be left with the devils behind close doors. [interjection] The minister says: only angels. Well, Mr. Speaker, that may be his interpretation, but in my 10 years here I'm not sure that that's how I would define it. I think that the way I did define it was far more accurate. While some of the regulations are of the quality that the members have talked about, some of the other regulations are not of such a high grade and are not quite so explainable.

So with that, Mr. Speaker, I will conclude my remarks at this time. We're looking forward to hearing the debate on this particular bill and certainly looking forward to hearing a little more from stakeholders than we have so far. It certainly seems a lot quieter than the last time we talked about this bill in this Assembly, but perhaps the days are early yet.

Thank you.

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

**Mr. Ouellette:** Thank you, Mr. Speaker. It's a great pleasure to rise and join the debate on Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003, sponsored by the hon. Minister of Sustainable Resource Development. Sustainable Resource Development manages about 90 million to 100 million acres of public land. Our programs and services are designed to ensure sustainable and integrated use of this public land, achieving the greatest benefits – environmental, social, and economic – for Alberta. To reach this goal, all users need to be aware of their responsibilities and to be good stewards.

Mr. Speaker, Albertans such as hunters and hikers are unsure of their rights and responsibilities on public land that are leased for grazing. Bill 16 provides direction to clarify any uncertainty surrounding this issue. Occasionally, leaseholders of public land may have differing and firmly held views of their rights. By promoting improved communication and co-operation between recreational users and leaseholders, we will be keeping the access of public land open to the public with consent of the leaseholder. Bill 16 promotes increased and improved communication as well as co-operation between recreational users and leaseholders.

Under Bill 16 the leaseholder must provide reasonable recreation access to the public lease land. Although an agricultural disposition holder must provide reasonable recreation access to the land, the regulations recognize that there are times when the disposition holder can say no or put conditions on access. Examples of such incidents include the presence of livestock or a high fire hazard, such as we experienced this past year. Mr. Speaker, these are examples of a leaseholder's business and livelihood being seriously impacted by members of the public who do not understand livestock behaviour or the risks livestock pose. This is why there needs to be an open line of communication between the leaseholder and the public user. Respect for the land and each other by both parties will ensure that public land is being used to its fullest potential.

Bill 16 will legislate that the recreational user will have to contact the leaseholder prior to coming onto the land. The majority of recreationists already take this step and recognize that the leaseholder needs to know when someone is on their land. This also provides the leaseholder the opportunity to provide information, including any hazards that they should watch out for.

The Department of Sustainable Resource Development is constructing a web site that will provide easy access to the necessary contact information, thus making it easier for recreational users to

get in touch with the leaseholder of the public land they may wish to use. Stakeholders have tested the site, and the consensus is that the site will prove to be extremely useful and will be an important tool for promoting communication and co-operation. Mr. Speaker, with Bill 16 government will initially focus on providing information about the new rules. It is expected that stakeholders and Albertans will co-operate fully and provide a good start to opening the provincial doors of communication and co-operation.

The Department of Sustainable Resource Development has to monitor how the new laws and regulations are working, especially during the early stages, when people are just learning about the new rules. As well, there's an information dispute resolution process available to both leaseholders and recreational users where there is a conflict.

4:20

Mr. Speaker, Bill 16 also provides a legal mechanism under the Public Lands Act to deal with recreational users and agricultural disposition holders who abuse their rights. This legislation allows the minister to impose a penalty where either the recreational user or the agricultural leaseholder contravenes the legislation. In other cases, if court action is taken and the person is convicted, the court can impose a fine of up to \$2,000. This is consistent with other laws in Alberta.

Mr. Speaker, public land is just that: land for public usage. At the same time, if that land is being leased, there needs to be respect and consideration for the leaseholder when it comes to public use of the rented land. Bill 16 will improve communication and co-operation between the recreational users and the leaseholders. This will keep access to public land open to recreational users while still respecting the rights and obligations of the leaseholder.

We are all aware of the important role that oil and gas exploration plays in the economic prosperity of Alberta. Bill 16 will allow seismic exploration to be undertaken for conventional oil and gas on public land, which will ensure that future generations can enjoy the same economic prosperity through Alberta's natural resources as we have.

