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The 27th Legislature
Third Session

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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

Third Session

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Legislative Assembly of Alberta

7:30 p.m.

Wednesday, November 17, 2010

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Government Bills and Orders Second Reading

Bill 29 Alberta Parks Act

[Adjourned debate November 17: Mrs. Ady]

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

Mr. Chase: Thank you very much, Mr. Speaker. It's my pleasure to address what I see as shortcomings to this particular piece of legislation. My primary concern is that this bill will take the legislation, the public domain, the public input, and place it in the hands of the minister and in the hands of the Lieutenant Governor in Council; in other words, the cabinet.

My concern is that Albertans deserve to have an opportunity to have input into legislation that affects a large part of their enjoyment, whether it's simply birdwatching in a natural reserve setting, whether it's different types of recreational activity, whether it's the appreciation that there's protection for our wild species. The proposal with Bill 29 is to seek a degree of input from Albertans, but the decision-making is taken out of Albertans' hands. It's taken out of their legislative representatives' hands, and it's placed solely at the discretion of the minister or the cabinet.

I have not deliberately – it seems at times that I'm deliberately provoking the members of this Assembly, but I realize that I've tried the patience of the Speaker over the last three days by reading excerpts from people opposed to Bill 29. Rather than reading excerpts from a number of the submissions that I've received – and it's very important to note that these are not sign your name at the bottom and hit send; these are individual concerns that Albertans from across this province have expressed – I have attempted to at least get their names on the record as being passionate Albertans and passionate about parks.

Mr. Speaker, I would like to talk a little bit about my personal passion and why I have potentially been seen to try the patience of members of this House. For the last three months myself, my wife, Heather; my sister Barbara; her husband, Ian; and my nieces and nephews have been helping my dad, who is 87 years old, transition from his house, where he's lived for almost 40 years with a wonderful view of the mountains, straight across 37th Street, looking across the Tsuu T'ina reserve, to a condominium.

This past week I spent the morning with my dad at the remembrance assembly at the Museum of the Regiments, and that afternoon I went over and helped him to do what I hoped would be the final clearing out of the garage. Mr. Speaker, when I was in the rafters of the garage, I came across a big piece of canvas tarp, and that takes me back to 1956, where, stationed at Namao air base, my dad was a flight lieutenant. He flew the C-119 Flying Boxcars up north, and when he wasn't flying, he was busy building a camper, a tent trailer. He had acquired from my grandfather a Jeep trailer, and he spent numerous hours over at the wood shop on the base at Namao creating what some would see as a very heavy monstrosity of three-quarter-inch plywood, numerous bolts, numerous butterflies. And it took us as a family, with my brother and myself and my mother

and my dad putting this tent trailer together back in 1956, probably the better part of three-quarters of an hour to get this thing assembled, and then we'd stretch the canvas over it. That's when, I would suggest, my enjoyment of Alberta's wilderness and parks began.

Over the years I've enjoyed that direct experience with the parks. I've realized that there are certain things you can't do in certain parks, and to a large extent I've accepted those limitations. For example, I stopped camping at Little Bow provincial park, very close to Vulcan, because of the Sea-Doos and the powerboats and the skiers. Now, those Sea-Doos and skiers had every right to be on that waterway, but I could not myself enjoy the experience in either my kayaks or my rowboats because of the busy nature. We did at times get into the back irrigation areas, and there was enjoyment.

Likewise, Mr. Speaker, when we first upgraded to a fifth wheel, we went to McLean Creek, and one of the reasons we went to McLean Creek was its close proximity to Calgary. We wanted to try out our new-to-us fifth wheel, and I quickly realized that I was in the wrong campground for the type of recreation that I had in mind because McLean Creek was an ATV, motorcycle-type campground. Understood. I believe that ATVs have a place, that motorcycles have a place, but it wasn't my place because of the noise associated and no sense of sort of refuge.

Mr. Speaker, throughout my life, as I say, I have been connected to camping. My dad had postings throughout Canada, so I have camped in every province. Most recently I had the wonderful experience with my dad of going up to the Northwest Territories to the Nahanni River and going back to living in a tent with my dad for a week as we rafted down the Nahanni River together in a guided undertaking. I appreciate those wilderness experiences, and, as I say, I realize there are certain things that you cannot do.

My concern about what you can and can't do in parks brings me to the point where I would like to put forward an amendment to Bill 29, the Alberta Parks Act. I see a page coming over to receive the amendments. Once they have been distributed, I'll speak to the amendment.

The Deputy Speaker: Hon. members, this amendment shall be known as amendment A1. The hon. Member for Calgary-Varsity on the amendment.

7:40

Mr. Chase: Thank you very much, Mr. Speaker. I'm not sure if this is the appropriate time, but I do want to qualify that I am not looking for a 10-minute recess preceding a standing vote, so if the bells, for example, could be rung just for a one-minute period, that would be quite acceptable. Am I presenting this at the appropriate time?

The Deputy Speaker: I would suggest that we continue, and then we will have a motion on that.

Mr. Chase: Is the one-minute-bell notice sufficient? Okay. Thanks.

Speaking to A1, to put it on the record, I as the MLA for Calgary-Varsity, the Liberal critic for Tourism, Parks and Recreation, move that the motion for second reading of Bill 29, Alberta Parks Act, be amended by deleting all the words after "that" and substituting the following, that

Bill 29, Alberta Parks Act, be not now read a second time because the Assembly is of the view that the bill will endanger the preservation of Alberta's parks and protected areas for present and future generations and that further input is necessary from the public and from conservation groups.

Mr. Speaker, I now take off my camping backpack and am putting on my teacher's hat, and I believe in doing my homework. I

required for 34 years that my students do their due diligence and do their homework. What we have had in terms of input into the creation of Bill 29 has primarily been online workbooks. There has not been the due diligence, the research, the involvement of a variety of groups. We have two members of the Sierra Club in tonight witnessing the debate. The Alberta Wilderness Association wasn't involved in the creation or the reviewing of this particular bill nor the Canadian Parks and Wilderness Society and numerous friends of various environmental and protected areas and organizations.

What this bill does, which is most offensive to anyone who values public input, is that it moves the decision-making out of a debatable circumstance, out of legislation, and puts it into regulations, regulations, Mr. Speaker, that have yet to be formed. One of the comments that the hon. Minister of Tourism, Parks and Recreation pointed out was that once this bill was passed, she would then go to the various groups and ask for their advice on forming the regulations. Well, in my way of thinking, that's putting the cart before the horse.

This consultation, that will affect 4 per cent of Alberta's land area, that is made up of between 450 and 500 parks and protected areas, is extremely important to Albertans' well-being. As I say, whether it's a refuge that people seek on the weekend to do a quiet activity or whether it's a particular park that allows motorized access, we cannot lump everything into two groups, which this bill proposes to do, rangeland and parks and protected areas. What happens is that the only wilderness area that has been singled out for special status is the Willmore region. The White Goat, the Siffleur, the Ghost River areas are of equal value in terms of ecological reserves, in terms of wilderness parks, but they're going to be tossed into the blender, given equal value to recreation.

Now, Mr. Speaker, this bill was proposed in order to simplify the rules, to let Albertans know what they could do and what they couldn't do in particular areas. That can still be accomplished in legislation. It doesn't have to be put into regulation for that clarity to be provided. When a tourist guide is printed off, it indicates in boxes what facilities are available: showers, electricity, water, et cetera.

Now, that same type of information in terms of zoning, what's allowed in this particular park, whether motorized access is allowed, whether it's a hike-in circumstance and no motor vehicle access, whether mountain biking is permitted, and so on, these various regulations and explanations to Albertans can be enshrined within legislation. By enshrining them in legislation, they're still open for discussion, but once Bill 29 gets passed, if that becomes the will of the Assembly, gone are the opportunities for the public to have any control. Yes, they can still input – yes, they can fill out the online surveys – but they can't control the decision-making, and, Mr. Speaker, that's at the heart of this amendment that I've put forward.

I believe Albertans want the opportunity to have their voices heard and want the opportunities to have any changes in regulation, not simply be given a 60-day notice but given an opportunity to change. We have to go, in terms of valuing Albertans' opinions, beyond consultation. Collaboration is absolutely essential in the protection of our parks and wilderness areas.

I used the analogy of not being able to roller skate in a buffalo herd. Mr. Speaker, I have experienced directly in 2002, 2003, and 2004 the mistakes associated with multi-use. I have seen where ministries have failed to preserve parks. I have brought up the example of Cataract Creek, where fences were not maintained and therefore free-range cattle made their way into the park. I've talked about cattle guards not being maintained, again, to keep the cattle out of the parks.

I talked about how in 2003, when the Lost Creek fire was raging and there was a fire ban on, clear-cut logging was being permitted

by Spray Lakes in the area adjoining the campground. Mr. Speaker, there was only one way out of that campground, and if there had been a fire or a spark caused, the danger that campers would have been placed in by allowing that activity to go on in that park area in the midst of a fire ban, where we couldn't even have a mosquito coil in the campground, would have been disastrous.

Mr. Speaker, over the years I have seen what happens when you diminish the number of conservation officers, when you cut down the conservation offices that provide the tourism information. I am so concerned that these areas are being left to ministerial discretion, to the Lieutenant Governor in Council. Normally I would say that this is rather patronizing and patriarchal, but given the minister's gender I would say that it's matronizing and matriarchal. This minister is suggesting that she knows best, and I'm suggesting that Albertans are the ones whom this legislation is supposed to support. Putting recreation into the same designation as protected areas is doing a disservice to Albertans.

I have great concerns based on the industrial intrusion I saw in Cataract Creek in terms of from not only cutting a swath around the campground, taking every lodgepole pine out, practically, to actually going into the campground and taking out campsites to build a road. First Spray Lakes cut the outskirts, and then Bell Pole took what few trees stood.

7:50

If that kind of lack of control is allowed to go into other park areas, then forget any type of recreational activity other than quads going up and down fire lines or survey lines because no one in their right mind would want to hike in a devastated area. How can we protect our woodland caribou? How can we protect our grizzlies? How can we protect any of our species unless we have strong legislation that supports them? How can we guarantee that we have a legacy for future generations, like my two grandsons, to be able to go out into a wilderness circumstance and be able to hike and enjoy the experience, to know that there are conservation officers who can provide the information and the enforcement and safety for their well-being?

Mr. Speaker, I have put forward this reasoned amendment because I believe that Albertans need to be more than consulted; they need to be involved in the process. With legislation that involvement continues because we as their elected representatives can speak on their behalf. If this legislation falls strictly to regulations yet to be determined, then Albertans have lost.

For the sake of not provoking individuals and straining their patience, I will not read the numerous individuals' names into *Hansard* who have objected. Mr. Speaker, I have never in my office been inundated with so many requests to remove Bill 29 and go back to the drawing board, where the proper consultation through the legislative process can take place.

Mr. Speaker, I appeal to you and I appeal to all members of this Assembly who value the wilderness experience to support amendment A1.

The Deputy Speaker: Any hon. members on the amendment? The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I would like to thank the hon. Member for Calgary-Varsity.

The Deputy Speaker: Hon. member, may I interrupt you? I have a note here. Some hon. members wish to revert to Introduction of Guests. Do we have unanimous consent?

[Unanimous consent granted]

Introduction of Guests

The Deputy Speaker: The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Speaker. I would like to introduce to you and through you to all members gathered in the House here tonight two members of the Sierra Club who are here to watch this debate at second reading on Bill 29. In the gallery are Mr. Sam Gunsch, parks spokesman for the Sierra Club – Sam, if you would stand, please – and also, Bryn MacDonald, the healthy communities campaigner for the prairie chapter of the Sierra Club. If you would stand as well. If we could all give them the traditional warm welcome of the House.

Thank you.

The Deputy Speaker: I also see that the hon. Member for Edmonton-Strathcona has guests.

Ms Notley: Thank you, Mr. Speaker. As well, I'd like to introduce several people who are here. Some of them are here to listen to the debate on the Alberta Parks Act, and some are also here with a keen interest in hearing debate on Bill 17, the Alberta Health Act. These members are seated behind me, and they are associated with Friends of Medicare in one way or another: Margaret Brown, Allen Vesicre,* Bob Settle, Diane Lance,* Karen Crank,* Lindsay Henderson,* Catherine Newman,* Trevor Zimmerman, Mary Gordon,* Maurice Beaugeron,* and Josephine Singh,* who was chatting with me outside about her concerns with respect to the Parks Act, and the chair of Friends of Medicare, David Eggen. I'd appreciate it if they could all rise and receive the warm welcome of the Legislature.

Government Bills and Orders

Second Reading

Bill 29

Alberta Parks Act

(continued)

The Deputy Speaker: Hon. Member for Edmonton-Gold Bar, please continue.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. I would just like to quickly thank the hon. Member from Calgary-Varsity for his amendment. Certainly, not only in listening to his remarks but having a look at the bill, I think it would be in the interests of all Albertans to see this legislation sent back or, as they would say, returned to sender. This legislation is not in the best interests of the province and the people who live in it.

The hon. Member for Calgary-Varsity was talking about, you know, this government's habit – I won't call it a chronic habit but a habit – of doing less and less in this Legislative Assembly and more and more through regulation and ministerial order. Here we are on a snowy winter evening debating not only this legislation but perhaps as many as seven other prospective statutes in the time permitted, Mr. Speaker. We were all told, as were the taxpayers of this province, that with the new Premier, after the retirement of Mr. Klein, there would no longer be night sittings, but here we are with this government trying to ram another piece of unpopular legislation through this Assembly at a time when citizens are thinking about other things, including the upcoming Christmas season. It is a tendency, unfortunately, of this government to do less and less in this Assembly, where there is public scrutiny, and more and more through backroom regulations and also through ministerial orders.

