

Legislative Assembly of Alberta

Title: **Tuesday, December 4, 2007**

1:00 p.m.

Date: 07/12/04

[The Speaker in the chair]

head: **Prayers**

The Speaker: Good afternoon. As we pray this afternoon, let me share with you some words from the author Judith Singer.

First one solitary light,
then each evening one more,
Until eight shining lights send forth
such a wonderful glow –
a message of freedom and faith
for all people.
these are the lights
of Hanukkah.

Happy Hanukkah.

Please be seated.

head: **Introduction of Guests**

The Speaker: The hon. the Premier.

Mr. Stelmach: Well, thank you, Mr. Speaker. It is my pleasure today to rise and introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Drayton Valley-Calmor, Mrs. Diana McQueen. Diana is seated in the public gallery. She's an active member of her community, her city, and her province, serving not only as the current mayor of Drayton Valley but also quite involved with the Alberta Urban Municipalities Association. I'm proud to have Diana on our team, and I would ask her to rise and receive the traditional warm welcome of the Assembly.

My next introduction, Mr. Speaker. Again it's my pleasure to rise and introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the riding of Edmonton-Riverview, seated in the members' gallery. Mrs. Wendy Andrews is an active member of her community, her city, her province. She has extensive business experience, owning and operating her own company. Wendy and her husband have raised a grown son. I'm proud to have her on our team, and I would ask her to rise and receive the traditional warm welcome of our Assembly.

Mr. Speaker, again it is my pleasure to rise and introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the constituency of Calgary-MacKay, Teresa Woo-Paw. Teresa has worked tirelessly in her community as a social worker for 30 years, the founding member and chair of the Ethno-Cultural Council of Calgary, former chair of the Calgary board of education, the recipient of many, many honours, including the Queen's jubilee award for community services and the Alberta centennial commemorative award. I'm proud to have Teresa join our team. I would ask her to also rise and receive the traditional warm welcome of the Assembly.

Mr. Speaker, thank you for your patience. It is my pleasure to rise again and introduce to you and through you to all members of the Assembly the nominated candidate for the Progressive Conservative Association of Alberta for the constituency of Calgary-Buffero, Mr. Sean Chu. Sean has a great deal of experience in both his professional and community life. He worked as a police officer with the Calgary Police Service for 16 years and has been active in his

community, a board member of Foundations for the Future Charter Academy, the director of the Federation of Calgary Communities. Sean and his wife, Karen, have proudly raised two wonderful girls and provide home care for a family member. I'm proud to have Sean as a member of our team. He's going to continue with the great tradition of former police officers in our caucus and in Calgary-Buffero. I would ask Sean to rise and receive the traditional warm welcome of the Assembly.

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

Mr. Lukaszuk: Well, thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to all members of our Legislature a group of 48 constituents of mine from Edmonton-Castle Downs, more particularly from Lorelei elementary school. These 48 students, accompanied by Mr. Mark George, Ms Lorna McCurry, student teacher Miss Clare Young, and parent helper Janet Zahar, are enjoying touring our beautiful building today. I had the pleasure of visiting them in class just a few days ago, and I tell you, these students are prepared and will well understand what's going on because they were asking some really intriguing questions in class. I know that they were well prepared by these teachers. I will ask them to rise and receive the warm traditional welcome of our Assembly.

Thank you.

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

Mr. Martin: Thank you very much, Mr. Speaker. It's indeed my pleasure today to introduce to you and to members of the Assembly 30 bright and energetic students from St. Vladimir school. They are accompanied by their teachers Mr. Paul Martel and Mrs. Marg Meronyk. They're in the members' gallery, and I would ask them to stand and receive the traditional warm welcome of the Assembly.

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

Mr. Backs: Thank you, Mr. Speaker. I'm very pleased to rise and introduce some students from one of the very best schools in all of Alberta. They're from John Barnett, the grades 5 and 6. They're with Mrs. Cynthia Modyk and Mr. Glenn Newby, their teachers, and parents Tara Brooks and Amanda Donald. I'd ask them to please rise and receive the warm welcome of this Assembly today.

Thank you.

The Speaker: The hon. Minister of Energy.

Mr. Knight: Thank you very much, Mr. Speaker. Indeed, it's a pleasure and an honour for me to rise today and to introduce to you and through you to all members of the House Dr. Stefan Bachu. Dr. Bachu is a senior adviser for the Alberta Energy and Utilities Board. He works in the area of carbon capture and storage. Members should know that Dr. Bachu is co-sharing the 2007 Nobel peace prize for his work as lead author on the international panel on climate change special report on carbon capture and storage. His fellow laureate in receiving the honour is former U.S. vice-president Al Gore. He has also represented the Energy and Utilities Board on the Interstate Oil and Gas Compact Commission, the task force on carbon capture and storage, and continues to represent Canada on the technical group of the Carbon Sequestration Leadership Forum. Dr. Bachu's work has been extensively published, and he is an associate editor of the *International Journal of Greenhouse Gas Control*. We're very fortunate to have a scholar and a Nobel laureate of Dr.

Bachu's stature representing our province on an issue so important and vital to our energy industry as carbon capture and storage. Dr. Bachu is here today in the Speaker's gallery along with Mr. Darin Barter of the Energy and Utilities Board. It may be chilly outside, but I would ask them both to stand now and receive the warm welcome of this Assembly.

The Speaker: The hon. Minister of Seniors and Community Supports.

Mr. Melchin: Thank you, Mr. Speaker. It's my privilege to stand and introduce to you and through you to all members of this Assembly a number of individuals, employees of the Ministry of Seniors and Community Supports. These individuals work for the protection of persons in care, ensuring that they're looking through any complaints and investigations of abuse for those seniors and other adults in publicly funded care facilities like hospitals, seniors' lodges, and nursing homes. We're delighted that they could share this time with us today in the Legislature. We have with us Edith Baraniecki, Bobbie Murphy, Sandra Plupek, Francine Gregory, Margaret Petryszak, Julie Buchy, and Lill Greenhalgh. If they could please stand and receive the warm welcome of the Assembly.

The Speaker: The hon. Member for Drumheller-Stettler.

Mr. Hayden: Thank you, Mr. Speaker. It's indeed a privilege today to introduce to you and through you a number of members of the Health Facilities Review Committee that are visiting with us today for their monthly meeting tomorrow but having a season's celebration tonight. These people work tirelessly throughout the province going to our health facilities and seeing the systems and the way they work through the eyes of the patients and the families. I'd like to introduce them and then have them stand: Glenna Bell from St. Albert, Velda Fulford from Sherwood Park, Barbara Hay from Lacombe, Elsie Kinsey from Stony Plain, Linda MacKay from the county of Red Deer, Noel McBride from St. Albert, Dorothy Patry from Medicine Hat, Ada Rawlins from Chestermere, Cliff Storvold from Calgary, and Coreen Thacker from Bow Island. We also have three administrative people: Nada Chelvam, our executive director; Debra Chesley, our editor; and Irene Sinclair, our administrative assistant. I would ask them to rise and receive the warm welcome of the Assembly.

1:10

The Speaker: Are there others? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to introduce to you and through you to all hon. members of this Assembly two separate parties that are present in the public gallery this afternoon. The first party is Joe Anglin. Joe is a resident of Rimbey. He and his wife are raising their family there. Joe has become very interested in Alberta politics since attending the energy regulatory hearings in both Red Deer and Rimbey this past year. He's here this afternoon to listen to the Committee of the Whole debate on Bill 46. He is joined by Ron Hanson and his wife, Dot, residents of Drayton Valley. I would ask them to rise and receive the warm traditional welcome of this Assembly.

Mr. Speaker, the second introduction I have this afternoon is of Trixie Lohmann. Trixie Lohmann immigrated to our fine country from Germany. She came here as a 12-year-old. She is now a grandmother. She has five children, 10 grandchildren, and she lives in the community of Hoadley. She was never notified of a proposal

to build a power line across her property. She was denied notification, she was denied the right to be informed, and she was denied a hearing. She's very sad with AltaLink. She also is here to listen to some of the debate this afternoon in Committee of the Whole on Bill 46. I would now ask her to rise and receive the warm traditional welcome of this Assembly.

Thank you.

The Speaker: The hon. Minister of Energy.

Mr. Knight: Thank you very much, Mr. Speaker. I don't believe my guests are in just now, but I won't have an opportunity to do this later. It's my pleasure to introduce to you and to all the members of the Assembly 24 outstanding members of the Alberta public service working at Alberta Energy. I don't believe they're in, but I would like to list their names: Alasdair Mills, Lori Husak, Brian Edwards, Stéphane LaRochelle, Kirk Kropf, Kevin Beilman, Karen Vause, Jay Schaapman, Wei Liang, Shelley Hay, Jean Hattie, Nikki Lam, Marion Turner, Jimmy Ng, Debbie McGale, Elaine Umeris, Edward Boodle, Gail Starchuk, Marcel Boisvert, David Reeves, John Davies, Robert Tonkovic, Simon Lee, and Judy Tassie. I would ask that our members extend to them the traditional warm welcome of the Assembly.

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

Dr. Morton: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of this Assembly three guests seated in the public gallery: Helene Walsh from the Canadian Parks and Wilderness Society, Dianne Pachal from the Sierra Club, and Rebecca Reeves from the Alberta Foothills Network. These three ladies presented a petition to me on behalf of the Alberta Foothills Network earlier today with 2,000 signatures. Would you please rise and receive the warm welcome of this Assembly.

head: **Ministerial Statements**

The Speaker: The hon. Minister of Education.

Student Achievement Tests

Mr. Liepert: Mr. Speaker, thank you very much. Every three years the Organization for Economic Co-operation and Development conducts international student assessments. In 2006 400,000 students from 57 participating countries and jurisdictions took part in the assessments. This testing was carried out among 15-year-olds, and the focus was on science. Mr. Speaker, I am proud to stand here today and tell you and all Albertans that those test results, which were released today, show that Alberta students rank second in the world in science achievement results. Alberta students rank second only to the country of Finland.

One could ask: was this an anomaly? Did our students just get lucky, or did they just have a good day? I would say that the evidence suggests otherwise. Even though the focus was on science, the assessment also included reading and mathematics. Test results in these areas were also significantly higher than the Canadian average and among the world's best. In reading Alberta students tied for third, and in mathematics we placed fifth in the world. Just last week the Progress in International Reading Literacy assessment results were released for grade 4 students. Alberta scored third in the world.

Another promising statistic is how well our children of immigrant parents performed. Alberta is the only jurisdiction whose immigrant

children not only performed significantly better than or as well as the average nonimmigrant student but, in fact, demonstrated no difference from their nonimmigrant counterparts. This finding, Mr. Speaker, is contrary to national and international trends. I guess we should ask ourselves: who is responsible, and why does Alberta have such incredible achievements?

Well, first, we need to note that Alberta teachers and school support staff day in and day out not only instruct, mentor, and challenge our students in the classroom, but they commit to outside regular school activities. Our locally elected school trustees, superintendents, and principals support the delivery of education at the local level, albeit with input from home and school councils, and it's tailored to the communities that they serve. The Department of Education continues to develop a curriculum that is ever-changing to meet the needs of the 21st century learner, and it also provides an assessment and performance methodology that is envied around the world.

I think we also have to take some credit. Members of this Legislature supported the government when it had the courage to invest in an education system that works closely with our partners to offer choice and programs that meet the changing needs of the global economy.

But in the end we know that it is the student who is responsible to study and write the tests. Alberta is a province that is filled with bright and intelligent young people, and today we should all feel very proud of their accomplishments as they continue to strive to be the absolute best in the world.

Thank you.

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

Mr. Flaherty: Thank you, Mr. Speaker. It's a pleasure to rise today to respond to the minister on the fantastic achievement by our Alberta students. The young people we recognize today will someday take the reins from our generation and lead Alberta to a better tomorrow. These results prove that Alberta's future is in very good hands. Consider the ranking of Alberta's children in science achievement: second in the entire world, just behind Finland. That is an accomplishment that deserves our congratulations.

And it doesn't stop there, Mr. Speaker. Alberta's students performed almost as well in assessments in reading and mathematics. Our grade 4 students scored third in the world in the Progress in International Reading Literacy assessment results. Our immigrant children are also rising to the top.

We should not forget, Mr. Speaker, that these results would not have been possible without the strength of our institutions and the talent of our school trustees, the dedication of our teachers, administrators, and support staff. All of the wonderful Albertans working in our schools are committed to excellence. They understand the paramount importance of their work. We should also be immensely grateful for their amazing contributions.

With these accolades comes another mission: making sure that all of our students perform equally at a high level. The Minister of Education has the responsibility to lay the foundation for good reading skills, for good science skills for all children entering grade 1. We must be vigilant in ensuring that no child in Alberta falls through the cracks, that every child in Alberta gets the chance to succeed when they go to school.

Today is a day to celebrate the great achievements by our youth, to celebrate the great achievements by our teachers and our trustees and support staff. We are humbled by these amazing results, and we honour them today.

Thank you very much, Mr. Speaker.

1:20

The Speaker: The hon. Member for Edmonton-Beverly-Clareview is rising, I'm sure, to ask for permission from the House to allow the hon. Member for Edmonton-Calder to participate in this ministerial statement. I take it that shortly thereafter the hon. Member for Cardston-Taber-Warner will do the same and that the hon. Member for Edmonton-Manning will do the same. Just to save some time, could I ask for permission of the House to allow all three to participate briefly?

Some Hon. Members: Agreed.

The Speaker: Did anybody say no?

An Hon. Member: No.

The Speaker: Well, I have a problem now because I don't know who the "no" applies to, so I guess we'll take them one at a time.

To allow the hon. Member for Edmonton-Calder to participate, is there any opposition?

Some Hon. Members: Yes.

The Speaker: Okay. That one is finished with.

To allow the hon. Member for Cardston-Taber-Warner to participate, is there any opposition?

An Hon. Member: Yes.

The Speaker: To allow the hon. Member for Edmonton-Manning to participate, is there any opposition? [interjection] I heard that negative, too, so let's go forward, Clerk.

head:

Members' Statements

The Speaker: The hon. Member for Calgary-Nose Hill.

Society of St. Vincent de Paul

Dr. Brown: Well, thank you, Mr. Speaker. I'm pleased to rise in the Assembly today in recognition of the Society of St. Vincent de Paul. The Society of St. Vincent de Paul is a lay Catholic organization that was originally founded in Paris in 1833. It's an order open to all people who believe in the principles of the gospel and wish to follow Christ's example by committing themselves to serving the poor.

Mr. Speaker, I wish I had more time to go through the pages and pages I have been provided outlining the many positive things that this volunteer organization has done to help the underprivileged in my community. Their work within the Calgary parishes of Corpus Christi, Ascension, and St. John the Evangelist has provided immediate response to the immediate and pressing needs of dozens of families in need in my constituency of Calgary-Nose Hill. They have paid the rent for numerous victims of domestic abuse, helped needy families cover school expenses, helped people on the verge of eviction, and assisted the sick and disabled.

In addition to monetary assistance, in the past year alone they have provided 400 food hampers and 85 Christmas hampers. Their president, George Dorscher, and all members of the Society of St. Vincent de Paul are to be commended for their dedication to easing the suffering experienced by Calgary's poor. Their compassion provides all Albertans with a worthy example, the spirit of which is best summed up in the words of Albert Pike: "What we have done for ourselves alone dies with us; what we have done for others and the world remains and is immortal."

Calgary Ring Road

Mr. Cheffins: The pace of ring road negotiations between the provincial government and the Tsuu T'ina Nation is even slower than traffic in Calgary during rush hour. Rush hour traffic will soon be a lot worse for many of my constituents as the Grey Eagle casino opens, dumping up to 4,000 additional vehicles into the area daily with no ring road agreement in sight.

It's clear to me that this government does not understand or care about what this traffic does to the quality of life in communities like Lakeview, Rutland Park, Glamorgan, and North Glenmore Park. With the casino scheduled to open sometime this month, my constituents have been left out in the cold and idling by this government. I've asked questions and received only vague some-days from the minister. I've tabled a petition with hundreds of signatures urging the provincial government to realize the urgency of the situation and get a deal done with the Tsuu T'ina. Meanwhile my constituents learn about further delays. In fact, my constituents hear more from newspapers, the radio, and city officials than they do from this government.

Furthermore, with no agreement in sight the lack of information is causing some to suggest alternate routes, many of which jeopardize the sensitive Weaselhead natural area. Any damage to this area could impact drinking water for over 400,000 Calgarians. This is entirely unacceptable.

I've asked the provincial government to be both vigorous in their negotiations so that there's real progress being made and open to the plight of the constituents of Calgary-Elbow so that these Calgarians are assured they won't be burdened with excessive traffic indefinitely. My constituents have exercised patience. What they're unprepared to accept is continued delays while the casino's opening date draws nearer. My constituents expect leadership, they expect a deal, and from this government they've waited far too long for both.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Red Deer-North.

Primary Health Care Networks

Mrs. Jablonski: Thank you, Mr. Speaker. Today's health system must constantly change to meet the evolving needs of Albertans and the expanding skills and training of health professionals. A modern health system requires a diverse array of highly skilled and flexible professionals. Indeed, more than one kind of service provider may be capable of performing a particular procedure or service. To meet the needs of Albertans, the health system must ensure that health professionals are trained to work in teams that share the responsibility for patient care, and in the workplace programs need to be developed that encourage more team-oriented models of care. When we use the skills and training of health professionals to their fullest, people can get the care they need quickly from the most appropriate provider.

Mr. Speaker, much is being done in Alberta to advance team approaches to patient care. This approach is central to the new primary care networks that have been established throughout the province. There are currently 26 primary care networks serving 1.4 million patients throughout Alberta. Albertans served by these networks are benefiting from more comprehensive and co-ordinated care from a team of health professionals, including advice and support in making lifestyle changes to enhance their overall health.

When we look at the teamwork approach in the classroom setting, the Edmonton clinic will be a shining example when it opens in

2011. Not only will health services at the clinic be offered to patients through this multidisciplinary teamwork approach, but health students will learn together and interact with researchers in an active patient care setting. This training model is unique in Canada and will encourage a team-based approach to care.

Mr. Speaker, this government is working tirelessly to address retention and recruitment of health professionals. In addition to addressing the workforce supply issues we are facing today, initiatives such as primary care networks and innovative education models are a vital part of designing and building the health workforce of tomorrow.

The Speaker: The hon. Member for Calgary-Bow.

World Cup Competitions

Ms DeLong: Thank you very much, Mr. Speaker. The past two weeks have been incredible for sports fans in Alberta. The World Cup circuit made their annual stop at Lake Louise and Canada Olympic Park. Our province enjoyed hosting the world's best alpine skiers, bobsledders, and skeleton athletes. These early-season races can set the tone for the rest of the year, and Canadian athletes shot out of the gate with authority.

Calgary's Jan Hudec became the first Canadian ever to win a downhill ski World Cup event on home soil. In the skeleton events Canadians took home four of the six medals, including a gold for Calgarian Paul Boehm and a silver for the pride and joy of Eckville, Mellisa Hollingsworth. The big sleds then took over, and Canadians took home more hardware. The Calgary-Edmonton duo of Helen Upperton and Jenny Ciochetti could not be beaten in the two-woman bobsled, and the four-man team, which includes Albertans Pierre Lueders, Lascelles Brown, and David Bissett, won bronze. There was another first at Lake Louise, this time in women's downhill. Britt Janyk from Ontario became the first Canadian woman to finish on the podium at home, finishing third.

With this season and the next being crucial to preparations for the 2010 Olympics, these are the results everyone is hoping for. By all accounts the race organizers, staff, and volunteers did a tremendous job of hosting these events. The races were shown on TV in countries around the world and on the Internet, giving our province some tremendous exposure. I ask that the members of this Assembly join me in congratulating our athletes and the event organizers for a successful two weeks.

Thank you.

head:

Oral Question Period

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

Private/Public Partnerships

Dr. Taft: Thank you, Mr. Speaker. Treasury Board documents from a meeting just a few weeks ago, this November 14, indicate that the costs of the 18 P3 schools announced in June of this year have more than doubled to over half a billion dollars. My question is to the President of the Treasury Board. Can the minister explain what happened? Who is responsible for this 156 per cent increase in just eight months?

The Speaker: The hon. minister.

Mr. Snelgrove: Thank you, Mr. Speaker. What I can explain to you is that with the full co-operation of the department of infrastructure

and the Department of Education we are working together to build new schools for students in Alberta. The process is just under way, and how the hon. member would have already ascertained what the cost will be before we have even accepted a tender is somewhat miraculous.

1:30

The Speaker: The hon. leader.

Dr. Taft: Well, thank you, Mr. Speaker. I'm working from Treasury Board documents. In these same documents the Treasury Board accepts the decision to amend the Fiscal Responsibility Act to take Alberta back into debt, yet this government just announced a \$4 billion surplus. My question is to the Premier. How can the Premier justify, in one of the wealthiest jurisdictions on the planet, squeezing public bodies to take on private debt?

Mr. Stelmach: Mr. Speaker, we know that Alberta has seen an influx of about 500,000 to 600,000 new Albertans. We are looking at new ways of catching up with the necessary infrastructure that we require.

You know, Mr. Speaker, I think you've been watching this session. When they ask a question, I listen. I would hope that they'd sit quietly and listen to the answer. If they don't want the answer, don't ask the question.

We're looking at ways of catching up with the infrastructure. We have of course worked with the Auditor General. The Auditor General has said that using public/private partnerships is one way of addressing the infrastructure deficit, and we're doing that.

The Speaker: The hon. leader.

Dr. Taft: Well, thank you, Mr. Speaker. These same government documents are clear. They state that P3s are debt, and this government wants more of it. My question again is to the Premier. Can the Premier confirm that it is his government's intention to amend the Fiscal Responsibility Act to open the door to debt barely a year after Ralph Klein has been gone?