Mr. Speaker, I encourage all members to vote in favour of Bill 16 and vote in favour of keeping access to public land open to recreational users. Thank you, Mr. Speaker.

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

**Dr. Pannu:** Thank you, Mr. Speaker. I rise to speak to Bill 16, Agricultural Dispositions Statutes Amendment Act, 2003. This bill, it looks like, supersedes Bill 31, that this House spent a great deal of time four years ago debating. If my memory serves me right, I think it went to third reading, and it has since been waiting to be proclaimed. Now we know that it will never be proclaimed. We've got this new bill now, which at least suggests to me that it really shows that the government has succumbed to the enormous pressure that it was under from some special interests in this province, primarily the leaseholders and especially big ones and rich ones among them.

Mr. Speaker, it really is a sad commentary on the commitment of this government to protect public interest, when based on its own news release, which the government released, I guess, on May 18, 1999, it gives very interesting information on the amount of public revenue that will come to the public Treasury. If Bill 31 had been proclaimed in '99, its own figures indicate and show, according to this government release of May 18, 1999, that while the leaseholders pay about \$3.5 million annually in lease payments to the public Treasury, they collect over \$40 million annually.

My guess is that even if the government had proceeded with the

proclamation of Bill 31 and the government had been able to negotiate at least \$20 million annually to be paid by leaseholders from the income that they received from the surface compensation they get from oil and gas companies, the Treasury of this province would have been at least \$20 million richer annually. I'm using approximate figures. It could be more; it could be less. So by today we would have been as a province richer by at least a hundred million dollars, money that we could well spend either on improving children's services or on education or on seniors' services; you name it. But that was not to be. This government, as I said, sold out public interest in order to placate a few of its powerful supporters, who are the big leaseholders.

The government's own numbers indicate that – here are a few cases that the government itself provides – on one existing land operation it is estimated that a grazing leaseholder pays less than \$30,000 per year in rental and taxes and receives a value of \$400,000 in surface compensation annually. Another figure that's given here: another leaseholder pays less than \$650 per year in rentals and taxes and receives approximately \$75,000 per year in surface compensation.

I can go on using the government's own data to draw attention to the rationale that the government used to justify bringing forward Bill 31 during the debate, but Bill 31 was destined to be frozen in its tracks, as it were, because these powerful special interests were able to twist the arm of the government, either of the current minister or of the minister who was in charge then or of the Deputy Premier of this province, to get their way. So it's very disappointing, Mr. Speaker, that this Bill 16 abandons the government's own commitments which were reflected in Bill 31. If they had been respected, if those commitments had been adhered to by this government, the public interest would have been well served.

It's a sense of *déjà vu*. Time and again this government betrays its own commitments to the people of Alberta and sells out to special interests because they happen to be powerful, and since they are powerful, their interests come before the common good and the public interest. It's a crass example of the determination of this government to continue with both corporate welfare and cowboy welfare. This is exactly a clear illustration, Mr. Speaker, of the government's real commitment to powerful special interests in this province at the cost of serving the common good and the cost of the public interest, that ought to be its first and foremost responsibility to serve and protect.

In addition to the giveaway in terms of revenues to both the powerful stakeholders, who happen to be big ranchers, and also in facilitating further access by oil and gas companies when they seek rights to enter these lands, which are public lands but on lease to private leaseholders, thereby easing the entry of these companies onto those lands while at the same time restricting, in effect, by way of the changes that are made here to public access to those lands, this government has really shown its real colours, which is that it will not stop short of depriving Albertans of their fundamental rights of public access to public lands so long as it sees that it has to address first and foremost, put as its first priority, the concerns of a small minority of Albertans whose support it seeks and in whose interests it acts all the time when it has to make choices between the rights of average, ordinary, severely normal Albertans on one hand and the privileged and powerful few on the other.