Now, some people may think, hon. member, that all regulations are available for those who are interested on any statute, but that is not necessarily true. The hon. Minister of Tourism, Parks and Recreation would certainly be aware of that.

The same is true for ministerial orders. The hon. Member for Calgary-Varsity in his remarks on this bill today has focused on the unlimited ability of this government to deal with future matters by regulation. Also, there is under ministerial responsibilities, part 3, the ability to write ministerial orders. I must say that I had no idea how many ministerial orders are written by this government that are not published. They remain unpublished and hidden from public view, of course.

Here we have in this section an indication that we're going to give the minister substantial authority to issue ministerial orders. Some of these may seem innocent enough; for instance, an order to temporarily prohibit or restrict the possession or consumption of liquor in a provincial park. Well, that could happen any May long weekend. There are also the ministerial orders allowing for the establishment or the provision of a mechanism for establishing fees relating to Alberta's parks system.

Now, one would assume that all this would be public. This is where the hon. Member for Calgary-Varsity and the individuals who are e-mailing and phoning have every right to be concerned. In another section of this proposed statute, "the Minister shall provide notice of the closure and the subsequent reopening of [any said] land by any method the minister considers to be most appropriate." So we are giving a lot of discretionary powers.

I know how hard it was for this hon. member to get to the bottom of the pay scale that was quietly set through a ministerial order for cabinet policy committees, Mr. Speaker. Now, the salary was an additional \$35,000 a year at one time for four lucky members of the Conservative government caucus. I noticed that in the indemnity files, and I thought: I wonder where the authority for this rests. I made some inquiries, I was persistent in my enquiries, and finally I did receive almost a year later a ministerial order. It was numbered, and it was dated, and it had provided authority – at least, I think it provided the proper authority – for those cabinet policy committees to receive this substantial increase in their pay. So, Mr. Speaker, that would be one example of the use of ministerial orders by this government.

8:00

Now, I could go through regulations, but the hon. Member for Calgary-Varsity certainly has done a pretty good job of that. We do know that this is yet another example of why this government wants to rule quietly, secretly, with the ability to rule through regulation and ministerial order and not in an open and transparent way in this Legislative Assembly.

Now, there are reasons why hon. members should support this amendment as proposed by the hon. Member for Calgary-Varsity. With Bill 29 if we don't accept the amendment as proposed, we're going to give the cabinet more wide-sweeping powers to create parks zones and for the minister to zone parks for different uses. I'm sorry. I don't think that is needed, nor do I think it is necessary.

Establishes a delegated authority for the management of trail systems: who says that we need that? We've got a lot of delegated authorities now that don't seem to be functioning well. Ask a consumer who's just purchased a new \$400,000 home that isn't up to proper building code standards if they're satisfied with their delegated authority. I know what they're going to tell you, that they are not, and they're not satisfied with this government's lame excuse to try to brush everything over and pretend there are no problems. That would be an example of delegated authority.

*These spellings could not be verified at the time of publication.

Now, we're going to create a parks conservation foundation and a parks advisory council. If this was ever to happen, I couldn't think of a more suitable candidate to be on that than the hon. Member for Calgary-Varsity. I've heard over the years about – is it Chickadee Creek? Is that one of your favourite places?

Mr. Chase: Cataract Creek.

Mr. MacDonald: Cataract Creek. I was just testing him, Mr. Speaker. I knew it was Cataract Creek all along. Chickadee Creek, for those who are interested, is out in the constituency of the hon. Member for Whitecourt-St. Anne, and it, too, is a beautiful place, and I hope it has an opportunity to remain so.

Mr. Speaker, Albertans are concerned about the environment. You only have to on a holiday weekend go to the edge of any of our major cities, and you will see a steady stream of traffic loaded down with gear for the outdoors. We may live in cities, but we appreciate the beauty of the rural areas of the province and the beauty of our mountains. It is part of our heritage; there's no doubt about that.

I would please ask hon. members to give due consideration to this amendment as proposed by the hon. Member for Calgary-Varsity because the Alberta Parks Act is not what the citizens of this province want. I think the hon. minister who proposed this legislation knows that. I don't know why the government is insistent that this is the direction that we should go with, but certainly I would urge all hon. members to please consider the amendment as proposed by the hon. Member for Calgary-Varsity.

Thank you.

The Deputy Speaker: We have 29(2)(a), allowing for five minutes of questions and comments.

Seeing none, on the amendment, the hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Speaker. It's a great honour to rise to speak in support of the amendment brought by the Member for Calgary-Varsity. The Member for Calgary-Varsity spoke at length on Bill 29, and the Member for Edmonton-Gold Bar shed light on the bill, too.

Bill 29 endangers the preservation of Alberta's parks and protected areas for future generations. The proposed legislation is a radical attempt to overhaul the parks system to favour recreational interests, tourism, and development over conservation and preservation. Bill 29 is wrong on a number of fronts, including restructuring of parks systems, the delegation of authority over trails, and the new powers given to the government through regulation.

Firstly, Bill 29's philosophy for Alberta's parks system is gravely concerning. The legislation would enshrine in law that conservation and preservation of Alberta's landscape is less important than exploiting that land for tourism and recreational purposes. This is a fundamentally flawed philosophy that is out of step with the view of Albertans and with evolving parks legislation in other provinces. Ontario, for example, has recently amended its parks legislation to strengthen the primacy of conservation and preservation.

This bill will dismantle Alberta's parks system as we know it today by eliminating the categories of wilderness areas, ecological reserves, natural areas, recreational areas, and provincial wildland parks. If this bill is passed in its present form, these areas will be reclassified as parks, and the minister will then be able to assign these areas zoning categories that could permit a range of activities to occur that currently are not permissible. The public will have limited or nonexistent input into how the zone categories will be created and how they will be imposed to carve up Alberta's parks

system. Areas that have been free from interference for many years could find themselves vulnerable to intrusion from tourists, recreationists, and developers. This could undermine Alberta's ability to conduct scientific research on topics such as the impact of climate change as ecological reserves provide valuable benchmarks for these kinds of studies.

It is important to note that even if the government of the day has no intention of using these zoning categories negatively, a future government could come under political pressure to reclassify these areas to permit motorized recreational or oil and gas development. With this legislation they will have the power to do so, Mr. Speaker.

Furthermore, the creation of delegated authority over trails is vaguely defined and transfers a serious amount of authority into the hands of organizations unaccountable to the public. The government has clearly caved in to the demands of recreational organizations by including this in the legislation, but it must be removed. Conservation groups argue that inclusion of delegated authority with respect to trails opens the door to further usage of this kind of delegation to privatize portions of the parks system in the future.

Finally, this legislation would transfer a vast area of regulation-writing authorities to government. The public's input on changes to the parks system would be fundamentally curtailed.

The notice requirement included in the bill is also unacceptably weak, Mr. Speaker. A two-month statement posted on the minister's website is all that is required. The creation of the parks conservation foundation and the parks advisory council could have been bright spots in this bill, but they are too loosely defined and overly subject to political interference to be successful.

8:10

This bill shows that the government is fundamentally out of touch with the public when it comes to protecting parks. In survey after survey, Mr. Speaker, the public wants to see the amount of land set aside for conservation increased. This legislation makes it easier to decrease the size of parks and heritage rangelands. The public's lowest priority is for the expansion of trails, and this legislation empowers outside organizations to do just that. More broadly, this bill is the latest in a series of attempts by the government to shield their management of public land from public view. Protections have been weakened in a series of bills by transferring them from legislation to regulation.

When we do the sectional analysis, Mr. Speaker, by defining only provincial parks and heritage rangelands in the legislation in section 5 and section 6, the categories of wilderness areas, natural areas, ecological reserves, recreation areas, and provincial wildland parks lose their legislative existence and the protections that that entails.

Further on, section 7 represents an enormous new set of powers for cabinet and even more so for the minister. Instead of legislatively defined categories, the cabinet can simply create zone definitions that can be altered at any time. The minister can then assign these zones to any portion of a provincial park broadly defined. This could allow a range of inappropriate activities to occur in what are currently ecological reserves, natural areas, or wilderness areas.

There is also a profound lack of transparency in this process, Mr. Speaker. The government has defended the zoning process in an attempt to simplify the parks classification system for users. However, the minister already has powers over zoning in the Provincial Parks Act under section 12(2). These provisions could easily be used to create a more simple naming convention to help the public understand what is permitted within the parks. The zoning powers introduced in Bill 29 are clearly intended for a different purpose, to dismantle legal protection for protected areas that have existed in the province for decades.

Further on, in section 8 the public notice provisions in this bill are laughable. To make dramatic changes to the province's park system, changes that could affect tourism, recreation, scientific research, endangered species, and fragile ecosystems, the minister must only post a notice on a government website two months beforehand. Any other formal notices are at the discretion of the minister. Current legislation has a much higher threshold for notice. Section 4(2) of the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act actually requires publication of notices in *Alberta Gazette* and in the print media, Mr. Speaker.

More broadly, this bill should include a duty to consult the public rather than a simple duty to notify. This section reveals the arrogance of this government, its determination to do whatever it likes with Alberta's parks and protected areas regardless of what the public thinks.

These are just some of the reasons – I could go on and on – but for these reasons I urge all the members to support the amendment brought forward by the Member for Calgary-Varsity. Thank you, Mr. Speaker.

The Deputy Speaker: Hon. members, there are five minutes for comments or questions. The hon. Member for Calgary-Currie.

Mr. Taylor: This would be on the amendment, Mr. Speaker. If there are those who want to get in on 29(2)(a), I'll take my place until that's done.

The Deputy Speaker: Is there any hon. member using 29(2)(a), the five minutes?

Seeing none, then back to the amendment. The hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Speaker. Amendment A1 is that the Alberta Parks Act

be not now read a second time because the Assembly is of the view that the bill will endanger the preservation of Alberta's parks and protected areas for present and future generations and that further input is necessary from the public and from conservation groups.

I regret to inform the minister that I am in full support of this. I paid a good deal of attention to this bill when it was introduced and to the minister's logic for introducing the bill, and I will admit that on the face of it, it certainly seems like a fairly innocuous bill. The minister claims that one of the key things that she's trying to do here is to simplify the classification systems that we have for our various parks and protected areas, everything from ecological reserves to wilderness areas to wildland provincial parks to provincial parks to provincial recreation areas. She says, you know, that it's really tough when people are trying to figure out what they can do in which kind of landscape, what the rules are, and what rules apply to which area.

Her four-zone approach – I don't know whether she intends to colour code things or not – sounds pretty appealing on the face of it. It sounds pretty simple, pretty straightforward. You can go online, theoretically – you can't yet, obviously, but if this bill were to pass you could go online, I would imagine – and say, "I want to go to this particular location," and then you could find out whether it was a zone 1 or a zone 2 or a 3 or a 4.

When the minister and I spoke, I don't think it had been worked out at that point, and I don't know if it's been worked out yet, whether zone 1 or zone 4 would offer the highest level of protection and the other would be the highest level of variety of activities or the other way around. Frankly, I guess, we in the Legislature are not going to have much input into that anyway if this bill passes because

that would all be done in regulation. Still, it sounded appealing, frankly. It sounded simple. It sounded like you could walk into a park and know right from the moment you left the parking lot and got onto that first trail what kind of situation you were dealing with.

But that's on the surface of it, Mr. Speaker. When you drill down even a little bit – and you only do have to drill down a little bit. All you have to do is go on the Alberta Parks website to call up a page called About Alberta's Parks. I mean, it's maybe a little more detailed than the minister would like, but it gives you a pretty good page-and-a-half description of what an ecological reserve is all about, what a wilderness area is all about, and so on and so forth.

Those are already very clearly defined, delineated, designated classes of protected area. Some of them are very protected:

- Ecological reserves contain representative, rare and fragile landscapes, plants, animals and geological features.
- The primary intent of this class is strict preservation of natural ecosystems, habitats and features, and associated biodiversity.
- Ecological reserves serve as outdoor laboratories and classrooms for scientific studies related to the natural environment.
- Public access to ecological reserves is by foot only; public roads and other facilities do not normally exist and will not be developed.
- Most ecological reserves are open to the public for low-impact activities such as photography and wildlife viewing.

Now, as the minister well knows, I'm a birdwatcher. That's a low-impact activity. That is wildlife viewing. Even at that, Mr. Speaker, the job finally got to me and I finally had to admit that I was too busy in this job to keep my volunteer commitments, so this past summer my wife and I stopped volunteering at the Inglewood Bird Sanctuary in Calgary after, I think, probably 11 or 12 years for her and something like 22 years for me. But as a volunteer steward at the Inglewood Bird Sanctuary I know very well that even birdwatching can be an activity that is harmful to the landscape, harmful to the environment, if you go about it the wrong way. That's why we insist at the Inglewood Bird Sanctuary that the visitors have to stay on the trail. To go off the trails and to go into the woodlands damages the ecosystem, damages the habitat that those birds, largely migratory birds in a wildlife sanctuary in the middle of a city of over a million people, depend on. So you stay on the trail. We were nice about it; we had nice ways of cajoling. We didn't go, "Hey, you, get out of here and get on the trail," or anything like that. In fact, if we had done that, we would have gotten in trouble with our superiors. It is possible to fire volunteers. But that was key.