Mr. Stelmach: Mr. Speaker, the way that public/private partnerships work is that there's always an amount that the government contributes to the project. What happens is if it is, let's say, a \$600 million project, depending on the agreements, then the amount that we contribute comes out of that whole fiscal year. So let's say that if we contribute a third, that'll be \$200 million. That has to come out of the capital account that particular year even though these payments will be made for not only offsetting the costs of the construction but also maintenance. Maintenance that is guaranteed for 30 years will take place over a period of 30 years. That's the point that this opposition is missing. They're way out of touch.

Water Management

Dr. Taft: Yesterday this government very quietly released a water report they've been sitting on since March. This government-commissioned report is another in a long line of reports clearly indicating this government's mismanagement of our most precious resource, our water. My question is to the Premier. Can the Premier explain why so many leading scientists and now this report, too, are critical of how this government is managing water?

Mr. Stelmach: Mr. Speaker, I would put up our track record in this province in terms of protection of our air, water, and soil against any

jurisdiction in Canada, in fact in North America. We have the world's leading scientists working on our Water for Life strategy. We also have introduced recently a cumulative effect study of all of the major growth areas, including the Industrial Heartland and Fort McMurray. We're moving much faster than anybody in Canada in the whole area of environment, and we'll continue to show that leadership.

In terms of the very specifics of the Water for Life strategy I'll have the Minister of Environment answer.

The Speaker: The hon. leader.

Dr. Taft: Thank you again, Mr. Speaker. This same report makes a clear point: the lack of comprehensive and reliable data on actual water use. The report also states that watershed management planning is simply not possible due to the lack of data. Watershed management planning is at the heart of the Water for Life strategy and is critical to managing this resource. Again to the Premier. To make wise decisions, this government needs correct information. Why has this government not kept accurate data on water use?

The Speaker: The hon. minister.

Mr. Renner: Thank you, Mr. Speaker. I want to make it abundantly clear to this member and to all members that it is a case not so much of whether or not the government has kept accurate data but rather a case over whether or not the data has been collated in a manageable way. What the government has been concentrating on of late is bringing together all of the various forms of data that we have with respect to water and groundwater through Alberta Energy, through Alberta Environment, through SRD, and putting together a software package so that we can actually take all of that data and put it into a manageable form so that we can make intelligent decisions.

Dr. Taft: Mr. Speaker, we've been listening to this kind of thing for years. Let's see some progress, something more than lip service. To quote from the report on its very first page: "This report highlights the need for the collection of actual water use information if we are to make the best possible decisions about this critical resource." The truth is clear: this government has been making water decisions without credible information. To the Minister of Environment. He is responsible for Alberta's water. What explanation does he have for Albertans who trusted him to manage water for them? The evidence shows they have failed.

Mr. Renner: Well, Mr. Speaker, clearly, the member has not been paying attention to the discussions that we've been having in this House throughout the entire session, as I've dealt with a number of issues related to water. The government is and continues to be committed to the Water for Life strategy. Included in the Water for Life strategy is a thorough analysis of the water licensing system that we have in this province and a determination of whether or not there is a use of the water that is indicated on the licences. Various licences for various reasons may or may not consume all of the water that's available. That is very much part of our long-term planning strategy to ensure that we have a better handle on water.

The Speaker: There will be two points of order that I'll recognize at the conclusion of the Routine. The hon. Leader of the Opposition, there will be two points of order with respect to a request that you table documents you referred to, Treasury Board documents.

Third Official Opposition main question. The hon. Member for Edmonton-Meadowlark.

Capital Cost Overruns

Mr. Tougas: Thank you, Mr. Speaker. The designs of both the University of Calgary and SAIT to take major steps forward in their development have suffered a setback. The U of C has been forced to dramatically scale back plans for its Institute for Sustainable Energy, Environment and Economy because the cost has ballooned from \$283 million to \$400 million. SAIT has been forced to cut the size of its desperately needed trades and technology complex by half just to keep the project on budget. The government has told both SAIT and the U of C that when it comes to cost overruns on projects, they're on their own. To the Premier: is the government's decision not to fund inflationary overruns on the U of C and SAIT a signal that the days of covering cost overruns are now over?

Mr. Stelmach: Mr. Speaker, in our capital budget we have, I believe, set aside \$1.4 billion for capital cost overruns. This is something that we're not only facing in government projects but in the public sector as well, again, a shortage of skilled individuals also with respect to many opportunities to look at bringing more people in so we can catch up with the badly needed infrastructure. But specific to these two projects the minister has a further response.

The Speaker: The hon. minister.

Mr. Horner: Thank you, Mr. Speaker. Indeed, on these two projects what we're doing is working collaboratively with the two institutions based on the needs analysis that we have for the spaces as well as the programming needs that are going to be designed for those two facilities. Programming will determine the size of the facility.

The Speaker: The hon. member.

Mr. Tougas: Thank you, Mr. Speaker. Alberta's out of control construction costs are a direct result of this government's pedal to the metal, don't tap the brake attitude towards oil sands development. Again to the Premier: why are the U of C, SAIT, and their future students paying the cost for this government's self-inflicted inflationary spiral?

Mr. Stelmach: Mr. Speaker, there have been no reductions in student spaces. However, with respect to – I think he used the words “pedal to the metal” or something like that. You want to come up with a strategy? You want to slow down the development and reduce revenues to the province? Go ahead. Finally tell us what your position is on the royalty framework. Oh, and by the way, you can also table the document that is supposed to give us the cost of the radio ads. I still haven't seen that today.

1:40

Mr. Tougas: Again to the Premier: can the Premier explain why the government said no to additional funds for the redevelopment of the Royal Alberta Museum, no to the University of Calgary, no to SAIT but yes to a \$300 million cost overrun at the Edmonton Remand Centre?

Mr. Stelmach: Mr. Speaker, we didn't say no to anyone. What we're doing is that we're looking at the student spaces that are absolutely necessary. During this last year we increased student spaces in Medicine Hat, Lethbridge, Grande Prairie and also in Edmonton and Calgary. We're at Red Deer College as well. We're having all of the technical schools and colleges and universities

coming together with an overall plan for the necessary student spaces across the province. That to me is true leadership.

The Speaker: The hon. leader of the third party, followed by the hon. Member for Cardston-Taber-Warner.

New Royalty Framework

Mr. Mason: Thank you very much, Mr. Speaker. Alaska has raised their royalty rates twice in the last two years. As a result, the public's share for their oil resources is roughly \$21 per barrel. Compare that with Alberta, which will only get \$7 a barrel when the Premier's new royalty scheme kicks in sometime in 2009. Since the Premier dodged my question last week, I'm going to ask him again. Mr. Premier, Alaska legislators have made it clear that a full share of a barrel of oil is at least three times what Alberta will take under the Premier's royalty scheme. Why can the Republican governor of Alaska get a good deal on royalties and he can't?

Mr. Stelmach: Mr. Speaker, if Alaska had to revisit their royalty framework twice, obviously they didn't do it right the first time.

Mr. Mason: Well, Mr. Speaker, perhaps Alaska was dissatisfied with the results that they got. If the Premier is satisfied that that's an answer to my question, then he'd be satisfied with anything.

It costs 50 per cent more to get oil in Alaska than in Alberta, yet the public take is three times higher than Alberta. It's a serious question, Mr. Premier. Surely, you can understand the math. Why are you continuing to defend this weak-kneed sellout royalty deal?

Mr. Stelmach: Mr. Speaker, I think last time we chatted about the difference between the oil that Alaska extracts and what we develop in the province of Alberta in terms of the oil sands. There's a substantial difference in the API. There's a substantial difference in moving that product for further upgrading. But in terms of informing the hon. member, the Minister of Energy can better explain the differences in the quality of the oil.

Mr. Mason: Mr. Speaker, I hope that somebody can explain it better than the Premier. Alaska just increased their share of oil revenues to nearly \$21 a barrel. Even though oil companies face higher cost, greater risk, and higher royalties in Alaska, they're continuing to develop new projects. The evidence is in, Mr. Premier. You've sold Albertans short to satisfy your political contributors in the oil industry. When are you going to do the right thing and get us a good deal on royalties?

The Speaker: The hon. the minister.

Mr. Knight: Thank you. Mr. Speaker, quite clearly the member opposite does not want to accept the absolute facts of the matter. The last time I checked, Alaska wasn't moving very much bitumen through their pipelines to the Port of Valdez. That's one very big difference, and I could just point out for the member opposite and certainly for all Albertans that I received a report about a week ago indicating that Alberta bitumen in fact was trading at a \$50 discount to WTI in certain contract circumstances in United States. If we got \$21 a barrel for the remainder of that, I'm afraid the business would not be in place.

The Speaker: The hon. Member for Cardston-Taber-Warner, followed by the hon. Member for Edmonton-Ellerslie.

Cardston-Taber-Warner Issues

Mr. Hinman: Thank you, Mr. Speaker. It's lucky we don't have to get unanimous consent for question period.

Mr. Speaker, the Premier has outlined his five pillars for Alberta, that governing with integrity and transparency and providing safe and secure communities are his top priorities. The Premier talks about integrity and doing the right thing, but what he really means is for the Tory party. The Premier continues to attend functions in which his party has not only solicited illegal campaign funds but has accepted them only to return them after being caught. Will the Premier please apologize and do the right thing for the people of Alberta and the people of my riding for the shenanigans that went on at the Taber golf course fundraiser that he attended?

The Speaker: I gather there's going to be a point of order on this question. Does anybody want to respond?

Mr. Stelmach: Mr. Speaker, unfortunately, this member raised this issue before. He knows full well what the situation was. In the Municipal Government Act there's a provision that does not allow anyone that's locally elected, including public school trustees, to pay for any campaign funds or party funds. That's for any and every party. That's very straightforward. One particular situation was at the Taber golf course. In fact, the hon. member wanted to golf there. I said: well, you'd have to buy a membership, you know, if you want to golf in our tournament. But setting that aside, there was a cheque that was issued by a school division. We promptly returned it.

The Speaker: We'll have to come back to it because of the timing factor.

Mr. Hinman: Well, Mr. Speaker, the problems continue in my riding from inappropriate behaviour of the Premier in the past. Alberta taxpayers are on the hook for millions of dollars, an estimated \$40 million, because the Premier, when he was transport minister, interfered with the bypass route for Milk River. Would the Premier please explain to this House and all Albertans why he adopted a more dangerous and expensive bypass route in Milk River?

Mr. Stelmach: Mr. Speaker, I don't even know how far back to start. This is going back to the late '90s, when I had the responsibility. One of the first meetings we had was in Milk River, a public meeting with a fairly large turnout from the residents in Milk River. We explained in great detail the reason we were making the decision in terms of the route of highway 4. That decision was made a long time ago. The information that he's bringing forward to this House in terms of the extra cost is totally, totally wrong. It's not substantiated by any engineering report that I'm aware of. There were other contributing factors in terms of a sewage lagoon. There were issues with a rail track and a bridge and also finding the best trajectory for the road.

The Speaker: The hon. member.

Mr. Hinman: Yes, Mr. Speaker. Those are all the reasons why he shouldn't have gone that way, and he did. He's failed Albertans for safety and for dollars spent.

All the work that has been done is good for trying to provide safer communities, and we need to continue looking at that. Mr. Speaker, the mayor of Taber asked the Solicitor General at the AUMA when he was going to address the inequitable funding for communities

over 5,000. His response was: not in this budget. To the Premier: will he ensure that the Solicitor General accepts the AUMA resolution and adopts their funding recommendation now to ensure safer communities?

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

Mr. Lindsay: Thank you very much, Mr. Speaker. I want to just clear the air from what the hon. member is speaking about. I did have a conversation with the mayor of Taber. His question wasn't about equitable funding for policing; it was about whether we were going to change the formula for policing. I indicated to him that considering the federal government is promising 2,500 officers across Canada, at this point in time we're going to continue on with the formula we have in this particular budget period.

The Speaker: The hon. Member for Edmonton-Ellerslie, followed by the hon. Member for Whitecourt-Ste. Anne.

Arts Funding

Mr. Agnihotri: Thank you, Mr. Speaker. Alberta is in a time of prosperity, but we must also support other important sectors within our communities such as the arts and culture industry. This can be done by developing a creative economy by encouraging film and television companies to work in Alberta. My questions are to the Minister of Tourism, Parks, Recreation and Culture. Will you follow the Alberta Liberal Party policy and implement a film and television tax credit to make Alberta competitive with other provinces?

The Speaker: The hon. minister.

Mr. Goudreau: Thank you very much, Mr. Speaker. First and foremost I want to say that the film industry is growing in Alberta under the existing formulas. This past year we won a number of awards, that were the envy of many other provinces. Having said that, we are looking at different funding formulas for the film industry, and we will over time see how we can make the film industry grow with changes in funding formulas.

The Speaker: The hon. member.

Mr. Agnihotri: Thank you, Mr. Speaker. Edmonton was named the cultural capital of Canada, and the Alberta Liberals want to see this accomplishment encouraged and expanded to other cities around our province. Support of creative arts not only helps the economy, but it strengthens our communities. My question is to the same minister. Will you follow our lead and support a provincial arts festival?

1:50

Mr. Goudreau: Mr. Speaker, we do support festivals right across the province. Our commitment to the arts in Alberta has been seen with the additional funding that's available to every organization across Alberta. A lot of those funds are available through the Alberta Foundation for the Arts. The hon. member would know that over the last couple of years that funding has increased, and it's targeted to all groups right across the province.

The Speaker: The hon. member.

Mr. Agnihotri: Thank you, Mr. Speaker. The Alberta Liberals have

spoken with many people in the arts community, and they all support the creation of a new ministry specifically for their community. My question is to the same minister. Will you show that you support the development of a creative economy and encourage your caucus to establish a separate ministry dedicated to the arts, culture, and heritage?

Mr. Goudreau: Certainly, Mr. Speaker, that question is, basically, not up to me to decide. But suffice it to say that under our new mandate the Premier has chosen to include tourism, parks, recreation, and culture. We had not seen the word “culture” used for many, many years as part of a ministry. While arts and culture is very important to building a strong quality of life for Albertans, we must recognize that there has to be a balance to ensure that all of our priorities are considered.

The Speaker: The hon. Member for Whitecourt-St. Anne, followed by the hon. Member for Edmonton-Gold Bar.

Venture Capital Funding

Mr. VanderBurg: Thank you, Mr. Speaker. Venture capital has been lacking for many projects in Alberta, whether it's agriculture, the forest industry, and, yes, even sometimes the oil patch. Over \$16 billion has been invested and has served Albertans very well in our trust fund today, with about a \$30 billion return since inception. I was reading in the report about public equities, that \$7.9 billion, 48 per cent of our trust fund, is invested in the United Kingdom, France, Germany, Netherlands, Switzerland, Australia, Italy, Sweden, Spain, Japan. To the Minister of Finance: when is it Albertans' turn?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. When you take a look at the heritage savings trust fund, there's roughly 15 to 20 per cent that is actually invested in Alberta companies. I think that the larger question, though – and it becomes in many ways a philosophical question – is: what is the role of the heritage savings trust fund when it comes to venture capital? That was exactly one of the questions that I put through to the Financial Investment and Planning Advisory Commission. I hope to get the report within the next week or two.

The Speaker: The hon. member.

Mr. VanderBurg: Thank you, Mr. Speaker. Another way to raise venture capital is through the use of flow-through tax credits. In every province but Alberta the mining sector has an opportunity to get a flow-through tax credit. Why would the minister allow this to continue and allow this uncompetitive advantage to our mining sector here in Alberta?

Dr. Oberg: Mr. Speaker, the hon. member has a very good point. One of the nuances of our tax system is that we do have to have federal approval for the taxation and for the taxation forms. Coincidentally, on December 12 I will be heading down to Ottawa to talk to the Finance minister, and I'll give the hon. member my undertaking that I will bring this up with the federal Finance minister at that time.

Mr. VanderBurg: My final question is, then: after the meeting progresses with the feds, would the minister be willing to meet with the precious minerals and mining sector here in Alberta and talk about your progress on this issue?

Dr. Oberg: I'd be more than happy to, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Little Bow.

Electricity Transmission

Mr. MacDonald: Thank you, Mr. Speaker. Not only did electricity deregulation increase our bills; it also gave us a transmission system that is now unreliable. Because of this Progressive Conservative government's failed deregulation scheme, Albertans are now facing a crisis with their electricity system. I think I'll give the Minister of Energy a break – he's tired – and I'll ask the Premier: why are Albertans now faced with an increased risk of electricity outages and other symptoms of an unreliable transmission system?

Mr. Stelmach: Mr. Speaker, we're doing whatever we can to introduce a policy that will facilitate newer and better transmission systems in the province of Alberta. It seems that when it comes to four-laning a highway, because people see more people on the highway, they say: yeah, it's reasonable, you know, to four-lane the road. When it comes to building a new transmission line, that party there has a difference of opinion, and they continue to bring it forward. You can ask yourself the very same question.

Mr. MacDonald: Now, that was interesting. Again to the Premier: why has the margin between our installed capacity and peak demand for electricity declined by nearly 17 per cent from 2005 through to 2006? Surely you know at least the answer to that.

Mr. Stelmach: Yes. I do know the answer, Mr. Speaker. It's 500,000 to 600,000 new Albertans and unbelievable development in the province of Alberta. It's development in manufacturing, development in oil sands, development in so many different industries including the petrochemical. That is the reason. There's just more demand.

The Speaker: The hon. member.

Mr. MacDonald: Thank you. Again to the Premier: unbelievable power bills because of your government's dismal failure with electricity deregulation.

Now my third question. The North American Electric Reliability Corporation warns that winter capacity margins in our jurisdiction are tight. Mr. Premier, we are facing a crisis. When will this government unplug deregulation and go back to a system that gives Albertans reliability with their electricity and low electricity prices?

Mr. Stelmach: Mr. Speaker, if it's a crisis, as the hon. member says, I'm sure, then, that he'll support the legislation that's going to be debated in the House.

The Speaker: The hon. Member for Little Bow, followed by the hon. Member for Edmonton-McClung.

Foreign Qualifications

Mr. McFarland: Mr. Speaker, recently a qualified doctor moved to Alberta from the United Kingdom. While the doctor was able to finally start practising here, the process to get an approval for registration was an exercise in duplication, delays, bureaucracy, not to mention very costly. My question is to the Minister of Health and Wellness. Could you tell us in the Assembly what you're actually

doing to streamline the registration process for the doctors that we're trying to get here into this province?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Actually, the registration accreditation of doctors is something which has been delegated under self-regulation to the profession under the College of Physicians and Surgeons. I can tell you that our department has been working with all of the colleges and the health care professions to make sure that any barriers to success, to accrediting appropriately trained physicians or other health care professionals are streamlined and that we can move barriers out of the way. We do need to get those health care professionals into practice in this province as quickly as possible. The responsibility for accreditation is with the College of Physicians and Surgeons, but we're here to help.

The Speaker: The hon. member.

Mr. McFarland: Thank you, Mr. Speaker. In order to attract these qualified out-of-country doctors, are there particular issues around the barriers, such as duplication of qualifications or the cost factor, that you are willing to look at removing?

Mr. Hancock: Well, Mr. Speaker, there are a number of barriers to access which can be dealt with. We've moved in some areas: the area of international medical graduates, for example, and having appropriate residency positions so that they can fulfill that requirement if necessary. There is, of course, the need to make sure that proper credentials are presented, so it's necessary for them to know what they have to bring. It should be clear that not all medical schools are created equal and not all criteria that people graduate with in various places in the world are the same. It's important to go through the appropriate process of credentialing. It's important to make sure that they have the actual credentials. The College of Physicians and Surgeons runs exams, et cetera, in that area. But we do need to make sure that residencies and other opportunities are available.

The Speaker: The hon. member.

Mr. McFarland: Thank you, Mr. Speaker. My second supplementary is to the Minister of Employment, Immigration and Industry. Madam Minister, can you explain to me if you have anything on the go that would assist new immigrants in the province, especially when it comes to helping them through this prolonged process and the duplication that's involved?

The Speaker: The hon. minister.

Ms Evans: Thank you, Mr. Speaker. We're aware that to make a decision as a physician or as any person overseas to come and work in Alberta requires a great deal of research. To that end we recently opened a new portal that gives people information. We have conducted job fairs, with experts going to the United Kingdom, for example, in October. We had the College of Physicians and Surgeons involved with it. We use people from the professions to help. The Alberta Rural Physician Action Plan membership also went over. So we're trying to use experts. We're trying to give information on the web and in several different languages. We've developed other support materials so that they can learn in the language of their choice beyond U.K..

The Speaker: The hon. Member for Edmonton-McClung, followed by the hon. Member for Edmonton-Strathcona.

2:00 Corrections Officer Salaries

Mr. Elsalhy: Thank you, Mr. Speaker. Last year the construction of a new Edmonton Remand Centre was announced. A week ago legislation was introduced in this House that addressed safety concerns in Alberta's correctional institutions. Clearly, the government has finally recognized the need to ensure a safe workplace for corrections officers. Based upon these new priorities, how can the Solicitor General justify his inaction in improving salaries for corrections officers working in our corrections institutions?

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

Mr. Lindsay: Well, thank you very much, Mr. Speaker. It's interesting that the hon. member brings this up again in the House. I firmly believe that we pay our corrections staff a very fair salary. As I mentioned before, we respect the value that's added by all of our employees, including our corrections officers, who do just a great job. It's interesting that they also recently agreed to a new agreement. I believe that agreement reflects the fact that they are being appropriately remunerated.

The Speaker: The hon. member.

Mr. Elsalhy: Thank you, Mr. Speaker. The local media, the members of the bar, and the corrections officers themselves have been diligent in making the shocking situation at our remand centres public in order to improve conditions. Will the Solicitor General finally commit to mitigating the inherent danger of that environment by reclassifying the salaries of these essential public servants like he did the sheriffs? Their jobs are equally stressful and demanding, they receive similar training, and their commitment and contribution must be valued just as much.