4:30

Mr. Speaker, we received communication from the Alberta Wilderness Association and the recreational association of Alberta, and these nongovernment organizations are very concerned about the way their rights have been put at risk, right of access to public lands,

just so that the government can protect the privileges of its good friends both in the oil and gas industry and in the ranching industry.

The next point I want to make, Mr. Speaker, is the sort of lack of respect for the work of this House that this government shows time and again. Bill 31, a government bill brought before this House in 1999, debated here through all the necessary stages, received the approval and support of this House, and then the government decides to completely ignore it and make sure that it dies. That speaks to the general sort of attitude of dismissal which amounts to contempt of the work that this House does here. It's very sad to see this government violate its own commitments made previously in so blatant a fashion and not to respect the decision of this Assembly, that it is supposed to do. The executive branch of the government rules supreme in this province. In its operations it undermines the value of the work of this House, its constitutional authority, and its constitutional role in the process of developing its laws.

So this bill, Mr. Speaker, is something that I must speak against. It's regrettable that it replaces a much better bill, that the government had brought before this House in 1999 and asked this House to seriously debate, improve through debate, and vote on. We all voted on it. All those votes, all that debate, all those hundreds of minutes, hours and hours of work that we did on the bill now are nullified. They're of no avail. What we get in its place is a bill that's seriously flawed for the reasons that I have stated. So myself and my colleague, the Member for Edmonton-Highlands, will have an opportunity to speak on this bill later on in the remaining stages of the debate on this bill.

So with that, Mr. Speaker, I conclude my comments.

#### **The Deputy Speaker:** Comments or questions?

Further speakers? The hon. Member for Edmonton-Glenarry.

**Mr. Bonner:** Thank you very much, Mr. Speaker. I do enjoy this opportunity to speak this afternoon to Bill 16, the Agricultural Dispositions Statutes Amendment Act, 2003, and I must commend the Minister of Sustainable Resource Development for bringing this bill forward because the use of Crown land, certainly the use of leased land in this province is forever changing. I do realize that this bill is a wise attempt to try and improve previous legislation that was passed in this House, and I think that it is a wise move anytime that we have legislation which does pass in this House that members of this House obviously have reservations about that we do delay implementing it, particularly if we do have a better piece of legislation which does come forward. In my estimation, from what I've read so far, I do think that Bill 16 is an improvement on Bill 31.

That being said, Mr. Speaker, I still think that there are some issues with Bill 16 that have to be clarified, some issues that I know the minister will be commenting on as we move into Committee of the Whole, and I look forward to further debate on this particular bill.

The primary objectives of Bill 16 are threefold, the first being that there is a dispute resolution process for exploration access disputes on leased lands. This is certainly critical because many people in this province that have had leased land or have had leases on land for some time have certainly put a lot of effort into those and are reliant on the income from some of those lands, whether it be through leases with oil companies, whether it be for their grazing practices, or whatever. The last thing we need, certainly, is full-blown disputes on leased land.

I look at the situation we have in northern Alberta right now where we have the Northern Oilfield Contractors Association and the First Nations councils which are striving very hard between both groups to settle the disputes arising over access to Crown land, and I think

when I look at Bill 16, that this is certainly the first step, an initial step, towards looking at some of those issues between the First Nations and the Northern Oilfield Contractors Association. This will prove beneficial to all parties in settling those disputes, and I know it is the goal of all members that we get those disputes settled so that our northern communities that rely heavily on the Northern Oilfield Contractors Association and all the spin-off industries that happen to take place as a result of this will stay strong, that the rights of Treaty 8 for the First Nations will not be violated, and that all parties will participate in a win/win situation.

Now, then, the second objective of Bill 16 is a dispute resolution for recreational access disputes on leased lands. Again, this is an ever evolving issue in this province where we certainly have vehicles that give us much more access and much more range when we do leave the beaten path and get off our highways and secondary roads. So, again, this will offer the leaseholders some type of resolution as to how to deal with these problems. Unfortunately, when we do get into not only the rural areas but the wilderness areas of this province, then it is critical, when we don't have fences and we don't have signs posted and whatever, that these things can be worked out.