8:20

Now, when I read that definition of ecological reserves, which is right off the minister's website, right off the Alberta Parks' website, it is very, very clear to me that everybody knows or should know or could very easily within a couple of mouse clicks know the definition of an ecological reserve and understand very clearly that this is not an area to go off-roading in, that this is not an area to go mountain biking in, that this is not an area to, you know, take off your shoes and run through the stream or anything like that. This is an area for very, very low-impact activity, for scientific study. This is an area, Mr. Speaker, where people come second or third or maybe 25th, after all the flora and the fauna, after the rare and fragile landscapes, plants, animals, and geological features that exist there.

Mr. Speaker, I'm as much a fan as anybody else I know in this province of big, palatial resort hotels like the Banff Springs or the Fairmont Chateau Lake Louise or any of those. I've stayed in places like that myself. I've enjoyed myself; I've indulged myself in places like that. You know, every couple of years, when you can actually

scrape together the down payment on a night's stay at a place like that, it's really quite a wonderful thing to do.

But I would point out that the Banff Springs, the Chateau Lake Louise, many other resorts like that – I'll leave Kananaskis Village out of it because that's a more recent addition – were built back in a time when there were nowhere near 4 million people in the province of Alberta, when there appeared to be no end to the wilderness, when you could plunk down a hotel, when you could go swimming in the hot springs because we didn't have the scientific knowledge at that point to know that if you swim in the hot springs in Banff, not the upper hot springs but the lower ones, you're depriving a very rare little mollusky, mussel-type thing of the only habitat it has in the world. We didn't know that we were dealing with such an endangered species.

Lots of things we didn't know back then and lots of things, frankly, we didn't need to know because there was so much wilderness. There was so much wildlife. Our footprint upon the landscape was minuscule by comparison to what it is today, our footprint as Albertans. If everybody on the planet lived according to the way we did, we'd need nine and a half planet Earths to support 6.1 billion people in the style to which we have become accustomed.

I think that when our network of parks and protected areas was set up, back around the year 2000, in its current form with ecological reserves, with wilderness areas, with wildland parks, with provincial parks, with provincial recreation areas, also with a couple of other weird, kind of off-to-the-side things – please don't take offence if you have a particular attachment to any of these weird, off-to-the-side things. Willmore wilderness park, for instance, is still, even under the proposals in this legislation, in a class by itself, not covered by Bill 29. Natural areas: not specifically covered by Bill 29. Heritage rangeland areas: specifically kept in its own category under Bill 29. But with the exception of that, everything else, which is very clearly delineated, in my mind, very clearly defined here and very well set up, with protection as the primary goal at the top of the list and working its way down to provincial parks and recreation areas, where you can do a wider variety of stuff, at the bottom of the list – that was and continues to be a very good set-up, something that ain't broke and doesn't need fixing.

I understand that the minister of parks is also the minister of tourism, and she's also the minister of recreation. There can be, depending on how you look at this, Mr. Speaker, an inherent conflict of interest between those three activities. Yes, of course, we want to attract tourists. Yes, of course, we want to give them activities, opportunities to recreate. Yes, of course, we want to give our own people opportunities to recreate. But we have to do so, and we did so 10 years ago with the full knowledge that those opportunities cannot be limitless, cannot be universal, cannot happen anywhere and everywhere that we choose. If it happens to be convenient for us to jump in our vehicle of whatever sort, motorized or not, and tear up the Ghost-Waiparous, that may not be in the public interest today, a hundred years from now, and certainly isn't in the interest of the critters who call that area home today or any time in the future.

We are the dominant species on this planet. We will be until we dominate ourselves into extinction, which hopefully won't be in my time or my children's time or my grandchildren's time. But we need to realize that we share this planet with a myriad of other life forms that need protection primarily from us. The current parks system that we have provides that. Everyone that I've talked to, not only since Bill 29 hit the Order Paper but since I became an MLA and for years and years before that, when we would talk about issues related to parks, to wilderness areas, to natural areas on my various programs on the radio, when we would talk about the grizzly bears, when we would talk about other wildlife, when I was involved in the

creation of Southland natural park in Calgary, throughout all that activity I've never heard anybody say to me: gosh, if only I could do whatever I wanted wherever I wanted; we don't need any more parks. What people say is: we need protected areas.

I'm kind of left scratching my head, at least I would be if I hadn't heard from a number of people that in fact they weren't appropriately consulted on this plan. I'm kind of left scratching my head as to precisely whom the minister and her minions consulted with. I'm sorry; her assistants, her people. Her people didn't call my people; I'll tell you that, Mr. Speaker.

I think that amendment A1 speaks directly to that when it says that "further input is necessary from the public and from conservation groups." Now, there are different ways that we could do this. I know that there are a number of conservation groups in the province of Alberta right now that have done over the course of the last generation, over the course of the last 25 years, a fine job, on many occasions when our government has not, of standing up for our wilderness areas, for our natural world, and the natural inhabitants of that world. They have said that the best thing that could happen to this bill is if it was pulled and a proper process of public consultation take place and the minister bring back a revised bill in the spring of 2011.

Another way to go about this would be, I think, to refer this bill to one of the standing committees of this Assembly because much the same process could be conducted by that venue. This particular amendment would seek to do what the conservation groups would like to do, which is to pull the bill and, I think, instruct the minister to try again, using her best cheddar this time, as the cheese commercial used to go, go through the process of consultation again to consult more broadly, more widely, more deeply and really listen to what it is that the people of Alberta want, which is more parks, not fewer, more opportunities for recreation expressed by more areas in which to recreate that are not currently set aside with any kind of designation on them – in other words, there is nothing wrong with creating an off-roading area in the middle of the prairie; it may not be quite as challenging a ride, but you can do it, as an example – and come back to this Legislature in the spring with a revised bill.

I understand the concept of zoning, and I understand the wisdom, the need to be able to more succinctly express to people through a colour-coded system or whatever, when they get out of the car, lock the door, and walk across the pavement or the gravel to the entrance to the provincial park, what sorts of things you can do there and which areas you can do them in. I understand the need to make it crystal clear that this part of the park is a high-impact activity area, that part of the park is a low-impact activity area, and that corner over there, well, that's actually an ecological reserve, and you've got to tread there with extreme caution or else you're going to be in trouble. I understand that. But let's keep the protection that's there, Mr. Speaker.

I support the amendment.

8:30

The Deputy Speaker: On amendment A1, the hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you, Mr. Speaker. I, too, rise in order to offer up the support of my caucus for the passage of the amendment that has been proposed by the Member for Calgary-Varsity. In particular, the Member for Calgary-Varsity is suggesting that this bill not be read a second time. It's primarily for the purpose of ensuring that this bill is then subject to the amount of transparent consultation that it requires in order to be improved to a point where it would be acceptable to the majority of Albertans, which I would suggest right now it is not.

Essentially, you know, the minister has suggested that there has been consultation, and in fact I know that there was some stakeholder consultation immediately prior to this bill, where some of the concepts included in this bill were distributed amongst people who take a keen interest in these issues and are well informed on them, yet we've not received the detailed outcome of that consultation from the minister.

Had she, for instance, been provided with feedback which rejected a number of the principles embedded in this bill, we would not know that because that consultation was done in the way that this government likes to do consultation, which is that they put something out, and they get information back, and then they kind of keep it to themselves. They may or may not sort of conveniently or strategically release small pieces of the consultation, but certainly it will not be shared, and the conversation itself will not be openly transparent so that the debate is available to Albertans. On that basis alone this bill should be reconsidered and put out for a more thorough and transparent review.

Now, there are, of course, a number of other reasons why this bill should be abandoned, and I will get to those in a moment. I think it's important to remember, you know, if you go back in history a little bit, the Member for Rocky Mountain House when he was, strangely, the Minister of Environment. I have to say that I struggle to imagine a world where the Member for Rocky Mountain House served as the Minister of Environment. Nonetheless, when that was the case, that minister brought forward a bill that was designed to overhaul the system of parks in Alberta. That bill, interestingly, managed to inspire the opposition of not only environmental groups but also industry groups. That, I think, takes some genuine skill, but nonetheless it did.

Ultimately, the government had to back down on that particular bill, and then the matter was referred to a committee of MLAs who engaged in a more robust form of consultation. At that point, when that was finished, in about 2000 or 2001 – I can't remember exactly – there were a number of recommendations that came forward. There was a good deal of consensus about those recommendations, but those recommendations ultimately ran up against industrial interests that were represented by different members of cabinet, so those recommendations were never acted on.

It's unfortunate that when you make a decision to protect something in the future, it is sometimes the case that those people who either have a quick buck to make or just a simple, you know, immediate gratification to make off of the most immediate exploitation of a resource will often work very hard to defend their right to engage in the most immediate exploitation of that resource. That sounds maybe sort of complicated, but it's akin to a child with a toy in a sandbox. They know that if they were to treat the toy in a certain way, it might last a bit longer, but you don't expect children to have the kind of impulse control necessary to actually make the hard decisions to make sure that that toy lasts longer.

You know, Mr. Speaker, we are not children; we are adults. As much as this government sometimes acts like the child in the sandbox, the fact of the matter is that they have an obligation and we as members of this Assembly have an obligation to make the hard decisions necessary not only to enhance immediate exploitation of whatever resource is in front of us but, rather, to preserve it and to cherish it and to protect it so that it's actually here for generations and generations to come and maybe even for generations where we're not alive to see the outcome of their enjoyment of it. You know what? It's still a wise decision. It's still representative of good governance.

I know that that immediate gratification way of approaching things that so dominates the way this government manages its day-

to-day affairs tends to discourage that more responsible approach to governance, but I would suggest that that's something that we need to see more of on the part of this government. Certainly, this Alberta Parks Act as it currently exists does not reflect that suggestion. Rather, it reflects the child in the sandbox trying to exploit his toy as quickly as possible.

Under the former Premier, who I think all members of this Assembly have a great deal of respect for, Premier Lougheed, there was a very significant commitment made to the import of preserving and conserving natural resources for future generations and not simply conserving a piece of natural habitat so that we can look at it as we drive through it at 100 clicks an hour on an ATV but, no, to preserve it for its own sake, to preserve it as part of the environment. Yet we have an act here, that this government wants to put forward, that will ensure that we need to balance the ATV against the future preservation and conservation of natural habitat. Only this government could come up with the notion that we need to balance the toy against the future, yet that's certainly what they've done, and that's what is so profoundly wrong at the very heart of this piece of legislation.

Now, the minister has said: well, you know, we have lots of opportunities for consultation in this act because we've got a 60-day notice if I make any changes. I'd just like to say that I think the history of what has led up to this piece of legislation indicates to us that we really cannot count on this minister or this government to engage in meaningful consultation within that 60-day period nor, moreover, can we truly expect citizens to be able to engage in the kind of work necessary to ensure that their contribution to that consultation process is the best that it can be.

You can't do that in 60 days, and God knows how long it takes this government to move forward on policies. You know, the minister of health will tell you that it takes 30 years. To expect people to respond to particular planned changes with respect to the designation of parks or how they will be used within 60 days is a standard, certainly, to which this government does not hold itself in terms of moving forward on policy, so I'm not entirely sure why it is that we should expect citizens with far fewer resources at their disposal to do the same.

Now, one of the things that has been mentioned a number of times that is of concern about this act is the massive amount of regulatory authority that it gives to the minister. Of course, I have to say that it's not this particular minister's issue. It's actually the issue of pretty much every minister in this government. Every time a piece of legislation comes forward, we find that they are giving themselves grand powers to deal with matters through regulation so that that legislation never ever has to come back before this House.

My personal thought is that the ultimate measure of success for that government will be to eliminate all days of legislative sittings entirely. I mean, as it is, the number of days this year that we've sat is shocking and really quite an insult to the notion of democratic accountability. Nonetheless, I think that if they could find a way to pass a budget through regulation, they would. Then, you know, we could just all come here for one big celebration after the election. We could all do that, and then we could never come back here until the next election. I honestly think that that's sort of the route that we want to go.

It's not this particular minister's desire to be able to do everything behind closed doors that is different because, in fact, that's part and parcel of how this government is operating. She's part of that whole gang that wants to do that. But with this act, as with many of the other acts where they've adopted that approach, that shuts out Albertans, and Albertans have a very close tie to and love for the land. They do not want to see themselves shut out of this process the way this minister would like them to be.

8:40

Now, you know, we say: “Oh, well, we should just trust her. We’re going to have this nice streamlined process, and it’s just going to be simplified. That’s all that we need to worry about because it’s just a simplification with nothing more meaningful to it than that.” I would say: well, if by simplify you mean take it all behind closed doors so that we can streamline away conservation obligations and preservation obligations, then I guess you’re right. It will simplify the process, but it won’t simplify the process in the minds and the hearts of Albertans who watch as their cherished, unique heritage lands are undermined and jeopardized through the actions of this government.

I think that the purpose of this act is concerning to me. I mean, we had an act before, the act that this is attempting to replace. There were a number of things that were a focus of that act, and conservation and preservation were critical. Now what we’ve done is basically added this notion of having to balance interests, of having to ensure that our preservation is done with a view to building tourism and enhancing prosperity, so suddenly prosperity and economics becomes something that needs to be considered in the behind-closed-doors designations that will be undertaken by the minister.

I have to say that this is such a huge departure from the recommendations that were made by the government committee back in 2000. It does, however, represent a significant accommodation of the tourism and recreation industry. You know what? I’m not against tourism and recreation, but I also believe that it is important to enable that to occur without in any way jeopardizing, Mr. Speaker, the integrity of our natural lands and areas. Unfortunately, that is not something that I see being achieved through the regime that this minister wants us to accept.