Mr. Lindsay: Again, Mr. Speaker, the hon. member is trying to compare apples to oranges. As I mentioned before, we value the contributions of all the employees of government services, including our corrections officers. I firmly believe that they are remunerated fairly and will continue to be so.

The Speaker: The hon. member.

Mr. Elsalhy: Thank you, Mr. Speaker. During a recent discussion with a corrections officer I was shocked to learn that newly hired corrections personnel often receive a better wage than members with several years' experience. Can the Solicitor General offer an explanation as to why this is the case, and will he commit to addressing this absurd discrepancy? Should people with experience quit, only to apply in a few months to get better pay?

Mr. Lindsay: Mr. Speaker, again in regards to our corrections staff, we just finished in the last couple of weeks going through a process where we awarded our loyal staff long-service exemplary medals. The number of awards that we presented indicates that we do appreciate them and that, obviously, they are very long-term employees, and they're doing a great job for this province.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by the hon. Member for Calgary-Nose Hill.

Child Care Funding

Dr. Pannu: Thank you, Mr. Speaker. Child care in Alberta has become very expensive for most families. Not being able to afford proper daycare has become a huge problem for many families in this province. Instead of ensuring improved quality of daycare and making it affordable, the government is watering down these proposed quality controls and downloading the costs onto daycare operators. To the Minister of Children's Services: instead of doling out assistance to daycares in dribs and drabs, why won't this government commit to a predictable and stable daycare funding model designed to ensure availability of affordable and quality daycare for families?

The Speaker: The hon. minister.

Ms Tarchuk: Well, thank you, Mr. Speaker. I would remind this member that the five-point plan is based on extensive consultation in this province and is a plan that was put forward because it was promoted by operators and parents and child care workers. The other thing I would say is that this past year we improved a number of areas of the five-point plan. But, in fact, the plan is very predictable and very well defined, the aspects of it.

Dr. Pannu: To the same minister, Mr. Speaker. This government has decided to water down its proposed daycare licensing regulation. Some of the standards which are going to be watered down are increasing the staff-to-child ratio and lowering the staff certification requirements. These changes will reduce the quality of daycare, not enhance it. Why is the minister renegeing on this government's commitment to improve the quality of daycare in Alberta?

Ms Tarchuk: Now, Mr. Speaker, I would again suggest to the member that at this point we're not doing anything. We are in phase 2 of our consultation. We have some proposed standards that are out there based on the input that we received in phase 1. At this point we have made some modifications. We've put forward some that had in the first consultation huge support. We are suggesting withdrawing a few of our proposals, but, again, right now it's out there for Albertans to respond to, and I would be interested in getting further feedback from this member.

The Speaker: The hon. member.

Dr. Pannu: Thank you, Mr. Speaker. Some of the other proposed changes which the minister has now decided to drop are improved nutritional guidelines to be in place to properly feed children in daycare centres and the requirement for operators to possess a cell phone for emergency calls. These health and safety proposals would have increased the quality of daycare in this province. Why has the minister failed to use funds from the federal transfer of \$25 million for child care purposes for this year to cover the costs, to pay for these changes, and to improve both the quality of daycare services and their affordability for Alberta families?

The Speaker: The hon. minister.

Ms Tarchuk: Thank you, Mr. Speaker. Again, I would just suggest and encourage anyone that's interested in child care to go on our website, take a look at the report. Like I said, it is based on the feedback that we've received in the last couple of months. I think it's a very reasoned response. I'm looking forward to getting some more feedback. Just a reminder that we're suggesting moving

forward on standards that were well received, we have withdrawn a couple of standards that proved to be difficult for parents and for operators, and we have modified some that have to do with accreditation and certification and staff/child ratios. But at this point I look forward to the participation and the feedback.

Seniors' Benefits

Dr. Brown: Mr. Speaker, senior citizens in my constituency, many of whom are on pensions or fixed incomes and who are coping with some sort of physical disability, are finding it increasingly difficult to make ends meet and maintain their own homes. My question is for the Minister of Seniors and Community Supports. Given the rising cost of property taxes based on market value assessments, what can the minister do to ensure that seniors will be able to continue to live in their homes?

The Speaker: The hon. minister.

Mr. Melchin: Thank you, Mr. Speaker. The seniors' benefits that we provide in this province have been designed to help those and are targeted very much for financial assistance to those in the low income. With specific reference to those in their own home, one of the advantages that they do have is that their property tax increases will be capped. They will not face the escalation of the market value assessment that would go with an increase in taxes. They will be held to the same amount of taxes that they were paying last year, and that program has been in place for the last few years.

Dr. Brown: I am sure seniors are very pleased to hear that, Mr. Speaker. My supplemental question is for the same minister. Many seniors find it difficult to cope with living at home because of long-term disabilities. What supports can his department make available to persons with disabilities to help them maintain their independent lifestyle?

Mr. Melchin: Mr. Speaker, I'd like to first say that this province has one of the most comprehensive programs available to seniors. Over \$2.3 billion is made available to seniors. Much of that is provided through the Alberta seniors' benefit program, an income-based program, but in addition to that, those people with disabilities face special challenges. That's why there are avenues such as the Alberta Aids to Daily Living, which can provide medical equipment and supplies for those that need such assistance. Low-income won't be paying any fees at all. For those that have higher incomes, the maximum amount they would pay would be \$500 a year. Residential access modification programs to renovate their homes if necessary, to have access into their homes are just among a few of the programs here to assist those with disabilities.

Dr. Brown: I thank the minister for more good news for seniors. My further supplemental is for the Minister of Health and Wellness. Many seniors would like to continue living in their own home but are unable to cope with the burdens of caring for a disabled loved one. Can the minister advise what supports his department is providing to assist Alberta seniors with home-care assistance?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. Of course, there is a home-care program which is run through each of the regional health authorities as part of the health delivery in their regions. They determine the qualifications for that home-care program through an

appropriate assessment process to determine whether there should be support, but I am pleased to say that in May of this year we removed the \$3,000 cap on home-care support, not just for seniors but for any Albertan who can live at home capably, who can be supported in living at home but where the costs may be in excess of what the individuals themselves can bear. The regional health authorities have the capacity to do the assessment and to provide the resources necessary to keep a senior or other Albertan in their own home for as long as possible where it is practical to do so.

The Speaker: The hon. Member for Lethbridge-East, followed by the hon. Member for Calgary-Bow.

2:10 Assured Income for the Severely Handicapped

Ms Pastoor: Thank you, Mr. Speaker. There really is no essential link between the activities of daily living and employment or community involvement, but the AISH medical examination form considers activities of daily living as a factor when determining benefits. To the minister of seniors: will the minister commit to removing questions about activities of daily living from the AISH medical examination form?

Mr. Melchin: Mr. Speaker, with respect to AISH qualifications there are a number of factors you look at with respect to health. Those, obviously, would be one. Medical issues and specifics that are related to it and, obviously, income-based questions: those are the paramount issues. If it's getting to the point that those things are not being provided because of an application form, we'd be happy to look at it.

The Speaker: The hon. member.

Ms Pastoor: Thank you. To the same minister: will the minister investigate whether this questionnaire has resulted in any wrongful denials and immediately fix the situation, especially for anyone making an appeal on that basis?

Mr. Melchin: Mr. Speaker, as I said, the purpose is to provide those with severe handicaps with supports. Whether it's a medical condition, once it's verified, and also income based for those with low income, they would have the support necessary. That is the primary purpose. If you know of any individuals in particular that have been denied that yet would meet the qualifications otherwise, I would love to hear about it.

The Speaker: The hon. member.

Ms Pastoor: Thank you. I will do that. I suspect that this mechanism manages to keep people off the rolls.

Last year the ministry left almost \$33 million of the AISH budget unspent, and this year another \$10 million was transferred out of the AISH program. Why is the minister leaving millions unspent when so many vulnerable people need help to keep up with the cost of living today?

Mr. Melchin: Mr. Speaker, as in any budget you estimate those that may come forward. You don't know that amount, the numbers of people who would come forward in any given year. It's not an amount that's unspent. We have an obligation to support those that come forward. What we are also working towards is ensuring employability and breaking the barriers so those with handicaps and disabilities would have an opportunity to have employability. That is really the long-term objective: how do you assist those with any

degree of handicap or disability to have the opportunities to be included, to provide for their own independence?

The Speaker: The hon. Member for Calgary-Bow, followed by the hon. Member for Edmonton-Rutherford.

Climate Change

Ms DeLong: Thank you very much, Mr. Speaker. This week and next 12,000 people from 190 countries, including our federal government, will be attending a United Nations summit on climate change. The summit in Bali is focusing world-wide attention on climate change. To the Minister of Environment: how does Alberta stack up? What real action has Alberta taken to address climate change?

The Speaker: The hon. minister.

Mr. Renner: Thank you, Mr. Speaker. I'm pleased to advise the member that Alberta stacks up extremely well. As a matter of fact, I along with a number of my key team leaders will be part of the Canadian delegation attending the summit in Bali. That will be the key message that we deliver there: that Alberta is the first jurisdiction in North America to have legislation requiring mandatory reductions of CO₂. In 2004 we were the first to require industry reporting, and we have brought this to the attention of this Assembly as early as 2002.

The Speaker: The hon. member.

Ms DeLong: Thank you very much. I saw an industry report that says that moving to carbon capture and storage could reduce industrial greenhouse gas emissions by up to 20 megatonnes by the year 2020. Could the minister tell the House what kind of potential this technology really has, and will we invest in funding?

Mr. Renner: Well, Mr. Speaker, this technology has tremendous potential. In fact, the government has been saying all along that our long-term key with respect to climate change in Alberta is technology. Storage of CO₂ is just one part of the technology, but we have ideal geology that's among the best in the world for storage capacity. We have industrial point sources of CO₂, that allow us to implement the kind of technology that is being referred to. Just earlier today we see that right here in Alberta we have top Nobel-winning scientists that have been concentrating on the technology related to carbon sequestration.

The Speaker: The hon. member.

Ms DeLong: Thank you, Mr. Speaker. To the same minister: how quickly will Alberta move forward with this technology?

Mr. Renner: Well, Mr. Speaker, it's difficult to say with certainty how quickly we move forward because much of it depends on our ability to develop the technology, to commercialize the technology to the point at which we can implement it on a larger scale, but it certainly is promising. We expect a report back from the federal/provincial task force on carbon sequestration later on this year. I'm hoping to get a good idea from the report of that task force as well as the scientific community on how quickly we will be able to move forward and implement this technology.

The Speaker: The hon. Member for Edmonton-Rutherford, followed by the hon. Member for Cypress-Medicine Hat.

Insurance Industry Regulation

Mr. R. Miller: Thank you, Mr. Speaker. The Insurance Council of B.C. recently cancelled the licence of Aurora Underwriting Services, an Edmonton-based wholesaler, because Aurora and two of its agents unilaterally and fraudulently altered policy documents to raise the price of insurance policies. Despite the ruling in B.C. the company continues to operate in Alberta. My questions are for the Minister of Finance. What action, if any, are Alberta regulators taking to ensure that Alberta consumers are protected?

The Speaker: The hon. minister.

Dr. Oberg: Thank you very much, Mr. Speaker. We currently are looking into this situation, and as soon as it's resolved, I'd be more than happy to contact the hon. member.

Mr. R. Miller: Well, I hope he's true to his word, Mr. Speaker, because my understanding is that they don't normally report such decisions. I will look forward to the answer.

At a recent Insurance Bureau of Canada symposium in Toronto Deputy Minister Dennis Gartner admitted that Alberta doesn't even have an insurance complaint reporting system. It's kind of done on an ad hoc basis right now, he said. My question for the Minister of Finance: what action is your department taking to address this situation?

Dr. Oberg: Mr. Speaker, as I stated earlier, we are looking into this very serious allegation, and we will act accordingly. When it comes to the insurance industry, it's something that we ensure, no pun intended, is good benefit for the citizens of Alberta. With this particular case we are looking into it, and I'll report back to the Legislative Assembly.

The Speaker: The hon. member.

Mr. R. Miller: Thank you, Mr. Speaker. Alf Savage, the chair of the Automobile Insurance Rate Board and a past PC Party president, when asked about patronage appointments to government agencies, boards, and commissions had this to say: if the government was Liberal, they'd all be Liberals. Then he went on to assure us that his political affiliation had nothing to do with him getting the job. To the Minister of Finance: isn't it time to name qualified nonpartisan or, at the very least, not overtly partisan citizens to such important positions?

Dr. Oberg: Mr. Speaker, I do very much thank the hon. member for giving me that question. Alf Savage is a gentleman who has had numerous jobs around. He was actually head of the Chicago airport authority at one point in time. This is a man who has impeccable credentials, and this gentleman is doing a great job on this particular committee. I have no control over what Mr. Savage has to say when talking to committees or anything like that, but I will say that I absolutely, 100 per cent, have no hesitancy about the validity of Mr. Savage's work.

The Speaker: The hon. Member for Cypress-Medicine Hat.

Deer and Elk Hunting

Mr. Mitzel: Thank you, Mr. Speaker. Alberta has a strong, rich heritage of hunting and fishing. While Alberta has changed a lot over 100 years, the tradition of hunting and fishing remains a very important heritage that must be preserved, a point I made in Motion 515. Wildlife and habitat conservation is an important mandate of

all the hunting organizations I belong to. My question is to the Minister of Sustainable Resource Development. How would the minister address those Albertans who believe that there are better ways to manage Alberta's wildlife than the tradition of hunting?

Dr. Morton: Mr. Speaker, I'm very pleased to answer that question. I'd like to begin by congratulating the hon. Member for Cypress-Medicine Hat for his successful motion yesterday. We had a very good debate and discussion yesterday. The key to that debate was a very simple message, that healthy wildlife needs healthy habitat. Healthy wildlife depends upon healthy habitat. The key to providing healthy habitat on private lands is the many hunting and fishing organizations: Ducks Unlimited, Pheasants Forever, Delta Waterfowl, the Foundation for North American Wild Sheep, Rocky Mountain Elk Foundation. I'd like to quote not from a hunting magazine but from *National Geographic* of November of this year, 2007 . . .

The Speaker: The hon. member.

2:20

Mr. Mitzel: Thank you, Mr. Speaker. To the same minister. The farmers and ranchers in many parts of my constituency are concerned with the rising populations of elk and deer and the impact this has had on their crops and other areas as well, such as my wife's garden and flowers. How are you reducing these overpopulated herds?

Dr. Morton: Mr. Speaker, I just want to finish my quotation from *National Geographic*. *National Geographic* in November stated that the "irony is that many species might not survive at all were it not for hunters," that "the nation's 12.5 million hunters have become essential partners in wildlife management." That's the key message: "essential partners in wildlife management."

With respect to ungulate damage, it's the issue we get the most letters on in the department. It's a serious issue. We have several different programs, intercept feed and fencing programs, that I encourage all landowners to take advantage of.

Mr. Mitzel: Mr. Speaker, over 10 years ago elk were reintroduced onto the Suffield prairie. At that time about 200 animals were introduced. In the last 10 years the population has grown to well over 1,600 today. They travel back and forth between the private lands and the Suffield Block, which is really a refuge to them. At this rate of growth in about another 10 years there could be well over 5,000 animals there. When will the minister open up the Suffield Block for elk hunting?

Dr. Morton: Well, 5,000 animals: that would be quite a hunt. Mr. Speaker, CFB Suffield is, of course, a military base. They've made it clear that they don't want any public hunting on the base. We do have elk season on the adjacent WMUs on the southern and eastern portions of Suffield. Those would be WMUs 148, 150, and 151.

Thank you.

The Speaker: Hon. members, that was 96 questions and responses today.

When we left the Routine to go to Oral Question Period, we were in Members' Statements.

head: **Members' Statements**
(continued)

The Speaker: I'll now call on the hon. Member for Wetaskiwin-Camrose.

Wetaskiwin Area Tourism

Mr. Johnson: Thank you, Mr. Speaker. The Wetaskiwin region has just completed a major tourism study looking at ways to achieve new levels of tourism and economic impact by building on regional assets such as the Reynolds-Alberta Museum. The project steering committee included the mayors of Wetaskiwin and Millet, the reeve of the county of Wetaskiwin, the Wetaskiwin Member of Parliament, the joint economic development initiative, the Hobbema First Nations community, the private sector, Canada's Aviation Hall of Fame, the Friends of Reynolds-Alberta Museum Society, the Reynolds-Alberta Museum Advisory Board, and myself as MLA for Wetaskiwin-Camrose.

In our region the Reynolds-Alberta Museum and Canada's Aviation Hall of Fame form a key tourism destination. The museum holds Canada's largest collection of vintage vehicles and agricultural equipment and the nation's second-largest collection of vintage aircraft. Canada's Aviation Hall of Fame is the only national organization dedicated to honouring those who have made outstanding contributions to aviation in Canada.

Two recommendations from the tourism report and endorsed unanimously by the steering committee are to expand much-needed artifacts storage but in a way that visitors can see the collections and to develop a new aviation gallery which would feature Canada's Aviation Hall of Fame. Recent donations to the museum include seven vintage aircraft, including the world's only Canadair Sabre Mark 3, in which America's aviatrix Jackie Cochran became the first woman to break the sound barrier, and the only Beechcraft Staggerwing custom manufactured in 1940 for the Canadian department of transportation.

In 2009 the museum will celebrate 100 years of powered flight in Canada and will receive an additional 25 vintage aircraft from the Reynolds family. With continued donations such as those to the people of Alberta and the overwhelming support of regional stakeholders, we are entering an exciting time of renewal and growth at the Reynolds-Alberta Museum and Canada's Aviation Hall of Fame in Wetaskiwin.

Thank you, Mr. Speaker.

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

Labour Law Reform

Mr. Martin: Thank you, Mr. Speaker. If you compare labour laws across the country, you can't help but come to the conclusion that Alberta's laws are hopelessly one sided. They represent employers and are stacked against workers at almost every turn. Other provinces have rules that put a union in place if a majority of employees sign union cards. In Alberta that's not the case. In Alberta a majority isn't a majority until employers get one more chance to intimidate and threaten employees into changing their minds.

Historically first contract disputes are among the longest and most drawn out. Alberta allows employers to stretch out negotiations without penalty. Other provinces allow binding arbitration to achieve first contracts. With such legislation strikes like the recent violent dispute at Lakeside Packers would have been averted.

Alberta needs to take a page from Quebec and B.C. and outlaw the use of replacement workers. The practice of hiring someone to do the job of a striking or locked-out employee is the number one cause of violence on picket lines and has been shown to lengthen, not shorten strikes.

Mr. Speaker, it is almost impossible for construction employees to strike. To do so requires a maze of red tape, and regulation forces construction employees to accept whatever is offered from their

bosses. But that's par for the course. Our labour laws do everything possible to prevent unions from striking. A large number of unionized workers don't even have that right, including most public-sector employees.

Labour law reform requires a government not dependent upon hundreds of thousands of dollars in political donations from employers. Strong labour laws lead to strong communities. It means the wealth our province creates is distributed more evenly among all Albertans. It means people are not subjected to dangerous work situations, and it means happier and healthier families.

Thank you.

head:

Presenting Petitions

The Speaker: The hon. Member for West Yellowhead.

Mr. Strang: Thank you very much, Mr. Speaker. I rise today on behalf of the hon. Minister of Sustainable Resource Development to present a petition from the Alberta Foothills Network asking the Legislative Assembly of Alberta to "support the establishment of a network of legislated protected areas in the Rocky Mountain Foothills of Alberta in the Kakwa, Little Smoky and Bighorn."

Thank you very much, Mr. Speaker.

head:

Tabling Returns and Reports

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

Mr. Lindsay: Well, thank you, Mr. Speaker. Today I'm tabling the victims programs status report for 2006-2007. This annual report indicates that government has provided the largest amount of grant money to date for programs that assist victims of crime. Over \$4.4 million in grants were provided to 96 organizations in 2006-2007. Community- and police-based victims service units provide victims with information about the justice system, assistance through the court process, and referrals for additional information, financial benefits, or counselling. These programs reported handling more than 43,000 new cases, over half of which involved assisting victims of violent crime. It's important to highlight the incredible amount of time that's put in by volunteers . . .

The Speaker: That's all right, hon. minister. We'll go forward.
The hon. Member for Edmonton-Centre.

Ms Blakeman: Two tablings today. The first tabling, Mr. Speaker, is on behalf of my colleague the Leader of the Official Opposition. It is five copies of a document that appears to be Treasury Board meeting minutes from November 14, 2007.

My second tabling is letters from constituents on Alberta's regressive labour laws. They come from Myrtle Zastrisny, Diana Korol, Stephen Hughes, Michael Renton, Ursula Blackman, Karl Peters, Brian Campbell, Wendy Walker, Ken Isaacs, and Lisa Nelson. I'll just highlight one of their five points for change, which is the introduction of a process for first contract arbitration.

Thank you.

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

Mr. MacDonald: Thank you very much, Mr. Speaker. I have six tablings today. The first is a letter from Mr. Richard Merry to all members of the Alberta Legislature regarding Bill 46.

The second tabling I have is from a farmer west of Rimbey named Mr. Michael Troitsky. He is 83 years old, and his letter is also regarding Bill 46.

My next tabling is a letter from a constituent of Edmonton-Gold Bar, Keith M. Johnson. Mr. Johnson is outlining changes he would like to see to the Alberta labour law.

My next tabling is from Richard James McEwen, a resident of Edmonton-Gold Bar on 105 Avenue. He is also outlining his issues with the Alberta labour law.

My next tabling is from Randy Koble, who is also a resident of Edmonton-Gold Bar, on 94th Avenue. This gentleman would also like to see the labour law changed in this province.

My final tabling is from Mr. Dan Hall, a resident of Edmonton-Gold Bar, and he, too, would like to see the Alberta labour law changed so that it is fair for everyone.

Thank you.