The third primary objective of Bill 16 is that there is a clarification of rights and procedures for recreational access on leased lands. Again, this will alleviate the confrontational type of activities that we could have between the leaseholders and those wishing to use that land for recreational purposes. So I see from these three primary objectives that this will certainly lessen the opportunity for conflict.

4:40

Now, then, as well, with Bill 16, Mr. Speaker, there are other changes that must be noted. Of course, some of these other changes include that the minister can issue overlapping leases without the lessees' consents. As well, another change that must be included is that it allows maximum penalties for contravention of the Public Lands Act. Again, this is welcomed because it does provide for Albertans some type of protection for their public lands.

By way of history, Mr. Speaker, there are in the neighbourhood of 5 million acres of public lands that are leased for the purpose of grazing to about 5,700 leaseholders. That is quite substantial when you think of it, yet these 5 million acres account for only approximately 3 percent of Alberta's total geographic land. So this is in some areas, I guess, not that much, as well, if we're only talking 3 percent of the land but, again, vital that we do have legislation that will cover these lands.

Now, then, unlike the Member for Edmonton-Strathcona, who spoke previously, I feel that Bill 31, which was the predecessor of Bill 16, even though it was debated and passed in this House, what was realized was that this was inadequate legislation for what we had. Certainly, if there's one body in this province that should be able to say that we've got a better idea, we've got legislation which will serve our needs, we've got legislation that will address potential problems, we can do it better, then certainly this is the body that should be able to say: we are going to hold back on legislation because there is a better way.

So, yes, we did spend a lot of time, but it wasn't wasted time. I think that in their own way many of the discussions that we held and that occurred here for various hours throughout the session on Bill 31 were extremely valuable because all members in this House had an opportunity for input into that bill. Certainly, that is one of the reasons we do have debate and more important than any bill that we pass in this House. That this House stands for the symbol of free speech is more important than anything else we do. So I agree with the holding back of Bill 31.

Now, then, as well, when I look at Bill 16, one of the things that

I do like is the dispute resolution. Previously the law was unclear as to whether recreational access had to be allowed by disposition holders. For exploration access the lessee had total discretion to accept or reject access proposals with no appeal for the company. These areas needed to be clarified and changed respectively, and a dispute resolution process needed to be implemented. This bill, certainly, Mr. Speaker, will accomplish that goal.

[The Speaker in the chair]

As well, when we look at this new piece of legislation, stakeholders such as the Alberta Wilderness Association believe that the public should have foot access to all public lands. Now, then, Bill 16 requires any person who wishes to enter public leased land for recreational purposes to contact the leaseholder, who is required to allow reasonable access. This provision will certainly be disruptive to recreational use, but it seems to be a reasonable balance, seeing as the lessee paid for access to the land and, therefore, should have priority in terms of safeguarding rights and privileges. I certainly think that we do have to have the permission of the leaseholder to enter those lands. This is wise and particularly if it is people using that land who would be unfamiliar with the land. The leaseholder would be the most qualified person to know where the dangerous areas of the land are, if there are any, and certainly could inform those people of any situations where public safety would not be able to be maintained if they were not familiar with what was happening.

I know that we did, in our discussions earlier, talk about the regulations. In Bill 16 there are many sections that delegate power to regulations. Again, I have a caution here. The caution is that because in Bill 31 we had legislation that was not adequate, it was never put into force. When we rely on regulations, Mr. Speaker, we certainly don't have the opportunity for full debate in this Legislature on those regulations. I think that in many cases our legislation would even be improved to a greater extent if we did have more debate on these issues rather than leaving them to regulations, particularly when many of these are important considerations that could have and should have been included in the bill. This is a major issue with much legislation, and certainly these issues should be addressed in debate.

Now, one of the things that Bill 16 does is offer important clarification of rights and responsibilities, and it implements needed dispute resolution processes. It is certainly a much better bill than Bill 31, and it addresses all issues that have come up since 1999, so it will be much better legislation than what we have now.

So, Mr. Speaker, I appreciate the opportunity to speak to Bill 16 this afternoon, and I certainly await Committee of the Whole to hear further comments from the minister and have him address some of the concerns that we do have with the bill. Overall, certainly it is a bill that I support, that my colleagues support, and I would encourage all members in the Assembly to support this bill.