I think the other thing that’s really important is that what consultation that has been done publicly, where the government has done surveys, has clearly shown that the majority of Albertans want to see preservation and conservation be the primary objective of what happens within our parks systems and our various reserves. That’s clear. That’s clear. That’s what Albertans have said.

In the very poll that these members here had presented to them at their convention two or three weeks ago, we heard about how Albertans want to see this government protect the environment even if it means jeopardizing jobs. Now, in this case, we’re not talking about jeopardizing jobs; we’re talking about future growth of friends in the recreation industry. We’re not talking about current jobs. It’s interesting that Albertans were actually prepared to make that choice as reported to these members of this government by a polling firm that they hired. If they were prepared to make that choice, that follows in line, of course, with the survey results done in 2008, which show that Albertans want to see preservation and conservation remain as the primary priority. So this is, as a result, a very disappointing piece of legislation.

The other thing is that the act replaces not only the old parks act but also the wilderness act. The wilderness act had conservation as its primary and only objective, that wasn’t being balanced against tourism and development and those kinds of objectives, so we see in one particular area that, again, we are potentially compromising these objectives.

Ultimately, what we know is that the public wants to see us do a better job of preserving our natural lands. What this government has to figure out is how to grow up, get out of the sandbox, and start preserving our resources like adults and making hard decisions for future generations, which is not what is reflected in the current act that’s being put forward to us. So I support this amendment.

The Deputy Speaker: The hon. Deputy Government House Leader on the amendment.

Mr. Renner: Mr. Speaker, I took it from the comments that were made earlier that there may be a willingness in the House to consider unanimous consent to shorten bells in the event of a division. So before you call the question, I would like to ask the House if there might be unanimous consent to shorten the bells to one minute for tonight in the case of a division.

The Deputy Speaker: Having heard the Deputy Government House Leader, is there unanimous consent, which means: is anybody opposed to shortening to one minute between the division bells? Is any hon. member opposed?

[Unanimous consent granted]

The Deputy Speaker: Does any hon. member wish to speak on the amendment?

Hon. Members: Question.

The Deputy Speaker: Seeing none, the chair shall now call the question on the amendment.

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

[Several members rose calling for a division. The division bell was rung at 8:46 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Chase	Notley	Taylor
MacDonald		

8:50

Against the motion:

Ady	Evans	Oberle
Berger	Jablonski	Olson
Calahasen	Jacobs	Prins
Dallas	Johnston	Quest
Danyluk	Liepert	Renner
Denis	Lindsay	VanderBurg
Doerksen	Marz	Vandermeer
Elniski	McFarland	

Totals:	For – 4	Against – 23
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[Motion on amendment A1 lost]

The Deputy Speaker: We go back to the bill. The hon. Minister of Public Security and Solicitor General.

Mr. Oberle: Thank you very much, Mr. Speaker, for the opportunity to rise and offer a few comments on Bill 29, the Alberta Parks Act. I want to start by acknowledging the passion of members across the way. Though we may have different viewpoints, the passion is still valid and very well understood mostly because of my background and the amount of time I spent in my career being involved in parks debates.

Parks are different things to different people, Mr. Speaker. That’s

one of the reasons why parks are always difficult to talk about. I have constituents who think the word “park” means that I should hook up my trailer and go camping for the weekend, some place I’m going to tow my trailer to, which is actually a valid view of parks. I’m sure that the hon. members would agree. But there are many others that believe parks serve some value of ecological protection or preservation of landscapes for future generations. That is every bit as valid a viewpoint, and there are many other viewpoints as to what parks are.

The word “park” actually is kind of a loaded term. Maybe it would be better if we had more than one name for the vast array of uses that parks provide. Every once in a while we venture out and add a name, ecological reserve for example. But somehow we always manage to gravitate back to the word “park” and then we always manage to fight over the word. That’s unfortunate.

I’ve been involved in many debates over parks and many planning exercises around parks, and I’ve learned, certainly, in my time that the debates are always passionate. There are people that argue with deep passion that it is our duty as a society to preserve landscapes and ecological features for future generations. That is absolutely a valid viewpoint. I happen to agree with that viewpoint. But there are also people that argue with equal vigour that they have a right to use public land for ATVs or camping or whatever other use they happen to champion. They are right as well. Public lands are, after all, public, and that’s a valid use of a landscape.

I’m a professional forester and have a background in landscape planning. I’ve learned over time that I think parks systems – and you need to talk about systems – have to accommodate all uses, not just some uses. But, more importantly, no matter what the use, parks have to be managed. We need to understand, agree right up front why a park was established and what steps we need to take to maintain that condition or value on the landscape. Simply putting a fence around something doesn’t always ensure that it’s going to stay there.

Then we can talk about what uses are compatible or would be considered that would not compromise what the original objective of establishing the park was. If I were to establish a park to preserve a cultural feature, for example a prehistoric cave painting, I would suggest that that would require some very strict and hard protection, maybe a fence. There are certainly cave paintings in the world where flash cameras aren’t allowed because the light would damage the painting. Very, very strict protection is required, and very obviously nobody would be allowed to touch it and those sorts of things. Very strict protection.

Not so in a park established for recreational use. We obviously would allow camping or at least day use though we might have some restrictions on where you can go or can’t go – there are certainly campgrounds where you can’t venture just anywhere – and what you can or can’t do. You can’t dump your dishwater on the ground, and you can’t cut bushes. Maybe your kids are not allowed to cut wiener sticks out of the willows that grow along the banks.

Then there are parks that are established for conservation or preservation motives, often encompassing rare or unique features such as rare plants in a bog. Again, a very strict form of protection would be required in that instance.

Sometimes the feature we’re planning to preserve or protect is a landscape feature, a mosaic of vegetation on the landscape. That’s a dynamic feature. Our landscapes are dynamic. They’re shaped by fire and wind and water, and often if we simply put a fence around it and call it protected, the feature will disappear over time. We must consider management actions in that case. In fact, we might consider the use of fire. Jasper or Banff park is a classic example of that. They’ve used fire extensively over the last few years to

preserve habitat or to re-create habitat conditions that were there for many years and started disappearing off the landscape.

Even in the highest protection areas we might consider other uses. We might. For example, the hon. Member for Calgary-Currie mentioned scientific sampling. One of the reasons we set aside ecological reserves or benchmarks, as was once a very popular term, is to understand or contrast what’s happening on our managed landscape. We can’t do that if we can’t sample or understand, and we certainly want our schoolchildren to be able to understand ecological process.

In some of those, and certainly some would argue in all of those, we want to exclude some uses, like all-terrain vehicles. We’re not going to run all-terrain vehicles across a bog that’s got a rare pitcher plant or some plant in it. Obviously, there are incompatible uses on the landscape.

This always requires rigorous assessment, Mr. Speaker. We need to understand what value or state we are trying to protect, what management actions are required to protect it, what uses will be considered, and what uses won’t be considered on that landscape. Those decisions are complicated by the fact that parks are rarely, if ever, established coincident with the value that we’re trying to protect. If we’re trying to protect a bog with a rare bog plant in it, the park is not the shape of the bog; it’s some square around that. There is an envelope of land encompassing that that might contain several values, some of which we’re trying to preserve, some areas that we might want to allow other uses.

For example, we’re talking about establishing the dinosaur park up in the Grande Prairie country there. Sorry; the name of the park escaped me just then. I’ll bet you that there will be a fairly hard preservation area where we’re not allowed to disturb anything, and somewhere nearby there’ll be a campground because the objective is to attract people to that area. There’s one park that’ll have at least two uses, probably several more.

Often the boundary of the park does not align with whatever value it is we’re trying to protect. Another example occurs in my constituency, where the Caribou Mountains Wildland park established there is established overlapping an area where buffalo traditionally were hunted and, I would argue, still need to be in order to prevent the spread of disease from the wood buffalo herd into domestic buffalo and cattle herds in the farmland outside. That’s worked for years, and the Caribou Mountains park is now not hunted, and the diseased buffalo are moving out. So there are reasons that we allow uses in certain places.

If you look at it locally and we should allow this and not that and we have to consider this special condition, it leads to a whole mosaic of possibilities. It requires real and local management planning, and whatever decision we arrive at, it has to be clear to all the users. I think a system of zoning, fraught as it seems to be with some difficulty, should at least be considered. I think that’s something that would work.

I know that all people that are passionate about parks will approach such a system with trepidation. I bet you Mr. Gunsch in the gallery behind me is deeply concerned about the future of ecological reserves in our province. He should be. He put a lot of years of work into it, and he should be congratulated as a hard-working Albertan. But I think Mr. Gunsch would acknowledge that there are people that drive ATVs in the province that think their ability to use those on public land is also threatened by people that would preserve areas. So it’s always that balance, and it’s always a difficult task. It’s always that way with a parks debate.

9:00

I think a parks act has to be a document that provides for a range of uses on our landscape because we are going to have a range of

uses on our landscape. It has to provide appropriate protection mechanisms where the desired use is protection. When we're trying to save something, we have to make sure we have the mechanisms that will allow it to be saved. It has to provide flexibility, the ability to adjust when the prescribed uses are not protecting the value we want to protect. Jasper park is a classic example of that. Somewhere along the way they had to switch their management practices in order to provide habitat that was disappearing on the landscape. It has to provide clarity to all who are using it. It has to provide teeth. We have to ensure that we can enforce protective actions when we need to. It has to, most of all, Mr. Speaker, provide healthy, diverse landscapes and the ability to enjoy them by future generations. That's what parks are all about at the end.

Mr. Speaker, I firmly believe that Bill 29 will do that, just about. Actually, it won't do that, but what it will do is provide an enabling framework that will allow subsequent work to do that. I don't for a second pretend that Bill 29 is the answer to everything, nor do I pretend that going down this road is going to be wonderful and happy for everybody. It doesn't matter how we approach parks legislation or the discussion or the input because we're talking about a diversity of views, a diversity of values, and it's going to be difficult sometimes.

I do believe that Bill 29 and the framework that it scopes out and the future work that it scopes out is the path to proceed with, and I'm going to support this bill. Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Calgary-Currie under Standing Order 29(2)(a).

Mr. Taylor: Thank you. Yes, under 29(2)(a), Mr. Speaker. And thank you through you to the hon. member who just spoke. I don't doubt the sincerity of his words for a moment. I mean, clearly, this is a man who has some experience and some knowledge in the area, and I respect very much what he said.

But I am having a hard time understanding, given that zoning is a management tool, given that the member is absolutely right that no matter what classification of park or protected area you're talking about – certainly, it is true that within the boundaries of a particular let's call it park just for simplicity's sake, and Bow Valley provincial park would be a perfect example, you have a number of different areas with a number of different uses and classifications of use in it. In fact, we're doing that already. What I'm not clear on is what there is, in the member's opinion, about our existing parks legislation that prevents us from doing the kind of job of managing parks, wilderness areas, ecological reserves, et cetera, et cetera, that the member is advocating.

I do think that I'm missing a point here. As I see it, we can certainly talk about zoning issues and management issues and make improvements in those areas, but I must admit that I'm coming at it from the perspective that you do that better when you're doing it within a framework, where it's very clear already that you have degrees of protection for some extremely valuable landscapes that are higher than they are for some others.

If the member can answer that question, please.

The Deputy Speaker: The hon. minister.

Mr. Oberle: Thank you, Mr. Speaker. For the same reason that the hon. member expressed dismay that I would argue against the current system, that's precisely why I would argue against the current system. We have a system of park names. If you were to establish a park, we can give it that name or we can give it that name or we can give it that name. None of the three recognize the fact that

there are actually three or four or 10 different values or types of parks within that envelope, within that square, that doesn't coincide with the boundary of some value that we're trying to protect. We may want to include 10 uses in this park, and we may want to include one use in that park and none in that park, and our current system doesn't allow that.

I can give you examples of that. The Caribou Mountains wildland park was established, and now you can't hunt buffalo in there. That excluded a use on the landscape. First of all, that's important to a local economy and an aboriginal economy, but from a disease vector point of view, it's radically important. And all we can do is go: "Oh, it's a park. I'm sorry. We can't allow that." We don't have the mechanisms that allow for local management the way it should be done.

Who gets to define how it's done, how rigorous the regulations are in the end? Who gets input into that? Yeah, I can understand that a lot of people would be concerned about that, as am I. I'm going to be all over that minister when we get to that stage, let me tell you, because I'm passionate about parks and the value they add to our province. But the framework we have is flawed, and it doesn't provide for the range of uses or the range of protection that we need out there.

Mr. Chase: I very much appreciate what the Solicitor General said. I don't want buffalo with tuberculosis affecting larger herds. I totally understand it. In fact, I agree with everything you've said except why the problem cannot be solved by amending existing legislation, strengthening it where it needs to be, and defining the categories as opposed to taking it out of legislation and putting it into regulation yet to be established. Can you explain to me how regulation is superior to legislation?

Mr. Oberle: Well, Mr. Speaker, if all of the parks we were ever going to have in our province were already established, I guess I'd have to agree with the member that you already know what you've got there, so why can't you just say in legislation how to protect it and we're good to go? What are you going to do about the parks that we haven't established yet? We'd be fools to think that we're going to continue on this landscape without establishing further protected areas. You can't decide what values you're going to protect, how they're best protected, and what other uses are allowable or desirable in that context until you actually have the piece of land and there's a discussion about the values and everybody gets to lay their cards on the table. If you can't have the discussion, how do you enshrine it in legislation? It has to be a flexible system because there are flexible landscapes out there. Not only do we need to be able to define it up front; you have to change it over time.

