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The 27th Legislature
Fifth Session

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The Honourable Kenneth R. Kowalski, Speaker

**Legislative Assembly of Alberta
The 27th Legislature**

Fifth Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, March 19, 2012

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The chair would like to call the committee to order.

Bill 7 Appropriation Act, 2012

The Chair: Any comments or questions? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Chairman. I'm pleased to be able to get an opportunity to speak to the Appropriation Act. The process that we have now for debating in Committee of Supply and in the policy field committees means that I don't get a chance to look at the whole bill very much anymore or to hear about the debate going on in the ministries that I'm not the critic responsible for, so this is really my first opportunity to give some general comments on what I see happening in the province.

You know, I just want to loop back here, Mr. Chairman, and talk a little bit about the process that we have for budget debate overall. I have to say, not to put too fine a point on it, that it sucks. It really is not serving us very well. It's not serving the opposition well, it's certainly not serving the government backbenchers very well, and I hope that following the next election somebody over there will be willing to negotiate with me to make this a more productive, accountable, and transparent process.

In many ways this is the most information that I get. Essentially, it's the listing of every ministry, the expense, which is operating money and any capital money they plan on spending. But, honestly, when you look at the budget books, as I have over the last 16 budgets that I've done, there's less and less and less information available in every single budget, so I spend most of my time going: "Okay. Well, what's under this vote? Can you break it out for me and tell me what programs you're actually funding under this and how many FTEs you've assigned to it? What exactly are you paying for?" You can't tell from the budget documents anymore. There are no descriptors to it.

Really, the worst example of this is that under the Health and Wellness budget there's one line that says: Alberta Health Services. It's whatever it is now, \$19 billion. One line: that's it. There's no descriptor. It doesn't tell us what it breaks down to. It doesn't tell us how much we spend in each hospital or for doctors or anything. Everything that goes to AHS: that's what it is. No sane human being can hold the government accountable when you get a one-line vote and everything that Alberta Health Services does is under that and there's no breakdown. When I started, you used to get a breakdown of four or five or six subvotes under any given vote. Now it's just the vote. You get five votes, and that's it; ferret it out yourself.

Really, I'm not able anymore to try and hold the government accountable on its choices on given things because I spend all of my time just trying to find out what those choices were. I don't think that's productive, and I certainly don't think it's being accountable to the citizens, who, in my opinion, should be able to

pick up a budget document and read it and understand it. That's accountable, and that's not what we've got.

The second part of this is the actual process itself. That is where the government is now choosing certain ministries it debates here in the House, so you can have your assistants on the floor and that sort of thing. Then in the evening you're in a policy field committee in a committee room over in the Annex. It's harder to get the staff around. There's not much room in the back for the public to come in and watch. You're all kind of squished together in this room that just gets hotter and less pleasant as the night goes on.

Frankly, I feel really bad for the government members that are appointed to these policy field committees because they're obliged to sit there and, essentially, twiddle their thumbs for three hours. Honestly, it's about as big a waste of manpower as I've seen for my colleagues in the Legislative Assembly. I don't see how this is moving anything forward. Like, they're obliged to be there. They have to be there to keep the side up or whatever it is they're doing. They get an opportunity to ask questions at the end of the three-hour period if there's enough time, and one of them might get on the list and be able to participate. I'm sorry; why did we have all these people sitting in a room for three hours?

I know that because I'm Official Opposition, we have the first opportunity to ask questions. With respect to some of my colleagues, I'll tell you that if I was a minister who had to answer the same darn question the third time from the third party that appears in front of me, my hair would catch on fire. That's not fair, and it's not a good use of time. The process, not to put too fine a word on it, sucks, and we really need to fix it. It's not a good use of anybody's time. It completely wastes the backbenchers' time.

It doesn't give opposition enough time. I mean, honestly, an hour for the Official Opposition, 60 minutes to share with the minister? If you've got a talkative minister, you're going to get the short end of that 60 minutes, believe me. All you're doing is trying to find out what this actually covers. So not a good use of time. That's part of my observation about the budget process in its entirety, which culminates in the appropriation bill, Bill 7, which we have in front of us.

I think the second thing that I'm interested in is revenue, and you really don't see revenue in the Appropriation Act. It just talks about expenses because it comes through the President of Treasury Board and Enterprise. I mean, it talks about: money will be taken from the general revenue fund. That's in section 1. It will pay for certain things for the Legislative Assembly, and from the general fund it will pay for charges of the public service. It will pay for capital and infrastructure, nonbudgetary, transfers from the lottery fund, et cetera, et cetera, and on it goes.

But we really don't talk about revenue. We try – although, I would argue, we fail – to talk about the expenses, but we really don't discuss government revenue at all, and I think we should. I think we need to have a conversation – and by that I mean a provincial conversation – about where government revenue comes from and about: do we have the appropriate mix of where the government is currently getting its revenue?

My friend here, Mr. Finance, the Member for Edmonton-Gold Bar, has just handed me . . .

Mr. MacDonald: The fiscal plan of this year.

Ms Blakeman: . . . the fiscal plan of this year. Here's how it breaks down. Personal income tax is 53.8 per cent of the money that the government then turns around and spends. Fifty-three point eight per cent. Let's round that up and call it 54 per cent. Other taxes are a little over 3 per cent. Education property taxes are 10 per cent.

Now, let me just go off on a little tangent here because this bugs me. A while back – I think it was actually under Stockwell Day, who was Treasurer at the time – the government took over collecting the education property tax, or, rather, it made the cities, the municipalities collect the tax for them and give it back to them. This was a big change because we used to have school boards requisition how much money they needed. They would have to go out and face their public and say: we need to requisition X number of million dollars.

Mr. MacDonald: How much is corporate tax?

7:40

Ms Blakeman: I'll get there. Be calm. Be calm.

They would face their public. They would argue out why they needed to requisition that amount of money. Well, the province stepped in and said: "It's not fair. We've got some schools that are poorer and some schools that are richer. We're going to collect it all for you, and we're going to redivvy it. We're going to do" – what's that word you guys hate? – "wealth redistribution." That's what they did.

Mr. MacDonald: Reprofiled.

Ms Blakeman: Reprofiled.

People still believe that that education property tax comes in and then is redistributed. It isn't. Look at the chart. For those of you following along at home, this is page 150. It says "Tax Plan," and it's from the fiscal plan for this year. It's 10 per cent, as I said, education property tax. It's collected, goes into general revenue, the big pie here, and they spend it on whatever the heck they want. It doesn't go back out to schools. It's not collected and kept somewhere special. It's right there. It's a big pie.

Corporate income tax, for those that are following along with me over here, is 22 per cent. Less than half of the personal income tax, corporate income tax is at 22.3 per cent. Tobacco tax, everybody's favourite: 5.6 per cent. Well, that hardly seems worth it, does it? Fuel tax, which just burns everybody, is less than the tobacco tax. For those of you that are prone to getting exercised about this, the fuel tax is 4.9 per cent, so almost 5 per cent, but tobacco tax is 5.6 per cent.

That's how taxes we collect breaks down, but that's not where the rest of the revenue comes from. We have income tax. We have corporate tax. We have royalties. But every single day of the government operations, paying for government programs and services, they subsidize – let me put it another way. We are short. In this province of plenty we are short by 23 per cent. Where does that 23 per cent come from? A deafening silence on the other side. It comes from oil and gas that came out of the ground yesterday. Our royalties, that are ours for everybody in this province and everybody that was in this province and everyone to come to this province, are subsidizing what we spent today by 23 per cent. There is something really wrong with that.

Now, whether you want to look at this as that we're going to run out of something – and there are fairly good numbers that you can look up if you want to look them up on how many years' worth of conventional oil we've got and how many years' worth of conventional gas. Then you can work in shale gas. I'm missing something here. There's another word I'm missing, deep gas or something. Then there are the oil sands. But that money that is from selling off our resource: we are spending it every single day. So it's either going to run out, or more likely people are going to stop buying it from us. We're not talking tomorrow. We're not talking 10 or 15 years. We're talking, you know, 25 years.

The pages that are here with us tonight: they're going to notice this one. I will hopefully be happily frolicking away in some seniors' place somewhere. You guys are going to face this one. What are you going to do? We will no longer be the place of plenty. We will have spent all of that stuff, and we will have spent it providing stuff all the way along. How sensible is that?

Honestly, that's like living on the family farm, and when you get a little short on groceries, you open the cupboard – no, not a lot there anymore – and you think: okay; no problem. You put a for-sale sign up, and you sell off another acre in the back 40. Okay. Eventually you have sold off all of those acres to buy groceries, and now you have no farm left except for the home acreage. You're sitting on that, the pantry is bare again, and you've sold off everything else. That's exactly what we're doing in this province. To me, this is not so much a burning issue of expenses. Yes, I'm concerned about that, yes, I think we should be responsible about it, and yes, I think we spend too much in some places and too little in others, but really it's about the revenue for me. It's about the fact that we are saving nothing, a big old fat zero, out of those nonrenewable resources. We're saving none of it for the future. We're spending all of it now.

The heritage fund. Well, people say to me: when the heck is it going to rain? Their lives have already gone through a lot of thunderstorms and ice showers and all kinds of other things. They thought the heritage fund should have been spent long ago to help them with whatever problems they had or to help with our own economy. It's just become a joke.

Then they look at the money that we're not saving from the rest of the stuff. This province has so much potential. It has so much opportunity. This is the richest place on Earth, and we're not respectful of that. We're not respectful of the gift that we've been given, and we don't manage it respectfully. There's so much we could do with it.

We could have a postsecondary fund that we could be adding to and at a certain point turn around and say: we will pay for your first degree or your first college diploma or your first apprenticeship; we will pay for it. If we want to say that this is our gift to the rest of the country, you know, if people move away from Alberta and Saskatchewan gets the benefit of an engineering degree from Alberta: "Great. There you go. We're sharing with you." That's one way to do it. Or we invest in new technology and creativity or we find a cure for cancer or we find a cure for the common cold: share it; there you go. That's what we did with our wealth. We did share it, and everybody had an advantage.

Right now we can't do any of those things. Honestly, we have overcrowded classrooms. Seriously? In this province? You know, we have teachers and health aides that are going on strike for 1 and 2 per cent increases. Seriously? In this province with so much? That's not to say that we should spend every dime we've got. Don't jump up and misunderstand me that way. What I'm saying is that we have so much, yet we are spending it every day and not saving any of it. I think that's irresponsible. I think that if those pages are right PO'd with us, they have every right to be. I know that you guys wouldn't ever crack a smile or do anything that you're not supposed to do. You're very good, excellent pages, very well trained. But, honestly, you should be going after us with something.

I think we need to seriously look at raising taxes, and I will say that out loud. I think we should. I think we should seriously look at rebalancing and reviewing where our revenue comes from. I have talked for some time about having a citizens' initiative where we would have representatives from each riding come together and spend some time with experts and talk about what they think we should do with revenue, where they think it should come from,

how much of it should come from this, how much of it should come from that. Then we'll look at a new scheme for how we collect revenue, and then we can get on to the expenses.

I know this is an ideology, and I know I'm not going to change the ideology of the Conservatives.

Mr. Hinman: Oh, don't give up. Keep going.

Ms Blakeman: I'm being egged on by my colleague from the Wildrose. I'm not going to change his ideology either. But thank you for the encouragement.

I really think we need to look at things more as how we're going to invest in them and less as an expense. We have lots of opportunity for investment. Education is always an investment. It's never a waste of time. Investing in education, investing in postsecondary education, investing in arts and culture: big payback, like \$8 to \$11 for every dollar that you spend, and it makes it more pleasant.

When I've been able to go out and visit other famous cities in the world, you know, there are little pocket parks that are a block big, and every one of them has an amazing piece of art on it that relates to something that happened there at some point. It's commissioned art. It's just amazing to walk through there. Do we have that? Well, we have a 1 per cent rule from the city of Edmonton, God bless them. They put up 1 per cent of every infrastructure project. Then we spend months slugging it in the newspaper, and after a couple of years everyone decides they really love it. I'm waiting for the couple of years when everybody finally loves the Talus. Right now we're just going through the months and months of slugging it: how could we have spent so much money on it? Oh, for heaven's sake. Grow up.

Anyway, my time is running short here, and I'm sure that's cheering many people here.

I was talking about investment in arts and education and creative thinking. You know, even if we want to solve some of the issues that are provoking us and pestering us with the oil sands and with our constant lack of success in balancing oil and gas production and exploration and development with the environment, that takes creative thinking. The more you train people, the more likely you are to have some smart brains out there that are going to solve some of these problems.

7:50

I was door-knocking and talking to a guy that's a biologist, and he's going to graduate and go up to Fort McMurray and work on organisms that eat tailings pond sand or something and algae in lake water that kills fish. You go: "Wow. Cool. Okay. That's what you should be doing." You need that kind of creativity to start to apply things both as cross-disciplinary but also to the world that we live in.

I find the way we approach budgeting very odd, and I would like to see . . . [interjection] Yeah. It's just strange.

I'm going to run out of time here, so I'll say thanks for the opportunity. If I can get up again, maybe I will. You know, I haven't talked about things like municipal partnerships and a lot of things we've been talking about for a long, long time and just never seem to be able to get to resolve when we look at budgets. I really think this budget process just does not work for us any longer. It's certainly not accountable. It's definitely not transparent. It's just a whole bunch of people's waste of time while they sit there and do nothing, and I don't think that's fair to them.

Thanks very much, Mr. Chairman.

The Chair: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Thank you, Mr. Chair. It's great to be able to rise and speak one last time to the budget. I guess maybe we'll have one more crack at it here in third reading. It is amazing to me. It's like we have to learn lessons the hard way over and over and over again.

You know, we have countries all over the Earth right now struggling, overwhelmingly struggling with massive, crushing debt. If you look at Greece, if you look at Spain, the United Kingdom, France, Italy, Portugal, if you look at all these countries, the biggest example being our neighbours to the south, the United States, of course, if you look at what they're going through right now, certainly in Europe – the devaluation of their currencies, civil unrest, economic upheaval, and so forth – it's like we're watching it on TV, kind of like we watch a movie where it's really interesting and we're aware of it, but it's just on TV, and that couldn't possibly happen here. That's something that happens in other places.

The problem is that all those countries once said the same thing. The United States, certainly, not too many years ago was saying the same thing. This can't happen in the United States; that's stuff that happens in, you know, places like Europe and Africa and the Middle East or Japan with the many years of stagnant growth that they've had now, well over a decade. We never think it's going to come to roost here, but we should know better.

If you look at our history, the history of Alberta is riddled with economic cycles, is riddled with situations where we go from boom to bust almost overnight. In fact, for a very short period of time we saw a very sharp bust, for about three quarters in 2008. It was very short. It was deep, but it was short, and then we were back up. If you look at the 1980s during the national energy program with Mr. Trudeau, if you look at the early '90s, when oil was worth so little and we were having trouble during the Getty years, and then even in the early Ralph Klein years, when we were having trouble making ends meet, things can change so fast when you're so reliant on the price of a commodity.

What we've done in this budget and in previous budgets is that we made our province reliant on about \$110 oil if we want to balance the budget. That's what we've done in this budget. You know, you can't blame it on any one year, and you can't blame it on any one person because it's been going on for so long. In some ways the previous Premier was kind of left holding the bag for some of the excessive spending habits of his predecessor, Ralph Klein, during his last few years in office. Then it went on. Now, of course, the current Premier has ramped that up even more than her predecessor.

It just amazes me that at \$105 a barrel for oil we can sit here and be debating a budget that has us \$3 billion in the hole, roughly an \$800 million accounting deficit and a \$3 billion cash deficit at \$105 a barrel. It's like Russian roulette with our kids' future. What would happen if oil were to go down to, say – oh, I don't know – \$70 or \$75 a barrel, just \$75? That's really low, isn't it? Not really. It would be total chaos. Our budget deficit would be getting close to the \$10 billion mark. We would have to make sacrifices and do things that would not be fun, that would hurt people, that would hurt our kids' education, that would hurt our seniors' health care, that would do very bad things, that would certainly take money out of people's pockets because we would be left with very few choices at that point other than to significantly raise taxes or some combination of significantly raising taxes and slashing programs that people rely on.