Thank you very much.

**Mrs. McClellan:** Mr. Speaker, it gives me great pleasure to rise and join in the debate on Bill 16. The hon. member of the third party probably moved me to get up and speak by some of his comments. I hope he'll take the time to review some of the comments that are made by other members, such as the member who just spoke, Edmonton-Glengarry, and understand a little bit better what public lands are all about and that there are a variety of types of public lands in our province and that we manage them in a variety of ways.

Essentially, we're talking about lands that are under an agricultural disposition that may be also utilized for energy or gravel or some other type of activity on that land. We have public lands that

the public has the right to utilize. They are provincial parks. They are federal parks. They are reserves. But, you know, few people really understand that even in those parks there is restricted access. I'll give you an example: Dinosaur provincial park, one of the real gems of our province. It is, you know, a national heritage site. There is fully 50 percent of that park that you as the public may not visit unless you are accompanied by a paleontologist on a dig. That's a restriction, and I'll tell you that it is one stiff restriction. The rest of the park has access, but again it is limited. You can't ride a horse in Dinosaur provincial park.

4:50

Yet we somehow have this idea that when a rancher or a farmer leases some land under an agricultural disposition, which he pays a rental and a fee for, the rental being based on a formula that is based on the productivity or the productive value of that — it's a formula that's devised for that purpose — somehow that land is open season. I've tried to explain this to people and say: you know, if the government owned a public building that we leased to a private individual for their purposes of business, would you expect to be able to go in and utilize that building, perhaps use the bathroom, the copier, have coffee in the coffee room? No. Could you pitch a tent on the grass in front of it? Well, I would expect that in the city of Edmonton there would be a little car with blue and white flashing lights come up and tell you to leave. Yet somehow, when it's under an agricultural disposition, it takes on a whole new connotation.

You know, living in a rural area — and I can tell you that I'm not a holder of public lands at this point in my life but certainly have had some association with it — we live in great harmony with the people who are hunters, people who want to snowmobile. Very, very rarely is there ever an incident. When there is, it's not too pleasant, but rarely. Generally, producers or people who hold these dispositions do not mind if the public want to access that land for snowmobiling or something. However, when they have all of their investment in their best purebred herd of cattle or horses on that land, they obviously want to know what the public might be doing there. We generally don't like to have our very best cattle and horses out in hunting season because there seems to be a bit of a difficulty at times in determining which are deer and which are cattle and horses. So it's a matter of: use respect, ask permission. That program has worked tremendously well in the province. We've had hunters that have come back to our land, private land, year after year after year. They become friends, and it isn't an issue.

I think we have to understand that there are a variety of public lands in this province and that the producer rents the surface of that land for an agricultural purpose, no different than the land, I think, that I hold as a private individual under title. So when somebody wants to have another activity — and it could be oil and gas; I can say, again, a lot of that activity in our province — generally, absolutely not a problem. Generally. We only hear about the incidents.

But we do have a formula, and really there isn't a lot of negotiation. It is set, whether it's nuisance, loss of use, disturbance, all of those things. It's calculated and determined. For example, if it were on our land, if we were growing mustard on that quarter, if they were going to take out X number of acres, they count how much mustard you would produce on that, they multiply it by the market price, and that determines the loss of productivity, whether they have to put a road in to have access to it and the problems that it can cause the producer himself for access. These things are all determined. The Surface Rights Board has served this province well for many, many, many years. I had the honour of being minister responsible for the Surface Rights Board for almost four years, and I can tell you that they do an exemplary job of dealing with those times when issues do come up, and they settle them quite well.

I wanted to say that I think it's a responsibility for all of us to try and understand the differences of where we live in this province. It's a vast province, and the issues that we face in different parts of it, obviously, differ greatly. I've tried very hard to understand the urban issues that my colleagues face in the urban areas and have spent some time trying to do that. The longer I spend here and the more time I spend here, I wonder sometimes if I'm an urban resident or a rural resident anymore, but I think that is what we need to do.