I've used my time, Mr. Speaker. Thank you.

The Deputy Speaker: On the bill, the hon. Member for Calgary-Currie.

Mr. Taylor: Thank you very much, Mr. Speaker. I will pick up on the notion of what's been talked about here in the last few minutes. Frankly, it would strike me that if you have a situation under current legislation, especially given what the Solicitor General just said about, you know, indicating that there is a need going forward to add more land to our inventory of parks and protected areas, then using Caribou Mountains wildland park as an example, it would seem to me that a logical response to the situation that he describes, where diseased buffalo cannot be hunted within the park, would be to try and acquire more land as a buffer zone between the wildland park with the uses that it has now and not the cultivated land but the

rangeland, I guess I'm trying to say, on which the cattle are raised.

Now, you know, if the President of the Treasury Board were here, he'd probably be yelling that it's a spending day, not a savings day, when I suggest that. Obviously, neither Rome nor our parks system was built in a day, so this is an ongoing, evolutionary process. No question about it.

I appreciate what the minister had to say about the notion that doing things in regulation gives that kind of evolutionary flexibility to a situation that may need that flexibility. I'd prefer, whenever possible, to do our legislating, our lawmaking on the floor of the Legislature in legislation, but I understand that there's the perfect world and the real world and that in some instances you really do need to go to regulation because it gives you the ongoing flexibility that you're going to need to meet changing conditions, to meet changing circumstances.

9:10

I just don't think that this is necessarily one of those issues or one of those areas. If it is, let me say that I think we would be better advised to perhaps review the categories that we have now and say: within these definitions do we need to come up with better management plans that, in fact, zone different areas of the wildland park in different ways? That would, I guess, mean going back – if not absolutely to the drawing board, we'd be getting pretty close to there – to redo Bill 29, I think.

I suggest that we'd be better off with that because the Solicitor General touched on it. Parks are a very difficult thing to talk about because they mean different things to different people. I would argue, by the way, that that's one reason why we shouldn't call them all parks, but we should call some of them wilderness areas and some of them wildland parks and some of them ecological reserves. Or maybe, you know, there are categories of protection that we've yet to define that fit in the middle between some of those and define provincial parks in the sense that I think most Albertans and most Canadians probably understand provincial parks, which is an area to go to recreate to some degree of activity, whether that's low impact or higher impact, whether that's going to camp or not, that sort of thing.

The Minister of Tourism, Parks and Recreation is talking about a management plan, and my quibble with this, quite frankly, is that she's taking the concept of a management plan and zoning and trying to cram that square peg into the round hole called protection, the definition of protected areas. I think we need to keep those two things separate. First, we need to define and delineate the protected areas, and we need to say: this area has this overall level of protection, and this one has a slightly lesser level of protection, et cetera, et cetera. Then within that, you can deal with zoning and management plans, I believe.

I think we'd be well advised to look at the things that we want to call provincial parks and say: these are the areas where, yes, we expect there to be some roads and, yes, we expect there to be some trails, and some of them will be paved so that moms with babies in strollers can get out there and enjoy the wilderness just like some intrepid hiker, that kind of thing. I think we'd be better advised to do this sort of thing that Bill 29 seeks to do within the context that we have.

I understand the Solicitor General's frustration with some definitions, some regulation that perhaps ties his hands or ties people's hands around a crucial issue like diseased buffalo getting out of the park and intermingling with and infecting domestic livestock, that sort of thing. But I suggest that those sorts of things are probably the exception rather than the rule, and if we really came up with the right Bill 29, it would include a way to deal with that

that does not put at risk the near sacred status of an ecological reserve, the one step below sacred status of a wilderness area that says: "Thou shalt not build a road through here. Thou shalt leave the vehicles on the other side of the fence," metaphorically speaking.

The Solicitor General is right, Mr. Speaker. Every single one of us probably has a different expectation of what a provincial park should be, and I come back to the notion that one of the problems that we are having with this legislation is that that concept hasn't been fully enough explored here. The people of Alberta, the citizens of Alberta, have not had enough opportunity, in my belief, to weigh in on this issue and say: this is what we really want.

Mr. Speaker, I would like to move another amendment if I could, which I believe is going to give this House the opportunity to go out and seek that consultation, that input from our bosses, from the people we work for, the citizens of Alberta, without having to tear up Bill 29 but in a way that will give us a better Bill 29. I will pass the amendment to the pages and allow it to be passed out, and I'll continue to speak to it when you say so.

The Deputy Speaker: Let's pause a moment for the pages to pass out the amendment.

We have an amendment introduced by the hon. Member for Calgary-Currie. It shall be known as amendment A2.

Hon. member, please continue with your amendment.

Mr. Taylor: Thank you very much, Mr. Speaker. I will be brief from this point forward because I think that this is very straightforward and self-explanatory. I move that the motion for second reading of Bill 29, the Alberta Parks Act, be amended by deleting all of the words after "that" and substituting the following: "Bill 29, the Alberta Parks Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Community Services in accordance with Standing Order 74.2."

That is, very simply and succinctly, a motion to refer this bill to the standing policy committee of the Legislature on Community Services. One of the ministries for which that standing policy committee is responsible is the Ministry of Tourism, Parks and Recreation. These standing policy committees in the three or so years of their existence, I think all members of this House would agree, have done some fine work, and they've done it outside of this particular Assembly room, in committee rooms, where perhaps we can put aside some of the partisanship that sometimes colours our debates and question period and everything else that we do in here and get down to work in a bipartisan or multipartisan, all-party fashion to do some really, really good work on behalf of the people of Alberta.

This gives an opportunity for us through the committee to study this bill clause by clause, to study the overall intent of this bill, to seek written submissions from the people of Alberta, to hold public hearings, and to conceivably hold public hearings in a number of locations around the province, to hear from the people of Alberta who have an interest in their parks, which, of course, are not only their parks but the parks of future generations of Albertans. Let the people weigh in in a very public way, in full view of the public, with their opinions on where we should go in defining and delineating our parks.

Mr. Speaker, you know, I don't know that there's anything more that I can really say in support of that particular amendment. I think that explains it, and I prefer not to take up other speakers' time just because I might have a little bit of time left on the clock. I'm sure there are other members of this House who want to speak to this amendment, probably against this amendment, but let's let the debate on the amendment begin.

Thank you.

9:20

The Deputy Speaker: The hon. Minister of Tourism, Parks and Recreation on the amendment.

Mrs. Ady: On the amendment. Thank you, Mr. Speaker. I just want to tell the hon. member that I appreciate the debate that I've been listening to. It reminds me a lot of the three years of consultation that we've been doing around this issue because, as you've said, many people when they think of parks think of such different things, and it's the thing we grow most passionate about because we all love it so much. But, hon. member, I'm going to recommend to the House that they not support the amendment based on the fact that we have done three years of consultation. We've had these kinds of conversations across the province.

One of the things I can tell you is that in the existing legislation, as it sits today, even some of my friends that are really on the conservation side will say to me: actually, the way the legislation is set up today and the way it's developed over the years and the fact that there are three acts, with seven categories and 40 exceptions and over 500 parks, has created confusion, and Albertans need to be able to understand it.

I understand that this is the beginning of the work, that this is enabling legislation, and that it will create the atmosphere for us to get back together and have that next piece of conversation. I think that's important conversation, Mr. Speaker, because as the Sol Gen was saying to us, this is a dynamic landscape that needs enabling legislation because it has to be able to change and move and reflect what happens. It can't stay in rigid boxes.

We do need to protect; we absolutely do. I don't think anyone disagrees with that. That's why we've talked about creating areas where we can define that very specifically so that across the province you can know what that means. So when someone says, "Well, this word means something and that word means something," I would suggest to you that the average Albertan doesn't. To people that work in the area and know it and love it and have spent time there, it means something, but to the others it doesn't particularly, and we have created great confusion. So I think this gets us to the next step.

I will also say, Mr. Speaker, on consultation: we don't make a move in parks anymore without creating consultations, where we bring the local community in, we sit them down, and we have open houses, round-tables. We bring all players in so that they have to kind of discuss it and come up with the best management plan. Those things are all possible under this legislation, and that's the way we want to do our work as we go forward to do the things that need to be done in parks and make sure that we ensure we have a dynamic parks system.

Again, Mr. Speaker, I would recommend that we not spend more time going back around the circle, that we create enabling legislation, that Bill 29 can do that. Thank you.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona on 29(2)(a).

Ms Notley: Thank you. Under 29(2)(a) my question is to the minister. I appreciate her engaging in the debate and the comments that she's made. You talk about consultation and, certainly, the idea of being able to go out into the communities and listen to what people have to say, not only members of the community but other interested parties because, of course, we have a lot of people who are interested in our ecological reserves and wilderness areas who aren't necessarily members of the community per se. You say that, you know, that's all possible under this enabling legislation. But apart

from the provision that talks about the 60-day notice, can the minister tell members of the House what part of this legislation requires that form of consultation and, in particular, where the terms of that consultation, the extent of the notice, and the folks that need to be advised, and the forum for that consultation are specified so that we can ensure its transparency and accountability?

Mrs. Ady: Well, yes. Mr. Speaker, that's a good question. As you know, legislation today doesn't speak about notice. In this legislation we're saying that we have to give 60 days' notice. In the plan for parks, which is what we so extensively consulted over, there were priorities in there, and one them was that we would do nothing without consultation. Since 2009 we've had 20 consultations. Whenever we make a move in a park, we have a full consultation about that movement. So I would say to the hon. member that as we develop these zones and the regulations, we will continue to do this work. That's how we plan on working going forward. No one should make movement on land that people care about as much as this with, first of all, not notifying that it's going to happen, and, second of all, following up with a consultation. That's what we do, and that's what we're going to continue to do.

The Deputy Speaker: Standing Order 29(2)(a). The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you very much, Mr. Speaker. I would dearly love to see tabled the examples of the consultations you've had and a record of that information because, as I've said, the only thing I've seen previously is the online workbooks. Now, you talked about open houses and round-tables, and I'm saying that should have been done first. People should have had a chance to look at the legislation that was proposed and comment on it. I'd be interested in hearing your answer.

Mrs. Ady: Obviously, Mr. Speaker, in the three years we spent on the plan for parks, that's where those round-tables and all vested interests were brought together, and we came up with the priorities. As far as, you know, consultations today if you were to go on our website, you'd see the 20 that we've had since 2009. That's specific to anything that's happening in the parks. As far as the legislation itself we contacted those groups. We let them know we were putting it out online so that they could comment. That was the commitment that we had made, that we would get back to them on how we would create a simplified classification system. It was one of the priorities in the plan for parks.

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

Ms Notley: Thank you. I'd like to just follow up on the question that I asked previously. You talked, of course, about the possibility for these things, and you said that you've done this consultation in the past, but the question that I actually asked specifically is: can you point to any place in this legislation? It is enabling legislation. It is a hollow shell. So is there any place in that enabling legislation that requires the government to engage in consultation and that stipulates the form of that consultation?

Mrs. Ady: Well, obviously we have a duty to let people know what's happening and then in policy we have it. You know, again, you can go to our website and see what the policy is, but our policy is to always consult. We never don't consult. But you're right; in the legislation there is a duty to inform that it's going to happen.

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

Mr. Chase: Thank you. My point being, through the Speaker, of course: what good is consultation unless there is action taken and people are involved in the decision?

Mrs. Ady: Well, I would say, Mr. Speaker, that there is action taken. That's why we bring them around the table, and that's why we come to an agreement. That's how that work is done. You can no longer go behind closed doors or have someone decide to decide. Everyone has to come around the table, all stakeholders, and we have to come up with a unified decision. You know what? In all honesty, since we started doing that consultation, we have found that we can generally come to some pretty good consensus. In fact, we have other provinces now looking at our consultation policy because it's actually pretty cutting edge, and they're saying: "It's working for you in the province. How are you doing it?" So we're now actually getting to describe that for other provinces.

The Deputy Speaker: We have one second.

On amendment A2, the hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. Speaking to the amendment, I guess about the only quality or credit under transparency and accountability that I will recognize our Premier for is his creation of standing policy committees. Now, I'm extremely aware, based on the electorates' choice, that opposition members form a minority on those standing policy committees, but as the hon. Member for Calgary-Currie pointed out, to a large extent, not always but to a large extent, partisanship can be parked, and the committees can get on with activities that are of value to all Albertans. It's the equivalent of what a Senate is supposed to do, the sober second thought. What we're asking in amendment A2 is to let that thought continue.

The standing policy committees that I'm connected with – Community Services, and I'm the deputy chair of the Standing Committee on the Economy – have brought before us numerous individuals on topics of concern, whether it had to do with, I believe, Bill 203 and the electricity franchise fees and rates. I was very surprised that the committee did basically a U-turn and recognized that the AUMA and the AAMD and C were not in favour of having the government determine local franchise fee service rights, and I was very pleased because I was totally in agreement with the decision that was made.

9:30

I also appreciated the opportunity in the Standing Policy Committee on the Economy to discuss the minimum wage, and in that discussion we were incredibly together for almost five months of that discussion, and even at the end there was an opportunity provided in the standing policy committee to offer a minority report. I cannot think of a more democratic opportunity afforded to members of this Legislature to seek out the information that they need to have.

