



Province of Alberta

The 27th Legislature  
Second Session

# Alberta Hansard

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Issue 27

The Honourable Kenneth R. Kowalski, Speaker

# Legislative Assembly of Alberta

## The 27th Legislature

Second Session

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## Legislative Assembly of Alberta

1:30 p.m.

Tuesday, April 21, 2009

[The Speaker in the chair]

### Prayers

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

Let us pray. On the Holocaust remembrance monument located on the grounds of the Alberta Legislature are found the following words: "I swore never to be silent whenever and wherever human beings endure suffering and humiliation. We must always take sides. Neutrality helps the oppressor, never the tormented." These words were written by Elie Wiesel – survivor, poet, Nobel prize recipient. May God provide all innocent victims of racism and genocide eternal peace. Amen.

Please be seated.

### Introduction of Visitors

**The Speaker:** Hon. members, today in the Speaker's gallery, in the public gallery, and in the members' gallery are a number of special guests. The Royal Canadian Legion Alberta-NWT Command takes a keen interest in promoting Mr. Speaker's MLA for a Day program. We're very much appreciative both of their financial support and their involvement for this annual event, which began yesterday afternoon and will conclude later this afternoon. In the Speaker's gallery are members of the Alberta-NWT Command executive council. I'll ask them to rise as I call out their names. Mr. Don Orr, the Legion's command president, accompanied by his wife, Beryl Orr; Rod Stewart, command vice-president, and his wife, Joyce Stewart; Dave Horrocks, command vice-president; and Gordon McDonald, chairman, Alberta-NWT Command.

Sixty-four students are also here with us today who are participants in the MLA for a Day program. Yesterday the participants spent time at the Royal Canadian Legion, debated a resolution, and toured the Legislature Building. This morning they were in this Chamber sitting in your chairs as we had a special seminar for them. They also visited with members in their offices, they attended the Holocaust memorial service, and they lunched with many of you prior to Oral Question Period today. These young people are seated in both galleries, and I would now ask all of them to rise and receive the traditional warm welcome of this Assembly.

### Introduction of Guests

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

**Mr. Stevens:** Thank you very much, Mr. Speaker. It's my pleasure to rise this afternoon and to introduce to you and through you to other members of the Assembly special guests from the government of Abu Dhabi: Mr. Ghulam Wani is adviser to the chairman's office, Department of Economic Development; and Mr. Khalid Al Hosani is acting director of the contractors and consultants classification division, Department of Economic Development. Accompanying the delegation are Mr. Neil Windsor, who is the executive director of the Association of Professional Engineers, Geologists and Geophysicists of Alberta, and his colleague Mr. Jim Beckett, president-elect.

Mr. Speaker, Alberta and Abu Dhabi have a friendly relationship and a history of successful interaction. In particular, Alberta has a strong trade relationship with Abu Dhabi as part of our overall trade

with the United Arab Emirates. Over the last three years Alberta's exports to the United Arab Emirates have averaged \$175 million per year. It's important that Alberta continues to build on this relationship, which is why I led a mission to the Emirates last year. During that mission I met with government officials and business representatives in Abu Dhabi. I also had the privilege of speaking at Abu Dhabi's world-renowned International Petroleum Exhibition and Conference.

Mr. Speaker, we are very pleased that our friends are with us today, and we welcome the opportunity to strengthen our connection with Abu Dhabi. I would like our special guests to rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Lindsay:** Well, thank you, Mr. Speaker. It's my pleasure today to rise and introduce to you and through you to all members of the Assembly a gentleman from my constituency of Stony Plain. Mr. John Rebus is here today in the House to view democracy in action and view the debate on Bill 19. He's very interested in that bill. John is in the members' gallery. I'd ask him to stand and receive the traditional warm welcome of the Assembly.

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

**Mr. Benito:** Thank you very much, Mr. Speaker. It is my honour to introduce to you and through you to all members of this Assembly a group of 28 seniors from my constituency of Edmonton-Mill Woods. They are led by their group leaders, Mr. Don De La Fosse and Mrs. Joan De La Fosse. One of them told me during our picture taking in the rotunda that she has been in Edmonton, Alberta, for 50 years and that this is the first time she has visited the beautiful building of our Alberta Legislative Assembly. These good-looking seniors from Edmonton-Mill Woods are seated in the public gallery, and I would ask them to rise and receive the traditional warm welcome of this Assembly.

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

**Mr. Mason:** Thank you very much, Mr. Speaker. I'm pleased to introduce to you and through you to this Assembly 18 individuals seated in the public gallery who are here today to witness the Committee of the Whole proceedings on Bill 19, the Land Assembly Project Area Act. I do not have a list of their names, but I would ask that they now rise and receive the warm traditional welcome of this Assembly.

### Ministerial Statements

**The Speaker:** The hon. Minister of Culture and Community Spirit.

### Holocaust Memorial Day

**Mr. Blackett:** Thank you, Mr. Speaker. Today we recognize a very significant day in the Jewish lunar calendar. April 21 is Yom ha-Shoah, also known as Holocaust Memorial Day. The date is recognized world-wide in remembrance of the approximately 6 million Jews who died during the Holocaust as well as others who suffered and fought during the horrific events of the atrocity.

In Alberta communities and families observe this day by remembering and recalling the victims of this catastrophe. Survivors tell

their stories so that their children and future generations will never forget, all in an effort to ensure that such a tragedy never happens again. Earlier today I took part in a Yom ha-Shoah ceremony organized by the Jewish Federation of Edmonton on the Alberta Legislature Grounds. I urge all Albertans to recognize this very important day and, in doing so, to reflect on our individual and collective roles in the fight against religious, racial, and other forms of hatred.

Yom ha-Shoah is a call to all people, not just the Jewish community, to fight for the common goals of societies that value diversity and protect human rights. Yom ha-Shoah was officially proclaimed Holocaust Memorial Day by the Alberta Legislature on November 16, 2000, with the passing of the Holocaust Memorial Day and Genocide Remembrance Act. This act proclaims the observance of Yom ha-Shoah and Holocaust Memorial Day, and annually the Alberta Legislature acknowledges the significance of the Holocaust and the importance of Holocaust education.

The proclamation itself reads:

Whereas the Holocaust was the state-sponsored, systematic persecution and annihilation of European Jewish men, women and children by the Nazis and their collaborators between 1933 and 1945, and this horrific event is part of our common history as citizens on this earth;

Whereas the Nazis and their collaborators murdered 6 million Jewish people, including more than a million children, during that time of persecution and death;

Whereas the Nazis and their collaborators also persecuted and murdered millions of other people because of their race, religion, level of physical or mental ability or sexual orientation;

Whereas, during World War II, Albertans bravely served as members of the Canadian Armed Forces, and many Albertans paid the ultimate price, their lives, to protect and preserve freedom and democracy;

Whereas "Shoah" is the Hebrew term for "Holocaust";

Whereas it is fitting and right to observe Yom ha-Shoah, the Day of the Holocaust, as a day to remember the victims and survivors of the Holocaust and to honour those who fought to defeat tyranny and genocide;

Whereas this day provides Albertans with the opportunity:

- to look within themselves, reflect on the enduring lessons of the Holocaust and educate their children, their colleagues and their fellow citizens on the perils of hatred,
- to consider other times and incidents of systematic violence, genocide, persecution, racism and hatred that call out to us from the past or continue today, and
- to reaffirm their commitment to uphold the human rights of all and to value diversity and the multicultural richness of Alberta society;

Whereas on Yom ha-Shoah we will remember, for we must never forget;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Holocaust Memorial Day – Yom ha-Shoah.

1 Yom ha-Shoah, the Day of the Holocaust as determined in each year by the Jewish lunar calendar, is proclaimed as Holocaust Memorial Day.

Let us not forget, Mr. Speaker. History has taught us the danger of ignorance and the result of indifference. We must ensure that a catastrophe such as the Holocaust is never seen again.

1:40

**The Speaker:** On behalf of the Official Opposition the hon. Member for Calgary-Varsity.

**Mr. Chase:** Thank you, Mr. Speaker. As the minister mentioned, many of us in the Chamber here today partook in the ceremony organized by the Jewish Federation of Edmonton on the Alberta

Legislature Grounds. This ceremony was an echo of the many ceremonies taking place around the world recognizing Yom ha-Shoah. It is only fitting that this ceremony takes place around the world as this was a human tragedy that affected all the people in the world.

It is traditional in this ceremony that a moment of silence is given for remembrance. We here must know that true remembrance does not happen in a moment or on a single day. True remembrance requires that we always carry with us our understanding of the crime that was the Holocaust. True remembrance requires us to pass on that understanding to future generations. It is that true remembrance that will prevent this kind of evil from happening again.

I would like to quote a short passage from the Kaddish.

May there be much peace from Heaven, and satiety, and salvation, and comfort, and saving and healing and redemption and forgiveness and atonement and relief and deliverance for us and for all.

Jamais encore. Never again.

**The Speaker:** Hon. members, I believe that on this occasion the House would provide unanimous consent for me to call on the hon. Member for Edmonton-Highlands-Norwood.

[Unanimous consent granted]

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

**Mr. Mason:** Thank you very much. Mr. Speaker and members of the Assembly, I appreciate being given the opportunity to rise and speak on this important day. Although it has been over 60 years since the Holocaust, the reminder of this horrific time in our history is very much present for so many in our community. It is vital that we take this time to remember those who fought, those who suffered, and the 6 million that died.

The name Yom ha-Shoah Ve Hagevurah, which literally means devastation and heroism day, is truly just that, a time of true devastation of our faith in humanity yet punctuated with acts of heroism that the world has not yet forgotten. By remembering the Holocaust and its victims, we can renew our collective commitment in the fight against anti-Semitism, discrimination, and racism because as a society our work is not yet done. We need to educate and inform. We need to pay tribute to the victims of these acts of cruelty and inhumanity and continue to build societies where dignity and respect for others are paramount.

As one historian so eloquently stated,

these survivors have fought for life when there was only death, fought for good when there was only evil, and fought for the future when there was only the past. Their struggles have not only become part of our history but have shaped and prepared our future.

### Members' Statements

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

### Anniversary of Edmonton Protocol

**Mr. Horne:** Thank you, Mr. Speaker. Ten years ago today a group of researchers from the University of Alberta completed work on a leading-edge medical procedure now known around the world as the Edmonton protocol. This procedure has dramatically improved the health and well-being of Albertans with uncontrolled type 1 diabetes and their families, not to mention so many others across Canada and around the world. The names of these six remarkable pioneers are familiar to many of us: Dr. Ray Rajotte, Dr. Garth Warnock, Dr. Norm Kneteman, Dr. Jonathan Lakey, Dr. Greg Korbitt, and Dr. James Shapiro.

The Edmonton protocol is now practised in more than 40 institutions world-wide, and an estimated 700 patients have received islet transplants over the past 10 years. Here at home the University of Alberta program has treated over 110 patients, making it the busiest and most successful pilot transplant program in the world.

Mr. Speaker, approximately 150,000 Albertans currently live with diabetes, and more than 14,000 new cases are diagnosed each year in Alberta. Of these, about 10 per cent have type 1 diabetes.

Mr. Speaker, in addition to the vision and talent of the researchers we remember today, the Edmonton protocol and the many similar advances in medicine and health care delivery that took root right here in Alberta are also a testament to Alberta's success in developing one of the largest and most highly respected academic health centres in North America, in this case right here in Edmonton. These achievements are indeed an integral part of the Alberta brand, and they are a bridge to the knowledge-based economy of our future.

I would ask all members of the House to join me in congratulating the research team and to help us as we commemorate the 10th anniversary of the Edmonton protocol. Thank you.

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

#### Colorectal Cancer Awareness Month

**Dr. Sherman:** Thank you, Mr. Speaker. As you may or may not know, March was Colorectal Cancer Awareness Month in Canada. During the month of March the Colorectal Cancer Association of Canada campaigns to raise awareness and warn against the risks associated with colorectal cancer. About 1 in 14 men and 1 in 17 women in Alberta will develop this cancer in their lifetimes. Overall colorectal cancer is the second leading cause of cancer deaths in Alberta. It also causes immense personal, family, and societal suffering.

The main risks of developing this cancer include being 50 years of age or older, having a poor diet that is high in red meat consumption and low in fibre, fruits, and vegetables, and, most importantly, getting little or no exercise. Early detection is critical in the treatment of colorectal cancer. Through screening, colonoscopy, and effective chemotherapy treatments this cancer can be treated and even prevented if detected early enough.

I would also like to highlight an option for those in the advanced stages of colorectal cancer. The drug Avastin has been successfully used in combination with chemotherapy in the treatment of advanced colorectal cancer. While Avastin is not a cure, research has shown that it can prolong life and improve the quality of life for some patients. However, this is a very expensive option, costing patients \$2,000 every other week for treatment. With that in mind, I'm happy to remind everyone that as of April 1 of this year the government of Alberta has added Avastin to the list of publicly funded cancer therapies.

Earlier today in the rotunda there was an information session on colorectal cancer with the specific purpose of emphasizing the importance of early detection.

Mr. Speaker, I'd like to take this opportunity to remind members of this House and all Albertans that provincial guidelines recommend that all people between the ages of 50 and 70 be screened regularly for this cancer by booking an appointment with their family doctor for a complete history and physical exam. The key to a balanced approach in a sustainable health system is prevention through living a healthy lifestyle, early detection through screening, and effective, evidence-based treatment.

Thank you.

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

#### Travel Alberta Holiday Cards

**Mr. Rodney:** Thank you, Mr. Speaker. Like many members on the floor of this Assembly, many of our guests in our galleries, and numerous Albertans from across the province I've been fortunate to visit numerous vacation destinations around the world, and I'm very proud to say that, at least in my estimation, there is not a more beautiful place on Earth than Alberta.

That's one of the reasons why I was pleased to learn that Travel Alberta has mailed out 400,000 Travel Alberta Holiday Cards to Albertans. These cards demonstrate that Albertans can have a great holiday in numerous fabulous vacation destinations right here in our very own province. This free card offers super deals to Albertans, who are mindful of current economic realities. With families looking to minimize spending, the savings and holiday ideas are very valuable tools to taking holidays without spending too much money. The card also benefits our tourism industry as well as the more than 111,000 Albertans who make their living in this sector.

The holiday card program is a true asset both for Albertans and for our tourism industry, and I ask the members of the Assembly to join me now in thanking Travel Alberta and the Minister of Tourism, Parks and Recreation for providing such a great opportunity for Albertans.

Thank you, Mr. Speaker.

#### Oral Question Period

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

#### AIMCo Investments

**Dr. Swann:** Thank you, Mr. Speaker. Public concern and confusion about the AIMCo \$280 million investment in Precision Drilling is building. We're getting a number of calls, many of them angry calls, from the energy sector describing the investment as a bailout for a company that was in a financial squeeze. How can the minister of finance assure Albertans that this is not a bailout?

1:50

**Ms Evans:** Mr. Speaker, I'm grateful for the question from Her Majesty's Loyal Opposition. It gives me an opportunity to iterate what their executive director, Leo de Bever, said today, and that is that this is a very good investment. This is an investment that the board supported. In order to find out more – and I've indicated this to people who have spoken to me outside this Assembly – about why the board believes it's a good investment, the board should be consulted. The board is giving an opportunity to address why it's a good investment. For us in this House we identify in our heritage trust fund the rails between which this fund should operate. They are operating within those rails on asset mix.

**Dr. Swann:** Well, that's precisely the question, Mr. Speaker. What are the guidelines for these kinds of investments?

To the minister. She herself was mistaken yesterday when she said that the deputy minister of finance was not involved in the decision. It now appears that he was not only at the meeting; he voted on the decision to invest in this company. This opens the door, clearly, to politically driven decisions with public funds. Can the minister assure Albertans that politics are not entering our investment decisions?

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

**Ms Evans:** Thank you, Mr. Speaker. I certainly can. I took the

opportunity to call my critic and to call the leader of the third party today to identify that I had been given the wrong information. Under the legislative framework for Alberta Investment Management Corporation approved in this House, the deputy minister by section 4(1)(b) shall be a member, so we have followed the legislative process. The deputy minister is there. He is performing his duties there as any other director.

Mr. Speaker, I have been sitting here reviewing all of the framework for approval of this particular act in 2007, Bill 22, and not once did any of Her Majesty's opposition members or the third party raise a question about the placement of a deputy minister in this corporation.

**Dr. Swann:** Well, Mr. Speaker, we certainly did raise questions about tens of thousands of dollars of bonuses for those people, which we never got an answer for.

To the minister again. Given that there are other drilling companies standing by that also stand to rebound in these coming months and could use an injection of extra capital, what does the minister have to say to Precision's competitors, who may want the same treatment?

**Ms Evans:** Well, Mr. Speaker, the very purpose of establishing an arm's-length Crown corporation to deal with Alberta's investments is to keep political interference out of that. As I was starting to identify, investments in the heritage trust fund, for example, are done on a basis of an asset mix that is approved by this Legislative Assembly. We had an advisory committee where I shared those with an all-party committee. We looked at those. But we do not get into the day-to-day operations of the board, either the payment of the board members or the staff members or the bonuses. That is the board's responsibility. The board shall answer to those responsibilities.

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

#### Auditor General Recommendations

**Dr. Swann:** Thank you, Mr. Speaker. The Auditor General yesterday reported on 41 recommendations made since 1997 that have not been acted upon by the government. These are key recommendations that he called important for immediate response. The Auditor General is the main official watchdog of this government, how it spends public dollars. There has been no response to some of these audits. These were identified to save waste and inefficiency, and in this recession it's clearly critical to Albertans that we spend their dollars wisely. To the Premier: why has this government not implemented 41 key recommendations over the last 11 years to address government waste and inefficiency?

**Mr. Stelmach:** Mr. Speaker, we take the recommendations from the Auditor General seriously, and all ministers are responsible to reply to the report. In fact, the Auditor General as per legislation is supposed to make one annual report. He's making two, so that means that there are more recommendations and more oversight of government operations.

**Dr. Swann:** What these outstanding recommendations mean to Albertans, Mr. Speaker, is billions of dollars of uncollected resource revenue. The revenue could have avoided a deficit and a devastating set of cuts coming for the health care system. Again to the Premier: why has the Premier still failed to implement the recommendations for improving royalty collections?

**Mr. Stelmach:** Mr. Speaker, we have. In fact, we hired a former Auditor General to review the process, and the former Auditor General reported in a very public way that the systems we have in place are being followed. Today, of course, there are many opinions expressed on the collection of royalties, especially by the opposition because they're always looking to keep raising them and raising them higher, hopefully that we may collect more royalties. Today I can tell you that it's a matter of not only the low resource prices but the fact that we've instituted a new royalty regime that shares in the rewards and high prices, but it also shares in the risks of lower prices.

**Dr. Swann:** Well, Mr. Speaker, other outstanding recommendations relate to mental health services and inefficiencies in the health care delivery system that could have been improved. Why has the Premier not taken action on the recommendations for mental health services, which could have significantly reduced human suffering as well as saved the health care system?