At the end of the day there is only so much waste in government. There is a lot to cut, but if you're running a \$10 billion deficit at, say, \$75 a barrel for oil, then you're going to be in a situation where, unfortunately, you're going to need to cut more

than just some wasteful programs. You're going to have to be cutting human resources and things like that and a lot of it. That is not something that Albertans want, and it's not something that they deserve.

How can we live in this province at the kind of levels of oil and gas prices that we've seen, specifically oil prices, over the last little while and have a heritage fund that is now worth less today, when adjusted for inflation, than it was when Peter Lougheed first established it in 1976? How is that possible? How? Where did the money go? Where did it all go?

Ms Blakeman: Good question. That much money: our streets should be paved with gold.

Mr. Anderson: You would think so.

Mr. Hinman: Gold is too expensive now.

Mr. Anderson: That's right.

The point is that there is just no reason for it. There is no reason why we should have a heritage fund that is worth whatever it is today, \$15 billion or thereabouts when adjusted for inflation, which is less than what it was worth when Peter Lougheed established it. There is no reason for that. There is no reason why our sustainability fund, which was once \$16 billion, should now be almost wiped out, going down to roughly \$3 billion or \$4 billion this year, somewhere in there. There's just no reason for it. There's no way that this government in good conscience can justify it without major self-deception.

It's funny. Even in the last two years there was a little bit of a glimmer of hope, I will say, under the prior Premier because he had managed to slow down the rate of spending somewhat on the program spending side. It had slowed down to below the rate of inflation plus population growth. Now, they were still spending like crazy on the infrastructure side. That's fine. We've had debates in this House on whether that's the way to go. That's fine; we can have those debates. But at least on the program side we had slowed it down a little bit. Program spending, as you know, is not something you can just stretch out over an extra year and a half like you can infrastructure spending. Program spending is kind of there to stay with a few exceptions. It's very difficult to slow it down.

8:00

What does this new Premier do, this new Premier who was going to be so much more fiscally responsible than the previous Premier? Oh, we've got to be fiscally responsible, she said during the leadership. This kind of overspending has just gotten out of control, she said. I'm a fiscal conservative, she said. We're going to balance the budget during a debate; she said she would balance the budget in this very next budget. That's what she said in the PC leadership debate. That was her promise. People glaze over that now and say: "Oh, she couldn't have possibly meant that. She obviously meant 2013."

People forget that one of the reasons for certain folks over there bringing down the last Premier was because he was going to break his goal of getting the budget balanced by 2012, and it was going to probably take him an extra year. Oh, my God. It was just chaos. We can't have that, said the Minister of Energy. We can't have that, said the current Premier, former Minister of Justice. "You said 2012. You said we'd balance in 2012. You're taking it out to 2013. That's just awful." So they found a way. They stuck in the knife, got rid of the last Premier in whatever games were played.

Guess what? They did the exact same thing that that previous Premier said he would have to do. Well, I've got to give the

previous Premier credit. At least he was honest about it. At least he wasn't lying to the people of Alberta and saying: "Oh, we've got to change leadership because this Premier has the audacity to say he's going to take it to 2013. Well, we fiscal conservatives could have balanced the budget."

What do they do? Did they balance the budget by 2012? No. In fact, amazingly – amazingly – they found a way to not only not balance, but they increased spending whereas the previous administration had at least gotten that part under control. They decided to greatly increase program spending by well, well over the rate of inflation plus population growth and wipe out a lot of the efficiencies and so forth that were at least slowing down the rate of that very difficult piece, which is very difficult to slow down.

Now, I guess it just amazes me, the hypocrisy of that. I would rather be someone that – you know, for example, the Liberals. They want to have a progressive income tax, and they put that in their platform in plain sight for everyone to see. I don't agree with it. I think it's wrong headed. They know that. We have debates over it. But at least they're truthful. At least they say: this is how we're going to balance the budget; we're going to raise taxes. Of course, we would argue that that's going to bring down revenues over time. They'll say: "No, it won't. There's room. It wouldn't affect economic output. We would just raise more government revenues." Fine. Okay. That's a debate.

But then this government can't be truthful. It's not that they can't be truthful; they're not being truthful. Certainly, this Premier is not being truthful. She said that she'd balance it by 2012. That was the reason to get rid of the last Premier, because he wouldn't do that. Then she says: "Oops. Sorry. I guess we can't do it by 2012. We're going to have to move it to 2013." At \$105 per barrel oil. I'd be willing to bet that possibly the previous Premier may have been able to balance the budget this year because I think he would have found a way to do it with prices going up to \$105 a barrel oil. It's amazing. Here I am extolling, you know, someone who I, obviously, had some severe disagreements with. The fact of the matter is that he was more fiscally responsible by far than this current Premier, by far.

Ms Blakeman: Better the devil you know.

Mr. Anderson: Better the devil you know sometimes, right? Not that he was a devil. Not that he was a devil.

That's the problem here. This budget has absolutely no fiscal responsibility in it. It's an exceptionally irresponsible document, and it's a hypocritical document because it's a document that she campaigned that she would not introduce. Then she got elected and not only did exactly what the previous Premier said he was going to do but actually exceeded him with regard to the fiscal irresponsibility in increasing program spending at 7 per cent this year. Incredible.

So what would the Wildrose do differently? We're going to have an election here pretty quickly. There are a couple of other things, too. Let's talk about taxes in this budget. It's amazing to me that this government can sit there over and over and say: there are no tax increases in this budget. Well, guess what? First of all, that's not true. First of all, there was a tax increase last year under – again I'm defending the previous Premier. They did not allow taxes to go up: the municipal taxes, the education portion of the property taxes. The reason they did that is because they essentially froze or even decreased a little bit their take of overall property taxes taken from the city so that the education portion of the property tax for the provincial government was, actually, essentially frozen. Unfortunately, the municipalities, a lot of them,

decided to take that room anyway and just jacked up their overall tax rate and kept those monies, so it didn't turn into a tax decrease.

This year that's not what they did. They increased by about 7 per cent the total take that they're going to take for property taxes. Because of that, everyone's property taxes in the province are going to be going up substantially more than they were last year. That's what's happening. So there were tax increases absolutely, for sure. They say: oh, well, we're not going to raise taxes this budget. They spent a whole bunch of government money saying this.

Ms Blakeman: That isn't government money.

Mr. Anderson: Sorry. Sorry. Sorry. Taxpayer money. Thank you, hon. member. You're bang on.

... taxpayer money to get out the message that they're not raising taxes in this budget, like that's something that you need to spend government money on doing. They do raise taxes, property taxes, and they don't say anything about the years after this pre-election budget. Well, that's the whole point. That's what people are worried about. Are you going to raise taxes? Well, the Premier says: oh, well, I will commit – I love this – that if we are in surplus, we will not raise taxes for three years. In other words, we won't raise taxes for three years if we're in surplus. We may raise them on the fourth year of a mandate, but certainly not these next three years if we're in surplus.

All right. So what if we're not in surplus? What if oil only gets to 80 bucks a barrel or 85 bucks a barrel? Say there's a major problem economically in the United States – I know it's hard to believe that there would be a major economic problem in the United States and Europe; that sure couldn't happen – and demand goes down. Let's say that things in the Middle East kind of cool off for a little bit. You know, we're feeling okay about things over there, and the price of oil drops another 10 bucks on that. Pretty soon oil is at only \$80, which historically, of course, is a very high price. It's at \$80, and all of a sudden we're not in surplus as projected by this government.

What happens then? Well, I guess, according to the Premier's nonpledge about raising taxes, it's very clear that she has left some wiggle room. If that is the case, they reserve the right, if we're not in surplus, to raise taxes on the people of Alberta. They want to go to an election without saying that. That is untruthful, and that is what is not laid out in this budget although the Minister of Finance in the budget speech did say that we need to have a discussion, and that will include taxes. He didn't say he was going to increase taxes in the budget speech, of course, but he said that we need to review the whole financial fiscal framework, including taxes. So we said: "Okay. Well, that's great. I'm all for that. Let's review the fiscal framework, but can you please commit not to increase taxes while we do that, so we don't use this fiscal framework review as a chance to shaft the people of Alberta?"

Nope. They won't do that. They won't take that pledge. Everything is on the table. Taxes are on the table, as the current Minister of Finance is quoted as saying to Rick Bell at the *Calgary Sun* in several articles. If that's the case, we in the Wildrose would like to know what the plans are for taxation and if a tax increase is still on the table. We'd like them to confirm that for us and for the people of Alberta. The Wildrose Party is very clear. Under no circumstances, barring the end-of-the-world scenario, would we increase taxes on the people of Alberta.

8:10

Ms Blakeman: If the Liberals won, for example.

Mr. Anderson: That would be an end-of-the-world scenario if the Liberals won. Exactly. That would be an end-of-the-world scenario. Then we could talk about raising taxes. We wouldn't have much of a choice, though, at that point.

Anyway, that's where we stand on taxes. No tax hikes, period.

Now, what would the Wildrose do on the spending side? Well, on the program spending side we would continue to do what the former Premier had done and keep program spending increases down to at or below the rate of inflation plus population growth for the foreseeable future until we get back into economic health long term, and we would try to keep it at that cap even going forward, especially on the program spending side, at least until we got kind of back down to the normal Canadian average or at least the average of the other four major provinces. That's a pretty reasonable position to take. That's what we would do, cap at inflation plus population growth, program spending in particular, but overall government spending for sure. That's what we'd do.

On the infrastructure side we would have a robust infrastructure building program, but it would be the same level per capita as B.C.'s, Ontario's, and Quebec's, which means we would have to spread the current infrastructure building program over an additional year, which would bring our overall infrastructure spending to about the average, a little above average, of the other three major Canadian provinces: B.C., Ontario, and Quebec.

That's a very reasonable position to take, in my view. That's the Wildrose plan going forward.

The Chair: Hon. Member for Edmonton-Gold Bar, do you wish to join in?

Mr. MacDonald: Yes, I do. I appreciate the opportunity. I listened with interest to hon. members talk about Bill 7, specifically this government's fiscal management skill or their technique or their lack thereof. I certainly would agree with the hon. members. You know, so many people ask me: "Where did all the money go? We were generating so much resource revenue. Where did it all go?"

Certainly, there was a discussion earlier here this evening regarding Alberta's revenue sources. I would remind all hon. members that we're looking at a revenue of over \$40 billion. Now, 23 per cent of this revenue is surprisingly coming from personal income tax, 11 per cent from corporate income taxes. The hon. Member for Edmonton-Riverview certainly has some sound ideas on that. Other tax revenue is 10 per cent. Resource revenue is 29 per cent.

The largest source of revenue for the entire budget is resource revenue, and that's why hon. members are so correct whenever they mention that we have to be careful here. What would happen under a scenario where the price of oil would slip below \$100 a barrel and maybe go down as low as \$70 or maybe even lower? We only have to look at the sensitivities that are built into the budget to realize quite quickly that there wouldn't be enough money to go around.

The next question would be: would there be enough money left in the stability fund to help us work through this difficult time? I would have to say no. The stability fund is being drained quite quickly, and with the election and the promises around the election, it's going to be depleted.

The hon. Member for Calgary-Mountain View, who sits beside me, mentioned to me in question period today that it was only 2 o'clock, yet the government had already made five spending announcements, five. Five spending announcements.

Mr. Hinman: That was all?

Mr. MacDonald: The hon. Member for Calgary-Glenmore says: that was all? Absolutely. This is a government that gets very, very generous with taxpayers' money the closer and closer you get to an election.

Ms Blakeman: Yeah. They do them on big cardboard cheques.

Mr. MacDonald: Now, I haven't seen any cardboard cheques lately, but the Minister of Culture and Community Services was over in the fine constituency of Edmonton-Gold Bar the other day at an event to reopen a community pool that had received substantial amounts of money from the Alberta sustainability initiative. But the local member: I wasn't invited. I had people there, and they were very disappointed that the person that they had chosen democratically to elect them and represent them at such events was not invited. In fact, they brought it to my attention, and again I said: the closer you get to an election, the less likely that you're going to see me on an official invite.

Ms Blakeman: But isn't that disrespectful to those people?

Mr. MacDonald: Well, they thought it was very disrespectful, and I think they brought it up with some of the Progressive Conservative glitterati that were in attendance. But I'm not going to be accused of, you know, digressing from Bill 7 because I do have some things that I would like to say regarding this bill and this government's fiscal record.

Bill 7, if I'm doing my math correctly, indicates and requests certain amounts of money, but we have to also compare Bill 7 to the fiscal plan and what the requests are going to be one, two, and three years into the future. The revenue that I described earlier: it is anticipated by this government that it is to grow by an average of over 8 per cent over the next three fiscal years, and of course this is going to be the result of surging returns in the resource sector and generally buoyant economic activity as a result of this surge.

Ms Blakeman: Did you say boom?

Mr. MacDonald: I don't like the word "boom." I like the words "very busy." Alberta is not booming, but it is very, very busy.

Ms Blakeman: Is that surging?

Mr. MacDonald: You could say that's surging, yes, but we have to be very, very careful, and we have to heed the words of the hon. Member for Airdrie-Chestermere, among others, that things could go wrong quickly, and things could go wrong if the price of oil changes.

Now, when you compare the price of west Texas intermediate in the mid-continent market of America to the price of Brent North Sea crude oil, you see that there is quite a range. Sometimes it can be as high as \$20, or it can settle into the \$15 range, but that's how much more North Sea crude is worth than west Texas intermediate. There is a warning to us there. America is now becoming more and more energy self-sufficient as a result of shale gas, as a result of the Bakken field, that mostly lies under North Dakota, south of the American-Canadian border.

Saskatchewan and Manitoba are also enjoying a piece of the economic action, and that's a good thing to see. However, we have to be careful of economic conditions. We have to consider the premium that's on the barrel of oil right now because of political uncertainty in the Middle East. Things could change quite quickly, so we should be very, very careful of how we spend money.

That gets me, Mr. Chairman, to some of the questions I asked earlier, and I'm still waiting for an answer from the government. I asked these questions on Thursday. I thought I would get an answer. I looked in *Hansard*. If an answer was provided, I haven't seen it. I certainly wanted to know why there were changes in the health budget from the 2010-11 year and the actual numbers that were audited and presented in the annual report and the same actual number that was reflected in the government's estimates. Totally different.

8:20

In one case in one government line item from Alberta Health and Wellness there was a \$100 million difference. No one on that side of the House has provided an answer to me. I think my questions were reasonable, and they were responsible, and that they merit a response, but I haven't heard yet. So I would certainly like the government, before we go too far with this bill, to provide an answer. I know I directed those questions to the President of the Treasury Board in budget estimates, but I really don't think the gentleman understood. I was disappointed, but I don't think he understood, so I gave it another chance here on Thursday afternoon, Mr. Chairman, and I'm still awaiting an answer. I think a formal answer in writing under the Minister of Finance's letterhead would be the proper way to deal with this request. It's a lot of money, and there are other discrepancies or other changes in those line items where I think, respectfully, we should receive an answer.

Now, when you compare not only the annual report and the actuals from the year 2010-11 for each respective ministry and what the comparable is in the budget – and I haven't done advanced education. I think I might, if I have a chance tonight, have a look at advanced education, particularly after what the Auditor General had to say about some of the institutions that are under that ministry in his small but mighty report that was released last week. It was a small but mighty report. I see so many members have forgotten all about it already.

Ms Blakeman: No, no. It's right there.

Mr. MacDonald: Yes, it is.