2:30

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

Mrs. Mather: Thank you, Mr. Speaker. I have two tablings. The first is a letter from George Wayboer, a constituent of Edmonton-Mill Woods, regarding AISH funding. He required the rent supplement that was introduced in the spring and is pointing out that it is temporary and that his problems continue.

The other large tabling is from constituents of Edmonton-Mill Woods expressing concerns about Alberta's regressive labour laws. A number of requests are listed, specifically asking that legislation outlawing the use of replacement workers to break strikes, a measure that will vastly reduce the likelihood of violent labour conflicts, be considered. The letters are from Doug Reynolds, Marjorie Ursulum, Amanda Buckler, Ryan Holzinger, Claudio Tonn, Matt Cawthorne, Pauline Chambers, Kala Chambers, Michael Hennig, Wade McNeil, Stuart Switzer, Barry Hewitt, Walter Emberley, and Evan Evans.

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

Mr. Backs: Thank you, Mr. Speaker. I'm pleased to make two tablings here today in support of the ministerial statement on the success of our education students earlier today. Just to add to that, the one tabling is a report that speaks about the fact of our young students having a great showing also in literacy and scoring up in the top in the world in literacy in grade 4.

Also, another report on the importance of some of our tradesmen that are going to represent Canada internationally at the tradesmen skills olympics in Japan, which is a competition in size almost equal to the size of the sports olympics and a very important contribution. It shows also the skills that we have in our province and the development of our apprenticeship system.

Those are my two tablings. Thank you, Mr. Speaker.

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

Mr. Eggen: Thank you, Mr. Speaker. I have a number of tablings today. The first one is a letter from John Fawcett, and he's from Bluffton, Alberta. He is pointing out that he was forced to relocate as a result of a power line going across his property.

I have a letter as well from Warren Werner. He is from Rimbey. He had a transmission line built on his property, and then he was forced to move and is concerned about Bill 46 as well.

I've got a letter here as well from Michael Troitsky. He's from Rimbey as well. He had a gas well drilled on his property without permission and had trouble with the EUB. He's concerned about Bill 46, too.

Finally, I have the appropriate number of copies of three amendments that the Alberta New Democrat opposition has to bring

forward in regard to Bill 46 here today.

Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker. I have two tablings today. The first one: I'm pleased to table the appropriate number of copies of a letter I received from Diane Millar, one of my constituents in Edmonton-Strathcona. Ms Millar is deeply concerned with the effects of Bill 46 on democratic rights and property rights and hopes that the bill is defeated.

The second tabling, Mr. Speaker, which I'm very pleased to table today, is the appropriate number of copies of a letter from Brian Staples, a spokesperson for A Circle of Alberta Seniors' Advocacy Group Chairpersons, and accompanying this letter, of course, the appropriate number of copies of the circle's proposal for the appointment of an independent seniors' advocate in Alberta.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-McClung.

Mr. Elsalhy: Thank you, Mr. Speaker. I ask your indulgence. I have five tablings today. The first one is from Sharon Cohen, telling us that her salary has increased only 5 per cent this year, but her rent is going up 31 per cent come March 1. She considers things like clothes, new shoes, and an occasional movie rental as luxuries and wants government to take action.

The second tabling is an e-mail from Dr. Judy Ustina, urging me to oppose Bill 41, which she argues will have many negative consequences on the public.

The Speaker: Fine. We're not going to have her debate, just that she opposes it. Good.

Mr. Elsalhy: The third one is copies of volume 17, issue 2, of *Libertas*, the newsletter of the organization Rights & Democracy, featuring Mr. Akbar Ganji, an Iranian journalist, who is the 2007 John Humphrey freedom award recipient.

My fourth tabling is a letter and signed petition from Maryclare L. Hall, recounting the fact that as recently as last year raw dairy was available in stores or from farms in Washington state, and she feels that it should be the same way here in Canada.

My fifth and final tabling is 11 more letters from constituents urging us to modernize Alberta's labour laws to ensure fairness for all workers. These letters are from Deborah Richards, Kathy Summerfelt, Marjorie M. Charles, Richard R. Weiss, Anne Weiss, Raj Sharma, Cindy Inman, Cindy Banh, Martin McDonnell, Thomas McDonnell, and Greg Leeti.

Thank you.

The Speaker: The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I'm tabling five copies of a letter to the Premier from a constituent of Calgary-Varsity, Jim Feeney. Mr. Feeney is supporting a call from the Pekisko Group to pause development on the eastern slopes grasslands to allow for scientific research to ensure that the fescue grasslands are not irredeemably damaged.

The Speaker: The hon. Member for Edmonton-Rutherford, then.

Mr. R. Miller: Thank you very much, Mr. Speaker. I have one tabling today, a copy of an e-mail from a constituent of Edmonton-Rutherford, Mr. Chips Reid, expressing his concerns about Bill 46,

and specifically he says that Bill 46 will create a new EUB so powerful that they won't need spies.

The Speaker: The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Speaker. I'm tabling five copies of my letter dated December 1, 2007, and cheque to the Medicine Hat and District Food Bank. As per my pledge of April 2, '07, half of my MLA indexed pay raise, \$146.25, is donated monthly to a food bank until AISH is similarly increased and indexed.

The Speaker: That's fine. We've heard that already, so let's just go on.

Ms Pastoor: I will also table five copies of a letter from Linda Egli, who is concerned that Park Lake provincial park has deteriorated drastically. Trees are dying. The area is unkempt. It's no longer an oasis on the prairies. The department says that most of the dollars go to capital projects and not maintenance.

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

Mr. Agnihotri: Thank you, Mr. Speaker. I have 25 letters for tabling, and they have come from my constituents: Raymond Salicon, Murugesu Sahadevan, Gordon Crawford, Maureen Crawford, Mary Kutschke, Kevin McIver, Peter Weissbecker, Corinne Weissbecker, Margaret Potiuk, Richard Sharko, Jeff Oliver, Irene Gouin, Trevor Clark, Cindy Malec, Kiran Singh, Virginia Losier, Cecil Ramdass, Kris Madho, Amber McIver, Ernie Baird, Orest Johnson, Diana Koster, Greg Book, Renita Falkenstern, and Carol Storoschuk. They are all concerned about Alberta labour laws and strongly believe in major changes to encourage fairness to all working people in Alberta.

Thank you.

The Speaker: That was 15 minutes. Have we any others?

Speaker's Ruling Tabling Cited Documents

The Speaker: Hon. members, earlier today there were several points of order raised at various times. The hon. Minister of Finance and the hon. Government House Leader both advised the chair that they wanted to raise a point of order with respect to a document referred to by the Leader of the Official Opposition. The hon. Member for Edmonton-Centre tabled such documents. This is going to be very, very brief. I'll hear one argument.

The bottom line was that there was no need to have those documents tabled. I want to make this very clear. Earlier this year and in the past we've had spirited debate with respect to this. Quite frankly, the Leader of the Official Opposition did not cite from any document. He referred to a document. I have no idea what these documents are. Our rules are very, very clear. He didn't quote from them. They don't have to be tabled by private members. The rules are very, very clear on that.

I'd refer you as well, hon. members, to a debate we had in the House here not too long ago with respect to the leader of the government quoting from certain papers and having a big debate back and forth, the Government House Leader arguing they had no reason to table those documents. We've got other statements in *Hansard* going back to May 17, 2005, when the hon. Government House Leader strenuously argued that there was no need to table anything because there was just reference to a document. So the sword swings both ways with respect to these matters, and the bottom line is there was no need to table these documents. They

have been tabled, though, as a courtesy, and that is appreciated by the chair. That always leads to some harmony.

2:40

Now, the second point. The hon. Government House Leader, on a point with respect to statements made by the hon. Member for Cardston-Taber-Warner, I believe.

Mr. Hancock: Yes. Thank you, Mr. Speaker. Although I'm tempted to ask whether it's appropriate to raise a point of order on the Speaker for ruling on a point of order that wasn't raised.

The Speaker: No. It's not appropriate.

Mr. Hancock: That would have been on 13(1), I guess.

Point of Order Allegations against a Member

Mr. Hancock: Under Standing Order 23(h), making allegations against a member, and *Beauchesne's* 64, attacking a member, I don't have the privilege of the Blues, but the hon. Member for Cardston-Taber-Warner, as I heard it, made direct allegations against the Premier in his questions. The allegations related to the Premier and inappropriate fundraising.

Now, there are appropriate ways to raise appropriate questions in this House. As I've done I guess in virtually every session – and I hoped that we would make it through a session where I wouldn't have to do it – I raise a point of order that the type of question or the type of allegation which besmirches the reputation of an individual member of this House is not appropriate. It's always appropriate to hold government to account. No question about that. But it's not appropriate to drag either this institution, an individual member of this institution, or the whole nature of politics in government into the mud just because one member wants to make some political point. There are intelligent ways to do that. What we heard today was not one of them, and it was not appropriate.

With respect to the specific incident that the hon. member was trying to get at, if he had asked the question appropriately, he would have heard that the Progressive Conservative Party of Alberta does have a screening mechanism for donations, that when inappropriate donations are made – and that happens; there are organizations, there are people in this province who would like to make donations – that screening will catch them and return them. With respect to the incident in Taber with respect to the golf tournament in question it is clear – and the hon. member ought to know or would have been able to know if he'd ever inquired civilly – that the donation from the school division to which he was referring was returned, in fact, uncashed.

But the offence is not in his questioning a donation. The offence is the offensive way in which he tied it directly to the Premier, who obviously, any member in this House would know, didn't go out and solicit a donation, legal or illegal, personally. To make that allegation personally against the Premier almost is a breach of privilege, Mr. Speaker, under 64. It is entirely inappropriate. It's offensive to be making these personal allegations about individual members and to be dragging the whole institution, both the House and every member of this House, into the mud purely to make a political point.

I would ask you to ask the hon. Member for Cardston-Taber-Warner to withdraw the remark.

The Speaker: Does anybody else want to participate? The hon. Member for Cardston-Taber-Warner, on the point of order.

Mr. Hinman: I would appreciate the opportunity to speak to this point of order, Mr. Speaker. I guess, first of all, to say in an intelligent way that I think an intelligent elected representative would see to it to pass the word down that there is an intelligent screening process for those who are soliciting for funds and prevent it from happening in the first place.

There's been a long history of these things coming into the party, and that's why I guess they now have this idea that after being caught shoplifting they can send it back. It's not a problem. I mean the crime was committed. It was picked up. It wasn't an allegation. It was in the paper. They even advertised it after they received it. So there's no question that they were aware of it. They had people that went out and solicited in the riding. There's public knowledge of that. I guess I'm just surprised that they would continue to refer to this as an allegation when I tabled it. Like I say, it's public knowledge, public information. So I don't think there was any point of order.

The Speaker: Well, the hon. Member for Cardston-Taber-Warner used the following words:

The Premier talks about integrity and doing the right thing, but what he really means is for the Tory Party. The Premier continues to attend functions in which his party has not only solicited illegal campaign funds but has accepted them only to return them after being caught. Will the Premier please apologize and do the right thing for the people of Alberta and the people of my riding for the shenanigans that went on at the Taber golf course fundraiser that he attended?

Well, it is virtually impossible for the chair to deal with the matter without asking for a whole series of bits of information which no member of the government can provide to the chair because in essence this matter deals with party matters. However, the hon. Member for Cardston-Taber-Warner did make a pretty serious allegation, that "the Premier continues to attend functions in which his party has not only solicited illegal campaign funds but has accepted them only to return them after being caught." There's a pretty dramatic assumption in there.

I would suspect that any political party in the province of Alberta would understand what the rules are, number one. Secondly, if an income tax receipt or a receipt had been provided by a political party and then after that somebody had made a complaint saying, "Well, why was this particular receipt provided?" and somebody then asked the next question, "Was this some difficult work that was done in a political office to basically cover up this cheque?" then one probably could arrive at saying that there was something illegal in here. But from what the chair has heard, there's absolutely no evidence that anybody accepted anything.

The chair does find the words quite offensive, and I think if you looked at page 522, *Marleau and Montpetit* makes the following comment:

Remarks directed specifically at another Member which question that Member's integrity, honesty or character are not in order. A Member will be requested to withdraw offensive remarks, allegations, or accusations of impropriety directed towards another Member. The Speaker has no authority to rule on statements made outside the House by one Member against another.

But this statement was made inside the House. The hon. Member for Cardston-Taber-Warner basically is saying in here that the Premier "has not only solicited illegal campaign funds but has accepted them only to return them after being caught." It's a pretty provocative statement. I can't believe that the Premier of Alberta or the leader of any party or, in fact, any member would actually go out and solicit and then return them after being caught. I find that more than just innuendo, so I'm going to ask the hon. Member for Cardston-Taber-Warner to withdraw those remarks.

Mr. Hinman: Well, I certainly respect the Speaker and his request, and I will gladly withdraw those remarks. If that's the way he found them, that they were offensive, I withdraw them. It wasn't the intention, so I apologize.

The Speaker: Thank you very much.

Hon. members, might we revert briefly to Introduction of Guests?

[Unanimous consent granted]

head: **Introduction of Guests**
(continued)

The Speaker: The hon. Member for Strathcona.

Mr. Lougheed: Thank you, Mr. Speaker. I'm pleased to introduce Logan Lehune. Logan is a grade 8 student from Mary Butterworth school in Edmonton-Castle Downs. He is very interested in politics and current events and often watches proceedings of both the federal Parliament and this provincial Legislature. I'm sure he was interested in your wise ruling that you just made. This is his first visit to the Legislature Building and his first opportunity to watch the question period live. Logan is doing a work experience session with my former constituency assistant, Scott Hennig, who is the Alberta director of the Canadian Taxpayers Federation. I'd ask them both to stand and receive the warm welcome of the Assembly.

head: **Orders of the Day**

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I rise to seek unanimous consent of the House with respect to divisions that may be anticipated this afternoon in committee. We will be going into committee, and we'll be dealing with a number of bills over the course of the afternoon and the evening, and I'm requesting unanimous consent that after the first division the time between bells be reduced to one minute.

The Speaker: Comments? There's a request here I guess by way of a motion.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. I'm afraid I only heard part of the Government House Leader's comments, but certainly my understanding yesterday evening specifically dealing with Bill 46 was that . . .

2:50

The Speaker: No. The request was for division. I don't think a bill was mentioned. It was also a request for unanimous consent, which doesn't allow for any debate. So I'll make this very, very clear. The request, as I understand it, is that should there be divisions, the time between bells would be reduced to – what time?

Mr. Hancock: One minute.

The Speaker: One minute from the normal 10. That's the request. Unanimous consent. One member says no, it's not accepted. So we'll make sure that everybody understands this. The request is for unanimous consent of the House that should there be divisions later on today, in essence, the time between bells would be reduced from the normal 10 to one.

[Unanimous consent denied]

head:

Government Motions

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

Time Allocation on Bill 46

38. Mr. Hancock moved:

Be it resolved that when further consideration of Bill 46, Alberta Utilities Commission Act, is resumed, not more than three hours shall be allotted to any further consideration of the bill in Committee of the Whole, at which time every question necessary for the disposal of the bill at this stage shall be put forthwith.

Mr. Hancock: Thank you, Mr. Speaker. The outline for this was debated previously, last night, with respect to time allocation under the standing orders for second reading. There are three hours of time. Amendments to the bill have been placed on the table. Members of the House have had an opportunity for over a week now to see those government amendments. Certainly, I'm aware that the hon. Member for Edmonton-Gold Bar has tabled some proposed amendments, as well, although they haven't been moved as yet.

The allocation of three hours allows the opportunity for all members of the House to choose to deal expeditiously with certain amendments if they wish and the opportunity to move other amendments. Three hours is a lot of time, and I think it's an appropriate amount of time for us to be able to deal with this bill, to deal with the essential elements of the bill and the issues around the bill but still deal with the bill on a timely basis.

The Speaker: The hon. Official Opposition House Leader.

Ms Blakeman: Thank you so much, Mr. Speaker. I speak on behalf of my caucus when I say that we do not support this government motion to reduce the amount of time that's available for Committee of the Whole discussion of Bill 46 to three hours. That is not a very long period of time in which to discuss some 22 government amendments that have been put on the floor and the bill. Committee of the Whole, of course, is where we are allowed to go through clause by clause and even, if necessary, word by word, plus amendments that the Liberals and, indeed, there may well have been amendments coming from the NDs, the Alliance, and perhaps the independent. Three hours is a very short period of time.

I'm interested in one of the stories that was told to me, and I wish I could give credit to the individual. They pointed out that Bill 46 is like buying a car for \$30,000 and being immediately told that it needs \$20,000 worth of repairs, at which point it wasn't a very good deal, and neither, Mr. Speaker, is Bill 46. It's not a very good deal. It's not very well written. To have 22 government amendments necessary to a bill . . .

An Hon. Member: Twenty-four.

Ms Blakeman: Twenty-four. I'm sorry.

Twenty-four amendments necessary to a government bill before it really even got any debate is showing us that this was very poorly drafted and needed a lot of work on it.

What I'm thinking, as we witness this rushing through of Bill 46, is that this bill must truly be an embarrassment of grand scale for the government, that it necessitates closure at every stage of the bill so they can get it out of the public eye and out of this Legislature as fast as possible. That's the only reason I can think of why they would need to do this. They got barely four hours of debate before they brought in closure at second, closure with one more hour in second.

Now we're three hours in Committee of the Whole, and we've already had notification that they're going to bring in closure with one hour at third. So less than 10 hours devoted to a bill that is in itself going to curtail democracy and citizen participation for all Albertans.

This is a very poor bill, indeed. A hundred and eighty minutes is being allocated to this. We've already heard of 24 government amendments and a dozen Liberal amendments. We would have to go through amendments at a rate of about four to six minutes per amendment, which, based on some of the ones I've seen from the government, you would not be able to actually read it off the page in that amount of time.

This is, well, what I've come to expect from this government. It does reflect the current Premier's lack of commitment to democracy. It's a slap in the face for those rural Albertans that have raised an issue around this, and if this is a showing of how this Premier wants to go forward with democracy in this Legislature, I think we're all in for a very bumpy ride, Mr. Speaker. This is – well, I'm actually running out of the rhetoric to describe this. I don't think there is hyperbole enough to describe what this government is doing in pushing through a bill that is supposed to be this important, bringing in closure through all three stages. I don't think there are words to describe it, Mr. Speaker.

We do not support this motion. Thank you.

[The voice vote indicated that Government Motion 38 carried]

[Several members rose calling for a division. The division bell was rung at 2:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Abbott	Graydon	Oberg
Ady	Hancock	Oberle
Amery	Horner	Ouellette
Backs	Jablonski	Pham
Boutilier	Johnson	Prins
Brown	Johnston	Rogers
Cenaiko	Liepert	Shariff
DeLong	Lougheed	Stevens
Ducharme	Lukaszuk	Strang
Dunford	Lund	Tarchuk
Evans	Marz	VanderBurg
Forsyth	Melchin	Zwozdesky
Fritz	Mitzel	

Against the motion:

Blakeman	MacDonald	Miller, R.
Eggen	Martin	Pannu
Elsalhy	Mason	Pastoor
Flaherty	Miller, B.	Taft
Hinman		

Totals: For – 38 Against – 13

[Government Motion 38 carried]

The Speaker: Hon. members, the Clerk will shortly call the committee. Just before the chair departs, under the motion just approved there are up to three hours set aside for committee review of this matter. It, of course, can be less than three hours, but there are three hours. So the chair will assume that if you begin in the next minute or two, at 6 o'clock you will rise and come back tonight

at 8 o'clock in committee for that 10 minutes to 11 minutes.

3:10

Now, earlier this afternoon the Government House Leader asked for unanimous consent to waive the time between bells. The Assembly said no. I would just draw to hon. members' attention Standing Order 32(3), in which it doesn't mean that this request cannot be made this evening. If this request was made in committee, it says: "When a division is called in Committee of the Whole or Committee of Supply, a Member may request unanimous consent to waive suborder (2) to shorten the 10 minute interval between division bells." It required unanimous consent. The Assembly disagreed to provide unanimous consent.

You shouldn't do this every three minutes. There has to be some order in the Assembly. So let's assume that you would have one opportunity or something. If you go in there with the divisions and no unanimous consent and there are 24 amendments, then you can just multiply 24 times 10 or 11, 12 minutes, and you know that you're there until 12:30 or a quarter to 1 before we get back to other business, just so there's clarification so that there won't be any request to call the Speaker at 12:30 in the morning to go back into the House per se. The Speaker will be very close by in any case, but we would hope that this matter would be dealt with in the committee.

head: **Government Bills and Orders
Committee of the Whole**

[Mr. Shariff in the chair]

The Deputy Chair: Hon. members, we'll call the committee to order.

**Bill 46
Alberta Utilities Commission Act**

The Deputy Chair: Are there any comments, questions, or amendments to be offered with respect to this bill?

Hon. members, when we dealt with this matter yesterday, there was an amendment that was introduced by the hon. Member for Whitecourt-St. Anne. Just for reclarification purposes that amendment is referred to as amendment A1. When we arrive at the point of voting on them, unless there's an agreement, there will be a separate vote on every section.

The hon. Member for Whitecourt-St. Anne.

Mr. VanderBurg: Thank you, Mr. Chair. In response to the Member for Edmonton-Gold Bar I wanted to use this time just to respond shortly to some of the comments and questions. I'll try not to take too much time.

The member asked for an explanation of section 91(1)(g). To the member: this is a renumbering that reflects the fact that section 9(3)(b), which included the clause "in a material way," has been removed from the bill. That would be on that question.

The member also asked about the commission being given the authority to make its own rules and suggests that they won't be public or known and thus could impact when the commission will hold hearings. Mr. Chairman, the commission will have a series of rules, which are determined by the commission. In fact, they are open for consultation now and are posted on the EUB website. No rules will be made that undermine or overrule the content or the intent of Bill 46, I can assure the Member for Edmonton-Gold Bar.