**Mr. Stelmach:** Mr. Speaker, this is one area that the minister of health is working diligently to improve service in, both in access and support for those that do suffer from mental illness. It is one part of the area of health that Alberta is leading in so many ways in terms of new programs and access to not only mental health programs but some of those tied to addiction. We'll continue to do whatever we can to move mental health illness access to programs across the province.

**The Speaker:** Third Official Opposition main question. The hon. Member for Calgary-Buffalo.

#### Gaming Conference

**Mr. Hehr:** Mr. Speaker, in November 2008 the Solicitor General used tax dollars to take a trip to Las Vegas to study gaming. Unlike Kenny Rogers the minister has no idea when to hold them, when to fold them, when to walk away, or when to run. There is \$1.6 million in annual funding provided to the Alberta Gaming Research Institute at the U of A to study gaming. Instead of taking a trip to Vegas, why didn't the Solicitor General save Alberta taxpayers \$4,671 and take the LRT across the river?

**Mr. Lindsay:** Well, Mr. Speaker, that's quite a connection between comparing. I agreed to going to a very worthwhile conference where we can learn about social responsibility from a world-wide perspective and also get updated on the latest technology in the gaming industry. I'll leave it at that.

**Mr. Hehr:** Mr. Speaker, the Solicitor General and his EA spent \$425 a day on incidentals and miscellaneous expenses on a three-day getaway. Will the Solicitor General commit to providing this Assembly with an itemized accounting for this \$12,081?

**Mr. Lindsay:** I think the correct number would be \$1,200 extra, Mr. Speaker.

Again, this government is open and transparent, and we do put our expenses on the website every month. Yes, this particular trip, I think, was \$1,200 over the estimate. That cost is basically a reflection of transportation and hotel costs.

**Mr. Hehr:** Mr. Speaker, I found two rooms for three nights' accommodation in Vegas online today right on the strip for \$852. But Alberta taxpayers paid \$1,729.27 for the Solicitor General and EA. Why were these rooms so much extra dough?

**Mr. Lindsay:** Mr. Speaker, when we were down in Las Vegas, we did notice that the recession was taking effect there. We know that the recession is larger there today than it was back in November, so the cost of rooms today is a reflection of that. I'm not going to stand up here and waste this House's time by debating a hundred dollar hotel bill.

### AIMCo Investments

(continued)

**Mr. Mason:** Well, that's a good introduction to a question about gambling, Mr. Speaker.

Yesterday we learned that the Alberta government had invested \$280 million of Albertans' money in Precision Drilling. Investment firm Peters & Co. said in today's *Financial Post* that Precision Drilling remains overlevered and may have difficulty meeting its financial commitments. The government is letting AIMCo make a \$280 million gamble with Albertans' pensions. My question is for the Premier. In this time of economic uncertainty, how can you let AIMCo roll the dice with Albertans' pensions?

2:00

**Mr. Stelmach:** Mr. Speaker, as the minister earlier reiterated, the AIMCo board, Alberta Investment Management Corporation, has the responsibility of making the investments. It is arm's length. At the end of the year they have to report to the minister in terms of the size and the growth of the assets that are held with AIMCo, I believe in that \$70 billion to \$75 billion amount.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. The government's responsibility is greater than that.

The number of oil and gas drilling rigs operating in the U.S. fell to a six-year low just last week, Canada's rig count is the lowest it's been in 10 years, and this government is allowing a board of high rollers to gamble our pensions on an extremely risky venture. My question is to the Premier. Why are you letting AIMCo and its board gamble with Albertans' pensions?

**Ms Evans:** Mr. Speaker, I want to just raise a question here in this House, and that is that the hon. member of the third party knows full well that their member withdrew from sitting on the Alberta investment discussions when we had the heritage fund. I think we'd be very pleased to answer these questions. But we have very specific guidelines. We have a very specific act, Bill 22, that was passed, that gives the outline for the parameters of the director function. There are additional orders given to that board every year through the approval of the business plan, through the articulation of investment management strategies. There are other, further identified issues on investments, what they can do and what they can't do, that come from our investment department of Finance and Enterprise. I'd be very happy to entertain the minutiae of that question by going back and spending some time with the hon. member and going through the detail of how it's actually done.

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

**Mr. Mason:** Thanks very much, Mr. Speaker. Well, we've been down this road before. Under the Tory government of Don Getty Alberta got heavily into the business of investing in companies, picking winners and losers, and Albertans lost billions. It appears that this government is heading down the same discredited path. To the Premier: why won't you learn from past mistakes and ensure that

Albertans' investments are as secure as they can be instead of undertaking risk more appropriate to the private sector?

**Mr. Stelmach:** In fact, Mr. Speaker, all Albertans learned, and that is why this government has given the responsibility to an arm's-length board to make the decisions without any political interference.

**The Speaker:** The hon. Member for Bonnyville-Cold Lake, followed by the hon. Member for Edmonton-Riverview.

### Cold Lake City Status

**Mrs. Leskiw:** Thank you, Mr. Speaker. Faced with spiralling costs, uncertainty on future revenue-sharing agreements, a tremendous infrastructure deficit, and the determination not to burden residents with another tax increase in 2010, Cold Lake city council has proposed to dissolve the city status and form a regional government solution. My question is to the Minister of Municipal Affairs. What assistance is this government going to give the city of Cold Lake to help them handle these recent events? For example, would the government consider forming a new specialized municipality in our region?

**Mr. Danyluk:** Well, Mr. Speaker, no. There is a lot of work that needs to be done before this would be considered. We continue to discuss these challenges with the city. We do provide financial assistance through MSI and other supports and programs. We have concerns about a larger municipality potentially dissolving into a smaller one. We strongly encourage the municipalities in the region to find a co-operative solution.

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

**Mrs. Leskiw:** Thank you, Mr. Speaker. My first supplemental to the same minister: given that the city of Cold Lake does not have the money necessary to offer the services that residents require – in addition to this, Cold Lake has the highest urban tax of any city in the province – is there a way to relieve the financial pressure that is placed on its residents while still managing to generate financial support and stability to the city?

**Mr. Danyluk:** Well, Mr. Speaker, I have talked to the mayor of the city of Cold Lake. I do understand that the city is continuing talks with the municipal district of Bonnyville about renewing their current cost-sharing agreement. Municipalities need to work together. They need to communicate together, collaborate, co-operate. We need to let these discussions proceed and unfold. If that doesn't work, our department does provide mediation services that are available to go and have discussions with those municipalities. Again, I encourage all municipalities to try to work together.

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

**Mrs. Leskiw:** Thank you, Mr. Speaker. My second supplementary is to the President of the Treasury Board. What more can the city of Cold Lake do to ensure that it remains afloat? As it is a major hub of the oil industry in Alberta, Cold Lake officials have worked with the assistant deputy minister of the Oil Sands Sustainable Development Secretariat on proposals and have taken all steps that they feel are necessary to receive additional support from the province.

**Mr. Snelgrove:** Mr. Speaker, it's true that we expanded the oil sands secretariat to areas like Cold Lake-Bonnyville because of the

tremendous opportunities and the ongoing operational oil development in there. It also stretches up into the Peace Country. There are many communities that are affected positively by the oil development, but there's also a great cost that comes with it. We've seen the cost there from the Esso expansion. All I can tell the hon. member: at least we're at the table. We do not have a magic bullet to solve these problems. They didn't arrive overnight; they can't be solved overnight either. It's important that they continue to work with their surrounding municipal governments to a solution.

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

#### AIMCo Investments (continued)

**Dr. Taft:** Thanks, Mr. Speaker. Alberta's economy suffers from a boom-bust cycle that this government needs to counter. By investing its funds in a drilling company, AIMCo is actually increasing the government's exposure to the energy sector's booms and busts rather than counterbalancing it. We're intensifying our risks rather than diversifying them. To the minister of finance: does the minister of finance have any strategy on this issue?

**Ms Evans:** Well, Mr. Speaker, once again this is a question particular to one investment by the Alberta Investment Management Corporation within the context of their policy. They have invested in a number of Alberta companies, and those kinds of information are public and are published every year. There's certainly no attempt here by this government, nor will there be, no temptation entered into to try and influence the type of investments that this particular group is doing when they're staying within the policy context that this Legislative Assembly has approved.

**Dr. Taft:** The Norwegians have a deliberate strategy to ensure their petroleum fund counterbalances the booms and busts of the energy sector. They also realize their fund could distort domestic investment decisions and imbalance their entire economy, so they require the fund to invest outside of the domestic economy. My question is to the minister of finance. Has the minister taken a serious look at the benefits of a policy requiring AIMCo to invest outside of Alberta?

**Ms Evans:** You know, Mr. Speaker, that actually is a very interesting perspective. I did spend some time talking to them in Norway, where they were absolutely sick about their investments. They lost \$92 billion on their fund, and they had even further losses in some of their additional funds. They'd started out with roughly \$400 billion, lost about 25 per cent of it, which is considerably more than we had proportionately in Alberta as losses. [interjections] One of the accusations that I continually get from people, if they're interested in listening, is that we should be investing in Alberta like every other place. This is the best place in the world to invest.

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

**Dr. Taft:** Thanks, Mr. Speaker. I'm not accusing the minister of anything. I'm trying to engage in a policy debate.

Any institutional investor holding 15 to 19 per cent, which is where this is likely to end up, of a publicly traded company's shares would normally be entitled to a position on the board of directors. Again to the minister of finance: is AIMCo planning to have a representative on the board of directors of Precision? If not, why not?

**Ms Evans:** Mr. Speaker, I believe this question came up from the opposition yesterday, whether there were any plans. There have been no plans that I am aware of. Nobody has provided me any information relative to such a plan. There is absolutely no way that we could anticipate that AIMCo would become a member of the board of all the various companies and corporations that they have investments in. I'm not even sure of the origin of this type of question, but to me that's a question that we could certainly pose to AIMCo themselves, and I'm quite sure they'd give the same answer: they don't see the value.

2:10

#### Plan for Parks

**Dr. Brown:** Mr. Speaker, the Minister of Tourism, Parks and Recreation yesterday released a plan for parks. Alberta's population is projected to increase to 4.6 million people by 2035, greatly expanding the development footprint in our province. Now, while the new plan for parks refers to a process for nominating new parks, there appears to be no substantive objective set out in the plan which would preserve our rapidly disappearing landscapes such as the grasslands region. My questions are for the Minister of Tourism, Parks and Recreation. Given that the expanding environmental footprint in our natural areas is happening, why is there no specific target in the plan to expand the provincial parks in our grasslands region?

**Mrs. Ady:** Well, Mr. Speaker, it's a good question. Some have said: why aren't there targets? We set out a process, and I think it would be a bit disingenuous ahead of a process, probably one of the biggest changes in land use, that we set out a target before we go out and consult with those regions. There is a way to nominate, there is a way to do this, but we need to be in the process because Albertans will decide this based on science and what they want in their park areas.

**Dr. Brown:** Mr. Speaker, in August 2006 it was announced that the Glenbow Ranch, west of Calgary, would be purchased and developed as an Alberta provincial park, and it was anticipated that public access would be allowed within a year or so after the park's creation. Now we are in 2009; the park is still not open. Why is the minister now advising Albertans that they won't have access to this park until 2012?

**Mrs. Ady:** Well, Mr. Speaker, we're actually hoping to get it open in 2011. But this question has been asked. This park has not been delayed. If you were to talk to the Harvie family, they would tell you how pleased they are with the resources and the planning that we've done. To be more specific, we had to do a bunch of studies in this area. There are very ecologically sensitive grasslands there. We want to ensure that the pathway systems and the way we move people don't destroy the very park – sometimes people can love a park to death – and we want to ensure that it's done right.

**Dr. Brown:** Mr. Speaker, all-terrain vehicle enthusiasts perceive that they are being squeezed, overregulated, and moved into fewer and fewer areas in the province. Will the minister assure ATV users in the province of Alberta that they will have an important place in the new plan for parks?

**Mrs. Ady:** Well, Mr. Speaker, we are really looking at a policy around trails in this province. I've mentioned many times in this House that myself and the minister of sustainable resources are working together with the recreation trail committee. But as to



ATVs actually in the park, of 500 parks they're only in one park designation. That's the wildland provincial parks. Probably, roughly out of those 32 only half have access, and they're on trails, and they're just for staging. We're not looking at expanding them in the parks but at ways that we can create a better trail system.

**The Speaker:** The hon. Member for Calgary-Varsity, followed by the hon. Member for Edmonton-Ellerslie.

#### Reforestation Performance Information

**Mr. Chase:** Thank you, Mr. Speaker. In his April 2009 report the Auditor General noted that the Department of Sustainable Resource Development has yet to implement a process to publicly report on the effectiveness of reforestation activities. The Auditor noted that there have been plans to report for almost five years, but it has still not been done. To the Minister of Sustainable Resource Development: why has it taken your department so long to implement this recommendation?

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

**Dr. Morton:** Thank you, Mr. Speaker, and thank you for the question. I'd like to acknowledge the importance of the Auditor General's criticisms and suggestions to our department reflected in the hon. member's question. I can report that the standard that was being developed was changed midstream, in part because of discussions with the Auditor General. I'd like to make it clear to the House that there has never been any question in the Auditor General's reports that reforestation is being done and done well in this province. The issue has been about reporting, public reporting of that, and that's an important difference.

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

**Mr. Chase:** Thank you. To view just a sampling of SRD reforestation failures, check out aerial photos of Cataract Creek, Wilkinson Creek, McLean Creek, and the Bragg Creek surrounding areas. Then shudder at the clear-cutting devastation in the Crowsnest. Reports are necessary, not only to reassure the public that industry is complying with reforestation standards but also to make sure that the standards themselves are adequate. The Auditor found no evidence of any internal reports which reviewed or assessed reforestation. Why is your ministry not reviewing the effectiveness of reforestation practices in any formalized manner?

**Dr. Morton:** Mr. Speaker, the hon. member has gone from solid ground to real thin ice here. It is spring, hon. Member for Calgary-Varsity, and the ice is getting thinner the more you talk. If he wants to cherry-pick around the province at areas that have been harvested recently and are in the process of regeneration, of course you can find some open spots. But I can take the member – in fact, he knows them – to areas that are now being nominated for national or international park status that were harvested 20 years ago, and now the regeneration is so good that they're being nominated for national park status. There's very good reforestation.

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

**Mr. Chase:** Thank you. Speaking of thin ice, SRD progress is glacial. Your department certainly knows how to reap but appears clueless when it comes to sowing. By the time your land-use framework is implemented, irreparable damage will have been done to so-called parks and protected areas. The Auditor noted that

compliance issues are not compiled and reported in a way which would be able to meaningfully analyze compliance trends across the province. How can the minister expect Albertans to be reassured that our forests are being responsibly managed when reforestation compliance is not effectively reported or managed?

**Dr. Morton:** Mr. Speaker, I think that when the new Leader of the Opposition took over, he replaced critics and put this one on ice, and we see why now. I'd like to direct the hon. member's attention to a report on reforestation that was posted on our website in February of '09, very recent. I'd also like to refer him to page 50 of the Auditor General's report, where he says: "We believe this quality control system will bring the necessary rigour to make monitoring for compliance effective when fully implemented." That is the Auditor General speaking.

Thank you.

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

#### Community Spirit Program

**Mr. Bhardwaj:** Thank you very much, Mr. Speaker. Last week the recipients of the community spirit grant program were announced to Albertans, including some in my constituency of Edmonton-Ellerslie. My questions are to the Minister of Culture and Community Spirit. How can you be satisfied with only 1,600 applications to this program when there are over 19,000 nonprofit organizations in Alberta?

**Mr. Blackett:** Well, Mr. Speaker, the first year of any program is a learning experience for everyone involved. Overall there's a good response from small, medium, and large organizations across the province, but we will work to ensure there are even more applications next year. We realized when we were halfway through the rollout of the program that we had only contacted 7,000 organizations, so I instructed my officials to contract through Service Alberta and make sure that we had the list of all 19,000 registered not-for-profit and voluntary organizations. We had repeated communication with them to make sure that they all knew about the program. Hopefully, next year, the second year of this program, we'll have more applications.

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

**Mr. Bhardwaj:** Thank you, Mr. Speaker. My second question to the same minister: does the minister really believe that this program will be enough to help organizations through the current economic downturn?

**The Speaker:** That's an opinion. Tie it into government policy, please.

**Mr. Blackett:** Mr. Speaker, this is just one of the community investment programs that are available to the nonprofit sector. Whether an organization receives \$1,000 or \$25,000, these are new dollars. The new program was introduced in May of 2008 to go as part of a \$166 million program to a vital, important sector. It translates to 19 million new dollars to this sector. We've committed another \$20 million in the community spirit donor program for this year along with the \$80 million in enhanced tax credit.

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

**Mr. Bhardwaj:** Thank you, Mr. Speaker. My final question to the same minister. Some of my nonprofit organizations didn't qualify for the funding. Could the minister explain what criteria were used for the selection process?

**Mr. Blackett:** Well, Mr. Speaker, the criteria are pretty simple, and those decisions are made after they have met the criteria through the applications to my staff. The criteria are: do they have matching dollars or do they have matching volunteer hours or do they have matching donations in kind? Based on that, we make the determination if they're eligible or not. Over 1,600 organizations applied; 1,496 received funding. I think that by any measure that's a great program.

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

## 2:20 Natural Gas and Electricity Contracts

**Mr. Kang:** Thank you, Mr. Speaker. Both in question period and in the budget debates our caucus has questioned this government's lack of support for consumers. Because of deregulation Albertans are locked into multiyear natural gas and electricity contracts at unreasonably high prices. To the Minister of Service Alberta: what action, if any, has the minister taken or is the minister going to take to let Albertans get out of these unfair contracts on an annual basis?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. With respect to individuals, to consumers getting out of contracts, we encourage consumers to contact Service Alberta. At any one time we are investigating a number of situations where consumers are confronted at the door and asked to sign up for a contract. It's important that they contact us. We have tipsheets on the website as well. We are more than happy to assist individuals and to get the information out right.

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

**Mr. Kang:** Thank you, Mr. Speaker. This is costing my constituents lots of money every month, and they cannot wait forever. To the minister again: when will the minister finally get around to putting this into place? How long do Albertans have to wait for this action?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. I believe it's important to talk in general terms, but if there is, indeed, a particular situation, that individual needs to contact Service Alberta so that we can check into it. I can't comment if something is going on if I don't know what the particular question is or the history of the situation or how long they've had the contract, those kinds of questions.

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

**Mr. Kang:** Thank you, Mr. Speaker. We are not talking about a particular situation here. We are talking about everybody who has signed long-term contracts. To the minister again: why hasn't the Utilities Consumer Advocate been pushing for this kind of protection for consumers? Isn't that its job?