Not only when you compare those financial documents, the annual reports, to the budget estimates but also when you compare the Appropriation Act, 2012, Bill 7 this year, to the Appropriation Act, 2011, last year, which I believe was called Bill 17 – last year we had an Appropriation Act called Bill 17, and the hon. Member for Edmonton-Centre may remember the name of the bill, or perhaps the hon. Member for Vermilion-Lloydminster would remember the name of it, but I had to go to the library and look it up – there are some interesting changes which, again, are reflective of this government's spending habits.

Now, whenever we look at transfers, whether we're talking about lottery fund transfers – and, hopefully, we're going to see some changes in the AGLC and how that works, how we pull in so much money from VLTs and slot machines and don't tell the players just exactly how much the government is grabbing out of their pockets and purses. Hopefully, after the next election we're going to see some changes, and this government is going to tell the players the truth as to how much they are taking from those pockets and those purses.

Ms Blakeman: We'll call that the MacDonald amendment.

Mr. MacDonald: You can call that whatever you want.

This notion that you're just taking 8 per cent is, to say the least, deceptive. The take, if you do cash-in, cash-out figures, is 30 per

cent for VLTs, and that is unacceptable for the government to have a pamphlet in the VLT parlour or in the casino indicating that the government's take over how many spins is 8 per cent when it is known that it is 30 per cent, and it's known that this government changed the accounting process in the year 2000 to hide that. Why, hon. members, would you hide that? Well, you felt guilty because of the plebiscites that were going on in 36 different communities across this province.

Ms Blakeman: Guilty? They don't feel guilty.

Mr. MacDonald: They feel guilt, and they feel remorse.

Ms Blakeman: No. They were worried about losing their slot machines.

Mr. MacDonald: Well, I know they're worried about losing their slot machines and the revenue.

This gets back to what the hon. Member for Airdrie-Chestermere was talking about, how taxes don't go up. Taxes certainly do, and this is an example of taxes going up because this is no different than a tax, in my view. Slot machine revenue has gone from \$24 million to I think it's over \$800 million anticipated in this fiscal year. I could be wrong. If an hon. member would have a look at that, I would appreciate it, but I think it's around \$800 million.

Now, getting specifically away from the lottery fund transfer in this bill to the general transfers, or the transfers under section 6, it is interesting to note that "the Minister of Infrastructure may, for the purpose described in subsection (4), transfer an amount, not to exceed \$28 500 000, from the Expense vote administered by that Minister." I thought I would look and see. What did the Minister of Infrastructure transfer last year? Last year in Bill 17, when the hon. Member for Vermilion-Lloydminster was in charge, there was \$65 million transferred in the Appropriation Act. My question to the government would be this. If it was \$65 million last year, why is it in this department that the transfer is \$36.5 million less?

Now, Mr. Chairman, also under this transfer "the Minister of Transportation may, for the purpose described in subsection (6), transfer an amount, not to exceed \$58 000 000, from the Capital Investment vote administered by that Minister," and it goes on. Last year the Minister of Transportation had \$75 million to transfer, so I think the question that we should ask is: has there been a transfer of political power? We're talking about a transfer of money, a transfer of political power as we get closer and closer to the election, and where did that transfer go?

Well, oddly enough, if we read on in the transfers,

6(9) The President of the Treasury Board and Enterprise may . . .

We had a discussion in budget estimates about this, and the President of the Treasury Board and Enterprise was irritable, to say the least, I thought.

. . . for the purpose described in subsection (10), transfer an amount, not to exceed \$100 000 000, from the Expense vote administered by the President of the Treasury Board and Enterprise

- (a) to the Expense vote administered by any other Minister, or
- (b) to the Capital Investment vote administered by any Minister.

So the Treasury Board president has got \$100 million. Last year the former President of the Treasury Board, who is currently sitting in the Assembly, had \$19 million, so there is an increase here of \$81 million.

There is an election looming. Some say tomorrow. Some say Wednesday. Some say next Monday. Who knows? There were five announcements in the forenoon today. How many good-news announcements will we see in the next few days, and where will that money come from? The Deputy Premier through the office of the Treasury Board and Enterprise is the minister sitting on the cash. There is an \$81 million difference between last year and this year.

So I don't know how this would work. I asked for a detailed list of these projects and where they would be, and I was given, not even politely, Mr. Chairman, the political brush-off. I don't think taxpayers would appreciate that, particularly whenever they stop and they think and they look at the fiscal record of this government, this Progressive Conservative government: \$11 billion racked up in deficits over a four-year period.

Ms Blakeman: Sorry. Was that a Liberal government that did that?

Mr. MacDonald: No. No, it certainly wasn't.

I would encourage people to have a look at the *Globe and Mail* over the weekend. They had a really nice article in the op-ed page talking about the myth of Conservative governments and fiscal management. [interjection] Yes, they did.

Ms Blakeman: In print.

8:30

Mr. MacDonald: In print. It was there. I don't know how many people are going to have an opportunity to read it, but I certainly hope they do before they cast their ballots in the next election.

As you can see, Mr. Chairman, when we look at Bill 7 and we compare the amount of money that is in the till, in the office of the President of the Treasury Board, to what was there last year, we've got to make sure that that money is spent wisely and that it's not spent specifically just on the re-election schemes and promises of this government.

Now, in the time that I have left, I would like to mention that in 2008, when there was an election, there was no discussion whatsoever of firing the nine regional health boards and creating the one superboard. There was no discussion of that. But immediately after the election what happened? We created this bureaucratic monster that has driven up health care costs by at least \$4 billion. Have we seen an improvement in service? No, we have not.

We have every right to question the expenditures of this government as we are on the eve of an election. What they say and promise during an election campaign certainly is not true once the election is over and the ballots are counted and people take their seats in this Assembly.

Thank you.

Mr. Weadick: I would move that we adjourn debate on Bill 7.

[Motion to adjourn debate carried]

Bill 4

St. Albert and Sturgeon Valley School Districts Establishment Act

The Chair: Any members wish to comment or question? The hon. Member for Edmonton-Centre.

Ms Blakeman: Thanks very much, Mr. Chairman. I've been thinking about this bill a lot. You know that I walk mostly. Actually, I've currently got a bad knee, which is why I sort of wince every time I stand up here.

Mr. MacDonald: Was that a hockey injury?

Ms Blakeman: No, it wasn't. So I'm trying to walk slowly and carefully these days.

You know, I come from the theatre. It strikes me that we've got a bit of a three-act play happening with what's going on with the St. Albert and Sturgeon Valley School Districts Establishment Act.

Let me go back a bit. In reference to Bill 2, the Education Act, I've been talking about the Constitution a lot, and I've actually got copies of it with me. In the Constitution they're very careful to outline that there are a couple of things that are guaranteed, that are rights under the Constitution. One of them is the right to be educated, that you've got a right to education in one of these two religions, Catholic and Protestant. Then it says that whichever one is the minority, you've got a right to be educated in that minority religion. It's very clear that you're going to get either/or. One is going to be the majority; one is going to be the minority. You are guaranteed the protection and the right to get your education under those two.

The Constitution is very flexible and a living document in some ways, unfortunately not around this, and it's causing us some problems. For example, when they talk about the division of powers between the federal government and the provinces, they divvy that up. They list everything: mines and minerals and blah, blah, blah. There's a great long list of who gets what. Then at the end they were smart enough that there's a catch phrase that says: and anything we haven't thought of or that comes up in the future will be federal responsibility.

Good thinking because, in fact, that's what has happened. In case any of you have ever wondered why the CRTC is federal, that's why. All of the telecommunication was something that they had not thought of. It's basically an expansion of the old telegraph, but it was new. It was something that they hadn't thought of. It wasn't specifically divvied up between the province and the federal government, and therefore it defaults to the federal government, and that's why they're in charge of it. So there's a really good example of building flexibility and future knowledge into the Constitution. Unfortunately, they didn't do it with religious instruction.

So we're back to having Protestant or Catholic. One of them is going to be the public school board, and one of them is going to be the separate school board. Now, we have a really interesting situation, and we've always been kind of proud of it. You know, it's a bit of a Trivial Pursuit question. What is the only minority school board in the province? That would surprise you. Of course, it's that in St. Albert the public school board is the Catholic school board, and everywhere else the Catholic school division is the separate school board.

Just let me underline here that it's all public education. It's all funded through taxes. It's public education. When I talk about separate, it doesn't mean private; it's all public. It's just the language that they used.

So that's just gone along for years and years with – there's actually an official name for it now – the Greater St. Albert Catholic regional division. Okay. That's the public school board. As I talked about, there's a majority and a minority, and there is an expectation that everyone will be accommodated given reasonable numbers.

Now, I don't know what the heck was going on in this minister's brain when he came up with this, but honestly he has created a Jacobean tragedy.

Mr. MacDonald: Jacobean?

Ms Blakeman: Oh, yeah. Jacobean tragedy is just amazing. Really, a lot of them are sort of revenge tragedies, which I hope does not happen to this. I really don't. I'm not saying that I wish it would happen in any way shape or form, but, you know, there is always something that happens in the first act, and somebody is terribly wronged, probably killed, probably with buckets of blood and downstage. These guys really went for big blood and eye gouging and all kinds of stuff.

The first act is the Greater St. Albert public school board, which is the Catholic school, not accommodating the secular students in Morinville. Greater St. Albert Catholic does cover that area. It wouldn't accommodate the secular students in Morinville. Okay. Not fair game there, but they stuck to their guns. No, they absolutely wouldn't. It's a Catholic school. It permeates everything they do. They're not going to give over classrooms and take the crosses off. No way.

Okay. In the second act you get Sturgeon, which is a neighbouring school and has nothing to do with either of these. Sturgeon, being a good neighbour – and we're in the second act of the play now – offers a solution to the conflict that developed in the first act. This gets a bit tricky because Sturgeon doesn't have any jurisdiction. They don't own any schools. They don't really have any way to do what they said that they wanted to do here. They were just trying to be helpful. They're kind of the Good Samaritan here. They did offer to do all this stuff, but they can't, really, because they can't actually accommodate those students.

Then in the third act we get into what we have here, which is truly a tragedy in that now we have the minority division – I've got to get all the names of everybody right because I'm afraid I'm going to insult someone if I somehow don't get it right – which is the minority school board, which would be the Protestant school board in St. Albert. But they do not encompass Morinville, which is part of the problem here, because it's where everybody is situated and what kind of religion they're teaching.

8:40

How do I describe this? There are the three acts for you. We've had the conflict develop in the first act. In the second act the neighbour tries to help, doesn't really help the situation. In the third act the minister pops up with a brilliant idea. Now, if this was a Jacobean tragedy, they would have some wonderful new poison, and they were going to kill this guy to hurt this guy, who would then kill somebody else. It all gets very involved and convoluted, which is why, of course, it made me think of a Jacobean tragedy when I looked at what the heck was happening in Morinville and the poor people out in Morinville trying to get their choice of secular instruction.

So now we have a situation where you have a minority school board who has offered to help – and now we're talking about the St. Albert one – and they've now been sort of arbitrarily changed in their status, but they've lost the protected status that they really wanted to hang on to. I think they came into the negotiations saying, "We want to help, but the one thing we don't want to lose is our protected status as a minority religious school board in this area," and anybody would say that.

We're very good in Canada about writing constitutional and Charter protection to say: the majority cannot stomp on the minorities. We will always write something in so the minorities have a way of protecting themselves, whether that gives them access to a voice to be able to say that something is wrong or it protects their right to study in a given religion or in one of two languages, English and French. It's always in there, and there are certain rights that are given to the minorities, and those are precious, let me tell you. I've done a lot of work on minority rights, and you don't want

to lose those because that is what gives you some power to be able to look after yourself and look after your people.

Now we're in the third act. We've got this minority school board. It's agreed to help, but it doesn't want to lose its protected status, and what does the minister do? Takes away the protected status, makes them do something they weren't formulated to do. I'm just thinking: how on earth did we get here? That's how you feel when you've watched one of these tragedies, trust me. Anybody up there ever watched one of these? Somebody is laughing and smiling. They're just incredibly convoluted. Every single person gets killed, and there are buckets of blood, and you can't figure out what the problem was.

Well, the problem is much more obvious here. I'm not picking on the Catholic school board in this case because I have a very good relationship with the Edmonton Catholic school board, and frankly I have a lot of admiration for the work that they've done. They have managed not to close their inner-city schools, that serve my constituents so well. I've always felt that in many ways they were able to deal with diversity better than our public system has. I love going into my Catholic schools, and I really think they are very child centred. I always go to their awards, and I really have a lot of respect for what they do.

Having said that, what is going on in St. Albert is wrong. The Greater St. Albert Catholic public school board should have been able to do something for those students in Morinville, and they just flat out wouldn't. I don't know why the minister has protected them and didn't turn around and say: yes, you will, and we will work this out this way. I have no idea why he didn't, but frankly, by caving for the second time in a short period of time – he also caved on the School Act – he's created this huge problem. Frankly, I think it will be a constitutional problem. I believe that somewhere down the road if the separate school board in St. Albert, which is the Protestant school board, wants to, they have a dandy constitutional fight, and they will win it. Meanwhile they will all have to spend taxpayer dollars – your dollars, my dollars – to be able to take this to court and fight it. But in many ways they should because they're right. What the government has done is wrong and bad and has created a three-act tragedy.

You know, when my caucus first looked at this, they said: "Yeah, no problem. Let's go for this. We're going to support this bill." But the more I look at this, the more I look at the constitutional stuff that is being tromped on here and misunderstood and not applied, the angrier I get. There is a reason why those rules are in place and why they've lasted for us so long. You can't just stand up and go: "Well, look at me. Aren't I special? I'm the new Minister of Education, and I have the power to change all of this." No, you don't. Well, you do, but you're going to make everything such a mess, and it'll all end up being undone by the courts, so how did that move us any further forward?

We've spent a lot of money, and in the meantime there are still children who are not going to be educated in their choice of religion or nonreligion in that area. That's what's really wrong. Those kids won't be able to do grade 6 again. Yes, you can not – what's it called when you move them up? They go on to the next grade?

Mr. Anderson: Accelerate.

Ms Blakeman: No. When they . . .

Mr. MacDonald: Graduate.

Ms Blakeman: Graduate. They won't graduate.

Of course, I'm not talking about that. I'm talking about the fact that, you know, there are no do overs. They're going to graduate out of grade 6 or grade 4 or grade 10, and they're going to move

on. They don't get to come back here by the time we solve this problem 10 years from now and do over in the choice of religion or nonreligion that they wanted. That always bugs me. It's really unfair to those kids, and it's sloppy legislation, which, as you know, really bugs me.

You know, we've got lots of brainpower in here. We've got a tremendous amount of brainpower behind the various closed doors here of good people that are working for us. There is a way to do this right, and that is not what we have in Bill 4.

So I'll wait and see if there can be some kind of stupendous amendment to this bill that would make it right, and then I would be able to support it. But the way it's sitting right now, it's wrong. It's wrong on a constitutional basis. It's going to be wrong on a legal basis in the courts. You know, it's very clear both in the Constitution and the Alberta School Act that you've got a minority Protestant or a Catholic opportunity or choice here.

What has been created is some sort of – oh, I was trying to keep my analogies in the same ballpark, but I don't think I'm going to manage that – three-headed Hydra, and it's just a mess. It could be much better. It just looked like such an innocuous little bill, didn't it? I mean, it's a tiny little bill. Look. That's it. It's six pages long, a teeny little thing. You'd think: "Oh, well, there's nothing. It can't be anything." Oh, seven pages; I'm sorry. "Nothing bad in that." I mean, look at it, a teeny bit. Yeah. Well, there it is. All the disaster, all the three-act opera, aria, Jacobean tragedy that I talked about is in this act. You know, you can't fool Mother Nature, and you can't fool around with the Constitution, and that's what's happening here.

Thanks.