I'm reading some scratches here. The member also asked why there was the difference in the definition between the gas pipeline

and the gas utility pipeline. To the member again: this just makes the wording consistent between Bill 46 and the Gas Utilities Act. So it's the same phrases, the same pipes we're talking about. It's just the phrases, to make the wording consistent between the two acts.

Also, the member raised questions about the payments of costs to intervenors other than a local intervenor referred to in section 22 and specifically the use of the term "may" provide costs and references to the discretion of the UCA to provide funding for costs. Mr. Chairman, this is not new with the EUB. The EUB has always had the discretion over which costs they would cover as they relate to both the landowners and third-party intervenors, so it's consistent with what presently happens.

The member expressed disappointment with the deletion of the UCA from the act and asks: I don't know what sort of money was promised any people that were recruited. Well, I don't know what money was included either, and these matters are currently under discussion.

You also asked about the regulations that can be made by the Lieutenant Governor in Council to address the roles and responsibilities of the UCA and specifically the questions of how this will affect water bills.

He also noted the issues raised by Mayor Bronconnier regarding the future structure of the UCA. Well, in response to that, the issues raised by the mayor were addressed when the current UCA structure was maintained by the government amendments, so it stays within Service Alberta. Questions about the current or future structure of the UCA are not addressed in this bill and should be discussed with the minister responsible for Service Alberta.

I think what I would do: I would offer to the member that sometime in the near future maybe the two of us could sit down with the Minister of Service Alberta and keep his feet to the fire on the UCA because this group has done some great work for Albertans – for you and your constituents, for me and my constituents, and for many members here – so I think it's incumbent upon both of us to keep his feet to the fire and make sure that that UCA keeps doing the good work that they do. I'd offer my support, and I hope that you would offer your support, and we'd do that together.

Mr. Chairman, there were mentions of the administrative penalties, but he didn't really have any questions, and you kind of suggested that you could live with the changes on the administrative penalties. Maybe we don't have to draw all that into a long vote because I want to get to your amendments too, and I want to give you fairness. That's why I'm trying to get through this.

Mr. Chair, the member asked about why the offence provisions have been decreased from the \$5 million a day to the \$3 million a day under section 79. Well, the \$3 million a day is sufficient to provide a significant deterrent and remedy for contraventions of the act in response to the concerns raised by IPPSA, the Independent Power Producers Society. Originally it was \$5 million a day in the initial draft, so this brings it consistent with other acts within the department.

Mr. Chair, I know the Member for Edmonton-Gold Bar and others would like to get to their amendments, and I know members on this side would like to speak. I'll sit down now. I do thank the member for his time and attention on the amendments raised in committee last night.

Thank you.

The Deputy Chair: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. I appreciate the explanation from the hon. Member for Whitecourt-St. Anne. Certainly I have a lot more questions in regard to this bill, in regard to this matter of having closure on this bill at commit-

tee stage.

This is quite an extensive, substantial change, and regardless of whether we're talking about the 24 government amendments or we're talking about the amendments proposed by any other member of this Assembly or any suggestions from an interested party outside the House, we can't do justice to this in three hours. We have to go through these government amendments, the 24 of them, first. I mean, they're government amendments; we're dealing with them.

3:20

I haven't heard from anyone regarding the amendments that we have tabled, whether they're acceptable or whether they're not acceptable to the government, and I would remind all hon. members that this is the only time since there was no public consultation on this bill. The lead-up to the drafting of this legislation went on essentially without any public consultation. We've talked about this before. We're not wasting any time here this afternoon, hon. members, when we discuss this bill line by line, item by item and compare the amendments that have been proposed and perhaps what other amendments also should be and could be proposed.

Now, I certainly accept the explanation of the hon. member regarding the new 9(3)(c), or the amendment, and his explanation regarding part 9, section 91(1). But, again, there was no reason given that I could hear, at least – and there was some chatter behind me, Mr. Chairman – why the Regulations Act does not apply to commission rules. So I need further clarification on that. Certainly, whenever the hon. member was talking about some of the administrative penalties, well, there have been changes, as I understand it, when the amendments were presented.

Certainly we see changes, but I thought there was also in this a reduction in a corporate director or a CEO, their personal liability on a matter. I'm wondering if I could have a clarification from the government as to why this is necessary because there looks to be changes, Mr. Chairman, to that section, and I would be interested to know why that was done and, again, on whose advice.

Now, when we look at these amendments and we look at amendment X, for instance – and this is an amendment to the Surface Rights Act – one could possibly consider that this is an amendment that would change the reference in the Surface Rights Act to the Alberta utilities commission. We could also say that that is applicable to section 15(6) of the Surface Rights Act, but when we're looking at this and we look at section 96, there's an amendment that needed to be made, and unless I've overlooked it, it's certainly not in there. That's an amendment to section 96(14)(c)(ii). This is an amendment that was, I guess, declared necessary by the government. We are looking at changing the Hydro and Electric Energy Act to make it retroactive to June 1, 2003. As I understand it, this is the date the last amendments that were made to the Electric Utilities Act came into effect.

I'm told this is just a minor adjustment; it's just a housekeeping arrangement, but there have been so many parties that have so many concerns over this that I fail to understand why in this amendment A1 there is no reference to that. Now, if we look at that, Mr. Chairman, we can see. We only have to look at what the Environmental Law Centre had to say regarding this matter to know that it's a serious concern, it's a serious issue, and it has yet to be addressed by this government.

That amendment or that change that the government has overlooked in section 96 – and this is in Bill 46 – proposes to amend the Hydro and Electric Energy Act by removing from the act this subsection 14(3). Section 14(3) requires the EUB to determine whether a proposed transmission line for which an approval is sought is and will be required to meet present and future public convenience and need. The effect of this amendment of the Hydro

and Electric Energy Act would be that this newly formed commission, that we seem gung ho to set up, would not be required to consider public convenience and need when considering an application for a permit to construct a transmission line.

Now, I hope all hon. members have had a look at the documents that have been circulated by the Environmental Law Centre regarding not only this issue but other issues. To the hon. Member for Whitecourt-Ste. Anne: this issue has not been addressed in this series of 24 amendments. I don't know in the time that we have whether we'll get to this, but I can understand why this government at this time is so anxious to get by this criteria, which is public convenience and need. Why would they be so anxious, Mr. Chairman? I was quite surprised by this.

A year ago in June – this is a year before the spy scandal erupted in Rimbey and Redwater – we had the electricity business unit manager, the executive director of Alberta Energy, electricity division, Mr. Kellan Fluckiger, writing to the EUB, writing directly to the EUB regarding the 500 kV transmission system reinforcement project. We had this gentleman writing directly. I thought there was some sort of rule that would prevent this correspondence. If we're going to have this independent quasi-judicial board and we're going to have all this independence, I was quite surprised at this letter.

Now, maybe this is why, Mr. Chairman, we're not looking at a subamendment to correct this and leave the intent and the purpose of the Hydro and Electric Energy Act in place. This letter indicates that the Department of Energy supports the existing review and variance purpose. The letter goes on to say that there's a “demonstrated urgent need for the approved facility,” and “we urge the Board to conduct the R&V proceedings as expeditiously as possible to avoid unnecessary delays.” Well, we have a significant delay now. And this is the Department of Energy to the EUB.

In its original needs application to the EUB, the AESO, the DOE, [the Department of Energy] and many stakeholders clearly agreed that there is a critical need to reinforce the transmission lines from the Wabamun area into Calgary as quickly as possible. The need was documented in detail by the AESO and its technical experts.

Whoever they'd be.

It is also documented by the AESO that such temporary measures are stop-gap at best, and if southern Alberta continues to grow, the risk increases for outages, and other symptoms of decreased reliability.

It is also critical for the continued development of a competitive market place that Alberta have a robust and reliable transmission system. As the DOE testified in the original needs application for this 500 kV line, it is imperative that transmission lead generation and does not hinder its development. Simply put, with the current constraints on the transmission system, it is extremely unlikely that investors will build any new economical coal fired generation in the Wabamun area. This is because it would be impossible to transport more electricity from this new generation to consumers.

3:30

Now, there are more interesting comments in this letter, including the fact that the frustrated consumer, the one that's asked to pay so much on their monthly bills, is being asked to pay more. Because if you add this up now, Mr. Chairman, what's going on, consumers are going to have an additional \$200 million to pony up on their monthly bills, whether it's for transmission-must-run payments or any other matter, but the transmission-must-run payments could be in excess of \$60 million per year of delay.

I think that the reason why we're trying to slip this bill through this Legislature so fast is because we have a major problem. We have a major problem that has been brought on by electricity deregulation, and this government needs to rubber-stamp a whole series of projects. They're going to ignore public convenience and

need, and when we do this, when we allow section 98(1) to proceed, we are ignoring the wishes of landowners.

Now, is there another solution to this problem? I certainly think there is, and we discussed that here last week, I believe, Mr. Chairman. But let's be very careful about this, and let's examine the need for the government to reconsider in its amendments section 98.

Another effect of the EUA 1995 was to amend the [Hydro and Electric Energy Act] to require the EUB to assess present and future public convenience and need when determining whether to approve a transmission project. Later steps of deregulation included the creation of an Independent System Operator,

the transmission administrator. There was a whole series of changes made, but through all this "the EUB is [still] required by the [Electric Utilities Act] 2003 to determine need when considering whether to approve the needs identification document."

Need has to be more than the need of AltaLink, the need of the government. When we consider need, we've got to consider the needs of the citizens who are going to be paying for these expanded transmission lines and the upgrades. Right now this government is quietly sitting across in its benches, knowing full well that in 12 years there are plans afoot to export large volumes of electricity out of this province, and this bill and these amendments are a big part of that plan. Again, it has to be done quickly and decisively, without any public notice, without any public consultation, without any public hearing. We just can't in good conscience allow this bill to go through this Assembly at this time. I believe the hon. Member for Whitecourt-St. Anne recognizes that.

Now, we should consider the advice and the conclusions and the recommendations that are coming from the Environmental Law Centre regarding section 98, but I think, Mr. Chairman, that I will leave that to other hon. members of this Assembly to deal with. The government because of deregulation has got themselves in a real fix here, but this bill and these amendments that we're discussing are not the solution.

When we look at other amendments that I'm very disappointed are not included in amendment A1, I have to look again at the section dealing with regulations. There are so many different regulations in here, and I still haven't received from the Minister of Energy all the regulations that have been drafted, the draft regulations. I asked for them last week. I asked for them again last night, and I'm not getting any word or any signal from any of the government benches that these regulations are going to be put forward. Again the Premier talked last week about co-operating with the opposition. Well, where are the regulations? We know they've been written, but there are no regulations.

This gets me, Mr. Chairman, to another section of the bill which I find very interesting – we've talked about it here before – and that's the transitional provisions in part 10. I had been listening very closely, and I regret if I have missed it, but no one on the record from the government has explained why it is necessary under part 10, Transitional Provisions, Related and Consequential Amendments, to have this rule where this government can simply rule by regulation that "if there is a conflict between a regulation made under subsection (7) and a provision in this Part, the regulation prevails." That's one of the amendments that we want to make on this side of the House. Not only that, but in the section above it, Mr. Chairman, a regulation "may be made retroactive to the extent set out in the regulation." Why on earth would this be necessary?

Now, above here the government writes in the bill: the cabinet may make any regulations "(h) to remedy any confusion, difficulty, inconsistency or impossibility resulting from the transition to this Act from an Act or a former Act." There are four words in there that I think would describe Bill 46 and this government very well.

Oh, I'm cut off. I'm sorry. I hope to have an opportunity to continue.

The Deputy Chair: Hon. members, before I recognize the next speaker, a number of members have come before me to ask whether we will be debating every single part and have a vote: part A, vote on A, and then move to part B. I have also been advised that the Clerk of the Assembly feels that from a management point of view it would be better to have debate section by section and a vote on the sections as we progress. So what I've done is asked the Deputy Government House Leader to try and come to an understanding with the Opposition House Leader, and if the committee so directs me, I'd be happy to deal with it in whatever manner the committee feels appropriate.

Hon. Member for Edmonton-Strathcona, would you like to speak now or wait until that decision is made?

Dr. Pannu: Wait till later.

3:40

The Deputy Chair: Hon. Member for Wetaskiwin-Camrose, you had some generic remarks?

Mr. Johnson: Thank you, Mr. Chairman. I'm pleased to stand in Committee of the Whole and speak to Bill 46, the Alberta Utilities Commission Act, and to offer my support of this legislation. The energy industry in our province is strong and growing. Albertans need a regulatory process capable of dealing with the increasing number of energy and utility development applications in an effective, efficient, and accountable way. That is exactly what Bill 46 is intended to do. Most importantly, Bill 46 and the recently tabled amendments will make sure that the rights and concerns of Albertans continue to be protected and respected throughout the regulatory process.

Public participation is very important. I'd like to talk about public hearings and how they will remain open and accessible to Albertans. A decision to participate in a public hearing, a formal and quasi-judicial process, is never made lightly. For those who may be directly and adversely affected by an energy or utility application, a hearing is a public forum at which to voice concerns. Hearings provide an equal opportunity for all participants – landowners and other intervenors, applicants, and other regulatory authorities – to know and to question the positions of others. For all energy and utility applications a fully informed decision must be made, which is why public participation is absolutely necessary.

Alberta's regulatory laws and process must provide ample opportunity for that public participation. In fact, section 9(2) of Bill 46 offers greater protection to the public than exists under the current legislation. Under Bill 46 if even one person is directly and adversely affected, a hearing must be held, as per section 9(2)(c).

Now, regarding the hearings, full public notification of any application where one person is directly and adversely affected must be made, and affected parties will receive notice as per section 9(2)(a). Notice will be given in different ways. A notice of hearing will be mailed to those people with organizations affected by an application. This same notice of hearing will be published in daily or weekly newspapers, hearing notices will also be made available on the Internet at publicly accessible websites, and companies involved in large projects may hold an open house to explain their proposed projects, answer Albertans' questions, and answer the community's concerns.

The notice will provide all the information needed for those affected: the date, time, and location of the hearings, the application number and nature of the application, a contact for the company that has filed the application, information about the regulatory authority,

that is the Alberta utilities commission, and the due date for filing objections or interventions. Affected parties will have the opportunity to learn all the facts about the application as per section 9(2)(b). The company submitting the application is required to provide a copy of the application and supporting information, such as an environmental impact assessment or geological interpretations.

Regarding the submissions, in most situations participants will be able to share their submissions in person verbally. While Bill 46 does give the Alberta utilities commission the ability to require written instead of oral testimony, this will not be the usual practice. Written testimony may be appropriate in certain circumstances, as in highly technical matters such as the determination of gas cost ratios. The current regulatory process uses written applications, written requests for additional information, and written responses to questions. After a hearing all the decisions are delivered in a written format. Justice is still served when written arguments are submitted.

Bill 46 in no way affects the rights to retain legal counsel. For some participants having a lawyer represent their interests may be a good idea because the hearings are in some ways like a civil case before a judge. Lawyers are retained to present a client's case, cross-examine the other side's witnesses, and make arguments on what the final decision should be. The retention of these valuable services will not be limited.

Mr. Chairman, in conclusion I believe we can and must strengthen Alberta's regulatory system. The rights and concerns of those affected must be preserved while balancing the need for responsible energy development and a reliable electricity system. We cannot lose sight of the intent of this legislation. Reliable utility infrastructure is essential to the lives of all Albertans.

I look forward to achieving this goal together in this legislation. Thank you, Mr. Chairman.

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

Dr. Pannu: Thank you very much, Mr. Chairman. I'm pleased to rise and speak to Bill 46 during the debate in committee. This bill is of great significance to the energy industry, to Albertans, who own the energy resources in the province, and to all of us as legislators. The bill has received a very, very widespread reaction from Albertans who would have liked to have had the opportunity to come before an appropriate committee of this House to make their presentations. In other words, they expect, I think rightly, this Legislature to give them the opportunity to appear at public hearings and have the opportunity to comment on the bill and its provisions in detail.

This concern on the part of Albertans to be heard, Mr. Chairman, has arisen on the basis of their previous experience in public hearings and their intentions and efforts to be heard, to speak either on behalf of the interests that they think are affected with respect to their own properties or to be able to speak on behalf of all of us as intervenors on behalf of the public interest in general. They're unhappy with the existing laws and the existing powers that the Alberta Energy and Utilities Board has had. They have been spied on while they tried to make presentations either as individuals or as organizations. So they have been deeply offended. They have been frustrated in their efforts to be heard. So when Bill 46 came, they looked at the bill and felt that they have reason to be even more concerned now than they have been in the context of the existing piece of legislation.

Bill 46, which will create an Alberta utilities commission, Mr. Chairman, is seen by concerned Albertans – and there's a very diverse group and a very large number of them, including industries, businesses, individuals, property owners, farming communities, ranchers, and concerned citizens in general – to be challenging their

democratic rights, rolling back their ability as citizens in a democracy to be able to be heard, to express their views on a piece of legislation that will have far-reaching consequences if it passes through this House without the desired public hearings.

Of course, people who were to appear before the public hearings had hoped that public hearings would result in some substantive changes to the bill. In fact, they were hoping that they'll be able to buy time so that they can engage decision-makers, members of this House, and people beyond in a broad-based conversation and dialogue related to the future of the energy industry and how it is to be regulated primarily in the interests of the people of Alberta and those who are more directly affected by either the running of new transmission lines or of pipelines or sour gas well drilling and development in their neighbourhoods or in their backyards. So there are a huge number of concerns, Mr. Chairman.

3:50

I just want to put on the record a short letter that I received from one of my constituents. She addresses the letter to me, and it came to me yesterday, December 3. The letter is from Diane Millar. This is what she says.

After learning about the content of Bill 46, which received first reading in the spring '07 sitting of the Alberta Legislature, and which is expected to receive second and third reading [in this sitting], I wish to express my concerns. In particular, I wish to state my objection to the following sections.

Since she's very specific, I thought I should put her concerns on the record, Mr. Chairman, with your permission.

- Section 9, which gives the proposed Alberta Utilities Commission the power to prevent landowners and consumers from making verbal representations in the event that a hearing is held;
- Section 9(1) which authorizes the Commission to make orders or decisions without giving public notice, and without holding a hearing;
- Section 9(4) which restricts the ability of landowners to hire outside legal counsel when intervening in regulatory hearings; and
- Section 98(2) makes the Bill retroactive to June 1, 2003, which would therefore eliminate the legal recourse that might otherwise be due to corporations and the EUB in the issue of the proposed AltaLink 500 kV line from Genesee to Langdon, and points further south.

She concludes, Mr. Chairman, by saying:

Bill 46 has a profound limiting impact on the democratic rights of all Albertans. It is legislation designed to violate and diminish the rights of property owners in this province, and I am not prepared to support a government that would pass such legislation that is clearly intended to facilitate the actions of large corporations at the expense of Alberta property owners and utilities consumers. The intent of Bill 46 is fundamentally wrong.

Then she says:

As my representative, I request that you [as the Member for Edmonton-Strathcona] look seriously into the implications of Bill 46 insofar as they affect property owners and consumers in Alberta, and then reject its passage.

Mr. Chairman, I will certainly be voting against this bill. I'm very, very concerned about it.

I have before me a submission from the Environmental Law Centre, a highly respected public-interest, nonprofit charitable entity in the province, which has been providing important legal analysis in service of public interest since 1982. In the document before me, that's dated November 30, 2007, just three, four days ago, is a letter that is written to the Minister of Energy. There are some serious concerns expressed by the Environmental Law Centre after having had a chance to take a close look at the amendments before the House, amendments in the form of amendment A1, and the concerns

that they still have remaining in spite of the amendments that we are debating today, which I understand to address the fundamental concerns that organizations such as the Environmental Law Centre have placed before this government through a variety of communications and letters and submissions that they have made.

After a close analysis of the amendments that we're debating now, the outstanding concerns that the Environmental Law Centre have relate essentially to the following: the provisions in the bill that deal with the directly and adversely affected test for standing before the proposed commission that is to be created by Bill 46, the use of the directly and adversely affected test by the proposed commission, and the continued use of this test for standing by the Energy Resources Conservation Board under section 26 of the Energy Resources Conservation Act, ERCA, Mr. Chairman. So these are concerns that are outstanding with respect to this other piece of legislation, but they're also built into this act before us that we are now debating.

The amendments to Bill 46 before us, according to the Environmental Law Centre, that address the issue of the directly and adversely affected test for standing do not address the concerns expressed by the law centre, and I agree with their concern. I agree that the amendments do not effectively address the concerns expressed. The directly and adversely affected test for standing has been applied by the Alberta Energy and Utilities Board for years and has served to limit public access – I want to emphasize this, Mr. Chairman: to limit public access – to regulatory processes, resulting in decisions with potentially significant consequences, both environmental and other.

Albertans have spoken to this matter in large numbers over the last many months and have expressed concerns about their rights to participate in energy-related hearing processes. The concerns of Albertans are being expressed, of course, in a broader context than just Bill 46, the context that I briefly referred to, where Albertans have been spied on during hearings; they have been obstructed from being able to make presentations at public hearings. So the directly and adversely affected test for standing before the commission, Mr. Chairman, is too narrow, particularly in the context of public interest determinations.

A more appropriate test would give the commission the discretion to grant standing to any person or group who has a legitimate interest that ought to be represented in the proceeding or process and has an established record of legitimate concern for the interest that they seek to represent. Of course, the AELC, the Alberta Environmental Law Centre, recommends that a similar test be used by the ERCB in respect of energy applications as well. I think that is true. But limiting our discussion to this bill, certainly the amendments do not address this issue of who has the right to appear and who has the legal standing to appear before the commission to be created.

Content of the right to a hearing. Section 9(2)(c) of Bill 46 requires the commission, where a decision or order may directly and adversely affect the rights of a person, to hold a hearing. Section 9(2) parallels to a degree section 26(3) of the Energy Resources Conservation Act, which enumerates the content of the right to a hearing before the EUB and makes clear that an intervenor will have a reasonable opportunity to furnish evidence, an opportunity to cross-examine the applicant if the intervenor will not otherwise have a fair opportunity to contradict or explain the facts or allegations in the application, and an adequate opportunity to make representation by way of argument to the EUB or its examiners.