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

**Mrs. Klimchuk:** Thank you, Mr. Speaker. The Utilities Consumer Advocate is involved in interventions, but an important part of the UCA is the role of education, educating consumers on any number of issues. We're in the process of finalizing the hiring of a UCA, and we are looking forward to moving forward on a number of initiatives to ensure that consumers know what they're getting into and know where to ask the right questions.

**The Speaker:** The hon. Member for Edmonton-Strathcona, followed by the hon. Member for St. Albert.

## Mental Health Services

**Ms Notley:** Thank you, Mr. Speaker. The secret government report we leaked yesterday says that Calgary has less than one-quarter of the psychiatric beds in the province, which, as a whole, has less than half the beds and community supports that Albertans actually need. When proper care is not available, patients end up in ER. In 2002 alone over 34,000 Albertans sought psychiatric treatment in emergency wards. Given that wait times in Calgary's ERs have climbed to a dangerous 16.6 hours, why has the health minister failed to act on the recommendations included in this internal report?

**Mr. Liepert:** Mr. Speaker, I can only repeat what I said yesterday. We have made significant commitments towards mental health capacity in this province and are adding beds on an annual basis. We recognize that in the past there have been some gaps, and we are working to address that.

**Ms Notley:** Well, Mr. Speaker, when you're 1,500 beds short of the national average, 80 new beds, not all of which are actually dedicated to mental health, will only ensure the shortage continues. As a result, people who need mental health care are going to fill up our acute-care beds and our ERs. This is just like the long-term care fiasco, where we're shorting the system and the result is increased wait times, increased costs, but decreased care. Why, when government has known about this bed shortage for more than two years, is the health minister continuing to fail Alberta's mentally ill?

**Mr. Liepert:** Well, Mr. Speaker, the real fiasco here is the position of this particular group, that somehow you have to stick people into a bed in an institution. Over the last number of years we have had a very aggressive policy of ensuring that individuals after treatment are integrated into the community, and that's been a successful program in this province. Just because some national statistic – we don't chase national statistics if they don't make sense.

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

**Ms Notley:** Well, thank you, Mr. Speaker. What this government has is an aggressive policy of keeping things secret, and it's their own internal document that says that they're not doing well enough. As well, a spokesman from Canadian Mental Health said yesterday that mentally ill people are simply not getting the help they need from this government. Last year you scrapped plans to build a psychiatric wing in the south Calgary hospital and have made nothing but empty promises since. Given that mental illness is such a significant health care issue in Alberta, why did the minister refuse to release the report that points the way to improving the system?

**Mr. Liepert:** Well, Mr. Speaker, I said yesterday that this particular report along with a whole bunch of others helps formulate policy going forward. I've elaborated on the policy. The member, I think,

or her partner over there actually released the report yesterday, so I'm not sure what the point of the question is.

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

#### Wild Rose Foundation

**Mr. Allred:** Thank you, Mr. Speaker. In Budget 2009 funding for the citizen-led Wild Rose Foundation was removed, with funding decisions instead now to be made by the community spirit program. My question is to the Minister of Culture and Community Spirit. With the shifting of Wild Rose funding to the community initiative and other government programs, will the criteria now require matching funding on all grants, and will they be restricted to community facilities and functions?

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

**Mr. Blackett:** Thank you, Mr. Speaker. Just to make a point of clarification, funding decisions will not be made by the community spirit program. They will be made by the representatives in our department who are responsible for all the different community investment programs. Our department right now is looking at creative ways to take the community initiative program, the community facility enhancement program, looking at the criteria for those and seeing if we can get an envelope of money and make that available on a nonmatching basis to these worthwhile community organizations and community projects. Budgetary requirements mean that we have to be creative and collaborative. I know that the sector has to do that, and I ask their indulgence and patience so that we can come up with a worthwhile plan that will work for all Albertans.

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

**Mr. Allred:** Thank you, Mr. Speaker. My second question is to the same minister. Now that the granting responsibilities previously made by the foundation will be made within the Department of Culture and Community Spirit, what additional staff requirements will your department require?

**Mr. Blackett:** Well, Mr. Speaker, I'm pleased to say that no additional staff are required because the excellent staff that have worked with the Wild Rose Foundation and helped administer that program for numerous years will still continue to be employed in my department. They will still help with the community investment programs. Hopefully, by utilizing their expertise and their knowledge and their outreach capabilities, we can help enrich our programs that exist for all Albertans.

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

**Mr. Allred:** Thank you, Mr. Speaker. My last question again to the same minister: what will the net savings be from streamlining the grant process?

**Mr. Blackett:** Well, Mr. Speaker, I can't emphasize enough that the merging of operations improved the services that we provide to the not-for-profit sector and the voluntary sector and ultimately to Albertans. The goal is to make the grant process more efficient, effective, and transparent. In total these programs are being reduced by \$7.8 million, but as I mentioned earlier, we're reviewing the

criteria for our other programs to see if by being more efficient, more collaborative we can make money available to those worthwhile programs.

**The Speaker:** The hon. Member for Edmonton-Gold Bar, followed by the hon. Member for Strathcona.

#### Postsecondary Institution Endowment Funds

**Mr. MacDonald:** Thank you, Mr. Speaker. Yesterday the Auditor General again highlighted concerns about investments at postsecondary institutions. Many public colleges and institutions in Alberta do not have goals and policies in place for the preservation of their endowment funds, which total over \$100 million province-wide. My first question is to the Minister of Advanced Education and Technology. Why has the department not provided any guidance or leadership for these institutions in the management of over \$100 million in investments?

**Mr. Horner:** Well, Mr. Speaker, I would think that the endowments amount might actually be a bit higher than that, but in truth all our postsecondaries are board governed. They have a certain amount of autonomy that is granted to them so that they have academic autonomy, but they also have some financial autonomy in the sense of money that they can raise in endowments that are given to them, not by this government but by philanthropy from other folks. Certainly, now that we have our new Campus Alberta secretariat and our new Campus Alberta Council of Chairs, these are the types of things that we'll be talking about on a pan-Alberta approach and recommending to those institutions that they bring together a pan-Alberta policy.

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

**Mr. MacDonald:** Thank you. Again to the same minister. The Auditor previously recommended, last fall, that investments be better monitored at Alberta's universities. In the year ended March 31, 2008, the University of Alberta lost \$46 million on its investments held for endowment, and the Auditor's recommendation is still outstanding. Why is this recommendation still outstanding given that so many investment funds in the province are losing millions? Your office must show leadership, sir.

2:30

**Mr. Horner:** Well, Mr. Speaker, as I just overheard one of my colleagues say, it's wonderful to be able to predict the past. Certainly, there are a number of endowments and funds, including my own RRSP, that have lost a considerable amount of money over the last little while. If we could go back and change history, I'm sure that we could change the losses that the University of Alberta had on their endowments.

We take the recommendations of the Auditor General very seriously, as do all of our postsecondary institutions in the province. The recommendations were to the postsecondary institutions. My recollection is that the university is going to follow the recommendations and take the advice of the Auditor General.

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

**Mr. MacDonald:** Thank you, Mr. Speaker. I can assure this House and taxpayers that the Minister of Advanced Education and Technology certainly takes the Auditor General's recommendations much more seriously than the President of the Treasury Board. Can the Minister of Advanced Education and Technology tell the House how

much has been lost in investment income while the Auditor's recommendations go unfulfilled?

**Mr. Horner:** Well, Mr. Speaker, no, I cannot. I don't have those numbers at my fingertips because I don't believe that the Auditor General's recommendations are unfulfilled. If you asked the Auditor General, he would tell you that many of these things take some time to be implemented, some time for new processes or new procedures to come to fruition. We're going to see that happen over the months and weeks ahead. Certainly, I expect that all postsecondary institutions in our province will take to heart the recommendations not only of the Auditor General but also of the department.

**The Speaker:** The hon. Member for Strathcona, followed by the hon. Member for Lethbridge-East.

#### Postsecondary Institution Internal Controls

**Mr. Quest:** Thank you, Mr. Speaker. Yesterday's report from the Auditor General outlined a number of serious recommendations for postsecondary institutions, particularly when it comes to managing their finances. One institution, Grant MacEwan College, was identified for being unable to pursue or record campus parking fines over \$700,000. My first question for the Minister of Advanced Education and Technology: what is his ministry's role in ensuring that postsecondary institutions like Grant MacEwan manage their financial resources wisely and responsibly?

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

**Mr. Horner:** Thank you, Mr. Speaker. As per the previous question, you know, publicly funded postsecondary institutions are governed under several acts approved by this Legislature: the Postsecondary Learning Act, the Financial Administration Act, and the Government Accountability Act. All of these relate to public funds that we provide to the institutions. All of these institutions are also board governed, and as board-governed institutions they receive fees or, in this case, fines from other sources, not public funds given to them by this Legislature but other sources. It is up to them and their policies that they have to develop to manage those. Certainly, the Auditor General is welcome for those recommendations, and Grant MacEwan is going to take them to heart.

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

**Mr. Quest:** Thank you, Mr. Speaker. To the same minister. Another recommendation deals with alleged fraudulent contracts awarded at Bow Valley College. Can the minister tell us his ministry's role in safeguarding Alberta's postsecondary students and the overall system from potentially illegal activities such as this?

**Mr. Horner:** Well, Mr. Speaker, I'm going to be a bit careful here because, obviously, this is still under some investigation. I think the pertinent points here to the hon. member is that it was Bow Valley that found the irregularities, and it was Bow Valley that called in the Auditor General to do the investigation. The Campus Alberta institutions take the AG's findings very seriously. The Auditor General, actually, in his report commended Bow Valley for timely notification to his office of some suspected irregularities, and I commend the Auditor General for going in and helping us out with this because that's the way the system should work.

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

The hon. Member for Lethbridge-East, followed by the hon. Member for Calgary-Fort.

#### Persons with Developmental Disabilities Funding

**Ms Pastoor:** Thank you, Mr. Speaker. The Minister of Seniors and Community Supports provided \$24 million from the '09-10 budget to contracted agencies for recruitment and retention of PDD staff. This increase is crucial as turnover rates are far, far too high in these agencies and create many problems. To the Minister of Seniors and Community Supports: can the minister tell Albertans how the \$24 million is being divided amongst the six PDD community boards?

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

**Mrs. Jablonski:** Thank you, Mr. Speaker. This government is committed to the PDD program and to ensuring that individuals with developmental disabilities are able to live and work and participate in their communities. We recognize how very important it is that there be qualified staff to support these individuals. The \$24 million all by itself won't solve the problem entirely, but it will help. The money is divided amongst the six PDD regions, and there is a funding formula that divides the money up properly.

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

**Ms Pastoor:** Thank you. I actually was looking for the answer to how the formula is delivered, but I'll go on to my next question. Thank you for that.

Can the minister tell Albertans how specifically targeted recruitment programs are being used to help these agencies?

**Mrs. Jablonski:** Mr. Speaker, recruiting and retaining staff in our PDD areas are extremely, extremely important. We have a number of programs that are being used throughout our colleges for disability workers, and we have private, not-for-profit and private, for-profit organizations partnering in those training programs.

The PDD formula that we use is an approved formula that supports all PDD clients throughout the province.

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

**Ms Pastoor:** Thank you. Again to the same minister: will this increase in funding even begin to bring agency wages to parity with government staff that are working in the same field?

**Mrs. Jablonski:** Mr. Speaker, in the last few years we've contributed millions of dollars towards the PDD program. It was 5 per cent just recently, last spring, and prior to that, in November of 2007, it was another 5 per cent. This \$24 million will amount to close to 5 per cent again for our PDD front-line staff, and it will bring them closer to the government wages that the member refers to.

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

#### Victims Restitution and Compensation

**Mr. Cao:** Thank you, Mr. Speaker. My constituents and I want our Alberta to be the number one global petroleum industry but also number one globally in toughness against criminal activities. We are pleased with the recent introduction of the victims restitution and compensation law. Given the general concern for property rights and the recent ruling of the Supreme Court of Canada, my question

is to the hon. Minister of Justice and Attorney General. Can the minister explain how this ruling affects Alberta law?

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

**Ms Redford:** Well, thank you, Mr. Speaker. It was very good news to hear the Supreme Court of Canada's ruling last Friday. The legislation that we passed was, we believed, constitutionally valid and constitutionally sound. We were pleased to see that the court did what we have always said the court should do, which is reflect the values of the community that we serve. I think that it's important to remember the essence of our act, which is to remove the profits of criminal activity from our communities and to compensate victims. This ruling supports our legislation and the hard work of our civil forfeiture office, and we'll continue to use this act with confidence to dismantle organized crime in Alberta.

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

**Mr. Cao:** Thank you, Mr. Speaker. To the same hon. minister: since its implementation what progress and impact has our new law had on crime reduction and prevention?

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

**Ms Redford:** Thank you, Mr. Speaker. It's important. As I've said in this House before, organized crime is a business. Civil forfeiture allows the courts to seize the illegal profits of crime and to use that revenue to help victims. This is a tool we can use to target those who victimize others. If you're dealing drugs in your car, we can seize your car. If you're running a marijuana grow op from your home, we can seize that home. Something that's very important is that we make it clear that this legislation puts Albertans on notice. If you're knowingly participating in criminal activity or benefiting from criminal activity, you put yourself in jeopardy of losing the tools of your trade or your ill-gotten gains.

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

**Mr. Cao:** Thank you, Mr. Speaker. To the hon. minister: how are the law enforcers in Alberta reacting to this new way of targeting the profits of crime?

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

**Ms Redford:** Thank you, Mr. Speaker. We've always said, since launching this initiative, that we need to ensure that the police have the tools to do their job. We've been up and running now for four months, and police agencies across this province are referring files to the civil forfeiture office.

Our legislation expands and extends the scope of powers that are already available under the Criminal Code. With our legislation we can seize property without a criminal conviction, but it's always the case, Mr. Speaker, that at the end of the day the courts will be the ones that will determine the conduct of the police. They will decide whether or not actions taken by the police under legislation are appropriate. We're confident in the work that the police are doing with this legislation. They're taking it seriously, and we know that the courts will apply the law effectively.

Thank you.

2:40

**The Speaker:** Hon. members, that was 94 questions and responses. In 30 seconds from now we'll continue with Members' Statements.

Oh, I'm sorry. Hon. members, please return to your places. The hon. Minister of Finance and Enterprise had advised that she wanted to supplement an answer. My assumption was that in the first question today that was done, but if the hon. Minister of Finance and Enterprise wants to supplement an answer, permission will be given now, and an additional question will then come from the Official Opposition with respect to this matter.

Does the minister wish to proceed?

**Ms Evans:** Mr. Speaker, I would hope that it's been clarified, but I could, in fact, if you wish.

**The Speaker:** I thought it was, so that's why I didn't call you.

Sorry. You may depart. Boy, once that recess bell goes, it's hard to retract your decision, isn't it?

## Members' Statements

(continued)

**The Speaker:** The hon. Member for Battle River-Wainwright.

### National Soil Conservation Week

**Mr. Griffiths:** Thank you, Mr. Speaker. I would like to bring to this Assembly's attention that April 19 to 25 is National Soil Conservation Week. Soil and water are two necessary ingredients to sustain human life and produce food. Today it is more important than ever to preserve soil to ensure that future generations will enjoy the same rich benefits of home-grown agricultural products.

Development demands often take prime agricultural land out of production. Fortunately, researchers and inventive farmers are setting the bar higher for soil conservation management practices. Since 1991 conservation tillage practices in Alberta have steadily grown to represent about half of the annually seeded areas. Alberta farmers are effectively using direct seeding, no-till and zero-till practices.

A reduced tillage system contributes to the government of Alberta's climate change strategy as well by removing atmospheric carbon and sequestering that carbon within the soil. Farmers who have adopted these practices have been able to benefit from the Alberta carbon offset market since 2007. Last year, in fact, Mr. Speaker, 10 of the 25 registered carbon offset projects were no-tillage agriculture, which contributed a total of just over a million tonnes of carbon dioxide equivalences, or 30 per cent of the total carbon offsets.

I'd like this Assembly to acknowledge the efforts of dedicated soil and crop research scientists, professional agronomists, and forward-thinking prairie farmers who developed and adopted soil conservation techniques over the past seven decades. The Dirty Thirties taught us a valuable lesson, Mr. Speaker. It has been this cumulative effort that has rebuilt, maintained, and improved soil quality across Alberta and western Canada.

Thank you, Mr. Speaker.

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

### Edmonton City Centre Airport

**Ms Pastoor:** Thank you, Mr. Speaker. Not far from where I'm standing, the Edmonton City Centre Airport will serve a small number of its 20,000 annual passengers. These passengers will be comprised of oil executives, hobbyists, and members of this Legislature. The small assortment of small craft, mostly jets, have passed through the 217-hectare airport for far too long. While most cities in North America, especially fellow capital cities, would

welcome with open arms and probably do a lot more than that to have a downtown airport, the Edmonton City Centre Airport has been all but closed to doing business in the downtown. Airports within Denver, Las Vegas, and Chicago, just to name a few, have thrived in an efficient, passenger-friendly atmosphere for decades. I seriously doubt that there are movements in those cities to shut down these lifelines of infrastructure. However, here in Edmonton there is such a movement to remove this valuable asset that should be used by all Albertans and the many flights that come from the rest of North America. Rather than abandon the airport, we should focus on long-term value added by open skies over Edmonton that are for all Albertans.

As it stands, the Edmonton City Centre Airport does not receive or send flights from southern Alberta nor reduce the environmental footprint because of the needless going back and forth from Edmonton to Leduc. The Edmonton City Centre Airport was extremely viable, but it is purposely being underfunded and underappreciated. This is short-term thinking for a long-term loss. If Albertans are confident that Edmonton will continue to be an important centre, they must ensure that this airport remains.

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

#### Primary Care Networks

**Mr. Prins:** Thank you, Mr. Speaker. Last Friday I had the opportunity to attend the grand opening of the Lacombe walk-in medical centre. This centre is part of a primary care network, or PCN, which is a made-in-Alberta success story in providing innovative, flexible, and effective care to meet the needs of the community.

Primary care is the first point of contact that most people have with the health system, the point where people receive care for most of their everyday health needs. This type of care is typically provided by family physicians, nurses, dietitians, mental health professionals, pharmacists, therapists, and others.

The Lacombe PCN includes a group of family doctors and nurses and Alberta Health Services personnel who co-ordinate health services for patients. Services may include prevention, diagnosis, treatment, and follow-up of various health conditions and especially chronic, complex diseases like diabetes as well as geriatric concerns.

In just three years since the first PCN was launched in the province, there are now 30 PCNs in operation with many others in development. A PCN can be comprised of one clinic with many physicians and support staff or a team of physicians across several clinics. Each network has the flexibility to develop programs and to provide services in a way that works locally to meet the specific needs of patients while working within the provincial PCN framework.

Mr. Speaker, since the Lacombe PCN opened its doors, it has already enhanced the working relationship between doctors in my community. It also serves as an excellent example of how we can better connect people and communities to local health care services by matching the correct resources with people's needs at the right time.