My concern, as I pointed out, is the difference between consultation and collaboration. Consultation just simply means that we're listening. It doesn't mean that we're going to act on what we've heard. This is the concern, that consultation without publicly recording the minutes of the various meetings to show that there is support or lack thereof is meaningless because unless we see the reports, we don't know where people stand.

Now, what we're seeing is, as Sam Gunsch pointed out, watching in the Assembly from the point of view of Albertans in general but

specifically under the Sierra Club's concerns, that back in 2000 we had a much more co-operative circumstance. The act that was put forward by the hon. Gary Mar, Minister of Environment at that time, was entitled the Natural Heritage Act, and we have members who participated at that time; for example, the Member for Banff-Cochrane was a member of that committee. It was an all-government committee, but they did a very good job, and that was before standing policy committees. The Member for Calgary-Fort, who I would like to hear – obviously, I can't tonight – was a part of that committee that worked on the Natural Heritage Act. We had Dave Coutts, the MLA for Livingstone-Macleod; Ron Hierath, MLA for Cardston-Taber-Warner; Dave Broda, the MLA for Redwater; and Ivan Strang, the MLA for West Yellowhead.

They did their due diligence, they involved people in the discussions, and they came up with some very interesting findings, but they defined their roles clearly. For example, the role of the MLA committee: the principal objective of the MLA committee was to develop and oversee a public review of key issues related to the proposed Natural Heritage Act. A public review. Mr. Speaker, I'm suggesting that that public review in terms of reviewing the clauses and concerns of Bill 29 has not taken place.

To accomplish this, the committee defined and monitored a public consultation process to confirm key issues and ensure that the consultation process was conducted in a fair and effective manner. Equus Consulting Group was contracted by Alberta Environment to develop and complete the consultation process. The MLA committee reviewed the findings of the process and developed the recommendations outlined in this report for the minister's consideration. They weren't pre-empting the minister. They were supporting the minister through their research and through their consultation.

In formulating its recommendations, the MLA committee reviewed the findings in relation to existing and proposed policy pertaining to the key issues. The policy and practice of other, comparable Canadian jurisdictions was also reviewed as additional background; in other words, best practice not just within the scope of Alberta but across the nation.

Scope of the review. The MLA committee limited the scope of its review to policy issues relating to five key areas of concern. These were identified through earlier public feedback and confirmed in the consultant's initial issue identification discussions with major stakeholder groups. These included oil and gas exploration and development in parks and protected areas, mining in parks and protected areas, recreational off-highway vehicle, OHV, and snowmobile use in parks and protected areas, hunting in parks and protected areas: ideas that we are discussing tonight and suggesting need to be discussed further by referral to committee, reclassification of natural areas. This is a déjà vu circumstance, Mr. Speaker.

One additional issue, ministerial flexibility versus certainty, was identified through these discussions and was also reviewed by the MLA committee.

Now, what was amazing to me is the amount of agreement. For example, this comes from the *Edmonton Journal*, March 30, 2000. The author was Ed Struzik. This was what was stated.

The Natural Heritage Act will set the stage for phasing out industrial development in most protected areas, and prevent new developments from being approved. The measures are likely to receive the blessing of the oil and gas industry.

Mr. Speaker, they did receive the blessing.

Sources say Mar, who was unavailable for comment, will release the results of a public consultation process that focused on a number of key environmental issues, including the Natural Heritage Act. In its original form, which drew criticism, it would have allowed industrial development in protected areas.

Now, to me, this is key. This is bringing everybody into the discussion.

Last month, the Canadian Association of Petroleum Producers board of governors reaffirmed its support for a series of protected areas where there will be no development, including oil and gas.

"We have told the government, and we have been telling them since 1994, that CAPP believes that there should be a network of protected spaces in Alberta, and by the strictest definition of protection, there should be no industrial activity, including oil and gas," said Geoff Morrison, the association's manager of environment and operations.

His organization wants a clear process by which industrial interests will be phased out of special areas.

Now, let's see what's happening tonight. What's getting phased out, Mr. Speaker, is special areas. This is counterintuitive. The reason CAPP was in support of this methodology was that what we don't want is a project by project, valley by valley debate every time we make a submission to the Alberta Energy and Utilities Board. So they got it back then.

Now, more with regard to Gary Mar in terms of putting forward parks legislation. This is from an *Edmonton Journal* article dated April 21, 2000. The author of this article, found on page B4, was Larry Johnsrude.

Resource development in environmentally sensitive areas would be phased out, and off-road vehicles would be restricted, under legislation proposed by a committee of government MLAs.

The suggested Natural Heritage Act, which has caused a split in cabinet, would eventually eliminate all oil, natural gas and mining activity in provincial parks and protected areas.

Environment Minister Gary Mar, who has been at logger-heads with Resources Minister Steve West . . .

And we can substitute our current resource minister.

. . . over the proposed new legislation, said he hopes the report will strengthen his hand in pressing for tougher new environmental rules.

Mar had hoped to introduce the bill this spring but was unable to patch up differences with [Steve] West, who opposes Mar's time frame for phasing out oil and gas activity in protected areas . . .

Liberal environment critic Debby Carlson praised the MLAs' report, released Thursday, but said its implementation will depend on how Mar makes out in his showdown with West.

What was interesting, Mr. Speaker, was that while there was discussion and while there was fraction within the government that was making the decision, in the end the environment basically won out. The Natural Heritage Act was proclaimed. It wasn't as strong as it might have been, but it was considerably stronger through the committee process than what is being proposed tonight without a committee process.

9:40

Mr. Speaker, I talked about omnipotence, omniscience, omnipresence being associated with one minister. I believe the combined intelligence in this room, through the standing policy committee recommendation, the Committee on Community Services, could refine the process, could have on the public *Hansard* record the meetings with various environmental groups, industrial groups, anybody who has a desire as to how parks legislation and enforcement should be shaped. This could happen. This is the sort of compromise, middle position. If this middle position is taken out, if Albertans are shut out of the process and their elected representatives cannot hear from the public and act upon what has been heard, then this is a sham. Legislation allows for debate and discussion; regulation shuts it out.

Thank you, Mr. Speaker, and obviously I'm supporting amendment A2.

The Deputy Speaker: We have five minutes for questions or comments.

Seeing none, then on the amendment, the hon. Member for Edmonton-Strathcona.

Ms Notley: Thank you. Yes. I rise as well to support this amendment for many of the reasons that have already been identified. It's really apparent to me that, you know, consultation is one of those words that can be used and overused and sometimes abused. One of the things that makes that word a positive word is when the process of consultation is one for which there is transparency and to which there is accountability.

At this point, as much as we have, you know, these very sweet-natured assurances of consultation and consultation policies, we have absolutely nothing in legislation to ensure consultation, nor do we have anything in the legislation that would set the parameters for the consultation process, nor do we have anything in the legislation that assigns any form of accountability to the outcome of those consultations, nor of course do we have anything that suggests that they would be remotely transparent. That means that we are left completely to hope for the benevolence of whatever minister happens to be in charge of the process at any given time. Of course, as it probably will come as no surprise, the record of this government is not one to make me feel confident that I would give up that kind of input into the process. So it really is a very important thing to address.

Now, we've heard about consultation in the past. You know, I may be corrected over the next few days as I have an opportunity to talk with more people who are coming out and expressing concern about this legislation. But my understanding is that while there has been somewhat positive relationship building and consultation going on with respect to certain policy levels of activity through parks, when it comes to what is actually included in this legislation, this legislation truly does not reflect the majority of the information that was received by this minister or this ministry around the future of our parks regime in this province.

As I've stated before, I think what we see here, then, is an example of why we cannot blindly put our faith in this minister or the next minister or this government to just voluntarily consult and voluntarily make it transparent and voluntarily demonstrate some level of accountability to the consultations and the feedback that they receive from the Alberta public because, as I've said, this act in and of itself reflects a breach of that trust as it is. So there's certainly no reason to go forward and assume that things will be any different.

The Member for Peace River talked about the complexity of the issues that face regulators and this government when it comes to planning the future of our parks system. He talked about different levels of protection that are required and different uses and different objectives. That's all very compelling, and it's all very convincing. Certainly, no one here is suggesting that this is a simple project or a simple issue where you simply go: this is protected land, and it will be this way forever.

I was particularly convinced by the description of how over time the lack of impact on a particular protected area means that you may actually lose that which you are trying to protect or preserve. You know, that's absolutely and totally a legitimate point. I understand that there is complexity to this issue, but that does not, however, automatically lead to the notion that what we should do is give unchecked authority and ability to the minister to deal with these complex and competing and evolving pressures without any type of input from the public or transparency or oversight from the public.

If anything, if it is that complex, if there are those conflicting interests and sometimes even conflicting interests within the scientific community – I’m not even talking about the more, sort of, politicized conflict between conservation and exploitation; I’m just talking about, you know, the complexities that can actually exist within the actual conservation community and the scientific community – then we need to ensure that the public is involved in that discussion and has input in that discussion. There is no provision for that in this legislation.

Now, there are loads of other types of regimes where we engage in the preservation and the administration of the public interest and the public good. There are loads of other cases where when we do that and we decide that it is somewhat complex and that we can’t put every last crossed “t” and dotted “i” in the legislation, there are other mechanisms that we can use. We have administrative tribunals throughout government in a number of different ways. We have hearing processes. We have public hearing processes. We have these kinds of things throughout the province in other areas where government is attempting to preserve the public interest in a changing environment so that we’re not necessarily having to have every issue come back before the Legislature once a week.

But this act does not provide for that type of mechanism. Instead, what this act says is that we’re going to create an enabling piece of legislation to let the government on its own, behind closed doors do whatever in its wisdom – and that is a wisdom that will be gained from consulting with whoever it is they want to because we’re not ever going to ask that they balance out their consultation process or identify who it is they need to hear from. So however their wisdom is gained, at whatever time, based on whatever the political winds are at that time, they can go behind closed doors and come up with regulations and do whatever they would like.

You know, I would be less concerned about it if the overarching objectives of the act remained the same, but as I said before, we’ve clearly played around with them – very subtly, but we have played around with them – so that the objectives and the scope of activity and the purposes of the act have been modified enough to allow even greater authority to the minister to depart from what I think the public would all agree is the primary objective of our parks regime.

9:50

As a result, the motion put forward by the Member for Calgary-Currie suggests that we refer this matter to an all-party committee. That committee can have public hearings, and that committee can decide who to hear from, and that committee can do it all in *Hansard*. The people who want to have their concerns and their issues addressed can come and make submissions and that will be in *Hansard*. Their submissions will be available to the rest of the public, and then the deliberations of the committee and the considerations of the committee mostly will be transparent in that setting. I mean, we know the majority of committee members will sometimes hash it out beforehand and then come into the committee with sort of a preordained decision, but oftentimes these committees function better than that, and we actually see some genuine discussion between government members break out in these committees.

It’s a way to allow for a less politicized, more sort of best-interests mechanism to govern how we make these decisions. We’re also able to have all these players come and fully engage and then the public can see that, oh, well, you know, the government was actually told this, this, this, and this, and they accommodated that concern or they said: we don’t care about that concern. Then at least the decision-making process is more accountable and the government is more accountable to the people of Alberta. To review, most of them

in surveys have said that there’s a certain focus that they want to see represented here that is not. So there needs to be better accountability.

I know it’s tiresome. Lawyers are tiresome, and people talking about legal mechanisms are tiresome, and I understand that. Nonetheless, I actually sort of have some buy-in to them. They sort of do brainwash the least brainwashable of you when you go through that law school process. But I actually think that this bill could benefit from an objective review that looks at coming up with a structure that is an alternative to unrestricted regulation-making authority and instead comes up with a public hearing process, comes up with a process that ensures transparency and ensures accountability and maybe even allows for adjudication.

I know that goes a bit far, and maybe I’m looking for a job for some other time in my life. Nonetheless, the point is that I think, for instance, that that’s something that could be discussed in the setting. We could discuss this idea of whether or not all these complex issues need to be managed by a minister behind closed doors or whether or not there is a better way to preserve and articulate the basic objectives that the majority of Albertans want to see reflected and then also build in an opportunity for those complexities, which the government complains of, to be managed through a much more public and transparent and accountable process.

These are the kinds of things that could be discussed not only with all Members of the Legislative Assembly but with those stakeholders who are deeply, deeply concerned about this parks act.

I just do want to mirror the statements that were made, I think, by the Member for Calgary-Varsity. I, too, have been inundated with e-mails and phone calls and letters from people who are desperately concerned about what this parks act means to the future of our wilderness and ecological reserves and our parks system in general in this province.

Rather than bowling forward in yet another attempt to grab a whole bunch of authority and take it and scurry behind closed doors and do whatever you want to do in the future with no regard for the interests of Albertans, instead what we could do is engage in a much more productive, transparent, and ultimately higher quality process that would produce a product that all Albertans would be proud of and actually could sign on to and would understand. I think that would be in the best interests of not only this government but of all Albertans.

So I urge members of this Assembly to support the motion put forward by the Member for Calgary-Currie because I do believe that it is a mechanism through which we could actually improve substantially the quality and the substance of what is currently a very flawed piece of legislation. Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions.

Seeing none, on the amendment, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much. On amendment A2 I would like to thank the hon. Member for Calgary-Currie for presenting this and allowing the House to consider another way of dealing with the controversy that has surrounded Bill 29. Certainly, as I hear more and more discussion, I’m getting more and more concerned about the direction. I have not been convinced by the hon. Minister of Tourism, Parks and Recreation that there has been due public consultation regarding this matter.