4:00

Now, Bill 46, Mr. Chairman, differs in its description of the content of hearing rights. Bill 46 does not define the word "hearing." It is not clear how that word would be interpreted in a given case, but it is certainly foreseeable that applicants, intervenors, and the commission could have different interpretations. The commis-

sion, like all administrative tribunals, would be required to adhere to administrative law duties of fairness. As such, in a given case the commission would be required to interpret "hearing" in such a way that ensures that the process is fair and appropriate for the circumstances. However, this provides little comfort or clarity for intervenors who could potentially be confused by the use of the phrase "hearing" rather than an enumeration of process rights.

What we need to change in the bill is to fully enumerate the procedural rights to be allowed to an intervenor, which are not reflected in the amendments proposed by the government side, that we are debating right now. I consider that the procedural rights of an intervenor before the proposed commission should be consistent with those of an intervenor before the Energy Resources Conservation Board.

A third point, Mr. Chairman, that I'd like to make has to do with intervenor funding. Sections 21 and 22 of Bill 46 provide the proposed commission with the discretion to grant intervenor funding only to local intervenors. The ELC, the Environmental Law Centre, received many comments, and so have we, from Albertans concerned that this limitation on intervenor funding was too restrictive – and it is indeed very, very restrictive – and that the proposed commission should have the discretion to grant intervenor funding to a wider range of individuals or groups as appropriate and not only to those who are defined as local.

Amendment C put forward by the government, included in the package before us right now, includes a change that allows for the creation of commission rules that could allow for a wider range of intervenors who receive funding, so this amendment is a bit of an improvement, but this discretion should be provided in the legislation rather than in commission rules that can be easily changed with little or no public input.

Mr. Chairman, I want to emphasize this: that the changes attempted in amendment C to sections 21 and 22 do not go far enough. I think the ability of the commission to use discretion to grant funding must be entrenched in the legislation and shouldn't be allowed to be left to the rules to be developed by the commission, rules which can easily be changed without any public input or without any notice being given.

The next point that I want to make, Mr. Chairman, has to do with the consideration of public interest under section 34 of the Electric Utilities Act. Bill 46 would amend section 14 of the Hydro and Electric Energy Act by removing the requirement for the proposed commission to consider whether proposed transmission expansion or enhancement is required to meet public convenience and need. The existing regulatory system has a two-step approval process respecting transmission system expansion or enhancement. This regulatory process contemplates a broad consideration of need under section 34 of the Electric Utilities Act.

It is recognized that a subsequent determination of need under section 14 of the HEEA – that is, the Hydro and Electric Energy Act – is confusing at the best of times. For this reason the removal of the public convenience and need test from section 14(3) of HEEA was appropriate, but concerns have been expressed that the resulting legislative scheme leaves no clear opportunity for individuals and groups to comment on the issue of need as it is difficult to identify oneself as being directly and adversely affected by the commission's decision under section 34 of the EUA. No specific project is identified in the needs identification document submitted by the independent system operator.

Mr. Chairman, directly and adversely affected individuals and groups are still not identifiable at the needs determination stage notwithstanding the proposed amendment to 34.

The Deputy Chair: The hon. Member for Edmonton-Glenora.

Dr. B. Miller: Thank you, Mr. Chairman. Because of the restriction of time allocation I was not able to get up in second reading to provide some general remarks, so I'm going to begin with some general remarks and then look at some of the specifics of the amendment that the government has brought to Bill 46.

I'm going to begin by referring to a letter that we received from the Alberta Beef Producers because I think this letter puts the issue really well. In this letter dated November 15 they state that

our interest in this legislation is the impact it will have on the ability of owners and leaseholders of agricultural land to effectively participate in the decision making process regarding the location of pipelines and electrical transmission lines and the ability of the regulators to take into consideration the impact the location of same will have on agricultural production.

This really puts the issue very well. It has to do with the decision-making process and the fears that many have expressed that Bill 46 limits the decision-making process. I'm not convinced that the amendments that were brought today really change this very much.

Just to continue, in this letter there's also reference to some other acts besides this proposed Bill 46, namely the Surface Rights Act and the Land Agents Licensing Act. I know from my own investigation of the Land Agents Licensing Act that there's a similar dissatisfaction on the part of many landowners because of that particular act, which licenses land agents to enter into negotiations with landowners about the use of their land by oil companies in drilling for oil. Most, in fact almost all, the land agents actually work for the oil companies. There doesn't seem to be any real fairness or justice in terms of that particular act. Given that the other acts seem to not favour justice and present a fair playing field for all the people involved, then it's no wonder that people are really upset by Bill 46.

Now, Mr. Chairman, it is interesting to think historically about this. It's not the first time that there has been fierce debate on an issue that deals with the regulatory process that's going to oversee the making of decisions that involve various interests: companies, landowners, and residential people who have concerns about their utility rates and so on. We've had lots of decision-making processes in various kinds of events in Canadian history. I mean, we can go back as far as the 1950s to the famous TransCanada natural gas pipeline debate, which actually was marked by the authoritarian tactics of C.D. Howe and the use of closure, actually, to rush through a pipeline bill to meet the industry's deadline. That actually brought about the fall of the Canadian government in 1957-58. This kind of bill can incur a lot of anger and a lot of anxiety and upset people, so the government is actually treading on very, very dangerous territory in presenting this Bill 46.

4:10

I might also refer to the Mackenzie Valley pipeline debate, which had much greater participation. In fact, over the years there has been a demand for more and more public participation in energy decisions. In the case of the Mackenzie Valley pipeline debate there was a tremendous amount of participation, mainly because of the inquiry led by Judge Berger. That inquiry visited some 35 communities and listened to thousands and thousands of submissions. What was interesting in that debate, Mr. Chairman, was that, again, it's dealing with all kinds of so-called interests although the way the debate seems to be framed in all of these discussions is that on one hand you have objective claims about facts over against so-called interest groups, which are accused of not really having their facts, of being misinformed, and of being about subjective value judgments, and that leads to the marginalization of those interest groups.

I think we've come a long ways in all the years we've debated energy issues, and I think we've come to the point now where it's really important to hear from everyone and hear from everybody that

has an interest in the decisions that are going to be made about energy issues and about utilities. The idea of framing the way it's been framed in the past, in terms of hard facts against well-intentioned interest groups with inaccurate information, well-intentioned but ill informed, is a totally wrong way of approaching it. As a matter of fact, Mr. Chairman, no matter what side of the issue you're on, you have an interest, so you have an interpretation. If I can quote a famous philosopher, Friedrich Nietzsche said, "There are no facts, only interpretations," and then he quickly added that that, of course, is also an interpretation.

Mr. Chairman, it's a question of these regulatory boards, like the Alberta utilities commission, being able to fairly listen to all of the interested parties and ensuring that they all are able to come to the table and say what they have to say.

Those are just my general remarks. I think this is a really serious debate, and it needs a lot more time than this House is giving us. It needs more public debate, and the idea of referring it to a field committee would have been a great idea. The idea of hoisting it for six months so that the public could have more involvement also was a good idea. Certainly, we need to have more time for people to consider a very, very complex bill.

Mr. Chairman, I do want to comment about some of the specifics of the amendments that are brought to us: the change in section 9(3), the objectionable part in section 9(3)(b), which so many have raised issues about – namely, that it was going to be restricted to people that only have a material interest – that phrase "directly and adversely affected in a material way." The amendment now takes out that whole section 9(3) and substitutes a section where it's not (a), (b), and (c) but just (a) and (b), so the objectionable part is not there anymore.

As many have already mentioned, there is not a clear idea of what kind of rules the Commission is going to follow as they listen to various presentations. It says that

the Commission is not required to hold a hearing where . . .

- (b) on an application for the construction or operation of a hydro development, power plant or transmission line . . . the Commission is satisfied that the applicant has met the relevant Commission rules respecting each owner of land that may be directly and adversely affected by the Commission's decision on the application.

As many have already commented on, what rules are we talking about?

Now, this is a serious issue because, as we all know, there is the possibility of an application to have a nuclear power plant in northern Alberta. We note that Bruce Power has bought Alberta Energy and is going to promote that possibility. It's interesting that the Harper government is even considering selling Atomic Energy of Canada to a private corporation. So we don't know what is happening on the nuclear front. The federal government is certainly interested in marketing the CANDU reactor, and I'm sure they would love to have Alberta build a CANDU reactor.

That application will probably come before the EUB part of this split in the two commissions or maybe before the Alberta utilities commission for approval, and we're just not sure what kind of process would be in place and what kind of rules would be followed. This is a really serious issue. We want to ensure that there is totally public participation in the whole process, and we need to take as long as we can in order to decide something so serious as opting for nuclear power.

Now, the section in Bill 46 about public interest is section 17. I think it is a good statement about public interest that the whole question of public interest has to have "regard to the social and economic effects of the development, plant, line or pipeline and the effects of the development, plant, line or pipeline on the environ-

ment.” I think it probably could be written in a way that’s more extensive to include all kinds of other aspects of public interest. The amendment, though, is simply dealing with the change to section 17 by substituting the words “gas utility pipeline” for “gas transmission pipeline.”

Now, I understand the Member for Whitecourt-Ste. Anne said that actually they’re talking about the same lines. My understanding is that since this bill is going to split the EUB into two parts – the ERCB, the Energy Resources Conservation Board, and the AUC, Alberta utilities commission – it makes sense to me that gas transmission pipelines would apply to the ERCB and that gas utility pipelines would apply to the Alberta utilities commission. We’re talking about, in terms of gas utility pipelines, pipelines in a city to everyone’s homes to supply heat for our homes, but when it comes to approving a gas transmission pipeline on the part of an energy company or TransCanada PipeLines, for example, then that’s an issue for the Energy Resources Conservation Board. But I’m not really sure what is at stake here.

Again, this is a serious issue because we are facing some major decisions in Alberta. As we speak, TransCanada PipeLines is considering building their enormous pipeline to bring natural gas from northern British Columbia to the tar sands, and they want to take it right through Lubicon land. This reminds me again of the whole Mackenzie Valley pipeline debate and how important it is to include everybody’s interests. It’s important that the Lubicon interests be considered because that particular pipeline is being considered to be built on land that the Lubicon claim as their land. Anyway, I was very confused about what that change really meant.

Now, I want to make a comment on section 20, rules of evidence, in Bill 46. You know, it seems that Bill 46 wants this utilities commission to go in two different directions at the same time. It wants this utilities commission to be a high court, so it’s giving this commission tremendous powers, saying that it has powers that are on the level of a Queen’s Bench judge. But, on the other hand, it wants to have rules of evidence that are not at the level of Queen’s Bench but rules of evidence that would be much looser. The statement here is that the commissioner “is not bound in the conduct of its hearings by the rules of law concerning evidence that are applicable to judicial proceedings.”

4:20

Now, that same sort of ruling has applied and was put into practice by legislation concerning the Law Enforcement Review Board. I think the purpose of that is to enable intervenors, people who are making applications to the board, to not have to face the strict rules of evidence that you would have in a court of law. If you’re going to follow that route, that it’s like a court of law, then obviously the people involved should have legal defence that they can refer to. By loosening the rules of evidence, that means that people are not intimidated by the process, and they can freely participate. Maybe this is a good change, but I’m a bit confused because at the same time this bill wants to establish the commission with tremendous powers as if it was at the level of a Queen’s Bench judge, yet the rules are not going to be followed at that high level. So there’s an ambiguity there that I think needs to be addressed.

I want to mention the fact that in this amendment part 5 is struck out. This is E under the amendments. Now, that part 5 in the bill is the office of the Utilities Consumer Advocate, but of course it comes back in. So we take out that whole section, but the suggestion is to bring it back in in amendment S, “Section 96(13) is struck out and the following substituted,” so it’s a change to the Government Organization Act, which is going to be amended by including schedule 13.1, Office of the Utilities Consumer Advocate.

Just in passing, the whole section that’s in part 5 is actually not

completely included under schedule 13.1. You have that the office of the Utilities Consumer Advocate shall be responsible for these regulations. But all this other stuff about function of governance board, budget, representation of customers: I don’t know what happened to that. It’s actually quite a mess. I feel quite insulted as a legislator in this Assembly by having a bill presented and then all of these amendments when the whole thing should be sent back to the drawing board and reworked. Start over. I think that was the intent of referring it to a field committee, so that it could come back in a better form.

While I’m talking about the office of the Utilities Consumer Advocate, I just want to make a few comments because there’s a real history here of the relationship between consumer advocates and the utilities commission, or the EUB. You know, if we go back to the early 1990s, it became apparent to, for example, the Consumers’ Association of Canada, the Alberta chapter, that there really was an absence of a strong voice on behalf of residential utility customers and that because there was that absence, when public utility hearings took place, that tended to lead to increasing costs for residential customers and decreasing costs for large industrial customers. The Consumers’ Association received many, many calls from the public asking why the Consumers’ Association did not intervene.

The association went about trying to find the expertise they needed, and in order to be accepted as a proxy intervenor in regulatory hearings, it formed the Consumers’ Coalition of Alberta. It became the champion of residential interest, of householder interest. From 1993 to 2007 the EUB approved its interventions on behalf of residents and actually awarded the Consumers’ Coalition of Alberta recovery of costs of intervention.

Now, the Consumers’ Association of Canada, the Alberta chapter, has complained about Bill 46, that Bill 46 would limit the ability of the Consumers’ Association to represent residential utility customers in regulatory hearings and that the costs would not be provided. I know we have the assurance of the Member for Whitecourt-Ste. Anne that there wouldn’t be any change because of section 21, that still intervenors and their costs would be covered, but I’m not sure. It seems to me to be quite ambiguous, and we need some clarity.

The Deputy Chair: Hon. members, just to reclarify, there has been an understanding among the House leaders, and we will proceed as we had discussed. We will be debating on all the sections of the amendment. However, when it comes time to vote, we’ll be voting on them separately, section by section.

The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. I’m pleased to speak to the government amendment to Bill 46. It’s pretty clear that Bill 46 has been considered offensive by many, many Albertans from all walks of life. There has been a tide of opposition to this bill that we haven’t really seen I think since the days of Bill 11, that helped legalize for-profit hospitals in this province, and there’s a good reason for that.

The EUB in this province has been a power unto itself for far too long. It makes fundamental decisions not just about the future of the utility industry or the oil and gas industry but about people’s lives and people’s land and about people’s rights, and it has abused its authority. The EUB has got a clear mandate from the government to facilitate the development of energy in this province. That by itself is not a bad thing, but it is made a priority that is placed above the rights of individuals, the rights of property owners, and, first and foremost, above the environment.

The EUB has operated with a mandate that runs in conflict with the interests of many, many people in this province. It favours the energy industry in a very significant and consistent way. People

who have had difficulties, for example, and legitimate fears about sour gas in this province have been overridden. People who have had their property expropriated by oil and gas companies in order to facilitate the extraction of resources have been overridden. The EUB has of course most recently been identified as an agency that spies on citizens who are engaged in a legitimate action. In fact, that participation in that process is established by legislation to allow, ostensibly, citizens who are concerned about projects that come before the EUB. In that legitimate and legal activity in the furtherance of their rights they have been essentially subject to undercover, covert operations and spying.

Now, when this became known, there was, of course, outrage across the province. These are some of the things that you used to hear about in the '60s, when there were protests on the Vietnam War and all sorts of democratic concern about the direction.

4:30

You know, the government used to spy on people, and we thought that it had stopped. We thought it was over, and we thought that we had dealt with it. Then we find that the EUB has biased itself by essentially taking a side in the hearing and spying on landowners and environmentalists who were fulfilling their legitimate rights as citizens. The government was forced to call an investigation. But it's interesting because it was an investigation whose chief investigator was appointed by the Minister of Energy, whose terms of reference were established by the Minister of Energy, and which naturally didn't really get to the bottom of the whole issue.

The Perras report, Mr. Chairman, was nothing but a whitewash from start to finish. The investigation produced a report that didn't look at the role of anyone above the level of the director of security of that organization, notwithstanding the fact that Alberta's NDP produced some documents that had been FOIPed that showed that other members of the board, specifically the three-person panel that was hearing the case as well as other senior officials of the EUB, knew that this covert action was being undertaken, notwithstanding the fact that this was publicly known. The EUB investigation by former Justice Perras didn't even inquire into their role or their knowledge in the affair and did not inquire further whether other senior officials in the EUB had knowledge of this, didn't ask those questions, and didn't ask who in the Department of Energy knew about the spying and didn't ask whether the minister knew about the spying or whether, in fact, the minister had perhaps even approved it himself. So the whole investigation was a complete whitewash from start to finish.

It's interesting that those who have been fingered by the diligent efforts of some of the people involved in the landowners group have become an embarrassment to the government. For example, the three members of the EUB who were copied on that infamous e-mail have quietly chosen to resign. Somehow somebody is taking them out and getting rid of them without ever allowing the public to fully know what actually went on. They're being let go. Even though the minister calls it a retirement, we all know that that's really not the case. They've been sacked, and they've been sacked not because the government thinks they did anything wrong, but because they've become an embarrassment to the government. That's why they're gone.

How can we have confidence, then, in the two bodies that Bill 46 is intending to set up, that they are going to be any different? Mr. Chairman, I don't think they're going to be any different at all.

I had a look today on the EUB website. On the website are all of the rules for the new Alberta utilities board, the proposed rules. Now, these rules are established under the authority of Bill 46, which incidentally hasn't been passed yet. The old EUB has now

written all the rules for the operation of the new AUB, which has not even been established. Of course, the government has already advertised for the members and so on. So it's pretty clear, Mr. Chairman, that the fix is in on this bill. The closure that the government has imposed on this bill is simply the last brick in the wall of a scheme that has been cooked up and imposed from the beginning. I would like to just ask the question: how is an old body able to draft rules for the operation of a new body when the legislation establishing the new body has not yet even been passed by this House? That doesn't stop the government. They're just going to move ahead as they wish.

[Reverend Abbott in the chair]

Now, Mr. Chairman, I want to talk a little bit about these amendments because the government claims that they've fixed the problem, they've fixed the concerns that the landowners and the environmentalists and the general public have been expressing about the bill. But, you know, it will still allow the government or the new bodies to shut out legitimate intervenors, prevent them from taking part in hearings. It will give the commission the right to deny public testimony from intervenors, and it will take away the intervenor's right to conduct cross-examinations at hearings. If the EUB under the current legislation was already biased against the public and in favour of the big companies, then this will tilt the balance even further – even further – in favour of utility companies and oil and gas companies.

Let's just take one for a second, Mr. Chairman. I know that the hon. Member for Wetaskiwin-Camrose said earlier that if you provide written testimony, that's just as good as verbal. I don't know if that's really constitutional or not, hon. member, but I do know that when you talk about people's right to be heard, it means the right to be heard. It means to come and appear before the bodies and speak directly to the people about your concerns and give the evidence that you have. You know, one of the easiest dodges there is is to say: write me a letter. That's what this legislation gives the AUB the power to do. It gives them the right to just sort of say: "You know, I can't be bothered to hear you. I can't be bothered to listen to you, so just drop me a note, and that should be good enough." Of course, we all know what happens to those written submissions. They go in the circular file. They get ignored, and the body is then able to claim that, well, they've received these submissions. It's just an easy way to ignore people and not have to listen directly to their concerns.

Mr. Chairman, the other concern that we have is that intervenors lose the right to cross-examine other intervenors. This is fundamental. This is how you arrive at the truth. We don't expect that the political appointees of the Conservative Party and Conservative government who are going to sit on these boards are going to be able to ask all of the tough questions necessary, but through the process of cross-examination of one side to the other you really will uncover a great deal more of the truth than if you just listen to people's submissions. People's submissions need to be challenged, and they need to be challenged by people who have an interest in disproving what it is they're going to say. That is the basis of the regulatory process in this country, and it has been for decades and decades. It's similar to the process in the United States and in other countries. This bill with the amendments that are proposed fundamentally undermines that process. It fundamentally takes away the right of cross-examination of an intervenor and makes it more difficult to arrive at the truth of the matter, and that is a fatal flaw as far as I'm concerned.

You know, Mr. Chairman, you have to ask the question of why

this government needs this kind of body to oversee these kinds of processes. Well, quite frankly, it's because the government strategy, if you want to call it that, is to produce energy for export in whatever form. That's a fundamental to this government's economic strategy for the province: to pump out the oil, pump out the gas, pump out the electricity, whatever it is, whatever energy source, as quickly as possible and as cheaply as possible. I don't know why that's their strategy. I actually have some theories, and I'll come back to that at the end. But it was pretty clear to me when I heard former Premier Ralph Klein talk about the 500 kV line, and it was in connection with a strategy of building more coal-fired power plants to export power to the United States. He clearly stated that that was the strategy, and he clearly associated this 500 kV line with that strategy.

4:40

Alberta's NDP took a position that we should not be burning coal and suffering the effects of pollution, the impacts on asthma and the health of Albertans, in order to produce electricity for export to the United States because it gives the Americans the cheap power, but all of the negative impacts then fall upon Albertans. In order to accommodate that, we've seen the EUB go so far as to spy on Albertans. They are there to facilitate this scheme, and these changes proposed in Bill 46, notwithstanding the amendments that we're considering, will enable them to do that.

Similarly, Mr. Chairman, with oil and gas the role of the EUB or its successor organizations remains to override legitimate political concerns – legitimate environmental concerns, social concerns, health concerns, and concerns about people's right to their land – in order to facilitate the export of energy as quickly and cheaply as possible from Alberta to the United States. That sums up succinctly, in my view, this government's economic strategy.