PCNs, or primary care networks, represent a significant step towards achieving the integrated, effective, and responsive health system that Albertans deserve. I know that we will all reap the benefits for years to come.

Thank you.

#### Introduction of Bills

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

#### Bill 42

#### Gaming and Liquor Amendment Act, 2009

**Mr. Anderson:** Thank you, Mr. Speaker. I request leave to introduce Bill 42, the Gaming and Liquor Amendment Act, 2009.

The proposed legislation in part is intended to give police and bar operators a more effective way to address gang violence and problem patrons in and around licensed premises.

Thank you.

[Motion carried; Bill 42 read a first time]

**The Speaker:** The hon. Deputy Government House Leader. The hon. Deputy Government House Leader. Hon. Deputy Government House Leader, third time: do you want to move a bill?

**Mr. Renner:** Sorry, Mr. Speaker. I was temporarily disconnected.

I would move that Bill 42 be moved to the Order Paper under Government Bills and Orders.

[Motion carried]

#### Tabling Returns and Reports

**The Speaker:** Hon. Member for Edmonton-Highlands-Norwood, do you have one?

**Mr. Mason:** I'm a little disconnected, I guess, too, Mr. Speaker. It seems to be going around, but I do.

**The Speaker:** It's still April.

**Mr. Mason:** Thank you, Mr. Speaker, for your patience today. I would like to table the appropriate number of copies of 10 reports from long-term care workers indicating specific problems on shifts that were short-staffed. These indicate staff were delayed in answering calls from residents, and hazards were created when there was only one staff person available to lift patients where two staff are required.

Thank you.

2:50

**The Speaker:** Are there others?

Hon. Member for Edmonton-Highlands-Norwood, did you have another set of guests that you would like to introduce?

**Mr. Mason:** Yes, I do. Thank you very much.

**The Speaker:** Well, we have to get the approval of the House, though, first, so maybe I should get that. Is it okay, hon. members, to recognize the hon. Member for Edmonton-Highlands-Norwood to introduce guests? I won't ask if anybody disagrees.

[Unanimous consent granted]

#### Introduction of Guests

(continued)

**The Speaker:** Proceed.

**Mr. Mason:** Thanks very much, Mr. Speaker. Today I'm very pleased to introduce to you and through you to this Assembly Ellen Parker, who has made Camrose, Alberta, her home since 1985. Ellen has worked as an educator in numerous capacities since

graduating from the University of Alberta. She has also been an avid supporter of Canada World Youth exchanges and was a founding member of the former Camrose Waste Reduction Action Committee. She's here with us today to observe Committee of the Whole proceedings on Bill 19. Ellen is a passionate global activist, participating in campaigns for fair trade, gender equality, aboriginal rights, and the peace movement, and has been the federal NDP candidate for Crowfoot since 2004. I would now ask that Ellen rise and receive the traditional warm welcome of this Assembly.

### Orders of the Day

#### Government Bills and Orders Second Reading

##### Bill 23

#### Municipal Government Amendment Act, 2009

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

**Mr. Danyluk:** Well, thank you very much, Mr. Speaker. I'm pleased to rise today to begin debate on Bill 23, the Municipal Government Amendment Act, 2009. I am proposing legislative changes to improve the assessment complaints and appeals process. The key objective of my ministry is to have a well-managed, fair, and efficient assessment and property tax system in which taxpayers have confidence.

In January 2008 Municipal Affairs staff began a comprehensive review of the current assessment complaints and appeals system. We consulted municipalities, municipal associations, businesses, property owners, and taxpayer associations, and we listened to their concerns. We heard that appeals are taking too long, that there is duplication in the process, there are inconsistent decisions, a lack of access to information, inconsistent qualifications of board members, concerns with a lack of accountability of all parties involved in the complaint, and concerns on costs associated with filing that complaint. As a result of this feedback, Mr. Speaker, I am recommending that we amend the MGA to introduce a new process that will improve the efficiency of appeals, improve the quality of decisions, and ensure that Albertans are treated fairly.

The key change will be to restructure the current board makeup. We will create three separate boards to hear complaints about different types of property. This will ensure that a complaint is heard once by the right board instead of twice by two separate boards. It will also eliminate duplication and preserve the taxpayers' rights to have their complaint heard based on the merits of the case. Under the new system an assessment complaint would go to one of three quasi-judicial boards based on the type or category of the complaint. Each board's role and area of responsibility would be clear and straightforward.

The first is the local assessment review board. Three trained members would be appointed by the municipality to hear complaints about residential property and farmland.

The second is a composite assessment review board. This review board will hear complaints about multifamily residential, nonresidential, and machinery and equipment. Two of three members will be appointed by the municipality while the third member will serve as the chair and will be provincially appointed. The elements of provincial oversight and impartiality are being maintained. I would like to point out that it is only after a complaint is made that the municipality must establish a local or composite assessment review board. For example, in 2007 only 37 municipalities besides Edmonton and Calgary would have needed to establish a composite assessment review board.

Mr. Speaker, the third board is the municipal government board. It will continue to hear complaints about the linear property and equalized assessment. We are also proposing that the complaint timelines be changed so the process is completed and decisions rendered by the end of the tax year for most complaints. We also want to implement realistic time frames for complaints to be heard. Timelines for disclosure will be increased, but we also expect decisions to be issued within the tax year. There will be consequences if disclosure requirements are not met.

Other changes proposed include mandating the training of board members to improve the decision-making ability of a board, ensuring an appropriate level of information is available to taxpayers to help reduce complaints, requiring disclosure of relevant information by all parties to ensure a fair complaint process, placing limits on fees municipalities can charge, and ensuring fees are returned to the successful appellants to ensure the process is affordable and reasonable. It should also be noted that two or more municipalities may continue to establish joint assessment review boards, enabling municipalities to share assessment review boards' resources and improve efficiency.

Based on our review I believe the changes we are recommending are necessary to provide taxpayers with the understandable, objective, and fair complaint and appeal system they deserve. Ideally, we want the changes in place for the 2010 assessment complaint schedule. I expect that any cost increases such as enhanced training will be offset by cost savings in other areas.

I would encourage all members to support this legislation, and I look forward to any discussion that they may wish to have. Mr. Speaker, I would like to close debate on this bill.

Thank you very much.

**The Speaker:** I think that the hon. minister is moving adjournment.

**Mr. Danyluk:** Yes.

[Motion to adjourn debate carried]

##### Bill 24

#### Animal Health Amendment Act, 2009

**The Speaker:** The hon. Member for Battle River-Wainwright.

**Mr. Griffiths:** Thank you, Mr. Speaker. It's a pleasure for me today to rise and move second reading of Bill 24, the Animal Health Amendment Act, 2009.

The Animal Health Act was proclaimed in part on January 1, 2009, along with three regulations: the reportable and notifiable diseases, the traceability premises identification, and the traceability livestock identification. The provisions of Bill 24 will allow Alberta to better prepare for an outbreak of a highly contagious livestock disease and respond to emergency situations quicker and more effectively to protect both animal and human health. Time is of the essence when responding to animal disease outbreaks to minimize the extent and financial impact of the outbreak.

The provisions in Bill 24 also ensure that Alberta is better able to minimize the risk to the public caused by those animal diseases that can spread from animals to humans. The proposed amendments to the legislation will revise penalties to ensure that low-risk minor offences are appropriate and not overly punitive, clarify definitions under the act, clarify licence names to reflect the authority to sell certain types of livestock medicines, add a provision authorizing the destruction of animals that have consumed toxic substances, and make minor administrative changes to facilitate more efficient and appropriate drafting of regulations under this act.

The development of the remaining regulations is expected to be completed by late spring of 2009. A consultation process has been undertaken to obtain appropriate input from stakeholders that would have concerns. All of the proposed regulations are completely consistent with Alberta's livestock and meat strategy. The amendments will allow us to facilitate growth of a globally competitive, sustainable agriculture and food industry and at the same time ensure public and consumer confidence in food safety. I look forward to the debate and receiving the support of members for proceeding with this bill.

Mr. Speaker, with that I would like to adjourn debate.

[Motion to adjourn debate carried]

3:00

**Bill 26**  
**Wildlife Amendment Act, 2009**

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

**Mr. Mitzel:** Thank you, Mr. Speaker. It's my pleasure to rise before this Assembly and move second reading of Bill 26, the Wildlife Amendment Act, 2009.

Wildlife management involves hunters, the courts, fish and wildlife officers, and the public. Wildlife management protects habitat and biodiversity, agriculture, and the health and safety of Albertans. The Wildlife Act governs the management of wildlife as a Crown resource and enables the hunting and trapping of wildlife while providing protections and controls where necessary. The proposed miscellaneous amendments to the Wildlife Act will clarify how we plan to deal with some challenges around enforcement, sentencing, and wildlife control measures.

Mr. Speaker, wildlife control measures are needed where indigenous captive wildlife such as farmed elk, deer, and moose either escape or are unlawfully released from captivity. Wildlife control is also needed for controlled animals, which are nonnative species of animals that require a permit for live possession. Controlled animal permits are allowed for very limited purposes such as zoos and research. Under the Wildlife Act owners and those in charge of captive wildlife or controlled animals must make reasonable efforts to recapture an animal that has escaped. They must also report the escape within 48 hours after the escape unless the animal is recaptured within that 48-hour period.

We also need to ensure that our fish and wildlife officers have the support they need to carry out their other expected duties. At times there have been challenges to the authority of fish and wildlife officers to access land. For example, an officer needs to be given reasonable access to land to respond to a report of dead wildlife in order to determine whether the animal's death resulted from illegal activities. The amendments will authorize fish and wildlife officers with increased access to land to respond to reports of dead, injured, diseased, or dangerous wildlife and to monitor hunting activities while still protecting privacy rights.

The amendments also ensure that hunters follow the regulations for exporting wildlife. Currently an export permit is required to export wildlife or wildlife parts. Export permits are not issued for certain wildlife parts such as bear paws or bear gallbladders. It is recognized that exporting wildlife that is banned from export is a serious offence and warrants a potentially higher penalty. An amendment will therefore provide the courts with a higher penalty range to deal with those who have been convicted of this offence.

In addition to illegal exporting, we also need to ensure that big game and game bird meat is being used appropriately. The Wildlife Act also requires that big game and game bird meat is not wasted,

destroyed, spoiled, or abandoned. Cases involving spoiled meat have been brought before the courts, but there have been problems proving to the courts what evidence was required to show that flesh that was once edible has become spoiled. In some cases fish and wildlife officers have testified to the poor condition of game meat by stating that the meat was no longer suitable for human consumption. Despite these testimonials the court did not accept the evidence that had been entered.

The amendments will clarify the rules regarding wastage of big game and game bird meat in two ways. Number one, Mr. Speaker, the methods to enter evidence that edible meat has been wasted or spoiled will be established and applied in the courts. Number two, the act will require edible meat to be kept fit for human consumption, to clarify what constitutes wastage or spoilage. Requiring game meat to be kept fit for human consumption will eliminate the defence that any meat in question was intended for animal food.

Lastly, there have been instances where people have incurred losses as a direct result of an offence. For example, client hunters have had their deposits stolen by persons posing as legitimate outfitter guides who are not able to or do not intend to provide the services. The amendments will adjust the creative sentencing provisions so that a court may order a convicted person to pay restitution to another person such as those client hunters who have incurred a financial loss as a direct or indirect result of the offence.

Wildlife management is challenging and continually changing, and these amendments will eliminate certain challenges in administering and enforcing the act. I urge my colleagues to support this bill.

With that, Mr. Speaker, I move to adjourn debate.

[Motion to adjourn debate carried]

**Bill 30**  
**Traffic Safety Amendment Act, 2009**

**The Speaker:** The hon. Member for Grande Prairie-Wapiti.

**Mr. Drysdale:** Thank you, Mr. Speaker. I'm pleased to move second reading of Bill 30, the Traffic Safety Amendment Act, 2009.

The purpose of this bill is to amend the Traffic Safety Act. The proposed changes include the following. A wording change related to the maintenance enforcement program replaces "cancellation" of an operator's licence regarding maintenance enforcement program payment defaults with "suspension" to address the administrative processes resulting from the different definition of terms. This change eliminates confusion and appropriately identifies those who fail to make payments as suspended drivers.

The next change creates a new class of investigators for the carrier and vehicle safety programs and driver training programs. These investigating officers will be dedicated to carrying out specialized technical functions under the Traffic Safety Act and its regulations.

The third amends the definition of peace officer in the Traffic Safety Act and clarifies the definition of peace officer to include the new classifications as well as certain police officers created under the Police Act, including the First Nations police officers. Mr. Speaker, this gives police officers who were inadvertently not included in the peace officer definition under the Traffic Safety Act the authority to enforce the act.

The fourth clarifies the authority to make regulations about the conduct of driver examiners, driving instructors, and the operation of driver training schools.

The fifth, Mr. Speaker, adds driver examiners, driving instructors, and the operators of driver training schools to the definitions of



regulated person and therefore provides authority for a further compliance tool. The two amendments I just mentioned related to driver training and the operation of driver training schools stem from a 2008 court case and legal advice from Alberta Justice.

The sixth clarifies the definition of intersection safety device, introduced in the Traffic Safety Amendment Act, 2007. It is necessary to specify that these devices are capable of gathering evidence for traffic signal infractions or a speeding infraction or both. Without the amendment Justice believes the definition may be interpreted that an intersection safety device must be able to gather evidence for a traffic signal infraction and a speeding infraction.

The seventh, Mr. Speaker. Finally, this amendment adds vehicle rental companies to the list of businesses whose vicarious liability will be capped upon proclamation of the 2007 Traffic Safety Act.

With that, Mr. Speaker, I move that we adjourn debate today on Bill 30.

[Motion to adjourn debate carried]

### 3:10 Government Bills and Orders Committee of the Whole

[Mr. Mitzel in the chair]

**The Deputy Chair:** I'd like to call the committee to order.

#### Bill 17 Securities Amendment Act, 2009

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Calgary-North Hill.

**Mr. Fawcett:** Thank you, Mr. Chairman. It's my pleasure to rise today to speak in Committee of the Whole and present Bill 17, the Securities Amendment Act, 2009. The proposed amendments are a result of a commitment from the Alberta government and all provinces and territories, except Ontario, to ongoing reform of our securities regulatory system under the 2004 provincial-territorial memorandum of understanding regarding securities regulation. The support received at second reading of this bill is greatly appreciated. I would like to commend all parties for unanimously approving the second reading of this bill.

There were some points, however, raised by the opposition that I would like to take the opportunity to discuss. I believe it was the Member for Calgary-Varsity that did have a concern that the legislation does not address the idea of a national securities regulator. I want to suggest that provinces have been responsible for regulating securities markets for decades and have successfully created a national regulatory system through the implementation of the provincial-territorial passport system.

This system, Mr. Chairman, allows market participants to deal with the provincial regulator and have that regulator's decision or approval apply automatically in other participating jurisdictions. The move to a national regulator could take years. We are ready to move with the passport system now, and we are doing that. Alberta is strongly opposed to a single federal securities regulator. Securities regulation is a provincial responsibility, and the move to a single federal securities regulator would be an intrusion into an area of provincial jurisdiction. That's just not something that this government wants to see.

I also believe that the Member for Edmonton-Strathcona said she is seeking "a single set of rules that the province played a role" in

creating. I wasn't quite sure where she was going with that. It almost sounded like she was seeking something that is exactly what we are doing with the passport system, Mr. Chairman. The passport system is a practical model that the provinces and territories, other than Ontario, have implemented to create a national regulatory regime that is flexible and responsive and which respects provincial authority. The passport system is founded on harmonized legislation rules that are consistently interpreted and applied throughout Canada. Alberta has been a leader in harmonizing legislation, and this bill continues that leadership.

In second reading, I believe, the Member for Calgary-Buffalo was concerned that government securities policy means lawyers and other people would have to deal with 13 regulators instead of just one. It is a myth that anyone has to deal with 13 sets of rules. The passport system gives a market participant streamlined access to Canada's capital markets by dealing with only its home or principal regulator and by complying with one set of harmonized laws. Despite the rhetoric, there is no empirical evidence to show that a single regulator model could deliver functional improvements to the Canadian securities regulatory system, which is already ranked by independent organizations as one of the best in the world.

Bill 17 builds on the work that Alberta has done since 2004 to further modernize, harmonize, and streamline Alberta's securities laws. I encourage all members of this House to give their full support to Bill 17.

With that, Mr. Chairman, I will hand it over. Thank you.

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

**Dr. Taft:** Not at this point, Mr. Chairman. Thank you.

**The Deputy Chair:** Do any other members wish to speak?

**Hon. Members:** Question.

[The clauses of Bill 17 agreed to]

[Title and preamble agreed to]

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

**Hon. Members:** Agreed.

**The Deputy Chair:** Opposed? That is carried.

#### Bill 19 Land Assembly Project Area Act

**The Deputy Chair:** Are there any comments, questions, or amendments to be offered with respect to this? I might add, hon. members, that we are speaking to amendment A1. The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thank you. I will focus on the government amendments. I'll just wait for the minister's attention here. Okay. We were beginning to discuss these amendments last week, and we shall continue. So that the minister is aware, I'm going to be asking a few questions on point C of the amendment, which amends section 5. This is a pretty major amendment. What's proposed here is that all of the existing section 5 is struck out. All of existing section 5 is actually quite brief. It's really just two sentences that read:

5(1) Land within a Project Area may be acquired by the Crown by purchase or expropriation.

(2) Land acquired under this section is under the administration of the Minister unless, before or after the acquisition, the Lieutenant Governor in Council directs that it is under the administration of some other Minister.

That's all of section 5 in the original bill. That's now done and being replaced by a somewhat longer amendment.

One of my first questions around the proposed amendment – and I'll focus on the proposed amendment 5(1), but this also applies to 5(2) – is around the time frames and the fact that there is, as I'm reading this, no reference to a time frame, I don't think. The proposed amendment 5(1) would read that "subject to section 5.1, at any time, at the request of the registered owner of land within a Project Area, the Crown shall enter into an agreement with the registered owner to purchase the land at market value."

Now, first of all, I think the word "shall." It's important to note that this is not a "may" or a "can"; this is a "shall." In other words, this is a legislative directive to the Crown that it must do something, as I understand this. But as I read through this proposed amendment in that section, I am concerned that there is no time frame. It doesn't say: shall enter into an agreement within one year or one decade or, you know, to be ridiculous, one century or something like that. There is no time frame. On the one hand it sounds very forceful while, on the other hand, there is an entirely open end to this if I am reading this correctly.

I'd like the minister to speak to that because I understand you'd need a certain amount of time to sort out market value, but after all there is a process for doing that here without any time limit on this. My concern – and let's be honest – is that the wheels of government can turn slowly, sometimes on purpose. This could stretch out . . . [interjections] Never? Never. Oh, I'm getting corrected by the Minister of Municipal Affairs, who has never had his department do anything slowly, I guess.