I believe that the amendments that have been made in this bill, which have been brought forward by all of the players, are the ones that we should really concentrate on, and to suggest, as I thought I heard the hon. leader of the third party say, that there was a lack of respect for the House – and I'm going to review the Blues. I don't understand exactly what that means because this Bill 31 was passed and not enacted. If that's what I heard, it's an interesting concept, but, you know, I think I would prefer the way we're doing it now. If you pass a bill and a problem arises and it's identified to you, doesn't it behoove you to fix it? Or do you just say: well, we did this and we agreed to this and we're – I don't know what the expression is. I probably can't use it in the House. But we'll go full blast ahead.

I think this is the right way. A great deal of time was spent by some of my colleagues in this Legislature talking to people who wanted to use this land for recreational purposes, who have a concern about the environmental stewardship of the land, who want to use this land for an economic benefit, whether it is for the agriculture disposition that it's been leased by or the company that may want to drill for oil or gas on it or extract gravel from it. When these people take the time to sit down with us and say, "We have some issues; we'd like to try and clarify them," I think it behooves us to listen. Maybe Bill 31 wasn't perfect. Maybe it was a perfectly good start. Maybe this one won't be perfect, but it's probably better than what we had, and that is our objective: to ensure that all of the users of our land, especially our public land in this province, have the opportunity to access it in the best way.

Much of the land that we talked about in this is very fragile land, and it is incredibly important that we have good land management practices. In my constituency I have 5 million, 6 million acres of land that is in a place called the special areas. Some of my colleagues that live far north have some people who moved from that area in the '30s, when we had a drought and the land virtually blew away, Mr. Speaker. Today I'm proud to say that even in these drought years that we've experienced in the last two to four years, there was very little land moving in the special areas because of very sound, very strict land management practices. So I say that because it is important that we recognize that much of this land is fragile, and it's important we keep it.

5:00

My colleague from Highwood brought forward the bill for the emblem of Alberta, identifying rough fescue as our grass. Do you

know that Alberta has more of that grass left than any of the other prairie provinces? We have more of it left in our province. In fact, I think we're the only province that has all four varieties of this, and I have to believe it's because very good land management practices have been established in this province.

Mr. Speaker, in my view all Albertans' interests are important. None takes precedence over the other. But in my experience good-thinking people can sit down, resolve the issues. Yes, some have to give a little here and a little there, but you can reach something very manageable. I think that has been achieved, and I applaud the people who worked on the first round of solving some of the outstanding issues on this, what is now what I call the second round, and we have Bill 16. I'm certainly listening to input that I hear from people in my constituency as to how they see it and making sure it does address the problems that were perceived to be in the original bill.

I think that we can move forward, make the best use of this land for agricultural purposes, for other economic purposes, for recreational users, and maybe most of all and most importantly to us is to ensure that we have good environmental stewardship of this land. I think this bill will allow us to do all of that, and I commend my colleague for bringing it forward and for all of the hard work that has gone into bringing this bill to this point today.

The Member for Edmonton-Glenarry talked about the importance of a dispute resolution mechanism. Incredibly important. We don't have to have differences between people who have the same objectives, and that's a strong, healthy province and a good utilization of our public land that we hold in trust for the people of the province. That's in here. I think it will deal with it.

As the province progresses – and we will; we are. Albertans are a dynamic people. They're not ever going to sit still. We may find that at some point we have to do another amendment. I think that if we do, it will be because of progress, not regress.

So, Mr. Speaker, I wanted to make a few comments at this point in the bill, talk about the principles of the bill, and encourage members to support passage of it.

Mr. Speaker, with that, I would adjourn debate on Bill 16.

[Motion to adjourn debate carried]

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

**Mr. Zwodzesky:** Thank you, Mr. Speaker. It's indeed been a very interesting afternoon and lots of progress as I reflect on the week, and therefore I would now move that we call it 5:30 and adjourn until Monday at 1:30.

[Motion carried; at 5:03 p.m. the Assembly adjourned to Monday at 1:30 p.m.]