I have a copy of the Plan for Parks from last year. Last year was a very busy year for the Minister of Tourism, Parks and Recreation.

Many hon. members of this Assembly may be astonished to know that that was the only one of the 24 ministries that failed to meet their voted budget. That ministry had a wee bit of a deficit. If you look at the other ministries, many of them contributed significantly back into the stability fund at the end of the year 2009-10. This ministry was very active in the Winter Olympics held in British Columbia. One of the sort of sales pitches was, of course, our wide-open wilderness areas and what we have to offer. We certainly have a lot to offer to tourists and travellers from anywhere on the globe. But I find it interesting that this bill, after that promotion, is before the House in this form.

Now, the Plan for Parks is an interesting read. The hon. Member for Peace River gave a very interesting speech, and I appreciated hearing his remarks on this. Provincial parks account for 4 per cent of Alberta's land mass, and they are certainly very important to our quality of life. We think there is a large land area set aside in this province. We are correct if we look at it as a percentage, but much of it is national park, and when we think of the national parks, we think of Banff and Jasper and Waterton, Elk Island, but we forget about the large area that is included in Wood Buffalo. So I can appreciate that, and I hope I see more land set aside for provincial parks.

I read with interest the message from the minister, the plan for parks, the priority actions, and it's worth noting that there are four strategies. One of the strategies from last year, of course, is to refine the parks classification system. There's no real direction as to how or why or that we're going to have this enabling legislation, Bill 29, as it's known, and this is going to be what citizens need.

Now, Mr. Speaker, if we go a little further on and we find out how this plan was developed, that's quite interesting. If we were to look at this plan as it was developed and we were to consider amendment A2, we would certainly find a need for the Standing Committee on Community Services to get involved and have a series of public hearings not only in the capital, but I would suggest they could break up into subcommittees and travel throughout the province. I'm not sure. I can only think of the Alberta Health Act. The public consultations that this government is currently doing are very contrived. Whenever I experience what was done with supposedly public health consultations, I can confidently say that it was a contrived outcome. I know the Minister of Energy doesn't agree with me, but it certainly is true. Now, if we were to have the Standing Committee on Community Services look at what is in this plan for the parks that was tabled in this Assembly last year and what is in Bill 29, I think we would have to question whether Albertans' expectations and ideas for parks are reflected in Bill 29.

10:00

I heard about this public consultation from the hon. minister, but I read in here that Alberta Tourism, Parks and Recreation reviewed – reviewed – findings from consultations. Reviewed doesn't say that they've had them on their own; they reviewed consultations and gathered information about best practices in other jurisdictions. I heard earlier, Mr. Speaker, people talking about how the rest of the country was following our lead on this, if I understood correctly, Mr. Speaker, but certainly I'm surprised to learn that we had gathered information about best practices in other jurisdictions. Which other jurisdictions? They don't say. It could be Algeria. I don't know. It could be Saskatchewan. It might be. Maybe whenever they were on the train going up to Whistler at the taxpayers' expense last winter at the Winter Olympics, they had a consultation. Who knows? But they could, I guess, honestly say that they had a consultation.

Now, further input was also sought from a wide range of groups

through First Nations and individuals from different parts of the province. I would certainly like to have a synopsis or a summary of those meetings, meetings with stakeholders and environmental groups, recreation enthusiasts, commercial tourism operators, and municipalities. At some point this evening we're going to have to talk about land sales to municipalities that are considered or written into the statute in section 29, I think.

Public opinion surveys. In these public opinion surveys, if I understand correctly from this document, Albertans told us they want "more involvement in decisions about parks and in the delivery of parks programs." Now, Bill 29 contradicts that. It's enabling legislation. It's enabling this government to do what they want behind closed doors. I can't understand how this government and the speakers who are promoting this bill can make their claims and think that this bill will give interested individuals more involvement in decisions about parks in the delivery of the parks programs.

The parks classification system, which the hon. minister talked about and which is in Bill 29 – we heard various speakers speak about this – certainly is an issue that could be looked at if this amendment were to be passed tonight and this bill was to be provided to the Standing Committee on Community Services for discussion and scrutiny. The parks classification system, it states here, is to "refine the current park classification system so Albertans can easily understand which recreation and conservation activities are supported in each park and why." Fair enough. "Easily understand" is not part of Bill 29 because they're not going to have an opportunity to have a chance to understand what decisions are made.

I can hear people on the other side talk about cabinet confidences or "If you want the information, use FOIP." A favourite one not of yours, hon. Member for Calgary-Egmont, but of some of your colleagues: "Well, put it on the Order Paper as a written question or a motion for a return." I can just hear all this. That's why we have to support amendment A2 from the hon. Member for Calgary-Currie.

Now, the parks classification system will require the consolidation and modernization of two pieces of existing park legislation. The hon. Minister told me three, I think, or told the House. I could look at the back, but certainly the Provincial Parks Act and the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act, putting them into a single act, which is proposed here. Certainly, that's all; that's the complete plan for the parks.

Now we have this bill, and I would like to say that we certainly should bring this back to the Standing Committee on Community Services, not the cabinet policy committee. The chairperson of the cabinet policy committee that would look after this would be . . . [interjection] I don't know. I don't know. The only thing I would know is that they're well paid for what they do, but what they do is secret. The taxpayers, the public, have no idea about the cabinet policy committee and the work habits or lack thereof.

But with the hon. members on the Standing Committee on Community Services, of course, everything would be public. There would be minutes. There would be submissions, hopefully oral and written. That's why I think this is a very good idea, and I would, in conclusion, passionately urge even the Minister of the Environment to support amendment A2 on Bill 29.

Thank you.

Mr. Chase: The hon. Member for Edmonton-Gold Bar is the chair of the Standing Committee on Public Accounts. I'm just wondering. You talked a little bit about value for money. We receive, whether we meet or not, a thousand dollars per month per committee that we're on. Would you suggest that we should be earning our money by being part of a further study of Bill 29 in Community Services?

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

Mr. MacDonald: Thank you very much, Mr. Speaker. To the hon. member, certainly all of those committees, whether they're standing committees or special select committees, are well financed, and they're well resourced with support staff. We have facilities in the Annex, and if need be, if we had a large group, we could even use this Assembly to hold a public hearing. So the resources are there, and I really think that January would be an ideal time for this committee to have another look at this bill.

Now, hon. member for – I always want to say, Mr. Speaker, the hon. member for Cataract Creek, but I don't. I'm going to say the hon. Member for Calgary-Varsity. I heard tonight that the Canadian Senate for the first time in the last 85 years overturned a private member's bill that had been passed by the House of Commons. Now, I know that the hon. Member for Stony Plain is saying: what's this got to do with this amendment? Well, this is what is happening.

We don't have a Senate in Alberta. I don't think we need one, but we do have these standing committees, and this Standing Committee on Community Services could take a long look this winter at this legislation and, hopefully, make some improvements to it so that it would be acceptable to many of the people in the province who right now, hon. member, think it is unacceptable and that it is poorly drafted. So if the Senate of Canada can overturn a private member's bill, the first time in 85 years – I'm not going to comment any further on that.

Certainly, one of the Senate's responsibilities is to have a second look at legislation, and this committee system that is set up in this province can do exactly the same thing if it is the will of this Legislative Assembly.

Thank you.

10:10

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

Mr. Chase: Thank you. Given, hon. Member for Edmonton-Gold Bar, that every month taxpayers are putting out approximately \$160,000 to members of committees, and that's a very lowball estimate, do you not believe those committees should be meeting at least once a month to discuss important issues such as this one?

Mr. MacDonald: Oh, yes, Mr. Speaker, I agree that those committees should be meeting frequently. I think idle hands are the devil's workshop, and certainly whenever we look at that big government caucus, there's a lot of mischief going on there. [interjection] Well, you have a caucus meeting tomorrow morning, and the longer we're here tonight, the crankier you're going to be, as far as I can see.

I certainly think those committees should be meeting quite frequently, and there are lots of issues, not only Bill 29, that they could have a look at. There are lots of other issues as well, Mr. Speaker.

The Deputy Speaker: Any other hon. member wish to speak on the amendment? The hon. Member for Calgary-McCall on the amendment.

Mr. Kang: Yes, sir. Thank you, Mr. Speaker. It's my pleasure to rise and speak on the amendment brought by the Member for Calgary-Currie, that:

Bill 29, the Alberta Parks Act, be not now read a second time but that the subject matter of the bill be referred to the Standing Committee on Community Services in accordance with Standing Order 74.2.

Mr. Speaker, the bill is going to have a great impact, a far-

reaching impact and outcome for Alberta's parks and protected areas. It repeals most of the existing parks legislation, including the Provincial Parks Act; the Wilderness Areas, Ecological Reserves, Natural Areas and Heritage Rangelands Act; and the Black Creek Heritage Rangeland Trails Act. It will streamline the parks system by eliminating a number of categories currently defined in the legislation. Currently it's wildland provincial parks, recreation areas, wilderness areas, ecological reserves, natural areas, heritage rangelands, and the proposal is "Provincial Park or Heritage Rangeland" as the reserved fragile ecological areas would be deemed provincial parks unless they are grasslands and would be placed under the authority of the minister or the cabinet for zoning. This could leave a number of once-protected areas of Alberta's landscape open to a range of inappropriate activities.

As well, now all land leases in the province would be subject to the same notice provisions when they are altered. It allows for the creation of park zones within the parks system that would define appropriate uses for those areas, and these zone categories are not defined in the legislation. They will be created by cabinet and assigned by the minister.

It would create a public notice requirement of 60 days before any changes are made to any areas of the parks system. This notice is only required to be posted on the minister's website. Currently certain areas such as wilderness areas have high notification requirements. It will establish a delegated authority for trails in the province, which is likely intended to permit a coalition of recreational groups to oversee and manage the trails. It will establish a park conservation foundation to observe the particular mandate of the current Alberta Sport, Recreation, Parks and Wildlife Foundation. It will rename the Alberta Sport, Recreation, Parks and Wildlife Foundation the active Alberta foundation, and it will also create a parks advisory council to advise the minister.

Mr. Speaker, right now there are more than 500 sites and roughly 27,500 square kilometres in total, and that is 4 per cent of the total land mass. When we talk about the consultation process, the government announced in a news release on May 19 that it was considering overhauling the parks legislation. Albertans were given until July 17, less than two months, to fill out the online survey, which was considered highly vague and general by those who completed it. No public meetings were held. Conservation groups have told us that they were not contacted or offered technical briefings on the legislation. The results of the online survey were not even released publicly, as they have been for other consultations in health and education. This nonexistent consultation process demonstrates that the government does not really care what the public or the concerned stakeholders think about the legislation.

By referring this bill to the Standing Committee on Community Services, there will be more consultation done, and maybe this bill will be improved to the satisfaction of all the stakeholders. For those reasons, I'm supporting the amendment put forward by the Member for Calgary-Currie.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Calgary-Varsity.

Mr. Chase: Yes. One of the recommendations A2 is suggesting is that the committee process has value. Do you see the standing policy committee process as an opportunity to review, an opportunity to discuss? Do you think the committee structure has value?

Mr. Kang: Yes, I do, Mr. Speaker. There was some poll done, and

85 per cent of Albertans agreed that protecting the natural environment should be a higher priority for Alberta's parks than providing recreation even though both were considered important, and 82 per cent of Albertans felt that more parks facilities should be provided to accommodate population growth and demand. When the consultation process was done, there was not really enough time for Albertans to speak their mind on this bill, Mr. Speaker. By referring this bill to committee, by holding hearings across the province, probably, it will get the input from Albertans, and maybe we can improve this bill to the satisfaction of Albertans.

Thank you, Mr. Speaker.

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

Seeing none, the chair shall now call the question.

[The voice vote indicated that the motion on amendment A2 lost]

[Several members rose calling for a division]

Mr. Renner: Mr. Speaker, I was under the impression that the motion that was agreed to earlier applied for the rest of the evening. If not, I would then move a second motion accordingly, that we have a one-minute bell.

The Deputy Speaker: I heard the motion, but I also understood that the motion applied to this bill. Is that correct?

Hon. Members: Agreed.

Mr. Taylor: My understanding was that when the Deputy Government House Leader moved that motion, he was talking about all bells, all divisions this evening.

The Deputy Speaker: So we agree that for all bells the division is one minute?

Hon. Members: Yes.

[The division bell was rung at 10:20 p.m.]

[One minute having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Chase	MacDonald	Taylor
Kang	Notley	

Against the motion:

Ady	Fritz	McFarland
Berger	Jablonski	Oberle
Calahasen	Jacobs	Olson
Campbell	Johnston	Prins
Dallas	Liepert	Quest
Danyluk	Lindsay	Renner
Denis	Lukaszuk	VanderBurg
Doerksen	Marz	Vandermeer
Elniski		

Totals:	For – 5	Against – 25
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[Motion on amendment A2 lost]

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar on the bill.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. On Bill 29 at second reading. I have been waiting . . . [interjection] Yes. I had an opportunity to speak to the amendments, and I can also speak to the bill as well. It was a tough fight to get here, and democracy is precious. Isn't that right?

Now, certainly, one of the issues I had – and I was listening with interest to the hon. Solicitor General and Minister of Public Security talking about why this bill was needed. I heard earlier that we last had a discussion on this in 1999, and we had some changes, which are reflected in portions of this legislation which are to be repealed. There were reasons suggested that this was to be better, of course, but I'm curious why we need these agreements respecting the sale of land. Why is this at this time necessary? One would be suspicious of this government when you mention the words "land sales."