Let's speak hypothetically. Seriously, if the government were to decide that it shall do something over the course of a decade, there's nothing here to stop it from taking that long. I'd like the minister to speak to that.

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

**Mr. Hayden:** Thank you, Mr. Chair. I'd like to thank the hon. member for the question. The intention with "shall" is exactly as you mentioned. It is: shall at the owner's triggering sit down and negotiate for purchase, and we're talking right away. The clarification . . . [interjection] Well, actually it does. In the bill there's reference to where it's budgeted every year for the purchase of land. Of course, with our past experience we have a general idea of how much land is purchased at different stages on the long-term projects. In some ways, of course, it's advantageous to government to do that purchasing earlier in the process rather than later, just so we're not dealing with the time constraints we have on some projects right close to the time that construction needs to be started.

3:20

The amendment to the bill spells out very clearly the steps that can be followed, and it does state "shall," which it hasn't in the past. Under past legislation – the hon. member is exactly right – the government had the opportunity to pick and choose the time that it wanted to purchase the land according to whatever determinations it made in that particular budget year. But what we've moved forward with, to better suit these types of projects, is a situation where the landowner triggers the compensation portion, and the government "shall" negotiate and sit down with the landowner and move forward with purchase of the land when they trigger it. Of course, the other thing that we see in projects like this is that many

people choose to stay on the land and use it as they always traditionally have, until they get very close to the time of the project, before they sell the property.

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

**Dr. Taft:** Thanks. I appreciate that the minister and I are just trying to clear something up here. I didn't get a lot of reassurance from that. Can the minister point me to where there is a time frame here? I mean, quite honestly, and all kidding aside, if a government wants to grind a landowner down, they could take years. They could take a long time for this to occur. Where is the time frame in here? I didn't get a lot of reassurance from the minister telling me that we have a process. I would like to see something a little firmer in here on a time frame. Maybe it's here. If it is, show me.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair. When the member first started speaking about this, that is where concern comes in, where government "may" if you change the wording. When it says "shall" negotiate, the landowner does trigger it. It is budgeted for every year, and that is written in the bill. Section 5, that you're referring to, states very clearly that a landowner can sit down to negotiate the purchase of the land by the province. They can bring to the table whatever they feel is material to that negotiation. Should they not be satisfied with that, they can then move to the third party – and it makes reference to the Land Compensation Board or another board as agreed to by both parties, an arm's-length board – to bring the information to that table and have a determination made there. Should the landowner at that point still not feel that they're satisfied with that amount, it can then go to the Court of Appeal. Even after that there is still expropriation at the end of the process.

With respect to the timelines on it, obviously, there's a two-year time period when the consultation and discussion take place on the project before such time as the Lieutenant Governor in Council or cabinet actually have to vote to approve or turn down the project. At that time, once a decision is made that they would decide to go ahead with that project, the landowner can trigger that compensation at any point from there forward.

**Dr. Taft:** All right. Well, I think you are just going to have to accept that I'm not convinced by that because I don't see a time frame for this "shall." Once the process is triggered, if I'm the landowner, I say: "Okay. I see the project. We've taken the time. We've worked that out. Now I want to sell, so you shall as the Crown enter into an agreement to buy it from me." But I don't get a lot of reassurance from this that you need to do that even in my lifetime, frankly. Again, you know, I'm looking for direction here.

Now, this section in this amendment refers to section 28 of the Expropriation Act. I won't profess any expertise in the Expropriation Act, but I did just have a page bring me that bill, and I've had a quick look at section 28. Section 28 seems to give the Lieutenant Governor in Council and cabinet a pretty blank cheque. Again, I don't see in section 28 a lot of reassurance to the landowner that something is going to be done in an expeditious time frame or that the outcome is necessarily that fair. Section 28, as I read it quickly, gives the minister a blank slate, really. I don't see a lot of reassurance for the landowner in section 28. Do you want to respond, please?

**The Deputy Chair:** Hon. minister, we're staying with the amendments.

**Mr. Hayden:** Yes. Thank you, Mr. Chair. I would suggest to the hon. member that when we say “shall,” I think that’s very direct: shall enter into negotiations.

With respect to the trust related to the timelines I would also suggest to the hon. member that if I put a number down there and said, “shall negotiate the agreement on the purchase price or compensation to the landowner within a 30-day period,” someone would be standing up and accusing me of rushing the negotiation and frightening a landowner. If I was to stand up and say, “shall do it within a one-year time period,” someone would still stand up and criticize me for rushing someone or for taking too long and delaying. I suggest, sir, that when we say “shall,” it means that the government shall sit down and negotiate. These, of course, are the people that we’re responsible to represent, and obviously we will do it in good faith.

**The Deputy Chair:** The hon. member.

**Dr. Taft:** Thank you, Mr. Chairman. What I would find reassuring and I would bet you that landowners would find reassuring would be something like, “shall in an expeditious manner,” so that if it ended up in court, the court has some sense that taking five years to negotiate it is not expeditious. I agree, you know, that putting 30 days or one year or something could be problematic. But having a flexible time frame that nonetheless would indicate to the minister and ultimately, if need be, to a court that this was to move on expeditiously would be a worthwhile amendment to this amendment. I’d urge the minister to consider something like that.

If I may move on to the next paragraph under this same amendment, which is paragraph 5(2). I’ll just leave it – we don’t need to repeat that exchange – but again I don’t see any time frame or time limits on this either. We all know that court cases can drag out for years. Frankly, in any court case, ultimately, an organization like the government is going to have far more power than a landowner just because the government has, for practical purposes, unlimited resources. So I am concerned just about the aspects of that that open things up.

I will repeat what I said a moment ago under this amendment 5(3). I’ll try to abbreviate it a bit here. It reads:

If the registered owner requests that the Land Compensation Board make the determination as to the market value of the land . . .

And it would do that if negotiations broke down, presumably. It goes on that the Land Compensation Board has jurisdiction with respect to the determination of market value under this Act and may exercise the powers given to it pursuant to section 28 of the Expropriation Act.

That’s what took me to the Expropriation Act, and I read section 28 as giving just about all power it ever wants to the Lieutenant Governor in Council, so I am concerned there.

I will move on to section 5.1 of this amendment, in which the subtitle is Requirement of Land by the Crown. This is just a one-sentence section, and it reads as follows: “When the land within a Project Area is required by the Crown for or in connection with the public project, the Crown may acquire the land by purchase or expropriation.”

Now, I have a couple of thoughts on this right away. First of all, I’m wondering why this is needed because there is the Expropriation Act. We’ve outlined a process for purchasing the land. I don’t know why this section is needed, and I’d be curious to know what the legislative drafters told the minister to justify the existence of this. Secondly, my concern is: does this ultimately override the previous sections? In other words, when the chips are down, this would seem to give the Crown everything it needs to just go ahead

and barge in, in any case. So why is this section needed, and does this actually trump everything else, in any case?

3:30

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair. As the hon. member will see when we move to section D and the section being struck out with respect to the Expropriation Act, in the original version of the bill there was a section there for clarification purposes that the Expropriation Act is still available for use, to give some satisfaction to landowners that that still is an area that’s available to them. It was being misconstrued, I will say, by some people and used to indicate to people that the Expropriation Act, in fact, wasn’t available to them should they need it through this process.

When we talk about 5.1, that the hon. member is referring to, there are, of course, two ways that the land can be acquired. One is through a purchase through the three steps that we spoke about previously, and the other is, at the end of the day, with the use of the Expropriation Act and all of the restrictions and abilities that go with that for the protection of the landowners. That’s still available. Mr. Chair, that’s available to the federal government, to municipal governments, and to the provincial government, and it’s just stating it because we heard from Albertans that they were concerned that their right to use the Expropriation Act would not apply to this bill. Of course, it very much does, and we’ve stated it.

**The Deputy Chair:** The hon. Member for Drayton Valley-Calmar.

**Mrs. McQueen:** Thank you, Mr. Chairman. I’m pleased to rise in Committee of the Whole and speak to Bill 19, the Land Assembly Project Area Act. The minister has tabled four amendments, which affect sections 2, 5, and 13. These amendments are the result of members of this government first and foremost listening to the concerns raised by Albertans and addressing those concerns by making the amendments you see before you to the issues that were raised.

Since the bill was introduced on March 2, 2009, I have participated in many public meetings. The first one was in the village of Warburg in my constituency with two of my MLA colleagues. Soon after I attended one in Ponoka, then another in Ryley, where we were joined by the Minister of Infrastructure and several other MLAs. Then I attended two more, in Pigeon Lake and Innisfail, again with several MLAs and the ministers of Infrastructure and Transportation. On each and every occasion we were keen to hear what the constituents’ concerns were and worked closely with the minister and the department to ensure that they received the feedback we were hearing. It was from the feedback and the conversations we had with Albertans that the following amendments were drafted.

Section 2(2) was amended and now reads:

For the purpose of this Act and the regulations, a project is a public project if the project is

- (a) a project related to the transportation of people or goods, which may also include as part of that project a corridor of land for pipelines, pipes or other conduits, poles, towers, wires, cables, conductors or other devices, including any ancillary structures, or
- (b) a project related to the conservation or management of water.

Mr. Chairman, this amendment makes it clear that Bill 19 is designed to facilitate the construction of either a water project or a highway such as a transportation utility corridor. Furthermore, it is explicit that land assembled under Bill 19 can only be used for

things like pipelines or transmission lines if and only if that land has already been assembled for another purpose such as a transportation utility corridor.

Mr. Chairman, section 2.1 has also been amended. Part (2) of this section now reads that “the Lieutenant Governor in Council may not designate an area of land as a project area if more than 2 years has elapsed since the plan of the proposed project was made available to the public.” In our discussions Albertans expressed concerns about the duration of consultations and advocated for a finite consultation period. This amendment gives those constituents peace of mind, assuring them that any consultation would be completed after two years. At that point the government would have to make a decision regarding whether they are going to proceed with the original plan and designate that land a project area or whether they are not going to follow through with assembling that land.

Mr. Chairman, the amendments to section 5 ensure that if the government chooses to designate a particular piece of land a project area, the landowner is fairly compensated. Section 5(1) reads: “At any time, at the request of the registered owner of land within a Project Area, the Crown shall enter into an agreement with the registered owner to purchase the land at market value.” In essence, at any time after the land is designated a project area, the landowner can choose to begin the negotiations to sell their land to the Crown. This means that a landowner can choose to maintain ownership of their property, continuing to use it until the government requires it, or they could choose to sell it immediately. Ultimately it is the landowner’s discretion.

Further to this, Mr. Chairman, if an agreement cannot be reached about the market value of the land, part (2) of this section allows for the owner to apply to the Land Compensation Board to determine the market value of the land. Should the registered owner choose to exercise their rights in part (2), part (3) applies to the Land Compensation Board, allowing them the ability to establish the value of the land just as they would if the request were made under the Expropriation Act. This provides them with several powers in order to draw a conclusion on the value of the land, including allowing them to hold formal hearings and to physically inspect the property.

In the event that a determination by the Land Compensation Board is unsatisfactory to either the landowner or the government, part (4) then applies. This section reads:

The registered owner . . . or the Minister may, within 30 days after receiving notice of the determination of the Land Compensation Board, appeal the determination to the Court of Appeal, and section 37 of the Expropriation Act applies to the appeal.

This part ensures that there is an additional mechanism for a landowner to be certain that they are being fairly compensated when selling their land to the Crown.

The last amendment is section 13. Mr. Chairman, this section was initially written to reinforce that Bill 19 was to work in concert with the Expropriation Act. However, it caused some confusion. Albertans were concerned that Bill 19 would override the Expropriation Act. It doesn’t. Regardless, the amendment is there to remove this section, thereby alleviating this fear and, therefore, providing clarity on the issue to Albertans.

Mr. Chairman, these amendments are in response to the concerns and recommendations we heard from our constituents, Albertans. The feedback from Albertans gave us a clear understanding of the elements of Bill 19 that were misunderstood and enabled the communication of these concerns back to the government. This democratic response has ensured that Bill 19 respects the rights of landowners while balancing the province’s need for future transportation utility corridors.

Indeed, as mentioned in earlier debate last week, this was also

taken to the floor of the AAMD and C. After listening and questioning the minister on questions they had with regards to Bill 19, the assembly voted – and overwhelmingly supported the minister – to defeat an emergent resolution to delay this bill.

For myself and others this has been about listening to our constituents, going to meetings with them, meeting with them in our offices, over the phone, and bringing back their concerns and having those concerns addressed in the amendments we see tabled here today.

Mr. Chairman, I would like to thank the members of government and all Albertans that have shared their ideas and suggestions. That process and the feedback that we have received and the amendments that have been tabled have made Bill 19, in my opinion, a better piece of legislation.

Thank you, Mr. Chairman.

3:40

**The Deputy Chair:** Before we move on, hon. members, the Member for Edmonton-Strathcona has asked for unanimous consent to revert to introductions.

[Unanimous consent granted]

### Introduction of Guests

(*reversion*)

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

**Ms Notley:** Thank you very much, Mr. Chair. I do apologize for having to interrupt the debate. I will be brief. We had attempted to introduce a number of people who are in the gallery today to listen to this debate, and at the time we did not have their names at our disposal. With the permission of the members of the Assembly I would now like to introduce the people who are in the gallery, who are very committed to following this debate and are very concerned about the outcome of the debate with respect to Bill 19.

I hope I have most of the names correct. I may miss some of them still, but I would ask that you rise as I call your name in order to receive the warm welcome of the Assembly. The members in the gallery are Joe Anglin, Jan Slomp, Benz Rofacht, Jessica Ernst, Mary Binnette, George Binnette, Stewart Shields, Garry Mizera, Midge Lambert, William Munzie, Rod Olstad, Patty Davidson, Terry Smith, Sheila Sharko, Jim Slavin, Susan Junas, Edwin Erickson, Florence Stemo, and Ken Stemo. It does appear as though there may be a few others up there whose names I didn’t get, and I do apologize for that. I do want to say thank you very much for your demonstrated interest in this very important issue to Albertans. I would ask that all Members of the Legislative Assembly welcome these members.

### Bill 19

#### Land Assembly Project Area Act

(*continued*)

**The Deputy Chair:** We will now continue with the debate on the amendment. The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Absolutely, Mr. Chairman, on the amendment. Okay. My concern with what I’m seeing from the government amendments is that it’s one step forward and two steps back. I don’t in fact see that there has been much accomplished through these amendments. Just let me give you one really quick example. When we looked at section 2(3) of the original bill, we had, “The Lieutenant Governor in Council may not designate an area of land as a

Project Area with respect to,” blah, blah, blah, and then (a), (b), (c), (d). In (a) it talks about “has prepared a plan, in accordance with the regulations,” and for (b), “has made the plan of the proposed project available to the public in accordance with the regulations.” That “in accordance with the regulations” phrase appears in every single clause.

As always, we don’t get the regulations. We don’t get the regulations in advance of the bill that is tabled before us in the Assembly. Members of the Official Opposition keep bringing up this issue because we’re asked to approve a bill in which, over and over and over again, the salient clauses in the bill are all subject to regulations. All the detail of what is supposed to happen here is by regulations. That’s like saying: would I please admire your child who is yet unborn. I’d love to admire your child, but the child is unborn. I have no child to admire here, and I don’t want to go out on a limb and say, “What a lovely looking boy” when it could turn out to be a girl, and I wouldn’t know because there’s no child.

In many ways what the government keeps trying to do is exactly that. The child that I’m referring to is the regulations. Until we can see the regulations, these bills don’t make sense. They don’t give us any information at all. Legislation should be a plan. It should be a good enough plan that I can follow it, that these people who have joined us in the gallery can follow it, that people that want to download the legislation at home and read it can follow the bill. It should be written in clear and understandable language, and you should be able to actually figure out what the government is trying to do as a result of reading it. That is an impossibility here because everything is subject to, and the detail of which is supposed to come through, the regulations, which we don’t have as we’re trying to debate the bill.

We now have an amendment come forward from the government, and I thought: “Yay. Glory. It’ll be great.” I look at it, and the section that has been replaced, which is appearing here as 2.1(1): “(a) has prepared a plan” – is this sounding familiar? Yes, I think it is, Mr. Chairman – “in accordance with the regulations.” Wait. Let’s go to the next one: “(b) has made the plan of the proposed project available to the public” – yes, again – “in accordance with the regulations.” And on it goes in (c), in (d), and henceforth through the rest of the bill. Can I tell what is supposed to be going on here? Could I explain it to someone else? Could anybody else in this Assembly explain it specifically? No, they can’t because none of us have the regulations to be able to understand the detail of what the government is anticipating here. Even though we’ve got a series of amendments, in many ways we’re no further forward.

This is what this government keeps doing. The previous time this bill was up for debate in committee, I talked about buying a pig in a poke, and it ended up getting picked up in the media. Essentially, we’re being asked to approve something that we can’t see and we can’t test and we can’t examine in any way, shape, or form. We’re just supposed to go, “Oh, I guess the government means well, and I’ll accept that.” But we can’t accept that, no, and I won’t accept that. There are too many examples of where the government actually made a mistake and, gee, in some cases passed legislation that was unconstitutional and then had to redo it, or in some cases we’re still waiting for them to redo it. Sometimes they make a genuine mistake, or they don’t foresee the consequences of something.

We have the government trying to address an issue that it has identified it wishes to modify. Thus we had the original Bill 19. That didn’t go so well. We even have backbenchers that, I’m delighted, have joined in the discussion. We rarely have them join us in discussion of a government bill, but we’ve certainly seen that this afternoon. They feel compelled to get on the record in order to address concerns that have been raised by their constituents. We’ve

got amendments brought forward by the government, but that didn’t really take us that much further forward.

I’ll just pick up on the section that my colleague from Edmonton-Riverview was querying the minister on, the language that we’re missing from that section that’s appearing as amendment 3 from the government, which is, in fact, amending section 5. It talks about an agreement to purchase the land and that it shall be entered into. My colleague is correct. The language that’s missing here is any language that talks about time: “expeditiously” or other kinds of time language that you get in legal documents, “forthwith,” “immediately,” or a number of other examples of language that has to do with time. There is no language that has to do with time appearing in this amending section.

My further question on this is two things around compensation. Would this section address the time lag that takes place between when this idea to designate this particular area for future use by the government – does it take us from when that’s a twinkle in the government’s eye to the point where the landowner says, “Okay, I’m ready to sell,” and we have section 5(1) kick in? What is done about the devaluation, the lowering of the market value of the land that has happened from that twinkle in the eye to this point? If you start to negotiate from this point forward, you may have already had a devaluation in your land. If the government says, “Well, no, I mean, we do the regular due diligence that happens around the sale of land, and we look at the nearest ones or comparable property, and at this point in time or within the last six months it is X amount of money,” that may not be taking into consideration any devaluation that’s happened over the longer advance period of what’s contemplated in this bill. That’s the first question I have.