The Chair: Any other hon. member? The hon. Member for Edmonton-Strathcona.

Ms Notley: This is on Bill 2?

Ms Blakeman: Bill 4.

Ms Notley: Oh, I'm sorry.

The Chair: So you are not speaking on Bill 4, right?
Any other hon. member?

Seeing none, the chair shall now call the question.

[The clauses of Bill 4 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

8:50

Bill 5

Seniors' Property Tax Deferral Act

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

Ms Blakeman: Thanks very much, Mr. Chairman. This bill, Bill 5, the Seniors' Property Tax Deferral Act, you know, is a great idea. My thanks to the – actually, I think this was a private member's bill that was brought forward by the now Minister of Seniors, previously a private member, and it passed. No. Not by you? It's got your name on it. You're shaking your head. Okay. It's now being brought forward by the Member for Red Deer-North.

Okay. I represent a downtown area, but I still have a lot of seniors that still own their own homes. I'll tell you, when I was door-knocking yesterday, three women over 90 were still in their own homes, vigorous as all get-out. Man, oh man, you wouldn't want to cross them. So there are lots of seniors that are still living in their own homes.

I have to say that I'm always really frustrated with the market value assessment method or protocol for municipalities to assess the value of the homes, and then the mill rate is applied against that value. It was supposed to be based on a market assessment, so whatever has sold recently in your area that's more or less the same as your house, that's how everybody is going to get pegged. In my district, which has had property values that have just gone way up, like even more than an oil boom, and then a little bit down and a little bit up, everybody is praying for a house to sell for a bad price so that their market value assessment will come down, and they'll end up paying less tax.

Where we have seen market value assessments really, really not work, be very bad, is with seniors. The three women that I door-knocked on the other day, all in their 90s, have all lived in the same homes since they were built in the Hudson Bay Reserve in the 1950s. You can imagine that, you know, they had a mortgage on that house. They've long since paid the mortgage off, but those gals are now paying a tax base that is developed on a house that is being valued at – I'm going to guess wildly here, so don't hold me to this – probably in the \$750,000 range, which is meaningless to the lady who lives there because she's not going to sell it. She's not going to take that money and put it somewhere. She's going to live there. Boy, those three are going to live there – they are not going into long-term care, I can promise you that – but they are paying taxes on a house that's now been valued at \$750,000.

The ones that really get jammed up by the market value assessment are seniors that have lived in the same home for a very long period of time, and there's no way to help them. There's no way to adjust that system. There's no flexibility in it to adjust it for seniors. It's very frustrating.

This bill actually does do something for that, thank you very much, because it allows seniors to defer the property tax assessed against their home until the home is sold. Now, that may be sold by them if they do end up going into care, or it may be sold as part of their estate, and it would come out of the estate before the estate was divvied up with whomever. That completely alleviates the problem I just described, where seniors were being stuck with a fairly modest income.

These widows, you know, are not living in a grand place. As grand as the fabulous constituency of Edmonton-Centre is, these are not river-view lots. They're not next door to Daryl Katz. They're in Queen Mary Park, which is a very nice neighbourhood: old trees, very well cared for, some beautiful lawns. These houses are not spectacularly placed, but you do end up with these seniors paying some spectacular property taxes just because their homes have increased so much in value. This bill would actually work for them. Thank you to whoever thought it up and actually carried through the implementation of it because I know you guys have good ideas sometimes, but you don't always get them onto the floor. One, thank you for the good idea. Two, thank you for getting it onto the floor. I will definitely support this bill.

Interestingly enough, I mentioned this bill to every senior that I spoke to, and none of them are going to take you up on the offer because – I know – they felt they were okay. They were grateful that it was going to be there if they really needed it, but as long as they were okay, they wouldn't draw upon it. But it was there if they were going to need it. Fair enough. It's not saying you have

to take advantage of this, but it's there, and if you want to do that, okay, go ahead and do it.

You know, I give you guys a hard time a lot, but frankly you deserve it. I am fair. I am fair to you, and when you really, really deserve it, I really, really give it to you. But this is good stuff, and you have, you know, clearly gone over it and thought your way through it. Maybe you based it on some other legislation you'd already seen working in another province. You've done a really nice job on drafting this. I'm very happy to support it. I'm very happy to give you a pat on your little heads when you do something right. Good on you. Thank you very much. I appreciate that. That's good work.

Mr. Snelgrove: I want to take a completely different tack on this bill because it used to be quite clear over there that if the Liberals and the NDP liked it, we knew you were on the wrong track, and that still stands true to this day.

You know, Abraham Lincoln once said that you should do for no man what they can do for themselves. It's a little interesting when the government says that they're trying to be financially responsible rather than fix a problem. If the problem is that we don't have it right in our support for our seniors, fix that. There are probably a dozen programs right now, Mr. Chairman, to support seniors.

There's nobody in here that thinks that we should look after them any more than me, but building a bigger bureaucracy to spend money to solve a problem that isn't dealing with the problem at all isn't the right answer. The seniors in many cases are our strongest allies when we push back against municipal tax increases, so let's take that out of the picture and let the municipal people do what they want.

Without fail over the 11 years I have not had a senior come in and ask for this. I've had hundreds in the last month come in and say: we can't pay our power bill. What's the government response to that? Go get a contract. Suck it up, Princess. It's not our fault. Well, yeah, it is. If you're going to look at supports, don't cherry-pick an opportunistic: well, we'll help them out with municipal taxes.

Let's fix the problem. Let's look at the programs we have now. We'll put in a furnace, we'll put shingles on. We've got hundreds and hundreds of people all over Alberta now looking at ways to support the seniors. Clean it up. Fix it up. If it's a guaranteed minimum wage for our seniors, do it.

I read these bills that say: "Guess what? We'll put these regulations out, and we're sure you people will just jump up and take it." Well, the seniors I know aren't going to sign anything until they see the fine print. The simple fact is that if you want to, right now you can go to a bank, you can take a reverse mortgage, and you can do whatever you darn well please. You can do that, and it doesn't cost the taxpayers a darn cent.

Now, you own your own bank. You have the Treasury Branches. If you wanted to run a program through them, you could. Oh, wait. They do. So you're either going to subsidize it with administrative dollars, or you're going to pay them less interest or charge them more interest than they can do in the marketplace right now. We've got, I would guess, probably a dozen financial institutions in Alberta that are willing to run a reverse mortgage program right now. They're market competitive, they're tested, and the people that want to use them can use them.

9:00

You know, one of the benefits of not running again is that you can actually tell people the truth. You don't have to worry about it. Do you think anybody believes that the government can run this

cheaper than the banks? No, they can't. Because we are risk adverse, and we also have to follow the letter of the law, the Auditor General, with all due respect to my friend from Edmonton-Gold Bar. So every one of these loans in that department is going to be on our books. You're going to have caveats or references against the title for everyone who wants to do this.

You know, down the road, when mom or dad pass away and the kids are all sitting and waiting for the money from the house and they find out that the good old government came in a few years ago and loaned mom and dad money and they're taking theirs first, oh, they're going to be mad. And you know who they're going to blame? You. And that's fine.

The other part is that I don't question the motive one bit. We've had this discussion for years over there about how nice that would be. But we're living on borrowed money. We can't even run what we have now very well. So we're going to create another one? If this was so good, take two out and put one in.

It isn't and shouldn't be taken as: oh, you're not concerned about seniors. I am concerned. I think that seniors are a lot smarter than we want to give them credit for. They know that there's no such thing as a free meal. They know that you pay for everything you get or somebody pays. While they appreciate the help that they get – I go back to the old saying: I'm from the government, and I'm here to help. That doesn't go over that well with them.

A huge majority have an independence that they've worked hard for. The simple fact is that while there are a lot of seniors in financial difficulty, there are a great number of seniors who are going to be part of the biggest wealth transfer in our country's history. Here we are, trying to suggest that: well, if we just give them a little help with their municipal taxes, they can stay in their homes longer.

I can tell you that if you took the money this program is going to cost and co-ordinated home care and aids to daily living with the whole gamut of services that we provide for seniors, you would get a lot more seniors living in their houses. If you took the money that you're going to spend administering this program and put it into improvements in their homes to make their bedrooms comfortable and able for them to grow old and actually pass away in, you would get a lot more bang for your buck. And you would be treating people with respect, and you'd let them make choices. It's that simple.

I'm not going to belabour this. I didn't support this when it was brought up three years ago. I don't support it now. I think you have to respect people more than: let's go out and out-goody them at election time. Put numbers on it – I know you haven't – and then let people decide: would that be better spent actually helping, doing something that other businesses don't do, doing something that the banks or finance companies can't do?

End of story.

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

Ms Pastoor: Yes. Thank you, Mr. Chair. I really, really could not let that go by.

Mr. Hinman: Which side are you speaking from right now?

Ms Pastoor: It doesn't matter what side I'm on. I speak the same.

Mr. Hinman: I'll know in a minute.

Ms Pastoor: You will know in a minute.

The Chair: The hon. member has the floor. Speak through the chair.

Ms Pastoor: My mother was a senior. Along came the NDP government in Manitoba, and they offered to fix her roof. She could do it on her own, so she said no. The people that had come through the war and the Depression were used to standing on their own two feet and didn't know how to accept help. And she didn't need it. My mother owned the company that my father ran, and she was fairly well off.

I'm not talking about seniors like my mother. I am talking about the seniors that were immigrants after the war, that came over here and worked three jobs to put their kids through university, and now they're in these little tiny homes. They're women. The majority are over 85. They're all living in their own homes, and they live from bill to bill. They don't live; they exist. This little extra bit of money might give them that little bit of being able to go out.

Now, for a lot of these women – mainly they're women although there are some men – often their families are not in the same city. The widows or the men that are lucky enough to have their families in the same city: if they're good families, they'll look after their parents.

Because of my experience in long-term care I know what elder abuse looks like. I know what the breed looks like, when somebody might come and say: "Sonny, I'm going to take some of the money that I can get by doing this program that the government is offering, and I'll be able to have something extra. I will be able to pay. Home care is only going to go so far. Household help is only going to go so far. This little bit of extra money may give me the chance to have that extra help that I need."

Or, in fact, when they're that age, it takes forever to do the laundry and all those sorts of things, and as long as they can, they will do it. Who's going to pay for the handibus? Who's going to pay for the taxi? They don't have those kinds of dollars. They're undereducated. They've worked their tails off to pay off their house. They worked their tails off to get their kids through university. Should the kids help them? Absolutely. Of course, they should. But there are a lot of kids that don't live near and actually see how their parents are struggling along.

I think this is a fabulous bill. It's the people who really need it, the people who will be able to live instead of just exist. As I say, I am not worried about the seniors who are lucky enough to be like my mother. Years ahead of when my mother knew that she was going to have to move into a nursing home, she had already made her personal directive long before it was ever called that. I'm the oldest of six, and only two of us lived with her in Winnipeg.

What she had on that contract with her lawyer was that my brother and my sister were her guardians and also power of attorney. What she had written in there was that every single cent would be accounted for, and every six months the rest of us did receive an accounting, almost down to the penny, of what they had spent on my mother because my mother knew that eventually that money would go to us. She was a woman far ahead of her time. But then the other question is: why did we as six kids not even question it? I'm not sure whether my mother put the fear of God in us as kids, but we didn't even question it. This is what she wanted; that's what she got.

But there are many, many seniors who are persuaded to sell their house because they can't afford electricity, which is a very, very good example of what seniors are facing. They're persuaded to sell their house. "Oh, you'll be fine, Ma. We're going to put you in this great big, beautiful place. They're going to take you out. They're going to give you dinner. Oh, my, everything is going to be wonderful." Well, you know what? They end up there, and

even then they don't have enough money for all the little extras, and heaven knows where the kids have gone. It happens a lot.

One of the things that I think is very important – I'm going a bit off on a tangent here, but it is about the seniors that I try to protect – is that they have to feel that they still have their independence, that they sort of don't know they're being looked after. It's no different than letting a three-year-old run loose. You know exactly what they're doing, but the three-year-old thinks they've got all the freedom in the world. It's those kinds of things that add to the respect of allowing someone to live with dignity and, certainly, die with dignity. Not all seniors are lucky enough to pass away from old age, where they just sort of fade away. More often than not, people will die of cancer or some other ailment where, in fact, they do need medical care.

9:10

So this isn't about the ones that can look after themselves. These are the ones that have paid the price after the war to build this country up, who worked hard to make sure that their kids did well. If they can get an extra buck or two so that they can hire the handibus and go out with a few of the gals, even if they're 90, for a cup of tea or whatever they'd like to do, then so be it. I think it's wonderful. And you know what? If the kids don't get the money at the end of it, too bad. That's when I would say: suck it up, Princess.

Thank you.

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

Ms Notley: Well, thank you, Mr. Chair. It's a pleasure to be able to rise and speak on this bill. I certainly found the points made by the Member for Vermilion-Lloydminster very compelling and interesting. I hadn't considered all of the points that he'd raised.

He raised some very good points. One of them, of course, was the question of what actual budgeting has been done in association with this act. What is the cost that is attached to this initiative? I think that's something that the government does owe members of this House some explanation of so that we can evaluate the general cost-effectiveness of it.

I mean, this bill came forward with a lot of fanfare. When we first looked at it in our caucus, we thought: "Well, you know, it can't hurt. It's not really the best way forward. It doesn't really deal with the most important issues that are out there, and it probably doesn't do it in the best way, but it doesn't seem to be sort of a negative thing. So, you know, we're not going to make a big deal out of it." But there are some interesting points that have been raised, and since then I've also had a few questions of my own.

When you take this bill and this process and you accompany it with what is a very possible outcome 12 months from now, where the government restructures how it deals with long-term care and it takes the cap off long-term care and it says to families, "You need to pay what the market will bear for long-term care; we'll subsidize you if you don't have enough; you'll get the benefit of the cap if you are truly a low-income senior in need, but otherwise you need to pay what the market will bear," then the question becomes, "Well, okay; is it going to work the same way as it works with income support programs right now?" which, of course, require you to exhaust most of your assets before you become eligible for the subsidy in question.

Then we have a situation where we have seniors who need long-term care and the market is telling them that it's going to cost them \$4,000 a month to get that long-term care and the government is saying: well, we'll subsidize \$2,300 of that if you

are without assets. Meanwhile these people have signed over their house on the assumption that the government's going to get it back at a certain point. Do we now get into a situation where they have to pay back the government first? Do they sell their house? Are they not allowed to sell their house? Do they become eligible for this so-called subsidy that the government says is going to save seniors from what is otherwise a great deal of exploitation under the expected new long-term care regime, where the cap is eliminated?

I'm trying to figure out how this will work in conjunction with that because I think that's really an important question. I mean, I think probably the best answer is that the government says and makes a commitment: we will not remove the cap on long-term care fees. But the government has been very, very clear that it's not going to make that commitment. It's been very, very clear that it's putting that difficult discussion off until after the election. And it's been very, very clear that seniors are not entitled to an answer on that very important question before the election. But this bill has implications for that, and we should get some answers from the government about how they see this initiative linking up with that initiative should it go ahead, which I have to assume the odds are in favour of since these folks are prepared to pay the political cost of being unable to assure seniors that they can count on an affordable future in long-term care in this province.

The other thing about this bill that, you know, is a bit frustrating from our perspective is that it is one of those kinds of bills that gets a lot of fanfare and a lot of self-congratulatory back-patting. It is – and I don't know if the Member for Vermilion-Lloydminster actually said this, but this is what I took from what he said – very nicely timed in relation to the election. It creates an impression of offering something up, offering up a goody to people who might be looking out for that. It does do that, but really, although it looks good, the question is: well, what are the alternatives?