Why are they doing that? Well, Mr. Chairman, it's no secret that this Conservative government is a party of big business. They represent the companies, and these are, in turn, the same companies that finance the operations of the Conservative Party. They have millions of dollars in the bank ready to spend on an election. Where did it come from? Well, in the last two years alone just from oil companies the Conservative Party has received half a million dollars in donations. If you add up all of their corporate donations, it's close to a million dollars in a year. The Liberal Party is trying to catch up as best they can, and they've received in the last two years from oil companies nearly \$200,000 from these same corporations.

So what chance, Mr. Chairman, what chance does an individual landowner in Rimby have against that kind of money and that kind of power? What chance does an individual environmentalist from Edmonton or Calgary have against that kind of money and power? Frankly, the deck is stacked against them. Bill 46 is about stacking that deck even further in the favour of powerful interests like utility companies, big oil companies, and gas companies. That, really, is what Bill 46 is about.

I think it's interesting that we have the social democrats in the Legislature standing up for property rights against the Conservative government. I always thought, Mr. Chairman, that the Conservatives were in favour of property rights, but here we are, standing in this Legislature, fighting for the rights of property owners in Rimby and across the province against big oil companies, big utilities that have this Conservative government in their back pocket.

Mr. Chairman, I'm going to just conclude by saying that this Assembly should take a clear position against Bill 46 unless some real amendments are brought forward by the government or by the opposition that will do away with the attack on people's rights that is contained in Bill 46. We should not pass it in this Assembly. These amendments by this government fail to protect people's

rights. They fail to completely eliminate all of the negative impacts of Bill 46. They will continue to shut out legitimate intervenors from the hearings. They will give the commission the right to deny public testimony from intervenors, and it will still take away the intervenors' rights to conduct cross-examinations at hearings. So it has gutted the limited public process that people have had under the EUB and replaced it with a far less democratic set of proposals, which I think this Assembly should reject. We should stand up for people, we should stand up for the environment, we should stand up to protect people's health, and we should stand up to protect property owners' rights from the intrusions of large corporations.

Unfortunately, these amendments don't do that, so I and my caucus, Mr. Chairman, will be voting against this bill and will not support these amendments. They don't go nearly far enough.

Thank you very much, Mr. Chairman.

The Acting Chair: Thank you very much, leader of the ND opposition.

I'd like to now recognize the hon. Member for Rocky Mountain House.

Mr. Lund: Thank you, Mr. Chairman. It gives me great pleasure to have this opportunity to rise today and speak to the amendments to Bill 46. Before I do, I want to first correct something that the hon. Member for Edmonton-Strathcona said in his presentation. He commented that the one section makes the whole bill retroactive to 2003. Nothing could be further from the truth. In fact, the reference to 2003 is the section in the Hydro and Electric Energy Act that was missed in 2003 when we were discussing the needs hearing. This section was not corrected, so really you have to hear the needs hearing twice, which doesn't make any sense. So we would be repealing that, and the needs hearing will be heard under the Electric Utilities Act.

I, too, yesterday was disappointed that I didn't have a chance to complete my comments in second reading. As we all know that were here, the opposition yesterday used up the whole hour arguing over a procedural issue, so we weren't able to discuss the bill. We simply had to spend the time doing that.

I want to make a couple more comments relative to the bill. I was commenting on the principles of the bill, where we are splitting the EUB. It is absolutely necessary that we do that. It was disgraceful – absolutely disgraceful – the way the EUB treated the landowners relative to that 500 kVa line. I was so disgusted with the way they were treating my constituents that I think the people that were involved got their just deserve. We have to put that behind us, and we have to move forward. Of course, even the court gave some indication that there was bias. So to have a fair hearing and to move this whole thing forward, we do have to set up another identity. That's what we're doing through this utility commission.

I view that by setting up the quasi-judicial body, we are setting up an identity as somewhat of a proxy. I'm not indicating for one moment – as a matter of fact, it would be absolutely wrong if government ever interfered with a decision of a quasi-judicial body. When the EUB was holding those hearings, I can tell you it was awfully tempting to go to those hearings and make comments because of the way the landowners were being treated, but it would be wrong because we could be looked at as affecting the decision of the board.

There's one area where I believe that we do have the ability. In many places in the bill and in the amendments we talk about the commission having rules. Yes, they will have rules. But I believe that there are certain things we could be saying to the commission because those are the procedures that they will be using and those are the rules that they will be establishing. I think it's critical that

we do make some comments along that line.

4:50

Actually, when we look at the very first amendment, I want to spend just a little time on that, Mr. Chairman. I think this is pretty critical to what we're talking about. This is section 9(1), and I think it's important that I read this into the record so that we get what's going on here. It reads:

9(1) Unless expressly provided by this Act or any other enactment to the contrary, and subject to this section, any order or decision that the Commission is authorized to make may be made without giving notice and without holding a hearing.

(2) If it appears to the Commission that its decision or order on an application may directly and adversely affect the rights of a person, the Commission shall

(a) give notice of the application in accordance with the Commission rules.

Here are the rules that I mentioned.

(b) give the person a reasonable opportunity of learning the facts bearing on the application as presented to the Commission by the applicant and other parties to the application, and

(c) hold a hearing.

That's very plain.

Then the amendments that we're putting in correct a problem that we had in subsection (3). The new one reads:

(3) Notwithstanding subsection (2), the Commission is not required to hold a hearing where

(a) no person requests a hearing in response to the notice of application.

That just makes all kinds of sense. Why would you have a hearing if no one wanted one?

(b) on an application for the construction or operation of a hydro development, power plant or transmission line under the Hydro and Electric Energy Act or a gas utility pipeline under the Gas Utilities Act, the Commission is satisfied that the applicant has met the relevant Commission rules . . .

Rules once again.

. . . respecting each owner of land that may be directly and adversely affected by the Commission's decision on the application.

Now, Mr. Chairman, here is where I still have a little discomfort because I know that some people are misinterpreting what this (3)(b) says. I've talked to the minister about it, and the minister does agree with me that we have to if it's going to adversely affect a landowner. In other words, if it's a line going across somebody's property, then that landowner must have the opportunity to be heard orally and must have the ability to have counsel. I'm urging the minister that in his response to our comments he will in fact have this on the record because there's a misinterpretation going on today on this very issue.

As a matter of fact, when I'm talking about the rules, I think that since we're making the commission as a proxy, we should be able to say in the rules that the commission will work under: you will allow for an oral hearing, and you will allow a landowner to be represented by counsel. I think that's just fairness. Of course, we know that under the administrative procedures act, in fact, the commission has to operate under them. That has to be part of their rules. I'm comfortable that it will happen, but we need the minister to put that on the record, that they will have that as a guarantee.

Now, Mr. Chairman, we're taking out part 5, and really that is the part that set up the Utilities Consumer Advocate. I'm going to be pushing very hard that, in fact, they would continue to go along this road. We need that Utilities Consumer Advocate. The idea that we have the Utilities Consumer Advocate, have a board that would

operate: I think that is just a super way to go because no matter where it's housed in government, then that removes the minister and the government from the operations of that board. This is really critical, that they be independent of government.

A seven-person board: just think of the composition that we could have to protect the consumer. I would suggest that we have a makeup like a member from the REAs, the rural electrification associations, that we have from the rural gas co-ops, that we have from the rural water co-ops, that we have from the AAMD and C, that we have from the AUMA, and we need to put in a consumers' association or some individual from that side. But I think that as the act describes, it really lays out the Utilities Consumer Advocate's roles, responsibilities, and what they would do.

Having had responsibility for that Utilities Consumer Advocate, I know the tens of millions of dollars that they saved the consumer over the last number of years in rate hearings. People like David Gray know this business. They know it inside out. An individual like him has the ability, and he knows his limitations. If he needs expert assistance, he's not afraid to get it. So I will be urging the minister of government services to move forward with setting up the board and giving the authority and power to the Utilities Consumer Advocate.

I think that for the other amendments, well, so many of them are just basically housekeeping. You clean up some other wording in some other acts. But this one that I was always hung up on and really had difficulty with was to make absolutely sure that landowners have the right, that they have the ability to get intervenor funding, and that's spelled out in section 21. That's all taken care of, that in fact they will be getting intervenor funding.

I think that the minister and the department have done a good job with the amendments, and that, in fact, this will be a very good piece of legislation to go forward with.

The Acting Chair: The hon. Member for Lethbridge-East.

Ms Pastoor: Thank you, Mr. Chair. Thank you for the remarks from the Member for Rocky Mountain House. I disagree with him on one and agree with him on the other. He used the word "disgraceful," and I think probably I could use the word "disgraceful" in the fact that the government is actually using closure on this bill at all three levels. I think that's disgraceful in a House that we call democratic.

Where I agree with the Member for Rocky Mountain House is that I think that the idea of a consumers' advocate is a very strong one. It absolutely must be independent, totally unbiased. I would probably reduce it to five. I think five would probably be a good number, and I would also like to see people from outside of the province actually placed on that consumers' advocate board that he's thinking of.

I believe that this bill was flawed right from the very start. It was quietly introduced on the very last day of the spring session until people realized exactly what was going on and understood the ramifications that this bill would have on their personal lives and, certainly, on their democratic rights. Then they got scared. They weren't just mad, but they got scared because they were wondering what kind of a province they were living in when, in fact, they were going to be muzzled and couldn't speak out loud to express their displeasure in any way.

The next step was interesting. In the *Globe and Mail* in July was the advertisement for the two people to run the two new arms which would be divided from the original EUB board. I believe, certainly, that the interviews, et cetera, have taken place, and I also understand that the signs are painted. So in a way it is a fait accompli. Then

you realize how flawed the bill is. If this was a good bill, we wouldn't have people so displeased with it and so scared of it. We also would not have 24 amendments coming forward from the government, and that's only the government side. Bills that are good, bills that should go forward, bills that can be discussed usually don't require that many amendments to them.

5:00

One of the things that has been changed in the amendments is that in fact legal counsel would be provided for intervenors. Now, this is certainly a good thing because the majority of the people I know that are running farms these days certainly can't afford lawyers, but I can see the Law Society jumping all over this one. This is really going to be paradise for lawyers.

The Alberta Beef Producers are another segment of our society that are very upset about this bill. There are 30,000 beef cattle producers in this province, and I think we're all more than aware of the extreme stress that this particular industry is under at this point in time. They've just managed to recover from BSE, they now have the high Canadian dollar, they have been allowed to get some of their cattle across the border, and of course they know they're fighting the lawsuit by R-CALF, all of which doesn't make them secure in their industry to go forward and to actually spend some kinds of major investment dollars to increase their status.

The Beef Producers have reviewed the status and regulations, and they want government policies to protect Alberta's agricultural land and water resources. None of this legislation should really adversely affect the interests of the members because they are landowners, leaseholders, and the beef cattle producers. They must effectively be able to participate in the decision-making processes regarding the location of pipelines, electrical transmission lines, and the ability of the regulators to take into consideration – and I think this is very, very important – the location of where these are going to go on agricultural production lands.

There has been talk of not wanting cattle running underneath these high-voltage lines, and I believe that they do have a point in thinking about that. Also, in terms of the agricultural production land there are things like: how do planes fly over for the crop-dusters to be able to put the chemicals on the fields? They're going to need a certain area around the bases of these posts to be able to not have anyone go into that, so it does take acreage away from the lands that people are using. Of course, those that just have land and are smaller farmers that are struggling: this will certainly be very onerous on them.

The Beef Producers also had some very serious concerns about the following sections. Some of them have been amended, but I'm not sure that they are to their total satisfaction. Section 3 is the membership of the commission. Again, they should be people that you could prove that they have an unbiased and certainly not a conflict of interest when they go forward. The Hydro and Electric Energy Act is of concern to them.

Section 24 is orders without notice. Some of that has been addressed in a small way. I'm not sure. In the amendment N it still says, "Consequential amendments to regulations." Regulations to me always means behind closed doors. It says that

95.1(1) The Lieutenant Governor in Council may make regulations for the purpose of

- (a) amending references in regulations to the Alberta Energy and Utilities Board, the [Alberta] Energy Resources Conservation Board and the Public Utilities Board, or
- (b) adding references to the Alberta Utilities Commission or the Energy Resources Conservation Board

in consequence of the enactment of this Act.

(2) An amendment under subsection (1) may be made even if the regulation being amended was made by a member of the Executive Council or some other body or person.

To me, this is really quite upsetting because none of it is going to have to come back out into the public until the decisions are made and certainly will not see the light of day in this House for further discussion. I believe that that's also very troubling to the Beef Producers, in that they do want to be a part of any of the further amendments or the further regulations that would be coming forward.

I think it's fine to give the power to one landowner. However, we all know that one landowner has a ripple effect into a huge area from around him. Anyone that is even remotely connected where that ripple effect could be simply must be heard. They must be able to have a voice, to be a part of the decisions that are going to affect them.

It's okay to look at it now, but we're looking at decisions that will affect not only them but their families. I think many farmers have, unfortunately, given up and have had to sell their land and their dreams of having maybe a fourth generation. We certainly have third generation farmers in this province. That fourth generation just isn't going to be able to afford to stay on the land that their pioneer ancestors basically broke their backs on. They're the ones that cleared the land; they're the ones that pulled the rocks out; they're the ones that cut down the trees, pulled out the stumps. It wasn't easy. They've created wonderful legacies for their families, and now the families have to give up.

Section 17 of Bill 46. Also, the Beef Producers are concerned that in addition to the consideration of social and economic effects of a project on the environment, the Energy Resources Conservation Board and Alberta utilities commission should be required to take into consideration the agricultural operations. There should be business plans looked at. They should be looking at it in terms of the classic analysis of further on down the line what this will really cost this person in their farm operations or, in fact, just any operation that they happen to have on that particular piece of land. It truly has to be able to project into the future; it can't just be for now.

Another underlying source of producer frustration in the Alberta government's regulation of utility and energy development is the failure of the Surface Rights Act and the Land Agents Licensing Act to adequately balance and protect the interests of the producers as landowners, leaseholders, and stewards of agricultural land in the regulatory process.

One of the things that beef producers are interested in, too, is water. They need water for their cattle, of course. Where is the water going to come from? In the long run how will this affect them being able to have water that's suitable for their cattle? Do they really know how these either gas, oil, or electricity transmission lines are actually going to affect both the surface water and certainly the aquifers? I think we have enough research projects and reports to indicate that there isn't nearly sufficient enough data to say with certainty: yes, this is what's going to or not going to happen to the water in a particular area.

One of the things that the Alberta Beef Producers are asking for and have suggested, the same as many other people have in this province, is that Bill 46 really should have been referred way back when to the Standing Committee on Government Services for further discussion and review. I think the reason that this is not happening is because we probably have people hired and ready to go. Obviously, there was a huge push, or the ads wouldn't have been in the paper in July. So we should have taken our time in this.

This province always seems hell bent for election. We are going forward in a very questionable way, certainly in the oil sands. Should we not be stepping back? Should we not be taking our time? Why can we not have a balance? Certainly, there doesn't appear to be a balance in the debate on this Bill 46. It should have been

referred. I think then we would have come through with a better bill that more people would have had input into.

5:10

There doesn't appear to be any substantive or procedural safeguards in Bill 46 regarding the basis and the grounds on which the commission can determine whether or not its decision in order may directly or adversely affect the rights of a person. As my hon. colleague from Rocky Mountain House has said: where can these people go? Where is the complaint process? There has to be a better attitude than: we're the government, you're not, so suck it up. That really doesn't work well. We simply must have a commission where people feel free, where they're not afraid to go, and they're not living in fear as so many of the people in this province do. They are afraid of their government.

Not only are they afraid, but they don't trust it. I really think that that's quite a statement to be able to say about a government. Certainly, I think the spy debacle was a really good example. Now, these particular spies were caught. How many haven't been caught?

Mr. MacDonald: You mean if you're a good spy, you don't get caught?

Ms Pastoor: Good spies don't get caught.

With respect to clause (a) in section 9(3) it appears that it would not be necessary for notice. That has also been changed in the amendments. People have to be given the right, and they cannot be given the right to know that something's going to happen and then be expected to have a written submission within 30 days. People don't have time. Even we in this House know exactly how fast society is going and how hard we work. Thirty days is not time enough for someone to be able to put together a concrete, well-thought-out, probably with legal opinion, submission to a commission. They simply have to have longer. It doesn't appear that there's a specific time where this would happen.

The procedural rights available to the landowner, to the participant in the hearing, are not as clear as they could be either. Again, it's a time frame. People who live on farms don't always have the instant access that they would need to be able to work themselves through that.

I think that's basically what I would have to say on this particular bill and on the amendments at this point in time. Just that I believe that it is a disappointment not only to myself but certainly to all Albertans that a bill that is so flawed, that requires so many amendments has not been referred; that the arrangements that have been made around the fact that they assumed that this bill would fly through without any opposition – i.e., hiring staff, making up signs, probably having the office already leased and paid for – are really quite an insult to the people of Alberta; to just assume that the attitude of "I'm the government, you're not, so suck it up" is actually acceptable behaviour.

The Acting Chair: Thank you very much.

Hon. members, we have about 59 minutes left of debate in Committee of the Whole, given the time allocation. We're going to go to the hon. Member for Little Bow, followed by the Member for Edmonton-Beverly-Clareview and then the Member for Lacombe-Ponoka and then the Member for Edmonton-Mill Woods. I do have a few others on my list after that.

Little Bow, please.

Mr. McFarland: Thank you, Mr. Chairman. I'm happy today to be able to stand up and speak a little bit about my experiences so far with Bill 46, particularly the amendments that the government has

brought through. I do think it's a very important piece of legislation because it ultimately affects every home; every farm; every business, community league, school; every hospital: every part of this province.

I've talked to a number of my constituents about the bill. It is, I think, rather interesting that when I asked them in a nonpartisan way what their opinion was on the bill prior to the amendments, most of them spoke about the very key phrases that they had heard through the various media and news outlets. If I asked them particularly where they got their information, it was a little frustrating to find out that most of it was coming strictly from the reports in the news broadcasts. Not that I'm blaming the media for anything, but actually a lot of the quotes were coming from opposition members.

Now, when I asked if many of them had actually read the bill, they said no. So I gave them a copy of the bill without any comment. I said: would you please read this, and then tell me what you think? Well, it was very interesting to have some of these constituents come back and say: what's the problem? They read it entirely. They read the full context. They didn't read bits and pieces.

I am more than happy now, happier than I was then, that the amendments that have been brought forward have maybe in some cases gone too far. You can put that in your propaganda all you want, but the fact of the matter is that I have a lot of constituents that don't actually appreciate taxpayer money going to outside interest groups that have absolutely no interest in the land. Now, at the same time I have the floor, and I'll wave my paper around.

The Minister of Energy brought forward these concerns. I think it's very interesting that everyone makes a lot to do about a hearing that was held about a project sometime in Alberta, but somebody is losing sight of the fact that business goes on, the province grows, and we need more power. And with or without some of the hearings, the way the legislation was worded in the past is that hearings were allowed; the way it's being proposed, hearings will be allowed. It is never a comfortable thing to have, in this case, a power line go across your property.

Mr. Chairman, I'm a landowner. I'm a farmer and damn proud of it. I can tell you that the Member for Rocky Mountain House is also a farmer as are some of my other colleagues. I can't believe that people would actually think that those of us that make our living from the land are now going to create legislation that's going to take away my rights as a landowner. I just can't believe it. We do get elected, and I don't think we get elected based on making people mad.

Now, I'll give you a little first-hand experience. Years ago when I started to farm, we had a single-phase line. For those of you who may not know, it belonged to a rural electrification outfit. I as a farmer was a member. The poles were on my land, on my actual land, and we were responsible for the upkeep. Unfortunately, I was at the end of the line, our family and a number of others, and quite often we were without power because as the voltage dropped and the lines got older and everything started to get many years out of shape, we were subject, maybe, to power outages at least once a week.

A couple of years later a three-phase power line – that's much higher voltage – went through, and it was going to come along some of our other land for a greater distance. I thought: well, this isn't a very neat thing because now I'm going to have a power line on a greater percentage of our land, and I can't really be happy about that.

Well, in fact, if I would have got my head around it, I would have understood that I'd have a more reliable source of power. It was a newer line. I had the opportunity to upgrade the transformer to have more power, to do more things on the farm. Quite frankly, I don't want to go back to the days of my grandfather or great-grandfather or anyone else's who maybe cooked with wood stoves, had a gas lamp to read by, didn't have the luxuries of a MIG welder, a

computer, all subject to availability of power and whether or not we are going to have a brownout.

5:20

As I said before, as a landowner it's not the nicest thing to have to put up with a new power line if I have cattle. Yes, I've heard the comments about how magnetic fields are going to impact the productive capability of my cows or do some other things. But I've often wondered and I've asked some of my constituents: if we did things right and we bought a utility corridor to start with, what would you think if the province bought this piece of land, put all the utilities down it, and paid you fairly, market value, for this strip of land, whether it was one or two or four rods wide, and turned around and leased it back to you? Would you like that? You bet.

Suddenly the issue of the cattle's health wasn't as big a deal as it was. Maybe we could lease this land back. We'd have a little bit more land and maybe get adequately compensated for the use of the land and/or the placement of the towers. Now, the towers themselves, I suspect that from looking at some of the drawings of different proponents who talked about new power lines there could be two, maybe three towers on a quarter section. That's half a mile long.

The issues that I also have heard, as the Member for Lethbridge-East talked about, seem to be related to land agent licensing and surface rights, which have absolutely nothing to do with this particular bill. They are issues, but they have nothing to do with this bill. What I have suggested in response to my constituents: I totally support a revision, an upgrade, bringing it up to date, whatever you want to call it, of the compensation or the rent paid for towers on land, especially for the new power lines that are being constructed. I totally agree. But that's a surface rights issue.

Maybe it's my bias as an agricultural producer, but I also agree that we should have a knowledgeable person on this new board that's going to be established to reinforce to the ag community because – again, I make no apologies – that the vast majority of power lines in Alberta are not going through, across, or on top of villages, towns, or cities. They're going across vast amounts of rural Alberta: agricultural land, forestry land, Crown land, native reserves. You name it, we've got it.