3:50

The second question is around the ability of the landowner to continue to negotiate contracts for the use of their land. I’m thinking grazing leases or access for oil and gas companies, in which a landowner can sign a contract for additional compensation. If they are now under the definitions of what is contained in Bill 19, is there compensation available to them if they’re not able to negotiate those kind of contracts?

I’ll see if the minister is willing to answer those two sets of questions for me.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chairman. I’d like to first speak to the reference to regulations. The hon. member made reference several times that the regulations aren’t there before them to take a look at and that they never are in government. Well, the hon. member is correct. Only an arrogant government would create the regulations before it has the legislation to guide it. That’s the way the democratic process and this process works in the House. The regulations are guided by the legislation, and the legislation with this bill, as with all bills, is the tip of the iceberg. It’s what gives the high-level direction of what we’re trying to accomplish.

The only part I really got, question-wise, out of that second section is where the member talks about the value of land. We talk about the compensation, and we talk about market value. Market value is determined by all levels of government. Everyone uses the same principle with respect to market value. It does not consider any sort of damage that might be done to a value by the project that’s going to impact that piece of property. The market value is a property unencumbered, as this one is at the time that government comes in and has a project that they need to do. All considerations on compensation can be brought to the table. This is the advantage of this legislation compared to what we’ve done in the past. As soon

as a determination has been made that it will go forward, the landowner can trigger the compensation immediately if they want that to take place.

I'm going to talk a little bit about my personal experience, but I can also talk directly with respect to the two projects that we're familiar with now, the Anthony Henday and the Calgary ring road, over the past 30 years while land has been acquired, the value of those properties and the value of properties back in my old days. In fact, when you have a proper transportation corridor – and there are a number of members in the House with past municipal experience – you see the values increase dramatically. That is more the case. So with proper consultation with landowners at the front end of this project I as an Albertan and as a person representing Albertans would like to make certain that that's on the table so that they understand that they can be the speculator on land should they choose to be the speculator on land as it goes forward.

If this creates a situation that they find is not in the way that they want to operate, they can trigger the compensation, or as has been mentioned, they can continue to use the land exactly as they have right up until the government needs it for the project. At that point, should they not wish to use all of those tools that are available to them for compensation, in section 5 expropriation is still available.

Having been involved and even being personally involved where the provincial government needed land from my property for a transportation project, I am very thrilled with this bill and these amendments and its clarification. The hon. member is correct. The intention of the bill before the clarification and the changes were made was to ensure that the landowners were consulted, compensated, and treated fairly in this process. But there have been many fears that have been put out there, people that continue to go out and talk about this being used for the placement of a nuclear plant, for example, or for the transmission of power, for those sorts of things, and these amendments have cleared that up. All of those clarifications have been made.

We have a responsibility, and these amendments show the responsibility. We have a responsibility to the landowner, but there is a greater public good, too, and we have a responsibility to plan towards the future. We need to have good legislation that's responsive to all Albertans and also is responsive to the landowners. I think that we've captured it very well with these amendments.

**The Deputy Chair:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Well, specific, of course, to the amendments, Mr. Chairman, but a little democratic vignette for the benefit of the member, who, I understand, was elected six or eight months before the last election and, in fact, has served as a member of cabinet for a year. In fact, in most other provinces it would not be uncommon to have draft regulations to consider at the time that you were considering legislation on the floor. Alternatively, most other provinces still have an all-party legislative standing committee called law and regulations, to which the regulations are referred. All parties would be represented and would be able to examine and debate the regulations often at the same time and even previous to when the legislation comes to the floor. I understand that this is a one-party state, I understand that this party has been in place for 40 years, and I understand that you all believe that this is the way it is. But the truth is that this is the way it is only in this one province, and everywhere else in a democracy those regs are available as part of the process.

I know that this government likes to keep control of everything. I know you love those three Cs. You love that control. You love to be able to control the consultation process as well, and you – well, it's centralization as much as control. [interjections]

**The Deputy Chair:** Hon. members, the hon. Member for Edmonton-Centre has the floor.

**Ms Blakeman:** You know, Mr. Chairman, I'm always delighted when I can get any member of the government to engage, so I'm perfectly happy to have them heckle me. If they'll actually pay attention to what we're doing on the floor, I'll take it. I don't mind the heckling. It shows they are awake, which is an improvement over the status of things at some times in this place, so I'm happy to take it.

Now, back to where I was with the three Cs. Thank you very much, Mr. Chairman. We are talking about a government that deals very much in centralization. It is centralization and control that it's increasingly interested in, how it hangs on to consultation, which is addressed in these amendments, and also compensation, which is also addressed in these amendments. Those are three themes that I am seeing play out not only in this legislation and these amendments but in a number of other sectors that we are seeing this government involved with.

For example, the Auditor General: control of that compensation so that he can't do the systems audits that he wants to do. It's an example that relates to the amendments, Mr. Chairman. The control and the centralization of that control and who is able to report to whom and a real hard push-back from these government members about having any additional officials report to the Assembly, like the commissioner of human rights or the child advocate. So those and compensation: again, the government really likes to use those three things to bully its way through. You know, if my party had been in power for 40 years, I might well do the same thing. I hope I don't. I hope I'm not there for 40 years because I think that's what happens.

4:00

When you get a government in place for 40 years, you get amendments like we're looking at here, and you get the rhetoric that we're hearing in this House about how we should all be grateful that they have replaced a series of amendments and replaced legislation that talked over and over again about "according to the regulations," which we don't have, with amendments that do exactly the same thing.

Overall I'm not seeing that these amendments accomplished what the government said that it was going to accomplish. In the real world, outside of these doors, would they be up or liable for claims of false advertising? Well, I think there's a good case to be argued there, Mr. Chairman. I don't see enough forward movement in what has been presented in these government amendments to allay the concerns that were raised or, more importantly, to make this a piece of legislation that is useful to the citizens of the province over the long term that protects both the citizens and the government.

The larger picture here is about: how do we move ahead with that long-term, large-project planning? If we're going to grow up as a province and take our place, as everyone keeps saying, in the global marketplace, et cetera, et cetera, it is around transportation. It's around moving goods. It's around moving people. But it's also around our utility corridors, our environment, how we balance – I'd argue that we're imbalanced right now – between the energy sector and environmental protection. We need to be planning long term on that, and we need to be understanding how big the projects are. I want something that does that. As a citizen of this province I want to see those kinds of plans and that kind of process in place, and I am not getting it from this government. Do I see protection for the citizen here in balance with a government's ability to move forward on large projects like that? I don't think it's been accomplished in what I've seen here.

I know that there are other amendments that are going to be brought forward. I know that there are others that want to speak, and I have other colleagues that are interested in continuing to speak on these amendments. Maybe I will be convinced that they are more effective amendments than what I am seeing, but thus far I'm not able to support them in the manner in which they are currently presented.

Thank you very much, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Chairman. It's a pleasure to rise and talk about the government amendment to this bill.

I'd like to begin by dealing with some of the aspects of the amendment, first of all the government amendment which puts emphasis on the consultation provisions and removes from the cabinet the unlimited ability to designate something as a public project. Mr. Chairman, I think that this supposed change is laughable. All the government is proposing to do is to take the same provisions about consultation – and the wording is identical except for the addition of the second amendment, which is detailed – and put them in their own section with their own title. It's just a matter of optics, and it involves no legislative change whatsoever. The main problem with this section is that although it requires landowner consultation, there are no details given about how that consultation will take place. That is not addressed by this change.

The second one, a time limit on the government for approving a project area under section 2. The government wants to amend it to place a two-year limit on the government to complete consultations and make a decision whether to approve a project area. But the part of the amendment that removes the ability for the Lieutenant Governor In Council, or the cabinet, to name anything they chose as a public project is beneficial. Now it's clear what a public project which can lead to the creation of a project area consists of: something that transports people or goods, something that involves water conservation or management. I think that this is a positive limit on the cabinet powers, but there's still no requirement that a public project under this act will be in the public interest.

The amendment requires the government to take no more than two years to assign an area as a project area from the time they first release the tentative plan to the public. This provision would be included in the new section about consultation requirements. This is probably an improvement as it keeps the consultation process from dragging on too long and keeps people whose land is being considered for a project from being up in the air for more than two years.

Mr. Chairman, here's the point. It's not the time limit that the landowners have been asking for. My understanding is that people want a time limit on how long an area of land can be designated as a project area before the government actually goes ahead with their project. As it stands, a person's land could be under a project area designation indefinitely with no guarantee of when the development will happen or if it will happen at all. The government can cancel the project at any time without consequence. The government may try to say that this amendment addresses people's concerns about the lack of timelines in the bill, but it does not.

Mr. Chairman, there is one here that we do like, and that is the purchase of land provisions under section 5. This proposed amendment does address a problem in the original bill, so this amendment might be a positive change. The ministry has insisted that they would be prepared to buy any land that was part of a project area from day one, but this was not enshrined in the legislation. The

amendment would change that. It would guarantee that landowners were always able to sell their project area land at any point in the process.

The removal of section 13 is just an issue of clarification. Some people believe that section 13 of this bill was nullifying parts of or all of the Expropriation Act. That was not the case. Section 13 only says that actions under Bill 19 would not be considered expropriations. If the government had to expropriate project area land because development was imminent, then that action would be taken under the Expropriation Act, not under this act. To be clear, Bill 19 does not affect expropriations. The removal of section 13 is once again merely a matter of optics. It makes no legislative changes whatsoever.

This government amendment does not address a number of important issues. Landowners whose land is part of a project area still do not get any form of compensation for the development restrictions placed on their land. There is no limit on how long land can be under a project area order, and the government can cancel the project area order at any time without penalty. The details of the consultation process are still left to regulation, belying the government's claim that this bill increases transparency. The minister still has the power to choose which appeal body will hear an appeal of an enforcement order, giving him inappropriate influence over the hearing and ruling on the appeal. An injunction can still be sought for someone who appears to be "about to" commit an offence.

Finally, these proposed changes do not remedy the fact that no landowners were consulted in the drafting of this bill. These amendments do not address the concerns of Alberta landowners or of the NDP caucus. Given that, Mr. Chairman, I would like to propose an amendment to the government's amendment.

**The Deputy Chair:** If you want to have it distributed, we'll pause until it's distributed.

**Mr. Mason:** That would be great.

**The Deputy Chair:** Please send it to the table here.

We will label this subamendment SA1. The hon. member.

4:10

**Mr. Mason:** Thank you very much, Mr. Chairman. I will move that amendment A1 to Bill 19, the Land Assembly Project Area Act, be amended in part A, clause (b) in the proposed section 2(2) by adding "the project is in the public interest and if" after "a project is a public project if."

Now, if I can just address that, Mr. Chairman. I want to say first of all that this bill has more fundamental problems than any amendments that we can make here can solve even if the government were to agree to pass these amendments, which is unlikely. I think the government needs to go back to the drawing board and actually consult with landowners and other stakeholders before completely redrafting this legislation. However, these amendments will address a few of the many problems contained in the bill.

One of the most basic concerns about Bill 19 is that its definition of a public project does not include the requirement that it be in the public interest, and that is what this amendment does. Section 2(2) gives some guidelines for what a public project could be – something related to the transportation of people or goods, a road or railway, I guess; a land corridor for pipelines, cables, and other kinds of conduits or ancillary structures; or a water management or conservation project – but the bill does not specify that these must be in the public interest. Given that the project has to be considered a public project in order for land to be set aside for it under this bill,

there should be some requirement that the project be something that is being done for the public good instead of just for the good of big business.

This amendment would require the government to justify any public project as being in the public interest. Most of the projects that government has talked about with regard to Bill 19, such as ring roads and transportation and utility corridors, would probably qualify as being in the public interest. However, I would say that a power line built for the commercial exportation of power to the United States would not. That would be, ultimately, for the courts to decide.

If an individual or group thinks that a government project that has been designated as a public project is not actually in the public interest, this amendment would give them legitimate grounds for complaint and appeal to the courts.

Mr. Chairman, I would urge the government to accept this amendment. As I said, this amendment will not in any way fix the bill. The flawed process and the flawed drafting of this bill will not be corrected. But it will eliminate the possibility, at least, that commercial projects for purely commercial reasons would not qualify, and the government would not be able to use the bill, use the legislation to sterilize landowners' lands in the interests of their friends in business. I think that this would provide a small improvement, and I would urge members of the Assembly to support this amendment to the amendment.

Thank you.

**The Deputy Chair:** The hon. minister on subamendment A1.

**Mr. Hayden:** Thank you, Mr. Chairman. I stand to speak against this subamendment. In the hon. member's preamble it seems that the member completely disregards the amendments that have been put in place that talk about a public project related to the transportation of people and goods. There is no possible way anyone could miss that that is in the public interest and something for the people of Alberta. I believe it's very clear.

Also, with the comments that were made – and I'm only going to make a small reference to them – in the hon. leader of the third party's time in the other order of government, that member put more restrictions on people's lands through his land-use bylaws in a month than this bill will put on in 35 years without compensation.

**Mr. Mason:** Mr. Chairman, the minister cuts me to the quick as a municipal councillor. He also served in municipal government. He rightly knows that good land use is essential to the functioning of any municipality, whether it's urban or rural, but that does not mean that you should trample on people's rights. You should follow a due process. Of course, if the city needs to take land, they have to use expropriation and provide compensation. They do not have the authority to just freeze somebody's land and say: you can't do anything on that land until we're good and ready to come along and buy it from you. You know, I know that. [interjections]

**The Deputy Chair:** Hon. members, the Member for Edmonton-Highlands-Norwood has the floor.

**Mr. Mason:** Thank you. I don't mind a little cheering and so on as I go, Mr. Chairman.

You know, the transportation of nuclear waste might qualify under this. Not everything, as the minister has said, is in the public interest. A pipeline shipping bitumen and our jobs with it down to the United States would certainly qualify in this government's assessment.

If the minister is so convinced that the definition already encompasses the public interest, then why doesn't he support this amendment? Why doesn't he? If the public interest is protected, there can be no reason not to add it in. It might be redundant, but it obviously wouldn't change the intention, as the minister has stated it.

I just want to indicate to the House that I believe this is an essential amendment in order to protect the public interest, Mr. Chairman. Thanks.

**The Deputy Chair:** The hon. Member for Edmonton-Riverview on the subamendment.

**Dr. Taft:** On the subamendment; A1 I believe it is. Who knows how many subamendments there might be.

Mr. Chairman, I'm interested in this subamendment. I'd be curious to know if the Member for Edmonton-Highlands-Norwood, who sponsored this subamendment, has any formal reference to a definition of public interest. Is there a legislative basis for how public interest is defined, or is it something that would be worked out in due course?

**Mr. Mason:** As far as I know, it would be a matter of case law.

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

**Dr. Taft:** Yes. Thank you. This subamendment raises an interesting point, and it's the conflict potentially between a development for, as the member said, purely commercial purposes versus a corridor for the public interest. The minister had an interesting response, and he's right to the extent that this amendment refers specifically to a project related to the transportation of people or goods.

Now, if I can just work with the minister here a little bit on getting as clear as possible, that would be great. Thank you. What I have with me – and I tucked this in my file many weeks ago – is actually the map for the Heartland transmission project, which is a proposed electrical transmission route from the Wabamun area up around the northwest of Edmonton, up past St. Albert and so on out to the Industrial Heartland. I guess that's why they call it the Heartland transmission project. Now, one of the questions I had, and I think this subamendment gets right to the point here: is there any possibility that Bill 19, once it becomes law, if it does, would be used to pave the way, as it were – or perhaps that's a poor choice of words – to assemble the land for this Heartland transmission project? Is that the kind of thing that Bill 19 would be used for?

4:20

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chairman. No, that's not possible. There's legislation for the management of pipelines or for transmission of power. There's separate legislation that deals with that. We do not acquire land as a province for private industry.

**Dr. Taft:** Still on the subamendment, Mr. Chairman, we're into some interesting and, I think, important – I think it's fair to say important – definitional matters here. Since we're on to the one about the public interest and what this piece of legislation would cover, I don't want to get too complicated here, but in part A of the amendment we get into subs and subs and subs. It says, "For the purpose of this Act and the regulations, a project is a public project if the project is," as the minister has said, "(a) a project related to the transportation of people or goods." But then (b) – we haven't spoken about (b) yet that I'm aware of – says: "a project related to



the conservation or management of water.” Is the minister with me on the amendment? Okay.

Then we go to the subamendment, which would narrow this a little bit to the conservation or management of water that was in the public interest. I have been wondering about that section of this amendment for some time. Conservation and management of water is very broad. It strikes me that, well, that could include canals. It could include pipelines. We’ve put a number of bills through this Legislature for interbasin pipelines and the whole water system which, in fact, the hometown of the minister is served by, those pipelines stretching from the Red Deer River up as far north, I think, as Hobbema and as far south as, well, south of Stettler, anyway; I know that. It could include dams, it seems to me, if we’re wanting to manage our water system. It could include something like wetlands, which are gradually being recognized as an important flood abatement resource and an important natural resource.

My question here is that that’s wide open. One of the most contentious issues in this Legislature, which this minister will know about, I’m sure, because it certainly came up in Drumheller in the by-election, is the transportation of water from the Red Deer River through the Drumheller water treatment plant to a big shopping mall at Balzac. Now, that’s a commercial project. That water is being transported from one basin to another for purely commercial purposes. It’s not in the public interest. So if we do not accept this subamendment, in fact, it would seem to me that it’s very possible that this legislation could be used to allow water management such as we saw for the Balzac shopping centre. I’d appreciate the minister’s comments on that.

Thanks.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Yeah. Thank you, Mr. Chairman. No, that isn’t possible either. There’s legislation that deals with regional waterlines, and it’s not the acquisition of large parcels of land for that. I’m sure that the hon. member is aware of how the distribution of utilities works. That’s the legislation that would cover that.

There is also a restricted development area of the legislation that was designed for environmental purposes. When the member speaks about wetlands and areas like that, that legislation was designed for that and can be used for that should those types of areas be protected.

This is for the acquisition of large areas of land that would be involved in reservoirs or dams, where we’re talking about a large area of land being required for that particular project.

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

**Dr. Taft:** Thank you. Certainly, anyone is welcome to jump in here. First of all, I just want to reiterate for the record that the minister is being very clear that this legislation would not be used for drinking water transportation or for anything of the like. This would be used, as he said, only to assemble land for dams or reservoirs. That’s interesting to know.

I am concerned, as Albertans have been for a very long time, about the assembly of a water transportation system to take water from north to south, from the Athabasca or Peace basin down to the Red Deer or Bow or South Saskatchewan. I’m concerned that this bill, in fact, can facilitate an interbasin water transportation project like that.

I have to say that I’m not convinced by what the minister told me on the water side that the subamendment proposed by the Member for Edmonton-Highlands-Norwood isn’t actually very well justified

in common sense. We often hear from the Minister of Transportation how we need more common sense. Well, this is a common-sense amendment brought forward. I don’t see the problem with it. I think it would help reassure that some of these land assembly projects for reservoirs or dams or other such are genuinely in the public interest.