There have been some good points made about what the alternatives are. The alternatives would be actually funding the kind of retrofits to homes that would allow people to receive increasing levels of care in their home as they need it. That actually expands the life of the home as the place for the senior to live. This doesn't do anything to expand the life of the home as the place for the senior to live. It enhances the affordability ever so slightly, but it doesn't actually expand the life of the home in terms of, you know, whether the doors are wide enough and whether you can get in and out of the home and whether there's room for someone to assist you in the bathroom and all those kinds of things that you need to actually do to expand the life of the home. That, to me, would be a better approach to assisting our seniors.

I think it's helpful as well to look a little bit at the history of this. You know, seniors used to receive financial support to pay property taxes. Beginning in the 1960s the provincial government covered the education portion of seniors' property taxes. In 1972 seniors received additional support from the property tax reduction program, which provided a maximum rebate of a thousand dollars on the portion of property taxes not related to education. We had that, too. Then before 1994 the province also provided rental support for seniors who were paying rent. Renters over 65 could receive up to \$1,200 a year regardless of income, and those living in subsidized accommodations could qualify for up to \$600. These were all ways that were being used before the arrival of then Premier Klein into the Legislature. These were all being used as ways to keep seniors in their homes.

Then along came Premier Klein, and he argued that all Albertans had to make sacrifices to help pay off the deficit. Then

they were told: well, you know, we'll come back to you; once we've all worked together on this issue, we'll give you back what we've taken away. Of course, they never really did do that. Instead, we've seen corporate taxes cut several percentage points since that time. We've seen a flat tax put in place, and we've seen incredible giveaways to the oil and gas industry, but we've never actually gone back to seniors to give them back what they gave up, in many cases willingly, for the objective of getting rid of the deficit in the mid-90s.

So then we have this. What this really is is just asking seniors to pay later. Really, in some respects we're taking this issue off the table so that this hardship is not so obvious. In many cases we're asking families, really, to pay for it. We're saying that if we can get the seniors to stop having this overt hardship that they have to deal with, that they come to us about repeatedly and that's reported in the media, and if we can find a way for them to pay for it in the future – really, it's their families, who would otherwise have been receiving that property in the future, who are actually paying the cost that the seniors can't afford.

Given that this is being done in a context where the government is expecting families to take a greater role in caring for their aging parents and grandparents and aunts and uncles and given that the seniors plan by this government envisions a greater role being played by families, greater caregiving being provided by families, and a sort of downloading of that responsibility from government to families, this really is just another piece in that puzzle if you look at it in the larger context of asking families to have less of those sets of assets that their parents would otherwise have passed on to them available. They are paying that now to make sure that their parents can afford to stay in their houses. Maybe that's a fair wealth transfer between parents and children, but we do need to see it for what it is, and it's a continuation of asking citizens to pay more for receiving less after having taken some very major programs away from them in the 1990s.

9:20

In that context, you know, it's not quite as much good news as the government there would want us to believe. In that context we're kind of throwing them a bone in a public, identifiable way and hoping that people sort of pick it up that way. But in the larger context of where this government's programs are going for seniors and how they anticipate shifting the wealth and how they anticipate having seniors pay more for their services and having families pay more for services and having families do more in lieu of services, this is just really not a surprising continuation of the same trend.

I'm also, as I said, rather interested in the arguments offered by the Member for Vermilion-Lloydminster. In fact, I'd like someone from that side to tell me what this program offers that can't be gotten for the same price within the current system, you know, outside of government.

Let me just say that I'm all for government. I'm a New Democrat, right? We just always want to build government. Quite honestly, from a practical point of view are there already programs out there that can be accessed that ultimately would be as affordable or even more affordable than this one? Are we just buying this so that government can say that they're doing something for seniors?

I want to make sure that we're buying something that's of value to seniors. I don't want to be buying something that's just giving the government a press release opportunity and a self-congratulatory opportunity. So I really need to hear more about what this program offers that isn't available in the private sector at this point. Then I also need to know why we're not hearing instead

about the kinds of grants to, as I said, change the life of a senior's home rather than simply this small section of affordability of a senior's home.

So those are my comments at this point. I'm still deliberating on what we'll actually do with this bill, whether we'll vote for or against it. I think it's not quite as simple as it seems, and I think we have a reasonable expectation of getting some answers to some of these questions. I would hope that we would receive those before the members opposite expect us to make a decision on whether or not to support it.

Thank you.

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

Ms Blakeman: Thanks very much, Mr. Chairman. Every now and then in this Assembly something magical happens; it's called debate and engagement of members. It's really an amazing thing when it does happen. Well, it's magical because it happens so infrequently, but really it's just intelligent debate.

There have been a couple of things put on the table that have made me think of some other things that I know are happening right now, so I'm going to join this debate, this exchange of ideas that is currently going on. I really encourage members of the government opposite to engage in this as well.

One of the points that I've raised – it was pooh-poohed pretty quickly by the Minister of Municipal Affairs, but it's important – is that I started to get a flurry of letters and phone calls in my constituency from both low-income seniors, low-income Albertans, and a few small businesses that two federal programs had been handed over to the province. The province took them, shook the hand, took the money, said that they would continue these programs, and then didn't. One is a subsection of the other: the RRAP program, which is the residential rehabilitation assistance program, and HASI, which is the handicapped accessible something something.

They were two grant programs which allowed low-income individuals – so they were income tested, in one case seniors only, the HASI one; in the RRAP program it was everybody – to apply for funds to be able to modify their home. The HASI program was to modify their home very specifically for mobility barriers, so to take away those mobility barriers, which would be things like installing grab bars beside the toilet and in the bathtub and maybe in the hallways, possibly that hanging triangle thing that you use to get out of bed if you need that kind of thing, modified showers and tubs so that you don't have to step over that high tub siding. You know, it wasn't a huge amount of money; it wasn't spectacular. It wouldn't jump out with bells and whistles attached to it, but it was certainly meaningful to the low-income seniors and individuals who were able to apply for it.

The RRAP program was more about making sure you could stay in your house because you kept up the maintenance on your house: new furnaces, especially energy-efficient ones, eaves-troughing so you weren't leaking all the rain down and eroding your foundation, maybe new roofing, that kind of thing. You know, it wasn't about painting the house. It was about structural protection.

Both of these programs no longer exist. The feds handed them over to the province just recently. It was last fall. The province took the money and, as we now know from the Minister of Municipal Affairs, has not put any money into either of these programs, RRAP or HASI.

They have instead transferred the money to affordable housing. That's when I went: huh? You took money that was specifically to keep people in their homes, to let them adapt their homes so that

they could stay in them, and gave it to an entirely different group of people? What? I could understand if you took money from one section and gave it to another section and it was still assisting the same people. But to take it away from people that are trying to adapt their homes to stay in them, which the government tells me repeatedly is their goal and is a money saver, to take that money completely out of that sector, leave all of those low-income people to fend for themselves in their falling-down houses and give the money to build affordable housing, which is also necessary – I'm not going to say it isn't. But – huh? – how does that work?

So, you know, I'm listening to how we are spending money on seniors and what is the most efficient way to spend money on seniors to help them. The Member for Vermilion-Lloydminster is right. We end up making a lot of decisions in here without all the facts, and all the time we're talking about evidence-based decision-making. Oh, I can hear my own voice: evidence-based decision-making and scientifically based blah, blah, blah. We didn't ask for results-based budgeting.

Here we're doing it again. I have no idea whether this is actually a reasonable program. It wasn't budgeted. Nobody talked about it during the budget debate. Nobody gave us numbers attached to how much it would take to administer this. Having just read through it while the others were talking, I've gone through it again.

Mr. MacDonald: You should stand corrected. I think there's \$1.6 million there in the estimates.

Ms Blakeman: Oh, my God. I might have to stand corrected twice in the same night. I hate that. Okay. So where is it?

Mr. MacDonald: In estimates.

Ms Blakeman: Yes. Department of Seniors estimates.

Mr. MacDonald: Go down there.

Ms Blakeman: Seniors benefits, tax deferral, aids to daily living, community supports, public guardian . . .

Mr. MacDonald: No.

Ms Blakeman: Put your finger on it or mark it or something.

Mr. MacDonald: This one.

Ms Blakeman: Okay. He's going to hand it back to me, and I can tell you what budget line it actually comes out of. He tells me I'm wrong twice. Oh, I am wrong.

Seniors' property tax deferral: \$1,623,000 for the 2012-13 year. Can that program be done for that kind of money? I looked at that and went: "Huh? One point six million dollars?" I hate to be at the point where I'm actually going, "That's pocket fluff," but I'm at the point where I'm going: that's pocket fluff. When you're dealing with – what are we at now? – a \$37 billion dollar budget, \$1.6 million to administer this program? Now, clearly, they're not expecting a lot of loans to come in, but the administration alone has got to be that much money.

9:30

All right. We got a bit more information than we did before.

The estimate. Oh, here we go, \$35.8 billion. You know, you guys, when I started, the budget we passed in 1997 was \$17 billion. It's double that now. Wow. Yikes.

There's \$1.6 million in here for that, and that just strikes me as not enough money to actually run this. Now I want to hear from

people that can actually defend this amount of money. What's it supposed to cover? When I do look at things like seniors' lodge assistance and supportive living, that's \$41.7 million. The affordable supportive living initiative is \$25 million. Support for seniors is \$4 million. This just doesn't jive anymore.

Member for Red Deer-North, maybe you can get up and give us a bit more information because now I really don't know which way I'm going to vote. It's not as though my one little vote is going to pass or not pass this bill, but there have been a number of really interesting questions raised recently. Now my question is: how much of that \$1.6 million is going to administration, will that be the standard administration amount, and how much of it is actually the deferral? Where do we actually find the deferral, the loans that are going to be taken out by the government and given to – however it's phrased in this bill. They actually do transfer it.

(3) The amount of qualifying property taxes paid under subsection (2) constitutes a property tax deferral loan made by the Crown in right of Alberta to the eligible property owner.

(4) The amount of the property tax deferral loan under subsection (3), together with interest, is a debt owing by the eligible property owner.

Okay. Where is it actually telling us where that money is?

Mr. Kang: Laurie, is it going to take \$1.5 million just to set up?

Ms Blakeman: Oh, the \$1.5 million is what it sets – oh, my Lord.

Mr. MacDonald: That's just administration.

Ms Blakeman: Okay. Now I really do want to know. How much is it actually going to cost on an annual basis to administer this program? If it's \$1.6 million to set it up, how much is the annual administration of it, and how much do they actually expect to see in, one presumes here, forgone revenue? And let me remind you all that forgone revenue is the same as an expense because it's money that you would have had in and you would have spent on stuff, but you don't have it because you've essentially given it to this other program. I want to know the money that goes with this now.

I still don't like the market value assessment. I'd still like to see that fixed. I still think it impacts seniors that are living in older homes much more than those that are in newer homes. I'm really wondering if this program is really as viable as I first thought, so I'm looking forward to having the member – she must be on her computer. She's nodding at me, so she's likely been on her e-mail and gotten some kinds of answers back. I'm looking forward to her engagement in this debate, which is an exchange of ideas and opinions. I'm so excited at 25 to 10.

Thanks. I look forward to this.

The Chair: The hon. Member for Edmonton-Gold Bar. Oh, sorry; I didn't see on this side. The hon. Member for Red Deer-North.

Mrs. Jablonski: Mr. Chair, I'll wait for the Member for Edmonton-Gold Bar, and then I'll answer his questions at the same time if he'd like to speak.

Mr. MacDonald: No. She can go ahead.

The Chair: The hon. Member for Red Deer-North, then.

Mrs. Jablonski: Thank you, Mr. Chair. Bill 5, the Seniors' Property Tax Deferral Act, is a very exciting bill. We've been asked some questions about the costs, and we've been asked some questions about: why is it different from other programs that are already on the free-market system?

This is an important bill because we know that the one thing seniors want more than anything else in the world as they grow older is to be able to remain in their homes for as long as possible. We have a number of really good programs already that help our seniors out with that. We have the education property tax credit for one thing, that freezes the education portion of their property tax. We also have aids to daily living. If they need to have ramps or supports in their home as they grow older and are a little more frail, they can apply to our aids to daily living program.

With the number of seniors' programs we have, we try as much as possible to make it easier for a senior to stay in their own home. The reason why this program is so good is because it's another option for our seniors who might want to stay in their own home but might just be a little short of some money come the end of the month. I don't know what the taxes are for different areas and whatnot, but let's say that the average municipal property tax in Red Deer was \$3,600 or something like that. If a senior deferred that, they'd have an extra \$300 a month to go towards whatever it is that they might want that to go towards. This program is going to be designed so that there is a low interest rate. Seniors will not be discouraged by that interest rate, that's for sure. It will be available to all seniors.

A lot of the seniors have told me that with some of our seniors' benefits they have a threshold that seniors must meet. This program doesn't have a threshold, but you must have 25 per cent equity in your home. The regulations have not been put into place yet, but these are the thoughts going towards this.

In the end, we believe that after this program is set up and is running, the interest rate itself will help recoup the cost of the administration so that it won't cost us a whole lot of money for this program. There will be no expectation as in a home equity line of credit, for example. With a home equity line of credit a lot of people are expected to pay at least the monthly interest rate on it in most cases. There will be no payments expected on this program except for when the ownership of the home or the property changes hands. That can happen when the senior is frail and needs to go into assisted living. If they sell their home, then they have to pay the deferral, the program that they used from the provincial government, or if they pass away, then, of course, as the Member for Edmonton-Centre said, it would come from the estate. So we would recoup our costs in those ways.

It would be a good program for seniors who just want to bridge that gap and different in that they won't have to pay a monthly payment of just the interest, for example.

There will not be an income test, I believe, on this. You just have to meet the requirements, which is a certain amount of equity in your home.

For those reasons, Mr. Chair, I believe that this is an excellent program for our seniors. We know that this program is already running in a couple of other provinces; in B.C., for example. Not every senior will choose to use this program, but it will be a good tool for the seniors that just need that little bit extra each month to bridge the gap so that they can live a better life.

For these reasons I think this is an excellent program, and I hope that people would see fit to support this bill.

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

Mr. MacDonald: Yes. Thank you very much, Mr. Chairman. Certainly, this is an interesting legislative initiative, the Seniors' Property Tax Deferral Act. It has been suggested and discussed in the past. There are many different ways of looking at this. We look at the education property tax, and we look at perhaps also what British Columbia has done there in exempting seniors from

the education portion of their property taxes so that they can live independently in their own homes for as long as possible and have a few dollars in their pockets.

9:40

We all know costs are going up for everything from insurance to utility costs, certainly power bills – and I'm going to get to that in a minute – but this legislative idea certainly would help seniors who own their own homes pay their property taxes through a home equity loan. The program would be available from the 2013 tax year, helping seniors free up funds by deferring all or part of their property tax until they sell their home. It really sounds like a very good idea, but I think we need to pay heed to the advice we had during the course of this evening's debate from the hon. Member for Vermilion-Lloydminster.

We look at the budget estimates. There is a long list of programs available through the Department of Seniors. There are many, many that are noteworthy, and we should be appreciative of the programs that are listed here. We've got the Alberta seniors' benefit. We've got seniors' dental and optical assistance, special-needs assistance, the school property tax deferral, which is estimated to be \$1.6 million. I was astonished that there are no real numbers affixed to this, and you would think there would be. I know that whenever we were costing out prior to the last election what it would mean, exactly, to the bottom line of this province if we were to eliminate the portion of the education property tax paid by seniors, we did the math on that. In hindsight it certainly would have worked, particularly whenever we see the dramatic increase in power bills which has occurred. So there are a lot of good programs already available for seniors.

Certainly, we need to build more affordable, accessible, and safe housing. The public sector can do that. There were musings going on here over the weekend from the Minister of Education, who seems to wander from issue to issue. The minister was talking about, potentially, the borrowing of money. In the past this government used to borrow money from within the heritage savings trust fund and build accessible, affordable, safe seniors' housing in the public interest. Now, of course, we see that with this current regime there is a tendency to just grant the money to the private sector and have them build such a facility, but we know that many, many seniors can't afford to live in those facilities. They have limited income, and of course in some cases the rents in these places are substantial.