Mr. Chairman, when it comes to the issues that we've talked about in these amendments, I've glossed over them in a more general way, but I wanted to relate to the Assembly, to constituents that have asked, what my opinion is on it. Again, I'll reiterate: no, a new development is never something that everyone embraces with open arms, but I do really feel that if the amended bill as we've proposed is going to pass, it is the best situation for landowners.

Having spoken to landowners, I might also add that in our constituency – I know that there might be a few others around – a huge percentage of the land that people produce on today is not actually lived on by the landowners. I'm glad to see that it's landowners or affected parties because those affected parties in our area end up representing the renter of the land, who might have rented that parcel of land for 20, 30, or 40 years in a family, and they feel as much entitled to make comments on proposals as the actual landowner, who may very well be an absentee landowner and has been for 40 or 50 years and has moved back to the States or wherever they came from when they homesteaded. Those are minor things.

Again, when it comes to intervenor funding – I heard a lot of gasps before – I do think it's crucial that not everyone who actually has no vested interest in the immediate area should be able to, can I say, make a living intervening on behalf of somebody else for a

worthy cause that maybe is worthy in their opinion but maybe doesn't truly represent the majority of people in the area. God knows, it's hard enough to have eight people on a 10-mile stretch that are absolutely going to agree with the placement of any power line or any gas line.

But I think the community, the individuals making representation to the EUB will get a fair hearing. Hopefully, everyone's going to come up with an agreement that people can live with and make life better and give us an assured supply of power and other good stuff throughout the province for years to come.

Thank you, Mr. Chairman.

The Acting Chair: Thank you very much. We'll go to the Member for Edmonton-Beverly-Clareview, followed by Lacombe-Ponoka, followed by Edmonton-Mill Woods.

Mr. Martin: Thank you, Mr. Chairman. I listened intently to the Member for Little Bow. I think all the government needs to do is just have him go around and hand out the bills, and everything will be okay. Apparently, all the people that read the act and disagreed with him just got it wrong. People like the city of Calgary, the Pembina Institute, the Parkland Institute, the environmental law society, the industrial consumers association, and industrial power producers just didn't have the ability to go forward. If the Member for Little Bow maybe could spend some time going around talking to these groups, then it would all be all right. Everybody would understand and get the proper political spin on this.

[Mr. Marz in the chair]

I mean, the arrogance of the government just to say that nobody else has read the bill; they've walked around, and they have the proper interpretation on it, Mr. Chairman. Therein lies the problem. You know, the arrogance has been alluded to. I know the government takes for granted that because of their numbers they're going to get everything done in this Legislature quickly, but when they're posting on the website ahead of the bill being even passed in this Legislature, I mean, how can you accept that in a democratic society?

I thought that maybe some of the backbenchers might say that that's wrong and start to vote against the bill, Mr. Chairman, but it just goes to show what we're dealing with here in this, sort of, used to one-party rule over a number of years. As I said before, and I'll say it again: I do not understand about the timing of this and what the hurry is, especially coming from a government with the Premier talking about openness and transparency. The fact of what we're doing right now, the fact that we brought in a bill in the spring and we were told at that time that it was a bill that was necessary and perfect in almost every way, and now we are here in time allocation, or closure, whatever term you want to give it, in three hours passing a major bill: how can that be open and transparent under the new government's procedures?

You know, I've tried to ask myself: what is the hurry? What is the rush? The only thing I can come to is that the timing is so awful because we talked about the spies that were involved and the disgust that people had. Even some of the backbenchers have talked about the disgust that they felt, Mr. Chairman. All Albertans did over that situation. But why are we in this hurry?

Well, perhaps it has to do with the pace of development. We're in this anxious rush to rip out the oil sands, to get our oil and gas into the American markets as fast as we can, forgetting about value-added jobs and doing the upgrading of our bitumen here, where the real value is. Now maybe we're in a headlong rush to get rid of our electricity, to get it down into the American market as fast as we

can. Maybe that's what the rush is all about.

The government denies it, but why else would you go ahead, Mr. Chairman, knowing what they knew under the bad publicity they've had with the spies and push ahead with this bill when it seems so unnecessary? We've tried to give them an out. The policy field committees were set up for precisely that reason: to take bills that were complicated, to take bills that may be controversial, take them to a policy field committee. We set that up in this Legislature to do that if necessary. In this case it should be necessary to have public hearings because this is important to all people. It's certainly important to rural landowners, but it's also important to people in the city. We tried to give that offer here, but that was turned down.

5:30

The only reason, Mr. Chairman, that I can come to is simply this: that they're going to ramrod this through as quickly as they can. Because of the pace of development, they say that we need this electricity immediately for southern Alberta. I think it's the whole idea of perhaps getting some coal down and shipping this electricity south of the border. I believe that that's partly why we're doing this. That would just fall in with the economic policies of the government. That's what they're doing with our oil and gas; that's what they're doing with our oil sands. Some people are profiting very much on that, but to most Albertans the so-called Alberta advantage is becoming a huge disadvantage with the pace of development, and this pace of development is certainly having an impact here in what we're doing.

Now, as I said, when they brought the bill in, we were told, Mr. Chairman, that that was, sort of, a big step forward, that it was a necessary bill. So we sat there in the spring. People started to read the bill. We know what happened: there was a big public outcry about the bill. They started to feel some political pressure, and rightfully so. Now they come back with, you know, amendments after amendments: 27 pages of amendments. The pages of amendments are more than most bills that we deal with in this Legislature. If this bill was so good to begin with, why would we have to come back with 27 pages of amendments? I mean, it goes beyond reason.

Remember that the bill is complicated enough. There's the bill, now the amendments, and now in this Legislature we are to debate one hour in second reading, three hours in Committee of the Whole, and another hour in third reading. Again: what's this all about? What are we missing here, Mr. Chairman, other than what I've suggested? It seems to me that with all the bad publicity we've had with this bill, they wouldn't want to be rushing through with this. So there has to be another reason. I hope I'm wrong about the massive transportation of electricity outside the province, but it's the only thing that makes any sense to me in the long run, why we're doing this in such a hurry.

Now, let me say that with these amendments we're told that, oh, well, they've solved all the problems, that the bill was flawed. Now I guess they have to admit that the bill was flawed to begin with. When you have 27 pages of amendments, it had to be a flawed bill. Now they say that everything is just hunky-dory; it's a great piece of work now; the legislation is moving ahead.

I want to be charitable here just for a second, Mr. Chairman. Of all the criticisms that I've seen, the most gentle was from – and you would expect that – the Environmental Law Centre. This is the best scenario that I've seen about this bill. In their conclusion, if I may quote from it, they start off being somewhat complimentary.

The ELC is somewhat encouraged by the amendments brought forward by the Government of Alberta.

To the hon. Member for Little Bow: these are people I think that read the bill.

However, Bill 46, even with the amendments, continues to be very vague and leaves a great deal of substance to be determined by Commission rules, which can be created at the Commission's discretion and changed with little or no public input. The content of hearing rights and the ability of the Commission to allow intervenor funding to intervenors other than local intervenors should be set out in the legislation, rather than in Commission rules.

Seems to be straightforward, but somehow the government missed that.

The ELC continues to be concerned with the application of the directly and adversely affected test by the proposed Commission. While the ELC considers the test to be too narrow for the ERCA and has recommended on previous occasions that it be broadened, it is particularly inappropriate for use in a regulatory approval process that contemplates the making of significant decisions of need before individuals and groups can be identified as being directly and adversely affected. The infusion of a public interest consideration into the determination of need under section 34 of the EUA does not necessarily broaden the standing for that proceeding, neither does the potential to combine that proceeding with an application under section 14 The ELC considers that the test for standing that should be applied by the Commission should give the Commission the discretion to grant standing

This is important.

. . . to any person or group who has a legitimate interest that ought to be represented in the proceeding or process, or has an established record of legitimate concern for the interest they seek to represent.

Now, they sent this letter off to Premier Stelmach, and what they had recommended is precisely what we had suggested here, that it go to a policy field committee.

The Chair: Hon. member, we don't refer to members' proper names in the House.

Mr. Martin: Sorry. I apologize. Yes.

To the hon. Premier, Mr. Chairman, and they suggested that it go to the Standing Committee on Resources and Environment. Well, to me that was a no-brainer. That's what we should have done. That's what we debated here in the Legislature. They say there what we were saying:

Such a step would facilitate a full and open examination of Albertans' views and expectations regarding regulatory processes of the proposed Alberta Utilities Commission and Energy Resources Conservation Board, and would be a strong step towards restoring Albertans' faith in those regulatory bodies and processes.

Well, there was the out, Mr. Chairman. There was the out for the government to do the right thing. Again, as I say, the policy field committees: as one of the House leaders, we sat and worked on these committees. It seems to me that was precisely what we wanted to do: have all-party committees and if necessary public hearings. We did have some bills that went forward, important bills, bills 1 and 2, to take a look at these, and we're debating them now.

Mr. Chairman, if the government had done that, I think they would have got some credit from people in doing that. But they didn't. So here we are near the end of the Committee of the Whole under closure, time allocation as the government likes to call it, and they're going to push ahead with this particular bill.

You know, I certainly understand the numbers over there. They can certainly by the tyranny of the majority get what they want here. Mr. Chairman, I understand the purposes for time allocation. I do. If there's some bill down the way that had been debated for hours and days, there is a point. That's what it's for. That's how it's used in other Legislatures, and that's how it's used in the House of Commons. There is a point. But that certainly has not been the case here.

The government says that, well, they've got a lot of other bills. Well, it's their organization, their mismanagement that's causing us to be in this situation, you know, going into Thursday, which theoretically is the last day of the Legislature.

5:40

Mr. Chairman, this is extremely frustrating from the opposition perspective. I just want to say again: what is the all-fired hurry on this major bill? Is the province going to stop operating if we took five or six months to do this? Is the whole electricity grid going to fall apart, all the rest of it going to fall apart? No, it's not. Clearly, it's not the breaking up of the two organizations we have to deal with. As I say, I think the pace of development is a major problem here in what we're dealing with. When this Legislature decided to give the tools to legislative committees, to policy field committees, as the House leader for the NDP this is one of the things I thought we'd be dealing with in all-party committees, a bill like this. Precisely this was set up for this. I'm disappointed, to say the least, that the government doesn't see the need for that.

You know, it will be interesting to see. If the government thinks this is the end of it, it's not. People will remember this. It'll be interesting to see what they have in mind down the way. Maybe it's not even that far down the way that we will see why we're pursuing this particular bill, Mr. Chairman.

I know that there are other people . . .

Dr. Taft: More, more.

Mr. Martin: The hon. Official Opposition Leader wants me to carry on, and I always do what he says. Well, not always.

Again, Mr. Chairman, I want to come back and talk about the amendments because I think this is the crux of what we're talking about. A bill came in, and we were told it was a necessity. Now we have, really, a second bill within the bill, with 27 pages of amendments, and now we're to cover both of these in a matter of three, four, five hours of debate. To me it's mind boggling. As I say, I wish the government, the Minister of Energy, whoever is over there would tell us what the hurry is. What is the hurry? Why do we have to do this? There's been no logical reason given for why we have to do this. The answer is: well, we've got all these things coming on board. As I say, six months from now would not make that much difference.

Again, Mr. Chairman, think about what this looks like to Albertans, especially Albertans that follow this. We have the EUB in disgrace because of the spy affair. We have them in disgrace. Then we come back with a bill, with the same people bringing this bill together. We come in with a bill that they brought in. Some of them, admittedly, are fired now. Just think of this. Now we have on the website ahead of this bill being passed the new rules with the bill as if it had been passed: again, the arrogance of the government. We're saying that we don't have time to do this right, that we don't have time to spend a little bit more time with the policy field committee dealing with this particular issue. It seems to me, frankly, unbelievable that we're going along in this particular way.

Mr. Chairman, I will certainly give time for a couple more people that want to get on record about this. We could wax on about democracy in Alberta. People might say that's an oxymoron in this Legislature. We will have to, as I say, wait and see where this goes.

Thank you for your time, and I'll allow other people to have the chance to speak on this. Thank you.

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

Mr. Prins: Thank you very much, Mr. Chairman. I'm also pleased

to be able to rise and speak to Bill 46. I have heard a lot from Albertans and from many of my constituents about Bill 46. A few weeks ago I attended a meeting in Lacombe – it was actually on November 7 – which was attended by a few hundred people from around the province. Throughout this meeting a number of issues were brought up. Most of these issues were related, of course, to the incident that happened in Rimbey with the EUB and the 500 kV line. I concur with everybody else here that was disgusted and abhorred by what happened there. I'm also a landowner, and if that happened to me, I would be very, very upset. I think that that is something that is behind us. We have to learn from that and make sure that it never, ever happens again in Alberta.

Many of the concerns that were brought up were about the rights of landowners when they might be possibly approached by energy companies for access to their land when a pipeline or a power line would come. As I said, I'm also a landowner. I own a fair amount of land near Lacombe, and I understand these concerns that these people have. There was concern that under the proposed Bill 46, landowners would not be able to speak to the commission in a public hearing setting, that they would be barred from being heard. While that was never the intent of Bill 46, it seemed to be necessary to change section 9 by removing 9(3)(b) from the bill. This ensures that all people that are directly and adversely affected will have the opportunity to participate in a public hearing.

Hearings must be and will be open and accessible to Albertans. Hearings are a quasi-judicial process and are very formal so that everyone will have a fair and equal opportunity to present their cases or participate either verbally or in writing if they wish. In fact, section 9(2) of Bill 46 offers protection to the public, even more so than what exists under the current legislation. Under Bill 46 if only one person is directly or adversely affected, a hearing must be held, as indicated in section 9(2)(c). Before a hearing is held, it is important that all the affected parties have the opportunity to learn all the facts about an application, which is stated in section 9(2)(b). The company that is making an application must provide to all parties a copy of the application and supporting information that they may have so that people can understand what the issues are.

As I mentioned before, submissions may be made verbally if the participants wish. I would also hope that this would be a guarantee if they so desire, that if people wanted to be heard verbally, it would be guaranteed that they would be able to be heard at least for a period of time. There might have to be some time limits on that.

If participants wish, they can provide their submissions in writing. This is sometimes more appropriate if the testimony is technical in nature and must be reviewed or compared to other testimony. Currently the process allows for verbal or written testimony, and all decisions are delivered in a written format, so this wouldn't change.

Mr. Chairman, I have chaired many public hearings in the past when I was reeve of Lacombe county.

An Hon. Member: And you did a good job.

Mr. Prins: Yes, I think I did a good job. I listened, and I made sure that everybody was heard well and that justice was done.

I know that written submissions are taken into account, contrary to what some people imply here, and I would expect that these hearings under the AUC would be treated exactly the same way. In fact, when I was reeve and we had public hearings on developments around Sylvan Lake and Gull Lake, we had days and days of public hearings, where we allowed people to speak. But if people wanted to, they could present written submissions. We had literally hundreds of written submissions, and I know for a fact that they were all taken into account. I would just purely expect that to be happening under this legislation as well.

Another issue that has been brought up is the right to retain legal counsel to represent participants' interests. Bill 46 does not affect the right to retain legal counsel. The retention of legal services will not be limited. I believe we must strengthen Alberta's regulatory system. Currently, Mr. Chairman, we receive about 60,000 applications per year from energy companies for different projects, and this results in about 20 or 30 hearings per year.

The rights and concerns of landowners and consumers absolutely must be protected and balanced. Justice must be done. It must not only be seen to be done; it must be done. First of all, the rights of rural landowners are paramount. Like I said earlier, I am a landowner. It seems like landowners must bear the burden or the brunt of power lines and pipelines and these types of activities in rural Alberta, and in the past they have not been fairly compensated. It is my hope that in the future as we go forward, we can also look after compensation so that landowners are fairly paid for the land and their inconvenience. I know that this is not part of Bill 46, but it is very, very important. I believe that fair compensation would go a long way toward alleviating tensions between landowners and energy companies.

5:50

We cannot lose sight of the intent of Bill 46. Reliable utilities are absolutely essential to the functioning of the entire province. This includes consumers, landowners, businesses, manufacturing industries, schools, hospitals, and all the many, many things that we take for granted every day. We need to move forward and achieve these goals by working together. I offer my support to this legislation as amended, and I encourage all others to support it as well.

This only covers a few of the points that we could be talking about. I look forward to other people's comments as well. Thank you.

The Chair: The hon. Member for Edmonton-Mill Woods.

Mrs. Mather: Thank you, Mr. Chairman. Bill 46 was promoted by this government as making the energy and utilities regulatory process more effective and efficient. By dividing the EUB into two separate bodies, the process is supposed to be better. I understand also the need to change the image of the EUB after the appalling incidents of spying. However, the apparent object of Bill 46 is to eliminate the public's ability to oppose, object to, and raise concerns about proposed energy and utility projects. As I said in second reading, this is a very contentious bill.

I know that the proposed amendments are supposed to answer Albertans' concerns about Bill 46. The need for so many amendments, of course, suggests that more thought should have been given to this bill in the first place. I looked at the amendments, and I cannot see where the ability of people living near a proposed project to appear before the Alberta utilities commission is improved because it's going to be at the discretion of the government-appointed commission, and the cost of legal representation for those appearing before the energy regulator will also be at the commission's discretion. We need some rules entrenched in legislation rather than at the discretion of a commission.

I also agree with the Member for Edmonton-Gold Bar, who states that the decision to leave the Utilities Consumer Advocate in the department of government services makes little difference because the Utilities Consumer Advocate has been weak and ineffective in the past.

I have received many, many letters of concern about Bill 46, but I'd like to focus on the Alberta Beef Producers.

The Chair: Hon. members, the background noise is getting too loud.

The hon. Member for Edmonton-Mill Woods has the floor, so I would invite her to continue.

Mrs. Mather: Thank you.

As you know, Alberta Beef Producers is a commission incorporated under the Marketing of Agricultural Products Act and represents the interests of Alberta's 30,000 beef cattle producers. In working to strengthen the competitiveness of the beef cattle industry, Alberta Beef Producers reviews statutes and regulations to ensure that legislation and government policies protect Alberta's agricultural land and water resources and do not adversely affect the interests of their members as landowners, leaseholders, and beef cattle producers. To that end, they have given a very detailed review of the proposed Alberta Utilities Commission Act. Their interest in this legislation is

the impact it will have on the ability of owners and leaseholders of agricultural land to effectively participate in the decision making process regarding the location of pipelines and electrical transmission lines and the ability of the regulators to take into consideration the impact that the location of same will have on agricultural production.

In a letter to the Premier and the Energy minister the Alberta Beef Producers state that insofar as section 17 of Bill 46 is concerned, in addition to a consideration of the social and economic effects of a project on the environment the Energy Resources Conservation Board and the Alberta utilities commission should be required to take into consideration the effect a project will have on the agricultural operations, if any, conducted on the land on which all or part of the project is constructed and the potential impact the project will have on the current and future productivity of the agricultural land. These amendments are not going to do that.

I'm wondering why the government is in such a rush to push this. Why are we not referring this to the standing policy committee? I think that we need reasonable and considerable debate and careful consideration of what we're hearing from the various people and associations that are writing to us; for example, as I say, the Alberta Beef Producers. There needs to be a debate, more information to protect the rights of landowners as well as industry. Bill 46 does not deal with the fundamental problems that landowners have with energy and utility companies. I believe that we need fundamental change in the relationship between landowner rights, industry rights, government rights, and the processes used to deal with issues involving all three.

As I said in second reading, it is not democracy if it is not of the people and for the people but by one class or party and others do not qualify. It is not democracy if it is of and by the people but for interest groups. It is not enough to just to ignore people. These people must be involved in all three ways: as the recipients, as the beneficiaries, and as participants. Anything less is not enough. There is one body that matters: the people we serve. They may appear indifferent or ambivalent or slow to make up their minds. They will make them up given the information they need and the time to reflect on it. This process must not be short-circuited by those who have made up their minds already pressuring us to weigh the issues to decide what is right. Albertans deserve a fair and reasonable amount of time for debate.

For this important reason I have to reject Bill 46 and the amendments that it introduces. It is not introducing new opportunities for debate and discussion. It is not supporting those democratic principles. I think that the rural opposition to this bill is very strong. Due process and effective regulatory oversight of the energy and utilities sectors require public consultation and participation, and I think Bill 46 is a threat to this principle.

Thank you.

The Chair: The hon. Member for Grande Prairie-Wapiti.

Mr. Graydon: Thank you, Mr. Chairman. I am pleased to have the opportunity to speak on Bill 46. I can say without fear of contradiction that there's been a tremendous amount of attention focused on this bill. Unfortunately, there have been statements made that reflect serious misconceptions about parts of this bill. As a government we have the responsibility to communicate the details of Bill 46 to landowners and to all Albertans.

Mr. Chairman, many have asked why government is changing the current system. One answer is simple: workload. In the past decade the Energy and Utilities Board has seen roughly a 300 per cent increase in the number of applications. To put this in context, in 1995-96 about 19,000 applications were made to the Energy and Utilities Board. Last year the board dealt with over 60,000 applications. This remarkable demand is a testament to Alberta's prosperity, but it also necessitated that restructuring of the regulatory process for energy-related development take place. That is what Bill 46 will accomplish.

Bill 46 will separate the Energy and Utilities Board into two separate regulatory bodies: the Energy Resources Conservation Board and the Alberta utilities commission. The new Energy Resources Conservation Board will focus on the responsible development of Alberta's resource wealth, ensuring that production of our province's oil and gas, oil sands, coal-bed methane, and other resources occurs safely and in the public interest. The new Alberta utilities commission will oversee the distribution and sale of electricity and retail natural gas to Alberta consumers and will . . .

The Chair: I hesitate to interrupt the hon. member, but pursuant to Standing Order 4(5) the Committee of the Whole stands adjourned until 8 p.m.

[At 6 p.m. the committee adjourned to 8 p.m.]