**The Deputy Chair:** Any other members wish to speak? The hon. Member for Edmonton-Strathcona.

**Ms Notley:** Thank you. I’ll be brief. Don’t worry.

**Mr. Mason:** You don’t have to be.

**Ms Notley:** I’ll try to be. It happens every now and then.

It’s a pleasure to be able to rise to speak to this proposed amendment to the government amendment, wherein we would add the concept, the notion, of public interest into the definition of the types of projects which would come under the authority of this legislation.

I want to start by simply repeating the point made by the Member for Edmonton-Highlands-Norwood, which is: if it is the case that these items which are listed in the legislation are actually in the public interest, what would be the problem with including that language in the legislation? It’s certainly the case that that language appears in other contexts. It appears in the Expropriation Act. I believe it appears in the Government Organization Act. I believe it was at one point a principle governing the now-defunct energy utility boards, however ironic that is. So it’s not that this government has in the past been uncomfortable with identifying the concept of the public interest as far as describing and in some cases limiting its authority. There’s not really been a good answer to the question posed by the Member for Edmonton-Highlands-Norwood to the minister with respect to why it is you would not simply agree to have that provision included.

The other thing that I am a bit confused about is that every time we put certain scenarios to the minister and say, “Well, would this be something that might be covered, or would that be something that might be covered?” the minister responds by saying: “Oh, no. That would be covered under this scenario or that scenario or this legislation or that legislation.” Of course, you know, we do have under section 3, which is not part of the amendment at this point, of the proposed legislation the notion of essentially giving the cabinet, the Executive Council of the government, the ability to override any other act or regulation that might otherwise limit the way in which the government conducts itself on a piece of land once it becomes approved as a project area. So there may be water management rules and regulations, there may be environmental rules and regulations, there may be other standards in place which we assume are in the public interest, yet section 3 of the proposed legislation would say that once this becomes an approved project area, those things need not apply if it’s not something that the minister thinks should apply.

4:30

You know, I’ve made this point in other debates before as well. The minister in response to our concerns says: “Oh, no. This idea or this example wouldn’t be included,” and “Oh, no. We’re just using this for huge reservoirs. That’s all we mean by water management.” Of course, as we all know, once the issue becomes a matter of dispute and once you take the act and go into the courts and say, “What does the act say? What does the act prohibit the government from doing? What does the act allow the government to do? Is it okay for the government to tromp on this set of rights or that set of rights?” then the courts only look to the language in the legislation.

That's all we're left with. They don't look to what the minister said in the House. They don't look to the assurances, where the minister said: oh, no; it's only for big reservoirs, and that's it. They simply look at the language that we have, which is water management.

Well, I don't know why it is that huge investments in, for instance, diverting water out of Peace River to provide the adequate levels of water necessary for a hypothetical nuclear power plant wouldn't be a form of water management. If that's the case, then what do we do? Is that in the public interest? What's the weighing? What's the assessment that has to be done? Certainly, by including this issue of public interest in the legislation, that gives us and the people of the province a greater tool with which to question the government's decision to take land for a project that involves water management with no other criteria than that.

Again, it just goes back to the original question, that there seems to be a tremendous opportunity for the government to exempt itself from a number of regulations and legislation that is already in place once the land becomes a designated project area. It would seem to me that it would be only reasonable to very clearly limit and define the circumstances in which that can be the case. Thus, I don't understand why it is that there would be any resistance to including in this clause the notion of public interest when, as I say, it exists in a number of other pieces of legislation that this government has utilized.

I really would like to hear the minister's response to that particular issue. If you think it's all in the public interest, what's the problem with including the language, when it already exists in other legislation in other contexts anyway?

Those are my comments, and I'd be interested in hearing the response.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair. It very clearly states a public project for the transportation of people or goods. Public projects, by their very nature, are in the interest of the public or they wouldn't be undertaken.

**The Deputy Chair:** Any other members wish to speak? The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you very much, Mr. Chairman. I would like to support this amendment because I think it does bring some clarity to the overall legislation. As he was speaking, I could see how not having it in the act could be used by the government in its unique way. You know, this government has, shall I say, an Orwellian flair for language, so I could see how trucking toxic waste across the province can be justified by the government as being in the public interest because, in fact, the government has done that.

When we had Swan Hills and the deal the government had with Bovar, they weren't making enough money despite the fact that the government was paying them a guaranteed amount of money, and they wanted more business. The government said, "Righty-ho; no problem; we will allow you to bring toxic waste from other places and truck it across our beautiful province" so that the toxic waste treatment plant had more gunk to process so that they could make more money. This was all justified by the government of the day, which is the same government, by the way, that we're looking at, which is what happens when you have someone in place for 40 years. It's not a good thing. They justified that as being a reasonable thing.

I am seeking – and many people have been trying to assist me in this Assembly over the last 15 minutes – a definition of "in the public interest" that would work with what I am seeing proposed in

the subamendment brought forward, actually, by the Member for Edmonton-Strathcona. We're finding that the term "public interest" appears in 121 statutes, and none of them really have a definition attached to them.

I know that as I speak the good people in the Legislature Library are trying to find me a dictionary definition or some overriding legal reference, you know, like the reasonable person test we have, for example, in law, to see if they could find me something that we would then understand is a definition of "in the public interest." I'm a little loath to let these guys across the way, my hon. colleagues, have at their definition of "in the public interest" because, as I've noted, they've managed to justify trucking toxic waste around the province as in the public interest in the past.

I was looking for something that I was a bit more comfortable with, so I've gone to the Random House concise version. They're not giving me "public interest" as such, but they're giving me "public." So it's "of or for the people as a whole; open to all persons; owned by a community." That's interesting. "Serving a community . . . ; generally known; familiar to the public, as a person; intending good to the community" as in public spirit. That would be useful if I could go on that one. "The people as a whole; a particular group of people having something in common; in public" as compared to in private.

If I put that together with "interest," it gets difficult. "A group financially involved in a given enterprise, industry; benefit or advantage." Okay. That might work for us if we could put those two together. "A sum charged for borrowed money; the rate for such charge." Unfortunately, it's not definitive enough.

I'm wondering if the member who has proposed the subamendment is able to provide something to me. I know they've referenced that it appears – and, indeed, it does – in 121 statutes but not in a definition, that I think both the sponsoring member and myself would be happy with given the one-party state that we live in. Perhaps the member could address my concern.

**The Deputy Chair:** The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Chairman. I just have looked up a definition of public interest for the hon. member, and it may or may not help her. I want to indicate, however, that putting public interest in the legislation means that ultimately that will be decided by courts, not by the government. Neither the hon. member nor I trust the government to define public interest. They will try to do so, of course, but if they do so in a way that's unfair or arbitrary in a situation, then it may ultimately be adjudicated in court. If that's the case, then that is the intention, and that's why my answer to the hon. Member for Edmonton-Riverview was that it would be a definition of case law.

I'll try to provide you with one definition which I have just found. It says:

The public interest refers to the "common well-being" or "general welfare." The public interest is central to policy debates, politics, democracy and the nature of government itself. While nearly everyone claims that aiding the common well-being or general welfare is positive, there is little, if any, consensus on what exactly constitutes the public interest.

That may not clarify things quite as much as I had hoped.

**Ms Blakeman:** Okay. Thank you.

4:40

**The Deputy Chair:** The hon. Member for Peace River.

**Mr. Oberle:** Thank you, Mr. Chair. Just a brief comment. Until

that last exchange I was seriously considering the merits of including the words “public interest” although it seems somewhat self-evident to me that when we talk about the transportation of people and goods, that by nature is a public project, and it is by nature in the public interest. But I was seriously contemplating the inclusion of that term. Would it be harmful?

Here we have two opposition parties that are fighting fervently for the inclusion of the words “public interest.” They (a) can’t agree on the definition, and (b) neither one of them knows whether it’s going to help them or not, yet they’ve tabled an amendment with that wording in it. Mr. Chair, I find it very strange.

I think the wording in the bill is self-evident, and I’m back to going with the bill as is.

**Ms Blakeman:** Oh, I’m so sorry that the Member for Peace River has trouble understanding.

**Mr. Oberle:** I understand perfectly.

**Ms Blakeman:** No, I don’t think he does because the point is that it needs to be in the legislation so that the government cannot do something to the people that we don’t wish to have done. That’s why it needs to be clarified, and it needs to be in the legislation. [interjection] I am so good at getting people engaged, Mr. Chair. You must be so pleased with me today. I’m just delighted that we’ve had a second person engaged in debate in this House.

It is about underlining the importance of having it in the legislation and to have it clearly defined.

Thank you so much for getting engaged in the discussion. I’m always delighted to see another government member on their feet because it’s such a rare occasion in this House.

**Dr. Taft:** One of the things that debates do is to bring issues out and flush issues out and get people thinking. Again, this is a serious question to the minister, if I can do that. I was partly stimulated by the comments from the Member for Peace River, who made me think about Peace River, which made me think about nuclear power. I’m not actually being facetious here. Nuclear power stations need big pools of water for cooling. They need reservoirs.

Now, I am wondering if this bill could be used – because, you know, we don’t have to have every project transporting people or goods. What is to prevent this bill being used to assemble land for a dam and a reservoir to facilitate a nuclear power plant? What is there in here to pre-empt that or prevent that from happening?

**The Deputy Chair:** Hon. member, you’re referencing that to public interest?

**Dr. Taft:** Yes, I am. Presumably it’s going to be a privately built nuclear power plant if it does go ahead, so it’s a matter of public interest.

**The Deputy Chair:** Thank you.

**Mr. Hayden:** I think it’s clear what a public project is and what a private project is. This is for public projects, and what the hon. member is referring to is a private development and has no connection whatsoever.

**The Deputy Chair:** The hon. Member for Calgary-McCall.

**Mr. Kang:** Thank you, Mr. Chair. As the minister said, it is a private project, but the private project will be supporting the public

if they are selling the power. In turn, indirectly it will be for the public, so you can get around it. This is so broad, you know, the definition in here, so it could be used for anything. If you put this amendment in there, that will clarify things. That’s what we are trying to do here with the amendment. This is so open. This is so broad. Anything can be done under this section. Maybe the minister can clarify all that, please.

**Dr. Taft:** I have to get this on the record. It seems to me that what this amendment is doing and what’s being avoided by not supporting this subamendment is that this is a definitional game here. That’s all that this legislation is about. It’s simply saying, “For the purpose of this Act . . . a project is a public project if the project is,” and it goes on. So all this is just defining into existence one version of a public project, and it doesn’t give any broader reassurance. It doesn’t link it to anything else.

This, to me, is just a definitional game, and it would be a definitional game that would be short-circuited if we were to support this subamendment because then there is a broader reference to public interest, which, frankly, would be sorted out if it came to it by case law in a court.

As much as I’d like to be reassured by the minister, frankly, I’m not.

**Mr. Mason:** I’d like to close if I could, Mr. Chairman. I want to first deal with the whole question of the minister’s definition of the public interest, which was: if it’s a private project, it’s not a public project. But that’s not the definition contained in this amendment. The definition contained in this amendment says, “For the purpose of this Act and the regulations, a project is a public project if the project is . . . related to the transportation of people.” So it doesn’t matter if it’s a private railway or a public railway. If it’s related to the transportation of people in the definition of the act, it is, in fact, a public project. That is how this act with this amendment will define public projects. If it relates to the transportation of people, if it’s a pipeline, poles, towers, wires, cables, conductors – in other words, power lines – or a project related to the conservation or management of water, those are public projects regardless of whether or not it is a public organization, a government organization building them or a private organization and regardless of whether it is for the public interest or for private gain. So I just wanted to deal with that first.

Mr. Chairman, I was quite proud to be the first person to blow the whistle on this bill. I think the reaction from the public has been very strong and sustained, and I don’t think it has been toned down at all by the amendment that has been put forward. I think it’s interesting that it’s the NDP – and I don’t want to exclude my friends in the Liberal caucus – that have been standing up for the rights of property owners in this province against a government that is too powerful, too centralizing, too interested in the power of the state as opposed to the rights of the individual.

A lot of people might find that a little bit ironic, Mr. Chairman. I know that some members opposite find that ironic, but of course they’re only responding to their own stereotypes of the policies and principles that our party stands for. I just think that it is important that we recognize that we’ve tipped the balance between centralized government control and the rights of individuals and the rights, indeed, of property owners, and I think that they should be protected. I think that they ought to be protected. We need to find the right balance, and this act doesn’t have the right balance. I think that this particular subamendment would improve the situation.

I wouldn’t want to sit with you, hon. minister, because what you’re doing here doesn’t fit with your rhetoric. It doesn’t fit with

the rhetoric of the Conservatives in this province that they're all for the individual, all for property rights. So, no, this government is too centralized, it's too secretive, and it needs a bigger opposition. Better yet, Mr. Chairman, it needs a new government that will actually stand up for the people of this province and live up to the principles which it espouses, which this government doesn't do.

Thank you.

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

[The voice vote indicated that the motion on subamendment SA1 lost]

[Several members rose calling for a division. The division bell was rung at 4:50 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Mitzel in the chair]

For the motion:

Blakeman	Mason	Pastoor
Kang	Notley	Taft

Against the motion:

Ady	Fritz	Marz
Benito	Griffiths	McQueen
Berger	Groeneveld	Morton
Bhardwaj	Hayden	Oberle
Blackett	Horne	Prins
Brown	Horner	Renner
Campbell	Johnson	Rodney
Danyluk	Johnston	Sarich
DeLong	Knight	Webber
Doerksen	Liepert	Woo-Paw
Drysdale	Lukaszuk	Zwozdesky
Elniski		

Totals:	For – 6	Against – 34
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[Motion on subamendment SA1 lost]

**The Deputy Chair:** We are back to amendment A1. Any members wish to speak? The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Thank you. I'm sorry, Mr. Chairman. We're back on the main amendment, correct?

**The Deputy Chair:** Yes.

**Ms Blakeman:** Okay. Thank you. My understanding of what the government was trying to address with this main amendment was a couple of areas specifically around the time limits that the government could hold the private land that they had an interest in, compensation, and – there were three Cs, I thought. My concerns that I had outlined previously were that although the government talks about a two-year time limit after they propose a project area before they actually put it into a project order, because that was open to such interpretation through the regulations, we in fact really didn't have enough specifics to understand exactly what it was that the government intends. I'm presuming that the minister will say, no,

that he knows what he intends, but he can't share it with us using enough specificity of language so that we can all understand what that is meant to be.

As I have stated in the House before and I heard my colleague from Edmonton-Strathcona say earlier today, nobody reads *Hansard* years from now to see what the minister said by way of explanation. You know, if it's not in the legislation, if it's not in the regs, nobody goes back and reads *Hansard* to see what was intended by government with this. They go off the actual legislation, so anything that we need in there should be in there.

Now, the government has chosen to vote down the inclusion of language around the public interest, which again I think doesn't help us with the specificity of what's being considered here. I would argue that it has not addressed the timing problem, and I would argue – and I think others have argued actually better than I – that the compensation issue has also not been addressed here. I mean, the government has enough members that they're going to vote this through.

There was a small group of people that travelled from throughout Alberta to be in the gallery today, and that's indicative of a larger number of people that are unhappy with the efforts of the government, and their unhappiness doesn't seem to have been alleviated by the government amendment. But I think that that's an indicator of a wider unhappiness with policies of the government and a distrust. You know, unhappiness with this particular legislation may not bring down a government, but a growing distrust that the government has the best interests of the public in mind does become more problematic for the government, I think. So I would have thought that they would take advantage of the opportunity that was presented with this bill, but that doesn't appear to be the case.

The final piece that I want to talk about around these amendments is consultation. I talked a little bit about this the previous time we were debating, but let me complete the argument here. What I keep seeing the government trying to do is organize different ways of consulting without actually consulting or without being in a position where they're held to what the stakeholders or the invited participants had actually directed the government to do.

I talked about the number of summits that we had seen. In the earlier days I'd gone to a gambling summit when I was the gambling critic, and I'd gone to a justice summit when I was, I think, the justice critic. Then they sort of petered out. Then we had two more attempts with the growth summit and the future summit. I never remember which order they came in. Oh, I'm sorry; those were preceded by the round-tables. That was it. There were the round-tables, the specific summits, and then we had the sort of catch-all summits, the clean-out-the-fridge summits where everything got discussed, which the growth summit and the future summit were supposed to be. In each case the public confirmed growing suspicion because they would go and participate in these, and we had all the people that were trained by community development that came out and put little coloured sticky notes up on the wall, and then they moved the coloured sticky notes around and would end up with a very bland statement at the end. People said: "That's not what I said. That's not what I came here to say, and that's not what I spent three days saying." But that's what went forward, and people became very suspicious that they were being manipulated. They weren't being consulted at all.

Frankly, public consultation is a pain in the posterior extension. You know, it's time consuming. It's expensive. People say stuff you don't want to do, and sometimes the public says stuff that's unimplementable. It sounds like a good idea, but it's unimplementable. But I would still argue that like democracy, yes, it's noisy and time consuming, but you've still got to do it, and you should do it with as much good faith as you can muster.

When I look at the consultation that's happening with this government, I think we've reached a new phase. This new phase seems to be sort of generic in-advance consultation, where a large consultation is held in very broad terms, very vague, that people are notified about. It's on the website, they have town halls, they move around the province, it goes on for an extended period of time, but nobody is very clear about what, in fact, government is talking about. Then the government says: "Okay. That's it. We've done the consultation. We know what we're doing, and now we're going to move forward." From then on any specific legislation that's brought forward where the public says, "Yes, but you didn't consult us," they go, "Yes, we did. We did that general consultation. Remember, a year ago? We've covered it. We're not going to go back and do anything specific anymore. We've done the general consultation."

**5:10**

I'm watching what the minister is doing around human rights consultation with great interest because I haven't seen that sort of broad generic one happen. We've certainly seen that happen in some other areas like land use or the consultation with the seniors around one of the pieces of legislation that they implemented, the Dependent Adults Act, for example. I think that's now what we're looking at by way of consultation. So the three Cs that I started with, which were around centralization, compensation, that's completed with consultation. Again, I think that few people would be happy with what is outlined as consultation in this act and the ability of people to bring the government to the table in a meaningful way to hear what their concerns are and with an expectation that those concerns will in turn be dealt with rather than be dismissed or cast in a different light.

Those are the concerns with the overarching themes that I'm seeing in this legislation. Speaking to the amendment, I understand that it was an attempt – but I think it was a very poor attempt – at trying to address the concerns. I can't say that I'm unhappy to see the government get raked over the coals by its citizens. I wish there was more of that, and I hope there is more of that because the more engaged the citizens get, the more pressure there is on us to be better legislators. I think that would be a good thing for all involved.

Thank you very much, Mr. Chairman.