The first thing I think we need to do to help our seniors out, particularly those who are living independently in their own homes, is to make sure their utilities are affordable. I'm meeting with a lot of seniors, and the first thing that they bring up after this government's less than stellar record on administering health care is their power bill. A senior the other night showed me the power bill for her well-kept two-bedroom house. The sidewalks were free of any ice. It was a nice, comfortable home, very well kept. Her power bill for the last month was \$220. She said: "How could this be? I wasn't anticipating that my power bill would be this high." Then she reminded me of a town hall meeting I had hosted 10 years ago – 10 years ago – warning about electricity deregulation and the consequences of it.

Now, the hon. Member for Vermilion-Lloydminster is absolutely right. Perhaps this is where we should go. I'm not saying that this bill is something that should be rejected. What I'm saying is: let's fix one of the major problems not only for seniors but for other residential customers or consumers of electricity, businesses as well. Let's fix the power system so that once again we have affordable electricity.

The first thing we have to do is get this idea out of the government's head that electricity is a commodity. It's not; it's an essential service. I've said it many times in this House, and for the benefit of the members who are listening I will say this: wheat is a commodity, gold is a commodity, sugar is a commodity, gasoline is a commodity, oil is a commodity because you can produce it and store it, but you can't store electricity in large amounts. You can certainly store a modest amount in a battery, for instance, but you can't generate 400 megawatts of electricity and store it somewhere until it's needed at peak time, at 5 o'clock in the evening. You just can't do that. It's an essential service, so the system has to be in a constant state of supply and demand.

Now, what has happened to this system, this system where there is supposedly so much competition, that's never been subsidized? Well, I sit here and I hear repeatedly from the Minister of Energy that the system has never been subsidized, but when the assets were sold off in 2000, hundreds of millions of dollars were used to subsidize the price of power. That fact is conveniently omitted from the talking points of the Minister of Energy whenever he stands up to try to defend this in this House. Totally false. Hundreds of millions of dollars in subsidies.

While we're talking about subsidies, when we look at the development that has occurred in our power system in the north, there has been, certainly, a lot of development. A lot of industrial cogeneration facilities have been built. They've been built in Fort McMurray, where the consumers of electricity are subsidizing those enterprises by paying all of the costs, the complete costs, of the transmission expansion or the transmission upgrades.

Now, my research indicates that in January 2003 – and this is why seniors are so upset with this government, because they have figured it out – in Fort McMurray there was less than 1,000 megawatts of electricity being shifted onto the provincial grid. Since that time there has been a 500-kV line from Wabamun to northeast Fort McMurray requested. The cost estimate of this line is \$1.6 billion. If this was to be shared equally between generators and the homeowner in Ottewell, that means they would each pay 50 per cent, but that's not the case. It's all been shifted onto the homeowners, the commercial consumers of electricity, and other industrial users. That is a subsidy. That's a subsidy for the big generators.

Now, when we look at what has happened in Fort McMurray since 2003, we see that the megawatt capacity has gone from less than a thousand megawatts to over 1,600 megawatts. That construction has been subsidized through the royalty structure because the powerhouse that's located in the bitumen production facility can be built over capacity and those construction costs can be deducted from the royalties. That's a subsidy.

We also have generous fuel gas subsidies in the Fort McMurray region.

Those are two reasons why this minister is not accurate, is completely offside regarding this suggestion that there's no subsidization of electricity generation in this province. Just completely offside.

9:50

Now, when we look at what's happened and why seniors are so upset when they see their power bill going so high, Mr. Chairman, we only have to look at one of the government's own reports to see what a folly – what a folly – this is. I had to show this to a senior the other day. This is a document prepared for the Alberta Market Surveillance Administrator. There are those people on this side of the House that think that the Market Surveillance Administrator has to have some teeth, some very sharp teeth. We've been saying this for a number of years. This document

warns us that there is a substantial concentration in offer control by Alberta suppliers for electricity.

This is why the hon. member is absolutely correct. The first thing we should do for seniors is lower their power bills, and this is a government that refuses to do it, that tries to get by on some false ideology.

The concentration in offer control by Alberta power suppliers. We have six of the largest suppliers accounting for 76 per cent of the electricity that's offered into the system for sale and the top four suppliers accounting for almost 60 per cent of that control. The top four. Oddly enough, TransCanada has 19 per cent of the offer control. That was last year. TransAlta has 16 per cent of the offer control. I think TransAlta is the organization that gave five of the six Tory leadership candidates a reported \$50,000 in donations. TransAlta is followed by Enmax, with 14 per cent of the offer control, and then we have Capital Power, which nudges out ATCO with 10.6 per cent of the offer control.

Again, we should be very careful when we say that electricity deregulation has been a success because 12 years into this experiment we find that essentially the same suppliers are doing the same thing, but they're making a lot more money. In fact, I was reading in the newspaper, and it was brought up by this constituent, about the profits they were making. How can they not make a profit with the so-called market that's been set up? That's the first thing that we need to do.

Now, when we look at the generation mix and how much it's changed in this province, we can see that right now 45 per cent of electricity is generated by coal, 41 per cent by natural gas, 7 per cent by hydro, 5 per cent by wind, and the remaining 2 per cent from other sources. Maybe we're going to go to an increase . . .

An Hon. Member: What per cent was gas?

Mr. MacDonald: Natural gas is at 41 per cent, and if the price of natural gas stays at the price it is right now, I think you're going to find more baseload generation stations being built to run on natural gas.

However, should we separate the industrial load from the commercial and residential load, that would be one thing we could do to go back to a sensible sort of system for providing electricity to seniors and to commercial users. The behind-the-fence generators like the ones in Fort McMurray where we have subsidized the construction of their facilities: leave them alone.

The Chair: Hon. member, this is about seniors' property tax.

Mr. MacDonald: Yes. It is about seniors' property taxes. You bet it is, Mr. Chairman. That's why the first thing we should do if we're going to look after the financial interests of seniors before we defer their property taxes is to reduce their power bills. That's essentially what I'm saying.

Now, there are those that would say: oh, no; seniors can pay these costs. They can't. Electricity costs in this province, because of this government's policy, have become unaffordable. Now, do we have to defer property taxes so that people can pay their power bills? Unfortunately, it's getting to that, Mr. Chairman. If we were to have a public policy that would avoid that situation, then let's reduce electricity costs. I'm giving another good idea to this government, and I think they should consider this first before this seniors' property tax deferral idea.

Let's separate it. I think 79 per cent, hon. members, of power consumed here in the province is for industrial purposes, and 21 per cent is used by either residential users or shopping centres or small businesses. They're the ones that are complaining, not only the seniors. The senior that I had the discussion with was quite

aware of what happened in the middle of January, that whenever we had a cold snap, the price of power spiked. It went right up to the maximum allowed, the cap, which is \$999. I asked a question about this in the Assembly the other day, and I was left with the impression, unfortunately, that the minister didn't even know what the cap was. I'm not sure. I couldn't really tell, Mr. Chairman, but the seniors watching on the cable network could tell, and they could tell that this is a government that's not interested in reducing their power bills.

This bill may be a very good public relations exercise leading into the election, but until we get the financial details on what precisely this is going to cost, I would heed hon. members about this legislative initiative. It's an important one, it may be a very good one, but let's get all the details on the floor of the Assembly before we make the decision.

In conclusion, certainly, Mr. Chairman, I would urge this government to come up with a sensible plan, and if they want to borrow the one that we have been proposing, be our guests. We need a sensible plan to reduce electricity costs not only for seniors but for residential users of electricity in this province and small businesses. Please don't forget that \$220 a month for someone living independently in their own home is a power bill that is far too high, and the idea, as the hon. member said earlier, that "Oh, just sign a contract; lock yourself in over a long period of time at a high price; that's the solution," is not the solution. The solution is to reduce our power bills. Make it so that seniors living in their own homes have a higher disposable income at the end of the month after they pay their necessary bills and their costs.

Thank you.

The Chair: Are there any other hon. members wishing to speak on the bill?

Seeing none, the chair shall now put the question.

[The clauses of Bill 5 agreed to]

[Title and preamble agreed to]

The Chair: Shall the bill be reported?

Hon. Members: Agreed.

The Chair: Opposed? Carried.

Our committee will continue on.

10:00

Bill 6 Property Rights Advocate Act

The Chair: Does any hon. member have comments or questions on the bill? The hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: Yes. Thank you, Mr. Chairman. It's a privilege to stand up and debate Bill 6, the property rights bill. I've spoken at length to this. Again, this is one of the problems that we're facing with this government. When it comes to constitutional law and the laws they want to pass, they seem to miss the foundational properties and the foundation of law that actually entrenches the rights.

One of the things that has been a major dilemma for many people is the constitutional rights protecting the life, the freedoms, and the property of the individual. This government has spoken at length, saying, "Don't worry, you can trust us; we'll never take your property without proper consultation; we'll never take your property without proper compensation; and we'll always give you access to the courts," and it just isn't so.

What they're saying in the amendment that they're looking at here is on actual property rights, but when it comes to licences and mineral leases and other areas, those aren't covered in this bill. It's a concern for all of those, especially for those people that are investing and bidding, whether it's a grazing lease, a water licence, or a mineral lease. These are all areas that this government is failing to protect. To tell the entrepreneur and the businessman, "Oh, no; we're going to put it in law" – well, write it down.

Today in the rally out on the legislative steps we had a lawyer that, again, spoke of the importance not of the intent but of what's actually in the legislation. So if we look at Bill 6 – and, again, I wasn't as prepared as quickly as I wanted to be; I didn't realize that we were jumping to that one at this point – where it's talking about the Property Rights Advocate Act, it is not going to cover those areas that are essential to so much of the business that goes on in our province, and those areas are of concern.

I remember having one young geologist in my office late last fall, and he said: Paul, I put two years of sweat equity into my mineral lease. He went to SRD – he's up in northeastern Alberta – and said, you know: am I going to have this lease? At that point there were lots of discussions about the lower Athabasca regional plan and what area it was going to encompass and lots of denial by this government, saying that they were not going to extinguish any rights or leases. "No, no, no. You have nothing to fear. Nothing to fear. We're going to respect the rule of law here. We'll respect your leases."

But when it came out, there were 22 oil and gas leases that got extinguished. I don't know. I haven't heard to date what the compensation is on those 22 leases. Last fall we asked the minister many times: "What is it going to cost? Tell us what the dealings are that you're doing with these companies. What's the actual cost of extinguishing these leases?" To date, as is par for the course, we haven't heard a word, and I doubt very much that we will hear anything.

This one young individual, who had spent two summers up there and had done a lot of sweat equity and a lot of research – and, again, we don't have a lot of mining in the province in Alberta – went out and he actually staked out his lease. It was only \$600 for his lease but two years' worth of work. So this government comes in and says, "We're going to extinguish this lease; oh, we see that it was \$600," and they compensate him. How do you call that fair compensation? How do you call that access to the courts?

This isn't property according to this government and according to Bill 6, the Property Rights Advocate Act. But the advocate – what? – he's going to go and charm this individual and tell him: "Well, it's okay. You know, you're young. You can start over again. Don't feel too bad. It's for the better. It's for the big picture. It's nothing personal."

[Mr. Zwodzesky in the chair]

Mr. Chair, the problem with this government and the legislation that it continues to pass is that it doesn't actually protect the citizens. It doesn't actually protect business. It just seems to protect their ideas, that they know best and that nobody should stand in their way. This is wrong. This bill shouldn't pass. We're going to have one more bill to add on that we're going to have to repeal, in my opinion. All we need to do is entrench property rights.

To talk on the other side of that, what is an advocate, and why do we need an advocate? An advocate, in my opinion, is usually someone that you need to employ because you can't advocate for

yourself. We have a children's advocate. A child cannot advocate for itself. It doesn't have legal status. So we need the Child and Youth Advocate to advocate for these individuals.

We have a Farmers' Advocate, that has been kind of silent. I haven't heard a lot of controversial problems with the Farmers' Advocate.

But why do we need an advocate in a free and democratic society?

Mr. MacDonald: You need one for children.

Mr. Hinman: But those are people who can't speak for themselves.

Perhaps for the disabled or for other ones that need to be protected, that's where you have an advocate. The whole idea of a Property Rights Advocate Act is insulting to those people who actually own property because it's not protected. They're saying: well, you know, the government is going to hire this individual, who's going to – I don't know – make you feel good after they've taken away your property, confiscated the lease, or extinguished the lease.

We have here again from the Random House dictionary – oh, my goodness; I have to get my glasses on for this one – to plead in favour of or urge publicity; a person who espouses a cause by argument; a person who pleads for or on behalf of another. I think I was fairly accurate. You know, an advocate is looking out for someone who needs help. Are we living in a province where we actually need an advocate for property owners? I personally find that offensive.

Because of what we were just talking about earlier on the previous bills, how much is it going to cost us? Is that cost in the budget? I can't say that I remember that line item as to what it's going to cost for the Property Rights Advocate Act. Once again here's a government that seems to continue to have one more program, one more idea that can expand government, and they can say: oh, this is going to solve the problems that we're facing with all of the other bills that we've passed that don't protect those rights.

Mr. Chairman, I cannot understand why this government would bring in such a Band-Aid piece of legislation when, in fact, I brought one forward earlier this year, Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012. This, I would say, is the antibiotic to cure the deficit, the problem, the attack on property rights. It was a very simple bill that I brought forward as a private member. The government members seemed to say: oh, we don't need to do that; property rights are protected. Well, if they're protected, why did you bring forward Bill 6, then, and say, "We're going to get an advocate in place to help you"?

To go back to Bill 201, the Alberta Bill of Rights (Property Rights Protection) Amendment Act, 2012:

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

1 The Alberta Bill of Rights is amended by this Act.

2 The following is added after section 1:

Protection of property rights

1.1 For greater certainty, the right to enjoyment of property and the right not to be deprived thereof except by due process of law under this Act shall be construed such that where a law of Alberta authorizes the Crown to acquire property owned by a person other than the Crown, that person is entitled to the following:

(a) full, fair and timely compensation; and

(b) right of recourse to the courts to determine the compensation payable.

Very simple. Very concise. Very easy to follow and realize that all we need to do is respect property rights.

10:10

Because we have a problem with bills 19, 24, 36, and 50, that have offended property owners here in the province, this government says that we're going to get an advocate? What we need is law. We need legislation that actually . . .

Mr. MacDonald: A new government is what you need.

Mr. Hinman: The Member for Edmonton-Gold Bar: I am going to truly miss the wisdom, the knowledge, and the experience that he has after this next election because he's not running again, so we know he will not be in here. His experience is phenomenal, and he hit the nail on the head. What we need is a new government. We need a new government that actually respects the property that people in Alberta own.

We want to continue attracting investment here so that we can continue to prosper, so that jobs are able to do it. You know, it's interesting as a segue, I guess, talking about the rule of law and dealing in good faith. I'm very, very disappointed again with this government not answering questions about the Alberta First Nations Energy Centre and what has gone on there. Here they are dealing in good faith for two years, as one of the parameters for us to bring in investment here, and there were 13 conditions that they were given. They've met all of those conditions, yet this government all of a sudden jerks this off the table and says: "You know what? We're not going to deal."

What this has to do with is the fact that they don't respect the rule of law. What are we going to have, a business advocate for businesses that try to go into negotiations with this government only to have the rug pulled out from under them and hear, "Well, it's too much of a risk for Alberta taxpayers"? These are the types of shenanigans that are going on, Mr. Chair, that cause real concern for investment here in the province.