An Hon. Member: It's a conspiracy theory.

Mr. MacDonald: No, it's not a conspiracy theory, hon. member. It has been proven in the past. It's quite odd that a lot of beautiful land for development close to taxpayer-funded twinned freeways becomes surplus and becomes available and is sold for very modest prices to parties who always find time to make it to the Premier's fundraising dinners. I'll put it that way.

So I would like some clarification, and hopefully, Mr. Speaker, if . . .

An Hon. Member: Relevance?

Mr. MacDonald: Relevance, you say? Relevance? I would ask you, hon. member, to read this bill, specifically section 29, for relevance.

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

Mr. MacDonald: Yes. Thank you, Mr. Speaker. It's important that each and every one of us debate and discuss and put our views on the record regarding various pieces of legislation. I was sitting here waiting patiently for my turn to speak, and I was wondering how many members of that big government caucus haven't said a word yet this fall session. I thought: well, maybe I'll look it up in *Hansard* and see. But I know you would feel that I'm further being distracted by these hon. members.

Specifically on Bill 29 and section 29, agreements respecting the sale of land. The hon. member now seems to agree with my concerns around that, and I appreciate that, Mr. Speaker. If we could have some discussion on that: why that is so necessary, which municipalities we have in mind, which parcels of land could be potentially up for sale and to whom, and what sort of restrictions we would put on that. Is it exclusively for municipal parks, or could it be six months later turned into . . .

Mr. Campbell: Condos.

10:30

Mr. MacDonald: . . . a condominium development. You took the words right out of my mouth. Yeah.

Those are some of the issues that, hopefully, would be discussed, but if we were to have another look at giving this bill a pass – don't send it through to committee. Don't send it to third reading. Just get rid of it and have another attempt at making a law that is acceptable

to the majority of citizens, whether they're environmentalists, whether they're landowners, whether they're urban or rural Albertans. I think they deserve better than this. I spoke earlier about the plan that was tabled in this Assembly last year, and it was a 10-year plan. I don't think Bill 29 addresses that.

Now, why should we have another look at this legislation? Well, we only have to look at some of the things that have been said publicly about this. Whether it's in Canmore, whether it's in Edmonton, or whether it's in Calgary, this bill worries people. Environmental groups say that this bill will erode protections now in place for Alberta's provincial parks. The minister argues it's about making classification of parks easier to understand, not changing government policy. But, again, I'm going to repeat: so much of government policy is now behind closed doors and in silence.

Now, in St. Albert citizens have raised concerns. Certainly, other neighbourhoods have raised concerns. The Sierra Club of Canada has actually formed a coalition, as I understand it, and they got a week, November 15 to 20 – and this is the 17th – as Save Our Parks Week. [interjection] Mr. Speaker, the hon. member from Chickadee Creek, I'm sure whenever he goes camping, leaves his clocks, all of them, in Calgary, but I certainly am lucky enough to have a large, open-faced clock that I can view.

Mr. Speaker, in baseball you get three chances before you're out. In the Legislative Assembly here I'm going to give this Assembly one more chance to get rid of this bill. I am proud on behalf of the hon. Member for Edmonton-Riverview to now move another amendment to give this House an opportunity to rethink Bill 29. I know the opportunity to send it back to one of our standing committees: we didn't agree with that. But, certainly, I think it's time to put forward to the floor of this Assembly a hoist motion to once and for all send this bill back to the department, where it belongs, for further study. I would like to circulate this amendment – it's signed, and it's in order – on behalf of my hon. colleague from Edmonton-Riverview at this time, Mr. Speaker.

The Deputy Speaker: We shall have the pages distribute the amendment.

Hon. Member for Edmonton-Gold Bar, please continue.

Mr. MacDonald: Yes. For the record this will be amendment A3, Mr. Speaker, correct?

The Deputy Speaker: Yes, it'll be known as A3.

Mr. MacDonald: Okay. Thank you very much.

Mr. Liepert: Three strikes and you're out.

Mr. MacDonald: Three strikes and you're out, yes. Unfortunately, hon. Minister of Energy, there are a lot of foul balls in this place.

The Member for Edmonton-Riverview moves that the motion for second reading of Bill 29, Alberta Parks Act, be amended by deleting all the words after "that" and substituting the following, that "Bill 29, Alberta Parks Act, be not now read a second time but that it be read a second time this day six months hence."

This amendment is again an opportunity, as I said earlier, for the Department of Tourism, Parks and Recreation to take this bill back to the legislative draft table and have another look at it. It doesn't reflect what Albertans are saying they want and they need in environmental legislation. It doesn't satisfy their view. It certainly doesn't satisfy hon. members on this side of the House.

In conclusion, I would urge all hon. members at this time, Mr. Speaker, to please take one more look at this bill and support

amendment A3 as proposed by the hon. Member for Edmonton-Riverview. Thank you.

The Deputy Speaker: The hon. Minister of Tourism, Parks and Recreation.

Mrs. Ady: Thank you, Mr. Speaker. Once again I'd like to rise tonight to encourage the Assembly not to support this motion. It is a hoist amendment. I think that it kind of flies in the face of the work that has been done in this province. As I have been saying all night, we had three years of consultation, where the plan for parks was developed through extensive consultation with stakeholders, aboriginal groups, park users, academics, and experts. They sat around tables and they came up with the plan for parks. One of the priorities that they noted in those discussions was the confusion in this classification system and how we needed a more robust ability to have parks legislation that could work for us in the future.

Mr. Speaker, this bill is proposing that we have enabling legislation that creates the framework so that this important work can be done. Yes, that will allow for subsequent work to be done, so I again would like to encourage the Assembly not to support this motion.

At this time I'd like to adjourn debate. Thank you.

[Motion to adjourn debate carried]

Government Bills and Orders Third Reading

Bill 25

Freehold Mineral Rights Tax Amendment Act, 2010

Mr. Liepert: Mr. Speaker, I move third reading of Bill 25.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar on the bill.

Mr. MacDonald: Yes. Thank you very much, Mr. Speaker. Certainly, we've had ample time to discuss this bill. I appreciate the comments earlier from members opposite. It appears to be what the Freehold Owners Association has been working for for a very long time. I hope they are satisfied with this amendment.

Certainly, it is a pleasure to support Bill 25. Thank you.

The Deputy Speaker: The hon. Member for Calgary-Varsity on the bill.

Mr. Chase: Yes. Thank you. Speaking to Bill 25, this is an example of when members of this House are able to agree. Bill 25 basically stands up for the rights of individuals, those who have freehold mineral rights. It's what we should be doing, recognizing individual rights.

Mr. Liepert: You're on the wrong bill, Harry.

Mr. Chase: Sorry?

The Deputy Speaker: Bill 25, Freehold Mineral Rights Tax Amendment Act, 2010.

10:40

Mr. Chase: Who's on the wrong bill?

Mr. Liepert: It's not the freehold mineral rights.

Mr. Chase: Sorry. Minister of Energy, are we not talking about freehold mineral rights right now?

An Hon. Member: No, we're talking about taxes.

Mr. Chase: The point I was trying to make, Mr. Speaker, before I was assisted by the Minister of Energy, is the recognition of individual rights, and that's absolutely essential, as essential as the recognition of collective rights. Bill 29, unfortunately, doesn't do that. Bill 25 does. That's why I support Bill 25.

Thank you, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Strathcona on Bill 25.

Ms Notley: Thank you, Mr. Speaker. I rise to ensure that we don't have complete consensus in this House because that would be deeply disturbing to me. I feel the need, of course, to raise a couple of concerns with this bill. We've gone through it in a certain amount of detail, but it appears to me that what this bill does is that it's not changing the rights or giving new rights to freehold mineral rights owners, as far as I can tell; rather, all it is doing is that it's restructuring the way in which the government can collect taxes from those freehold mineral rights owners. If it turns out that I am incorrect, then I apologize to those freehold mineral rights owners who I do agree have been advocating for some time to enhance their rights vis-à-vis their land ownership.

What appears to me to be happening with this bill is primarily that the government is giving itself more authority to assess taxes and then more authority to penalize for nonpayment of taxes and then more authority to take action in the event that those taxes are not paid. You know me. I'm all for taxation, being a New Democrat and everything.

An Hon. Member: She admits it.

Ms Notley: It's late. Again, though, also being a lawyer, probably even more unpopular.

I think that it's really important for people to have an enhanced an opportunity to have their case heard as possible. What this bill does is that it eliminates an appeal board and replaces it simply with the minister. I expect the minister is not going to spend a lot of time personally adjudicating taxation decisions, so ultimately what it actually means is that people who are unhappy with the tax decisions will have to go directly to the Court of Queen's Bench. Unfortunately, as we have heard many people talk about in this House, particularly in this sitting, we have a real problem in terms of access to justice in this province. We have a real problem in terms of access to the courts, we have a problem with delay in the court system, and we have a problem with access to legal counsel in the system and the cost of legal counsel.

The fact of the matter is that not all of these freehold mineral rights owners are necessarily exceptionally wealthy people. What we've done, then, is that we've taken away an administrative tribunal that is user friendly and replaced it with the obligation for these folks to go to the Court of Queen's Bench and pay the additional costs associated with that should they be unhappy with the level of taxation imposed upon them by the minister.

This, to me, is not actually a win for the freehold mineral rights owners. Again, I apologize to them if we've misinterpreted what this bill is designed to do. This being what I think it is, we cannot support this bill as we believe it will be an additional cost to these particular Albertans, and that would be unfortunate.

Thank you.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Member for Calgary-Varsity.

Mr. Chase: Thank you. I want to actually – I wouldn't suggest apologize, but I want to thank the Minister of Energy for clarifying the remainder of the bill's title. It's not just about, as the minister noted, freehold mineral rights, but it's the Freehold Mineral Rights Tax Amendment Act, 2010. I thank the Minister of Energy for pointing that out because there is a distinction.

I'm just wondering. To the Member for Edmonton-Strathcona . . . [interjection]

The Deputy Speaker: The hon. member has the floor.

Mr. Chase: Thank you very much. If the Minister of Employment and Immigration would allow me to continue, I'd gladly do so.

My question to the hon. Member for Edmonton-Strathcona is: does she see Bill 25, the Freehold Mineral Rights Tax Amendment Act, 2010, falling into the same category as the Alberta Parks Act, Bill 29, in terms of extending ministerial discretion as opposed to legislative appeal processing?

Ms Notley: I will say that in my very brief review of the act I suppose one could argue that it enhances the role of the minister in terms of replacing an appeal board with the minister, but since I suspect that what will actually happen is that most of that work will go to a court, really what this is about is moving that adjudicative function from a more user-friendly setting to the courts. To the extent that appellants are unable to afford the court system, then there's no question that this does take authority from the board and give it to the minister, so at that level it does in fact do what the Member for Calgary-Varsity suggests.

I think the bigger concern simply is about removing an avenue of appeal that is relatively accessible and replacing it with an avenue of appeal which is not relatively accessible, thereby infringing on the rights of this particular group of Albertans in the process.

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

Seeing none, the chair shall now recognize hon. members to speak on the bill.

Seeing none, the chair shall now put the question.

[Motion carried; Bill 25 read a third time]

Bill 19

Fuel Tax Amendment Act, 2010

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

Mr. Renner: Thank you, Mr. Speaker. On behalf of the Member for Battle River-Wainwright I'm pleased to move third reading of Bill 19.

Just to remind all members, this bill will allow for the implementation of renewable-fuel standards in Alberta and will clarify some of the tax provisions to make sure that we don't have discriminatory, unintended consequences as a result of introducing renewable fuels in this province. My recollection is that there's been broad-based support for this bill at first and second readings and in committee, so I anticipate that members will have relatively few questions and comments at third reading. However, I welcome their comments.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar on the bill.

Mr. MacDonald: Thank you, Mr. Speaker. This is a very good bill. It's a pleasure to support it.

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

10:50

Mr. Chase: Thank you. The hon. mover of Bill 19, the Member for Battle River-Wainwright, had indicated that in third reading he would provide me with two answers, so possibly he's passed those answers on to the Minister of Environment. Very quickly, the questions I asked had to do with: would Bill 19 potentially lead towards a requirement of a certain amount of renewable fuels, ethanol for example, being mandated for use in the province of Alberta?

Then my other question was: did this interfere with the extension to the TILMA act? I'm afraid I'm forgetting the number, but it involved having fair prices for Alberta gas transport users. I asked the question: by improving the playing field in Alberta, does that potentially contradict the competitive practices with British Columbia and Saskatchewan?

Hon. Minister of Environment, if you didn't have a chance to receive the answers to that research, I'll understand and look forward to those answers being tabled later, but I did want to raise them.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions.

Seeing none, any other hon. member wish to speak on the bill?
Seeing none, the chair shall now put the question.

[Motion carried; Bill 19 read a third time]

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

Mr. Renner: Thank you, Mr. Speaker. Having accomplished a significant amount of good work tonight, I would like to move that we adjourn until 1:30 tomorrow afternoon.

[Motion carried; the Assembly adjourned at 10:52 p.m. to Thursday at 1:30 p.m.]

Table of Contents

Introduction of Guests	1287
Government Bills and Orders	
Second Reading	
Bill 29 Alberta Parks Act	1285, 1287
Division	1292, 1302
Third Reading	
Bill 25 Freehold Mineral Rights Tax Amendment Act, 2010	1303
Bill 19 Fuel Tax Amendment Act, 2010	1304

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