**The Deputy Chair:** Any other members wish to speak? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Yes. We're still on this amendment A1, Mr. Chairman?

**The Deputy Chair:** We're on amendment A1.

**Dr. Taft:** Thank you very much. I appreciated the comments from my colleague from Edmonton-Centre. I have a couple of questions still for the minister on this amendment, and they do relate to issues that have come this afternoon, particularly around the sentence of this amendment that reads, "A project related to the conservation or management of water." While the minister was able to say, "Well, it doesn't apply to certain things," he was able to also confirm, which was very helpful, that it could apply to the land assembly for reservoirs or dams. My general experience is that when something turns up in legislation, it's usually there for a reason. So my question to the minister is: can he tell us what reservoirs or dams may be in the works, maybe being considered, maybe even hypothesized, that would cause this to be written into the legislation?

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair, and thank you for the question, hon. member. There is not a project at this time that is before me. Of course, my ministry is responsible for acquiring lands for the projects that other program ministries bring to me. When we looked at what our past experience has been, using the RDA legislation for the ring roads as an example – of course, there have been other dams and reservoirs that have been established in the province – it's the assembly of large tracts of lands that are required for very large projects. Our ministry saw that it was in the best interest legislation-wise to make a good piece of legislation to ensure that we had that area covered, too. That's another area where we're talking about large amounts of land that would involve multiple landowners. Of course, reservoirs and dams, those types of projects, are the ones that are required.

As the hon. member, I'm sure, is aware, Mr. Chair, there are processes and legislation in place, as I mentioned before, for regional water systems. All of those things are covered. I know that the hon. member is very familiar with that legislation because of past projects where there have been concerns about water moving from one system to another, and I know the hon. member has been very involved in those discussions.

**Dr. Taft:** Okay. Just to be really clear here because, as I say, my experience is that things turn up in the legislation for more substantial reasons than what the minister just indicated. I believe that in the minister's own constituency there's this special areas project, I think it is, which involves water transportation out into sparsely populated areas of eastern Alberta. I don't know the status of that project now, but does this bill pave the way, for example, for a reservoir to be established for that project so that the water might actually be contained for a longer period than would otherwise be the case? There has got to be something somewhere going on that's leading this particular clause to be being put into what is, after all, a pretty controversial bill. If it wasn't needed, it probably wouldn't be here. So does this relate to special areas, or is there any project anywhere in Alberta under any ministry that this member is aware of that meets this sentence?

**Mr. Hayden:** Mr. Chair, to the hon. member, I wish it did apply to that particular project because I'm a big supporter of it, and I would love to see it go ahead. Unfortunately, on that particular project it is a form of off-stream storage that's being proposed, but there isn't a requirement for a reservoir or a dam or any structure to be built because Mother Nature, actually, put all of the landscape in place to manage that particular project.

To the second part of the question: I have not been approached by any program ministry with respect to a specific project, but we do know – and the hon. member knows – how important water is. There's discussion that carries on with respect to the need for off-stream storage, which, of course, would be the reservoir-type situation, or to consider on-stream storage, which would be the dam situation, that we may in fact need to do just because of the amounts of water that the hon. member is aware goes out of our jurisdiction, over and above what we have agreements in place for.

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

**Dr. Taft:** Thank you. Now, just on this theme, there are serious concerns for flood risks in the Bow Valley for Calgary. In fact, we've seen significant flooding in Calgary itself and in some of the towns immediately south of Calgary. I can't remember if it's Turner Valley or High River, in the Highwood River and Sheep River and so on. One of the concerns or speculations or theories is that those

floods have been worsened because upstream there has been overforestation or there have been wetlands destroyed. Then that leads to the possible solution being some kind of water storage system upstream of Calgary and upstream generally in that area so that the water coming rushing down the mountains gets held back a little bit. Are those projects the kinds of projects that might be covered under this sentence? I mean, if this government is wanting to assemble land to help with flood abatement in the Bow basin, especially, you know, in the Calgary region, is that what this is for? There has got to be a reason for this sentence.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair. To the hon. member: if the hon. member and all of our other colleagues in this House consider a project somewhere down the road that they feel best serves Albertans' needs with respect to the conservation or management of water, it's my duty as the Minister of Infrastructure to work with government to put in place those things that are necessary in order to accommodate your wishes. So should a project come along, I'll say, upstream of any community in this province where the hon. member and all of our colleagues decide that's necessary, I'm your servant.

**The Deputy Chair:** The hon. Member for Calgary-McCall.

5:20

**Mr. Kang:** I had a question earlier. For the purpose of this act and the regulations a project is a public project. You know, there's a grey area between a public project and a private project. I will give you an example. We had Rancher's Beef. I think they walked away with \$42 million from this government, you know. They came to Calgary, and the city of Calgary wouldn't give them the water, so then they went outside the city limits. That was a private project, but that was being set up in the interest of the public for the ranchers. How will we differentiate between the private and the public project? There is a grey area here, sir. You know, some private outfit may come here, and then they are going to do this in the public interest. How will we differentiate, you know, that it is a private project or it is a public project?

I'm going to take it to section 5(1). We are talking about the market value under this section. "At the request of the registered owner of the land within a Project Area, the Crown shall enter into an agreement with the registered owner to purchase the land at market value." My concern is: what kind of criteria are we going to use for market value? Will it be the present value of the day, or will it be the value a year ago or the value when you are going to take over the land, or will there be some compensation in between?

If the owner

agrees to sell the land [to the Crown] and the Crown agrees to purchase the land but there is no agreement as to the market value of the land, the registered owner may apply to the Land Compensation Board or the Court of Queen's Bench.

How about the costs incurred, you know, for the poor little landowner? How is he going to stand up to the government? Is there any safety net in place for the landowner, that the government will be compensating him or her for their legal costs, if they incur any? This may drag on for a long time.

Those are my concerns, you know, with these amendments. What will be the criteria to find the market value? Those are the questions that I have for you, sir.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chairman. First of all, a public project "related to the transportation of people or goods": it's quite a stretch to turn that into a butcher shop, so I don't think I need to follow that down any further.

With respect to market value, market value is an indicator that is not new to this legislation. As a matter of fact, market value has been used by all orders of government right back to my earliest and several of my colleagues in the House and members opposite even – I'm going back 30 years, pretty close; 25, 30 years. Market value, of course, is the indicator that all orders of government use, and it's based on the value of comparable properties without any encumbrances on them to be taken into consideration.

In the negotiation the other feature that's there – and one of the hon. members from the opposition party brought forward a reference to section 28 in the Expropriation Act as it relates to the negotiations. The powers there are not for government. The powers there are for a determination to be made by a third party like the Land Compensation Board, as an example, or another arm's-length group that's agreed to by both parties so that things can be brought to the table in the determination of the compensation that a landowner gets, Mr. Chair. That could be improvements that the person has on the property, any value that has been added to the property by that owner, plus the market value consideration on the land itself so that the land sales at the time that the person decides to sell are the ones that are used.

Market value is used, as I say, and has been for as long as I'm aware of by all orders of government, and the determination is at the time of the negotiation, the value at that time, so that if a person decided to use the land as they always have right down the line to within a year or two of the project being undertaken and then triggered negotiations with government, the market value at that time is the market value that they deal with. That's the principle that has always been used. It's the principle that all orders use.

**The Deputy Chair:** The hon. Member for Lethbridge-East.

**Ms Pastoor:** Thank you, Mr. Chair. I've sat for the last two and a half hours, I guess . . .

**Mr. Mason:** Three.

**Ms Pastoor:** Three.

. . . and actually have enjoyed because I've listened to some of the debate, and I think it has been very good. That's partly why we're here, to be able to debate back and forth and ask questions and have them answered. I haven't really stood up until now to speak to this, but there was one thing, as I've listened over the last hours: "a project related to the conservation or management of water."

I remember in history, probably, once when I was at the Hoover Dam. In their museum in their interpretive centre there's a very large topographical model of the southeast of the United States. In that it showed what it looked like in the beginning, and then it showed as they added the dams and as they tried to play with nature and as they tried to move water. What they have now are dams and no water. I think when we have a sentence like this, we have to be very careful how we play with the water in this province. I come from southern Alberta. Water is exceptionally – exceptionally – important. But I will always remember – it stuck in my mind very clearly – lots of dams and no water. We certainly know where California and Arizona are today.

**The Deputy Chair:** Any other members wish to speak?

**Mr. Kang:** Mr. Minister, I was giving you an example of Rancher's Beef. Any other private project could be on the horizon or even in the future that will in turn serve the public. That's the clarification I was trying to get here for the grey area, that, you know, that private project could be in the best interests of the public. How will we differentiate between the two? That will be a private project, or that will be a public project. With an open-ended project related to the conservation or management of water or a project related to the transportation of people or goods, it could be CP Rail or it could be any ABC company. They want to do this in the public interest. How will this apply to their project? That's what I was getting at, sir.

The market value. There was this landowner by the airport, and they fought for years and years, and they couldn't agree on the market value. I know there's a definition for market value, but how will this system be made fair? You know, there should be something in there to speed up the process so this doesn't drag on in the courts for years and years. There was still no agreement, and there was some restraining order taken out by the city to kick them off the lands. That's what I was getting at, sir.

Those were my questions, my concerns as well.

**Mr. Hayden:** Just very briefly, Mr. Chair. The language is very clear. A project is a public project. There is no reference whatsoever in the act to deal with private projects, strictly public projects.

**The Deputy Chair:** Hon. members, are you ready for the questions on the amendment?

**Some Hon. Members:** Question.

5:30

**The Deputy Chair:** It has been requested that the votes be severed, so there will be five votes.

[Motion on amendment A1A carried]

[Motion on amendment A1B carried]

[Motion on amendment A1C carried]

[Motion on amendment A1D carried]

[Motion on amendment A1E carried]

**The Deputy Chair:** Amendment A1 is carried.

This takes us to Bill 19 as amended. Any comments or questions on Bill 19 as amended? The hon. Member for Edmonton-Highlands-Norwood.

**Mr. Mason:** Thank you very much, Mr. Chairman. I would like to propose another amendment, and I'll pass that up to the chair.

**The Deputy Chair:** This will be amendment A2. I'll just ask the hon. Member for Edmonton-Highlands-Norwood: you're moving this on behalf of the Member for Edmonton-Strathcona?

**Mr. Mason:** Thanks very much.

**The Deputy Chair:** Okay. We'll just take a moment. It's being passed out now.

The hon. Member for Edmonton-Highlands-Norwood on behalf of the hon. Member for Edmonton-Strathcona.

**Mr. Mason:** Thanks very much, Mr. Chairman. I would like to move that Bill 19, the Land Assembly Project Area Act, be amended in section 10(1) by striking out "section 7(2)(a) or (b)" and substituting "section 7(2)." I briefly just want to explain that. If you go to section 10(1) in the bill, it says that you may appeal any matter under section 7(2)(a) or (b), but if you turn to section 7 of the act, you'll find that there's a longer list of things that an enforcement order may do. The present bill as it's written allows you to appeal (a) and (b) but not (c), (d), or (e). So the effect of our amendment is simply to allow an appeal of anything under section 7(2).

Right now the bill would allow an appeal of an enforcement order that may

(a) direct a person to cease the contravention specified in the order, [or]

(b) direct a person to stop doing something, or to change the way in which the person is doing it,

but not appeal an enforcement order that may

(c) direct a person to take any action or measures the Minister considers necessary to remedy the contravention, including, without limitation, the following:

(i) the removal or demolition of a structure that has been erected or placed in contravention of the regulation; [or]

(ii) the restoration of the land to the condition it was in before the contravention occurred.

You also under the present bill may not appeal an enforcement order that directs you to

(d) state a time within which the person must comply with the directions.

Nor may you appeal an enforcement order that may

(e) state that if the person does not comply with the directions within a specified time, the Minister will take the directed action or measures at the expense of the person.

We believe that these three subsections ought to be subject to appeal in the same way as the first two. All of those things, I think, require some level of appeal, so I would urge hon. members to support this.

I want to say that I hope the hon. Member for Edmonton-Centre doesn't have any definitional questions for me on this particular amendment because I note that our conversation the last time caused the hon. Member for Peace River to change his mind about voting for my last amendment, and I would really like to give him the opportunity to vote for this. I thought it would have been a unique experience to see the government whip actually vote against the minister on a bill that the minister had put forward. I think that's really thinking outside of the box for whips, and it would have been an interesting result to see indeed. So I'm hoping that the hon. Member for Peace River will be with us on this one, Mr. Chairman.

You know, with that, I just think it's a question of natural justice. It's just a question of allowing people the right to appeal any of these orders and providing those same protections with respect to those orders that might be made as have been made by the minister on the first two.

Thank you.

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chair. I rise to speak against this amendment, and I do so because the enforcement actions that are described in this legislation are those that have been used for the assembly of lands in the past. They're actually identical. The record of this enforcement legislation, I think, speaks for itself when we say that in 35 years only one enforcement order was ever issued, and it didn't even get to the point of enforcement, and it wasn't issued to

a landowner. In fact, it was a neighbour that required being served with an enforcement order. When I see enforcement legislation that works that well for 35 years, that's that well understood by landowners and works that well for government, I would suggest that we've got a winner.

**The Deputy Chair:** Do any other members wish to speak? The hon. Member for Edmonton-Riverview.

**Dr. Taft:** Thanks, Mr. Chairman. I just think the wording of section 7 of the bill should concern everybody and probably does concern most citizens who've read it. What I'm referring to specifically is 7(1), which reads: "Where, in the Minister's opinion, a person has contravened a regulation." That's a very sweeping power to give a minister. [interjection] Sorry. The Minister of SRD said something?

**Dr. Morton:** Draconian.

**Dr. Taft:** Draconian. I think it's a draconian power – thank you – to give to a minister. What makes it doubly draconian, dreadfully draconian, drastically draconian, a genuinely dastardly piece of legislation is that most of what then follows cannot be appealed unless the amendment proposed by the Member for Edmonton-Highlands-Norwood is passed. I think we need to question the democratic basis of a draconian provision here.

I'll stop the silly word games because I think this is a serious issue. I think we need to question a law that defines an enforcement order as where, in the minister's opinion, somebody does something wrong and then actually prevents most of that section from being appealed.

5:40

I think that this is a reasonable provision if the minister is correct. I don't know if he is or he isn't. I'll take him at his word that those provisions haven't been needed. Then there's no harm in enacting this amendment. I don't see what the downside would be to enacting this amendment other than maybe forcing a slight revision to the drafting of the bill. Can I ask the minister, who has been very well engaged in this discussion – I want to give the minister kudos for that because a lot of ministers actually don't stay – what would be the drawback of passing this amendment, an amendment which to me just seems to give a basic, natural justice to a bill that otherwise does seem actually draconian? Is there a drawback to passing this amendment?

**The Deputy Chair:** Do any other members wish to speak?

**Dr. Taft:** Well, I guess, Mr. Chairman, then, there isn't a drawback to passing this amendment. If there was, the minister probably would've said so. I think that it stands to reason that we ought to vote in favour of this, and I would urge all government members to just think this through carefully, to actually read what this amendment is addressing. It's very clear here that we are, through this legislation, curtailing people's basic democratic rights, and we are giving an enormous power to a minister that I think is unjustified. I am quite uncomfortable with the bill unless this sort of amendment is brought in.

Thank you, Mr. Chairman.

**The Deputy Chair:** The hon. Member for Edmonton-Centre.

**Ms Blakeman:** Let me try this with slightly different wording,

which is commonly used in law, which is to sort of flip it on its head and say: what is the harm? What is the harm that would be caused if this amendment was in fact passed – that, I think, is at the root of what my colleague from Edmonton-Riverview was trying to get at – if the following areas were appealable?

Currently section 7, where it's in the minister's opinion that someone has contravened a regulation that's under section 3, which is a very long section that talks about – well, I'll just refer people to it. In the hard-copy bill it's on page 4, but for those reading along at home, it's in section 3 of the bill. It's basically all of the control, restriction, and prohibitions section. So where someone has contravened that regulation, the minister can serve that person with an enforcement order, and the enforcement order includes directing a person to take any action or measures that the minister deems necessary, including the removal or demolition of a structure that's been put in place in contravention or the restoration of land to a condition that it was in before this contravention occurred. It includes stating a time that person has to comply to this and that if they don't comply with these directions within the particular time that is set out, once again, in ever-elusive regulations, the minister can take the directed – there are consequences to it. Let me shorten it by saying that.

What is the harm that is created here for the minister by including the section that says that the last words I just read through would be appealable? So far, the only one that can be appealed is the section that directs a person to cease the contravention and directs them to stop doing something or change the way they're doing it. But it doesn't allow them to appeal around the demolition or removal or the restoration of land and the timelines and complying within those same timelines. So what is the harm that is created, then?

**The Deputy Chair:** The hon. minister.

**Mr. Hayden:** Thank you, Mr. Chairman, and thanks to the hon. member for the question. The enforcement actions in what you refer to are completely and totally consistent with the abilities of municipalities and the federal government in taking these actions to fix what's happened, like a land-use bylaw, as an example, or a zoning restriction with respect to the type of development that can take place. All of these things, all of these powers, are available right now to every municipality in the country to in and do that.

Now, when we talk about fines and penalties that are referred to in the enforcement order, they are appealable through the courts. It is not at the decision of the minister or at the decision of government. The fines are appealable through the courts. To take action, to remediate a building situation, as an example, to move in: those are abilities that all orders of government have. They're not an abuse in any way, shape, or form. When a restriction is placed, be it by municipalities, by the province, or by the federal government, if they are not followed, all orders of government can move in, correct that, send the bill to the owner or put it against the land on a lien. I'm sure that hon. members with municipal experience in both opposition parties are very aware of that.

**The Deputy Chair:** Are you ready for the question?

**Hon. Members:** Question.

[Motion on amendment A2 lost]

**The Deputy Chair:** We're now on Bill 19.



**Mr. Hayden:** Mr. Chair, I move to adjourn debate.

[Motion to adjourn debate carried]

**Mr. Renner:** Mr. Chairman, given the close proximity to the assigned adjournment hour, I would move that this committee now rise and report Bill 17 and report progress on Bill 19.

[Motion carried]

[Mr. Mitzel in the chair]

**The Acting Speaker:** The hon. Member for Calgary-Hays.

**Mr. Johnston:** Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bill: Bill 17. The committee reports progress

on the following bill: Bill 19. I wish to table copies of all amendments considered by Committee of the Whole on this date for the official records of the Assembly.

**The Acting Speaker:** Does the Assembly concur in the report?

**Hon. Members:** Concur.

**The Acting Speaker:** So ordered.

The hon. Deputy Government House Leader.

**Mr. Renner:** Thank you, Mr. Speaker. I now move that the Assembly call it 6 o'clock and adjourn until 1:30 p.m. tomorrow.

[Motion carried; the Assembly adjourned at 5:49 p.m. to Wednesday at 1:30 p.m.]









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