I can't help but keep going back to this young geologist who was putting in his life, sweat, and equity for two years up in northeastern Alberta only to have LARP come out and say: "We're taking away your mineral leases. Here's your \$600 back." He says: "Whoa, whoa, whoa. I've put all this work into there." They say: "Oh, no. That doesn't matter." That's the type of individual that needs recourse to the courts. He can come forward. He can show his hours. He can show the drilling. He can show all the work that he did and say: "No. You're going to extinguish my lease right here? This is what it's going to cost you, then." The government and the minister can say: "No. We're not going to do that."

Currently, right now, with what we've got, he has no other recourse. The minister is not going to say: well, you know, you should actually go to the courts. The minister could say that, but he's not going to because that's going to cost the government more money. The minister is looking out for the government and all the other taxpayers. They don't want to look bad and say: oh, we shouldn't have extinguished these rights; we've got \$45,000 worth of costs that we're going to have to pay back to this individual if we go to the courts.

Again, why won't this government come clean and tell us what they negotiated for those 22 oil and gas leases that they extinguished with the lower Athabasca regional plan? It's a real concern, Mr. Chair, that we don't have the answers to these things. We need to know what it's costing. This government seems to be notorious, in my opinion, for bulldozing ahead, not thinking of what will and won't happen. I believe it was – gosh, I've forgotten now which lake it was where they allowed the leases to be purchased, and then they stopped those individuals.

If this government doesn't do its due diligence on its mineral leases, on water licences, on grazing leases, whatever it is, it comes back to haunt the taxpayers. Worse, it's tough on those individuals who put faith in this government, who believe in the rule of law, and it's going to be wiped out from underneath them. It's just wrong. You need to have the recourse to the courts. You need to have full compensation. You need to have a timely process where these individuals can't be strung out. I know of people that have been waiting for 10 or 15 years, where their land has been frozen in what I would call an unethical way and they're left hanging there.

Mr. Chair, this bill is wrong. It shouldn't be passed. There's no value here other than the fact of this government desiring to grow the size of government and saying: "Oh, don't worry. We'll get an advocate here to look after you so that we can explain to you why you have to eat your profits or eat what you have put into this business, because we're looking out for the general best interests of Albertans."

With that, I'll let someone else discuss Bill 6. Thank you very much.

The Deputy Chair: Thank you very much.

**Bill 7
Appropriation Act, 2012
(continued)**

The Deputy Chair: Before I recognize the hon. Member for Edmonton-Centre, I regret that I must first abide by Standing Order 64(4), and I must put the question. Does the committee approve the following bill, Bill 7, Appropriation Act, 2012?

[Motion carried]

The Deputy Chair: Hon. members, pursuant to Standing Order 64(4) the committee must now immediately rise and report.

[Mr. Zwozdesky in the chair]

The Acting Speaker: The hon. Member for Dunvegan-Central Peace.

Mr. Goudreau: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following bills: Bill 4, Bill 5, Bill 7. The committee reports progress on the following bill: Bill 6.

Thank you.

The Acting Speaker: Thank you.

Hon. members, does the Assembly concur in the report? If it does, please say aye.

Hon. Members: Aye.

The Acting Speaker: Any opposed, please say no. So ordered.

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

[Mr. Zwozdesky in the chair]

**Bill 6
Property Rights Advocate Act
(continued)**

The Deputy Chair: Hon. Member for Edmonton-Centre, please proceed.

Ms Blakeman: Thank you very much. I actually wasn't going to comment on Bill 6, but you know how fussy I get about people throwing around the word "rights." I have the right to do this; I have the right to do that. Tell me where in the Constitution there is a property right.

Mr. Hinman: There isn't.

Ms Blakeman: Right. Correct. There is no property right in the Constitution. And one of the wonderful things about Canadians is that we do not see the owning and enjoyment of property as a right, unlike our . . .

Mr. Anderson: Heart attack. Heart attack. I'm sorry.

Ms Blakeman: Okay. The Member for Airdrie-Chestermere is having a heart attack, with a great deal of passion in his portrayal. I appreciate that.

But you did know that, right? You did know that there is no property right in the Constitution? Please tell me. [interjection]

The Deputy Chair: Hon. members, through the chair, please. I'm interested to hear what you have to say. Truly.

Mr. Anderson: Trudeau wasn't big into property rights.

Ms Blakeman: And this gets blamed on Trudeau? Oh, my God.

I mean, one of the wonderful differences between Canadians and Americans is that we do not have a right to own and enjoy property. You wonder why they are so – and this is not personal; trust me – nutty about litigation, and they are constantly suing each other, and everybody is suing everybody else. It's around 9 times out of 10 that somebody grew a tree, and now they can't enjoy the sun shining through their window; therefore, they can't enjoy their property anymore. It's ridiculous.

We have certain rights and freedoms. You in the gallery are going to get it from me again. Here we go. You have fundamental freedoms, right? You all have fundamental freedoms. What are those fundamental freedoms? They are as follows.

Mr. Hinman: Conscience and religion.

Ms Blakeman: Very good.

(a) freedom of conscience and religion;

Anybody else?

(b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;

(c) freedom of peaceful assembly; and

(d) freedom of association.

That, my friends, is it. Those are your freedoms. That's in the Constitution. Those are it.

Mr. Anderson: Who wrote that Charter of Rights and Freedoms?

Ms Blakeman: Canadians did.

Mr. Anderson: Was he named Pierre Trudeau?

Ms Blakeman: They were Canadian.

10:20

The Deputy Chair: Hon. members, please. Let's not engage in that informal debate. Let's keep it through the chair in respect of the fine tradition that we have. Thank you very much.

Ms Blakeman: You can talk right underneath me, and *Hansard* will still get my comments.

Now we're going to talk about rights, which are so important to everybody. What are the rights that we have under the Constitution? One more time. We have democratic rights.

3. Every citizen . . .

Not every person but every citizen.

. . . of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

That would be us here at 19 minutes after 10. That is a democratic right.

It goes on about democratic rights, that they can't continue for longer than five years from when they come in and that if there's a war, they can go for longer and that Parliament and Legislature have to meet once every 12 months. I know you guys really love Texas and that you'd like to meet once every two years, whether you needed it or not, but our Constitution says that you have a right, the citizens have a right, for us to sit once every 12 months.

Now, we have mobility rights, which is also a wonderful thing about the Canadian Constitution. We have a mobility right, which essentially says that you can move around Canada and will receive the same treatment. Every citizen, not everybody.

(1) Every citizen of Canada has the right to enter, remain in and leave Canada.

These are not rights that are shared by some of our fellow human beings in Africa and some other places currently.

(2) Every citizen of Canada and every person who has the status of a permanent resident of Canada has the right

What's a citizen? What's a person? You need to know those things because that's how the right is being assigned here.

(a) to move to and take up residence in any province; and
So you're allowed to cross the border and live anywhere you want.

(b) to pursue the gaining of a livelihood in any province.

To pursue the gaining of a livelihood in any province. It doesn't guarantee you a job; it just says that you can pursue it.

(3) The rights specified in subsection (2) are subject to

(a) any laws or practices . . . in force in a province other than those that discriminate among persons primarily on the basis of province of present or previous residence; and

That applies to what came before.

(b) any laws providing for reasonable residency requirements as a qualification for the receipt of publicly provided . . . services.

So welfare, AISH, seniors' benefits, et cetera. The previous two subsections

do not preclude any law, program or activity that has as its object the amelioration in a province of conditions of individuals in that province who are socially or economically disadvantaged . . .

Et cetera, et cetera. Those are the mobility rights.

Now we have – anybody? – legal rights. Everyone has the right to three: life, liberty, and security of the person. Good. No property. Life, liberty, and security of the person. Person. Not citizen, person. Everybody who's here gets that.

7. Everyone has the right to life, liberty and security of the person and the right not to be deprived [of that] except in accordance with the principles of fundamental justice.

You talk about a different kind of justice. I can never remember what it's called. Natural law. There we go.

8. Everyone has the right to be secure against unreasonable search or seizure.

Very important for young people. Please know that one. Please know your laws when you go out on a date at night. You have the right to be secure against unreasonable search and seizure. Aha. I

can see you thinking about that one. You're going to tuck that one away, aren't you? Okay.

9. Everyone has the right not to be arbitrarily detained or imprisoned.

Right? That's important. You guys need to know that when you go out. Please read your Constitution. It's not hard. It's not very long. The language is really easy.

10. Everyone has the right on arrest or detention

(a) to be informed promptly of the reasons . . .

So they can't just pick you up and then wait a couple of days until they tell you why. They're supposed to tell you why right away, and you have a right to say to them: "Why are you picking me up? What am I being charged with?" If you're not being charged with anything, you guys need to know this stuff. So you have a right to be promptly informed.

(b) to retain and instruct counsel without delay . . .

(c) to have the validity of the detention determined by way of a habeas corpus . . .

And then any person charged with an offence, and it goes through a long list of things. I hope you guys are never charged with an offence, but you should know the section anyway. Read it on your own.

12. Everyone has the right not to be subjected to any cruel or unusual treatment or punishment.

Stephen Harper should read that one more often.

13. A witness who testifies in any proceedings has the right not to have any incriminating evidence so given used to incriminate that witness . . .

Et cetera, et cetera. Then there are language protections.

Then we have equality rights. Very important.

15(1) Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

And now read in: sexual orientation. This doesn't preclude the right to ameliorate any of the conditions of disadvantage.

Last one: official languages of Canada. That is the whole thing about being educated and being able to get services in either of those languages.

Then the minority language education rights. That would be the francophone stuff, right? Are you guys francophone students? No? Yes, we are. There we go. That's where it comes from.

Mr. Hinman: What about political rights?

Ms Blakeman: That was in the beginning. Freedom of thought, belief, opinion, and expression.

Mr. Hinman: What about section 21?

Ms Blakeman: That is:

21. Nothing in sections 16 to 20 abrogates or derogates from any right, privilege or obligation with respect to the English and French languages, or either of them, that exists or is continued by virtue of any other provision of the Constitution of Canada.

Is that the one you were thinking of?

Mr. Hinman: Twenty-one and 22.

Ms Blakeman: I just read 21.

22. Nothing in section 16 to 20 abrogates or derogates from any legal or customary right or privilege acquired or enjoyed either before or after the coming into force of this Charter with respect to any language that is not English or French.

You don't like that one either? Okay.

Minority language educational rights. We just talked about that.

Enforcement and general and application of the Charter, and then you're pretty much at the end of it. So those are the rights. Nowhere in here did you hear me read "property."

My hon. colleagues beside me would like to change the Constitution, and I invite them to do that. It requires two-thirds of the provinces at the time and a certain percentage – oh, this would actually be in here if I went to look for it – of the population, but it can't include Ontario and Quebec together. It means that you can't have the two big provinces gang up and change everything across the country. You can have one of them onboard but not two of them onboard, okay? I welcome you to go ahead and cut loose, and while you're at it, we'd like to try and fix the Senate.

Mr. Hinman: One step at a time. First we fix the property rights.

Ms Blakeman: Don't talk to me about property rights.

If the government feels that they need to get into the middle of this one – and, frankly, this bill is one of those annoying little things that this government does to me every now and then, because we would not be here if this government hadn't gone through misguided, missing, stupid, and a number of other adjectives for that long trailing of bills that included 19, 36, 24, 50. What a mess. I mean, honestly.

Now we have to come back and try and give people this weak protection – not a right, not a freedom, but this weak protection – because the government passed all of these other bills that were incredibly misguided in order to serve who, the people? No. In order to serve – who the heck was it? – TransAlta. It was the big electrical companies, ultimately, who were going to gain from all of this, not the people. AltaLink and ATCO. Oh, blessed ATCO, right? AltaLink and ATCO. I mean, truly, those are companies; they're not people.

Now we get thrown a bone, the Property Rights Advocate Act. I wasn't even going to get into this because, frankly, it's not worth the time, but you make me crazy. You say "rights," and it's not a right. You're going to get that lecture, which you just got.

Mr. Hinman: I got that as a lecture?

Ms Blakeman: Yes. You got it as a lecture.

Thank you very much, everybody, for hanging in there with me. I appreciate it. I hope the rest of you learned something. Property is not a right in Canada.

Thank you.

10:30

The Deputy Chair: Thank you.

Mr. Anderson: Sadly, the hon. Member for Edmonton-Centre is technically correct.

Ms Blakeman: She is one hundred per cent right.

Mr. Anderson: No, no, not one hundred per cent right. Technically correct.

For any free and open society to have any kind of long-term viability, there has to be protection of property rights. There has to be respect for property rights. Now, they may not be enshrined in the Charter at this time. However, through our laws we do protect property rights. It's not in the Charter, but we do create property rights. There are fascinating courses of law on property rights throughout the Commonwealth. They are established in common law. They are established all throughout jurisprudence. Property rights do exist. They are not in the Charter of Rights and Freedoms yet, but they do exist, absolutely.

Ms Blakeman: As part of the Constitution?

Mr. Anderson: As part of the Constitution – you're right – they are not there. However, property rights do absolutely exist, and they exist by law at a more basic level, at common law. They're so fundamental. They're so woven throughout our history and throughout the history of free societies that the common law is full of different definitions: how they're arrived at, how they're extinguished, how they are transferred, how people infringe on people's property rights or take them away without permission and so forth. It's everywhere. So to say that there are no property rights – I'm just not there yet, but maybe with some convincing I could be brought there.

I will say this, though. There is a universal declaration of human rights, put together by the United Nations, and under article 17(1) of that universal declaration of human rights it says, "Everyone has the right to own property alone as well as in association with others." Subsection (2) says, "No one shall be arbitrarily deprived of his property." That is certainly not the genesis of property rights, certainly not the origin of property rights, but even the United Nations saw fit to include property rights in their universal declaration.

There is quite an interesting history lesson about property rights. Now, I was referring to Pierre Trudeau earlier, and I was giving him a hard time. Really, he's not entirely to blame for the fact that property rights aren't in the Charter. Actually, he advocated quite strongly for property rights to be in the Constitution of Canada for years. Unfortunately, there were some provinces, Alberta not being one of them, that were very worried about including property rights in the Charter. If you go through the history of how the Charter came into being, actually, Trudeau was not the villain. Now, I would say that he should have stood up and said, "No, damn it; we've got to get property rights in there," but he didn't. That said, he was never really opposed to the idea at all.

There's a great history on this. I'll recite – I'm going back to law school days on this – a great note by David Johansen, law and government division, October 1991, called Property Rights and the Constitution, and it's a very, very good history. I urge everyone to read it. It's very sad because, really, property rights should be part of our Constitution and would have been if we had listened to – even Pierre Trudeau understood the absolute necessity of property rights for a free and functioning democracy to exist.

If you do not have property rights, if you can have your property rights arbitrarily taken away – what separates democracy and freedom and free peoples from tyranny and socialism, totalitarianism, essentially is the fact that you can have a dictator in totalitarian dictatorships. They can come. They can take those property rights with no compensation. They just take them. They are theirs. It's their divine right to take it. They can have what they want. They take what they want.

Then there are those societies which say no to property rights, in fact starting with the Magna Carta, starting way back then, even those nobles back then. I mean, wars have been fought over this stuff, early, going back, back, even before there were democratic rights. Even before there were any kind of real civil liberties, certainly before any civil liberties that the common man could enjoy, property rights were kind of the first rights to show themselves and to be respected. The king actually had to respect certain property rights in order to maintain his position, or else he would have been removed by some of the noblemen in his kingdom.

I think it's a very important thing. We've got to find ways to protect property rights even further than we do now. They are rights. What the Wildrose proposes that we do – and I know our leader, Danielle Smith, is very committed to property rights; she's been a property rights advocate for several years – is pass an amendment to the Bill of Rights to enshrine property rights in the Bill of Rights, to strengthen the property rights further that are already in the Alberta Bill of Rights, and also to start a national movement, a national campaign to fulfill Pierre Trudeau's dream and finally enshrine property rights in the Constitution of Canada, almost certainly in the Charter of Rights and Freedoms. You know what? I think that getting to where we need to accomplish that is very, very doable.

Honestly, who cannot agree with the fact that somebody has a right to his or her property and should not be denied that right arbitrarily without due compensation or access to the courts, just arbitrarily have the property taken away? I don't think any of my friends – I'm not going to speak for the NDP and the Liberals. I'm sure they agree with that. I'm sure they do. I'm going to give them the benefit of the doubt.

When people get passionate about property rights, it's very simply because it is such a foundational tenet. I mean, could you imagine trying to run any kind of a free-market system without property rights, without respect for property rights and rule of law? It would be impossible. You couldn't do it. How could you do it? How could you transfer property? How could you sell? How could you buy? How could you do any of that? Property rights and the enforcement of property rights are absolutely essential to any free and functioning society and any democratic society.

This is why the people of Alberta over the last several years, especially in rural Alberta, have been so concerned about this government's consistent, steady erosion of property rights. They never mean to; I always find it fascinating. They say: we're not taking anyone's property away. Well, great, but why would you put laws in place that would allow future governments to trample on people's property rights, to seize licences arbitrarily without guarantee of proper compensation and without guarantee of access to the courts? Why? Why do that? It's just not worth it.

People were angry, and they voiced their opinions and attended town halls. Thousands of Albertans across the province did this. They're still angry about it. The government responded. After calling us all liars and calling us all fearmongers and all that stuff, which is kind of standard operating procedure for this group, after calling us all these names and calling Keith Wilson all these names and so forth, then they decided they were going to make some amendments. They said: "Well, even though they're full of garbage, those barbarian, wild-eyed Alliance guys, although they're just barbarians and this Keith Wilson is just a lying lawyer, we're going to change the bills anyway. We're going to alter Bill 36 to take away some of the most draconian provisions in there like the ability to essentially extinguish land titles," which, technically, was in the bill if you read it. That's been taken out, thank goodness. It's been specifically exempted under the Land Titles Act. It's been specifically exempted from the provisions of Bill 36 that allow for the extinguishment of property rights. However, that's after calling us liars and fearmongers for a while.

10:40

That's where they did make those changes to improve the bill. It's still not perfect. They can still extinguish mineral leases without recourse to the courts and without guaranteed fair compensation, and there are others.

In Bill 19 they did get a little less intrusive than it was before, added some more recourse to the courts, provisions and so forth.

Bill 50 they did nothing on. Bill 50 is just an absolute joke of a bill. I can't wait to be in a position where we're able to shine some light on how that bill came into being and why we are still going forward with this unnecessary overbuild. Maybe one day we'll be in a position where we can find that out through a proper inquiry into it. So there's Bill 50.

Then Bill 24: what a random bill that was. The government just decides: oh, we're going to own everyone's pore space, starting now. Yippee. As any first-year law student knows, you know, basic property: when you own title, you own everything to the centre of the Earth and as far as the eye can see going up unless there's something else on the title that takes that away like a mineral lease or a mineral right or something like that.

To just take people's property rights, even though it seems: "Oh, it's pore space. Why is pore space important? No one cares about their pore space." That's not the point. The point is that it's their property. That's what they own. They own it. It's a property right. Why would you just arbitrarily take it away? It doesn't matter what it is. If it's pore space today, maybe it's the dirt next. Maybe it's the bedrock next. Who knows what it is? You just don't take people's property rights away arbitrarily. That's the problem with Bill 24. It's just totally arbitrary and a slippery slope. You start with that, and who knows what it is after that? You've created a precedent.

This is exactly why we need a constitutional amendment, probably put into the Charter of Rights and Freedoms, to entrench property rights and make sure that the government cannot pass bills like Bill 24. I'm sure that if we did have that in the Charter, somebody would challenge Bill 24 as completely unconstitutional, and frankly I believe they would easily win that argument because what went on there was completely arbitrary.

That's why I'm passionate about property rights. I think it is important. You know, you learn things at this job. I think we all do, of course, as we study things and as we get to know different issues. Property rights are certainly something that I think – starting out in this Legislature a few years ago, although I had the basic idea of what property rights were and why they were important and had studied them and all that sort of thing, I was quite naive. Let's just say that I used to believe the just-trust-me line a lot more than I do now.

You know, you learn about it, and I think we have to do a much better job of making sure that when we pass anything to do with property rights, when we pass bills regarding property rights, regardless of whether it's matrimonial property rights, whether it's physical property rights, whatever the property rights are, we do due diligence, that we're not just trusting the government lawyers or the government civil servants, that we're actually putting those bills out there, that we're having a robust discussion, a long discussion about it, that we're getting into the nooks and crannies, making sure that when we pass any property rights bill, it's a bill that Albertans can be proud of and can be comfortable with because it respects their fundamental rights to their property and not to be deprived thereof without just compensation and recourse to the courts.

Do I support this bill? Yes, I do. I know the Member for Calgary-Glenmore disagrees. He doesn't want to support it. That's fine. I understand his reasoning; it's very compelling. I can see his point, but I would rather have a property rights advocate than not.

I think that, unfortunately, the current government, certainly, and possibly future governments have a tendency sometimes to act in a way like we've seen with this government over the last several years, where they've in some cases extinguished mineral

leases arbitrarily to put in place their lower Athabasca regional plan and so forth, and I'm sure that they will continue to do so. We're worried about water rights; that's another one we worry about. It's just hard to imagine that every government from here on out is going to just have clean hands on respect for property rights.

So I think it's a good thing to have a property rights advocate that can at least sound the alarm, certainly help individuals who feel that they've had their property rights infringed upon, but also be in a position to possibly put up the red flags where maybe there's something we're not seeing as politicians in this House. They can bring that to our attention through their different reports and raising the alarm on a few things. I think it's worth while because so many of these things seem to go undetected until they're already passed. We won't always have the Member for Calgary-Glenmore. He might not always be in the Legislature for all time immemorial to raise the red flag and warn us of possible infringements to our property rights.

I support this, and I support a constitutional amendment to add property rights because, to me, property rights are as fundamental as any right protected under the Charter of Rights and Freedoms. I'm not saying more important, but I'm saying as important as all of those other rights. It's the only one that I can think of that is missing.

Remember, we talked about parental rights last time and how important those are. Now, of course, to me, the Supreme Court has already said that that is included in the Charter. It's just not specifically stated. Parental rights to decide what's in the best interest of their child, certainly with regard to their education and in other matters, health matters and so forth, are actually a part of the Charter as it exists today. I forget which right it's put under, but I read the decision the other day, and it's already considered part of the Charter of Rights.

Property rights, however, are not, as the Member for Edmonton-Centre said. We need to put it in there, and I know that a Wildrose government led by Danielle Smith would certainly be willing to do so.

Thank you, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

The chair has the Member for Edmonton-Gold Bar, followed by the Minister of Agriculture and Rural Development.

Mr. MacDonald: Yes. Thank you very much. The Property Rights Advocate Act is . . .

Mr. Campbell: We're not talking about a little lot in Gold-Bar.

Mr. MacDonald: Hon. member, there are lots of big properties there; yes, there are. You're welcome to buy one if you'd like.

Bill 6, Mr. Chairman, is a bill that supposedly creates an advocate's office to assist Albertans who have concerns regarding impacts to their property rights, specifically expropriation or some form of compensation. Now, we all heard through the fall of the MLA task force that was around quietly meeting with supposed stakeholders to see if there could be a political solution to the problem that this government had particularly in rural areas and particularly with people who pay power bills. A political solution was needed.

Of course, we had legislation, which was discussed at length in this term of the Assembly. We had Bill 36, the Alberta Land Stewardship Act; Bill 50, the Electric Statutes Amendment Act, 2009; and Bill 19, the Land Assembly Project Area Act. We had the Carbon Capture and Storage Statutes Amendment Act, 2010, Bill 24, which was certainly, in my view, a property grab. I

certainly had a different view than many others regarding Bill 24. Certainly, the other three pieces of legislation I had my suspicions right from the start about. Others thought: well, maybe the government is right.

10:50

When we look at this bill to create a Property Rights Advocate Act, this bill is a direct result of the political problems the government has encountered. It's almost a year to the day – and some hon. members to my left were present in the Eckville Community Centre. That was quite an evening in the history of this province. I was pleased that I had an opportunity to be a witness to history, Mr. Chairman.

There were 600 or 700 people in attendance. There was no real count taken. If you had told them at the meeting, when you were going back for a black coffee or a doughnut, that a year later the government would be introducing a Property Rights Advocate Act, that we would be creating an advocate's office to assist Albertans who have concerns regarding impacts on their property rights, the citizens in the Eckville hall would have just turned to you and suggested: well, maybe we should repeal the bills; maybe we don't need these bills.

Mr. Chairman, I think you had to be there. There were certainly some government members there. There was the member who is now the Minister of Human Services. There was the hon. Member for St. Albert. There was the hon. Minister of Municipal Affairs. The former Transportation minister was certainly there. Of course, in the debate was the current Minister of Agriculture, who is the Member for – I can never remember; it's in the southwest.

An Hon. Member: Livingstone-Macleod.

Mr. MacDonald: Livingstone-Macleod, yes.

The hon. Member for Livingstone-Macleod was part of the panel, as was the current Minister of Energy. They were gamely trying to defend this legislative proposal, if I could call it that, Mr. Chairman, but the citizens in attendance were not buying it, and they were not buying it for good reason. It is unnecessary; it is needless.

What did this government do? It went ahead anyway. After it had a political problem, how are we going to fix this? "We're going to strike a committee. We're going to meet, and we're going to supposedly meet with stakeholders." But it's all controlled, it's all filtered, and we get a bill like this.

I was watching with interest the newspaper reports of this Property Rights Task Force. There wasn't that much I could find written about it. The final report is an interesting read, but again – and I can't stress this enough, Mr. Chairman – if you were to tell the citizens in the Eckville hall that they needed an advocate, well, I think they've got one in Keith Wilson, and I don't think he's going to cost as much as this. In fact, I've been at a couple of Mr. Wilson's meetings, and they're self funded.

Mr. Anderson: He should be the advocate.

Mr. MacDonald: Well, I believe the gentleman did work for the Farmers' Advocate, and he may have been in charge of it at one time. He may have put the odd nickel in the jukebox, and his efforts weren't appreciated, so he wasn't invited back. Certainly, this is a government that would need to take his advice.

I don't want to go through the public accounts and see all the legal firms that have been hired and at what cost to consult them on these legal matters. They could just look at Mr. Wilson's website and get a lot of legal advice for a modest amount of time and very, very little money.

Now, we're looking at the office. [interjection] There's a fiscal conservative in the back row muttering something, and I'm afraid I couldn't hear it.

Mr. Hinman: Then why did you call him fiscal?

Mr. MacDonald: That was a joke.

Now, this office will help not only individuals determine the appropriate resolution mechanisms through which they can have their property rights issues resolved but will also assist expropriating authorities, or persons, or entities. We're going to have a review of complaints. The advocate will provide a report on complaints. The report shall be considered by the board or court when determining any costs payable in cases where the advocate determines the expropriation or compensation was inconsistent with legislation.

This bill, as I understand it, will not expand the scope of who is able to access the courts or independent tribunals to determine fair and full compensation. In section 2, I note, Mr. Chairman, where a person has the right to compensation as a result of an expropriation or compensable taking, will they also have recourse to courts or independent tribunals? I would think that this is a mechanism outside, for instance, if a property owner has two or three electrical transmission towers on their property, the fees around that.

Now, I don't think I can support this bill because this bill is just another way to allow this very, very tired government another way to put off fixing the problem that they've created. We have gone through in detail earlier this evening the problem that they created with four pieces of legislation earlier in this term.

If we look at this, right off the bat, of course, this bill is designed to signal – it's a public relations exercise, and public relations are so important to this government, Mr. Chairman. When you look at the government's website, the ministries are listed. But what's listed above the ministries? The Public Affairs Bureau. The ministries are listed A through T for Treasury Board. Of course, above that is the Public Affairs Bureau, and whenever you look at the government's website, that is a clear indication where this government's priorities lie. It's with public relations. It's with spin. This bill is simply about spin because of past problems. Now, whenever we look at the masters of public relations on the other side, we have to recognize that this bill is not going to fix the previous problems, that have been outlined by Mr. Wilson in his dozens of town hall meetings. Citizens are not sure that this government is interested in defending their property rights.

Hon. members, you only had to come to Eckville hall. People came from as far away as Vauxhall in the south. They came from Athabasca in the north. They came from over by Lloydminster. They drove all the way down on Easter Thursday night to Eckville to hear this debate. If anyone ever thought that democracy was dead in Alberta, they should have been at that meeting. Democracy is vital in this province. People care about what goes on in this Assembly, and they're willing to stand up and object whenever they think that what this government does is wrong. They certainly did about a year ago tonight.

I can understand where the hon. Member for Edmonton-Centre is coming from. Property rights – who has them, who doesn't, and what the government does – is an important issue. But if we vote against this bill or we vote for this bill, it is still the government's decisions that have been made in the past that we must consider.

11:00

Earlier this evening in the Legislative Offices Committee we looked at creating a budget for a children's advocate. After

hearing year after year, session after session about problems with children in the care of this government, the children's advocate is welcome. It's needed. It's been called for by many people across the province.

But this advocate's office, I really feel, is not necessary. I believe that in the agriculture estimates we have a requisition for the Farmers' Advocate office. I'm just going to look it up for those who are interested. Perhaps we could look at expanding that office. There are a number of things that we could do. Perhaps there are staff that are still there that are very diligent like Mr. Keith Wilson. They could defend the interests of property owners, particularly rural property owners, who feel offended that this government is so cavalier. This is a government that can shift authority or shift discretion away from the public to the cabinet. The cabinet will have authority to make decisions, and the cabinet will be benevolent. It'll be like some sort of Chinese committee in the Communist government that you dare not question because they, of course, have the values of the people first and foremost in their minds. But we know that that will not be true.

Now, Mr. Chairman, I know the Farmers' Advocate office is in here somewhere, and I know it's funded. I'm going to have to do my research on my own time.

As a result of the four bills that we passed earlier in this term, the government's public relations have taken a major hit. This bill is simply a fix before the election so that all the government members across the way can say: we listened, we heard from you, and we have fixed the problem. But this is another issue which this government has dealt with so poorly that the public, the voters no longer trust you. They do not believe you when you say that you will defend their property rights.

The biggest issue that people had with the other four pieces of legislation that I talked about is, again, the immense power that has been placed in the hands of the cabinet. The cabinet can make decisions regarding people's land, their property, and these decisions, of course, are made behind closed doors without any public input or without the public even being aware of what's going on.

Now, the Expropriation Act and its powers are certainly not new – we know that – but this government's arrogance led us to believe that it was acceptable to make decisions regarding people's property rights behind closed doors. I think you have broken a trust that you had for a number of years with the fine citizens of this province. This idea that you're going to listen and that this bill is the solution: I don't believe that. Many other people do not believe that either.

Now, we've had this Property Rights Task Force, that I talked about, led by, ironically, the hon. Member for Drayton Valley-Calmar. I would say that at the Eckville hall 20 per cent of the people in attendance were from that neighbourhood, and they were not very happy. So what does this government do? "We'll get the hon. member to lead this task force, and perhaps we can quiet down the citizens who are asking valid questions because they have outstanding concerns from past practices of this government." Now, three major themes originated from this task force listening finally, or pretending to listen, because the election was getting real close.

The initial consultations on Bill 19, Bill 36, Bill 50, Bill 10, which I forgot – it was, I believe, the repair bill, the first repair bill – and then Bill 24 were inadequate. I think this whole thing should be scrapped, and it should be an election issue. Run on your record. I think that if you went to a public forum, people would dig into their pockets and get a few dollars and perhaps pool that money so that you could all get hearing aids on that side of the

House because you certainly haven't been in these last four years listening to the citizens.

Now, there's an imbalance of power, in my view. Property owners and users do not have the resources to ensure that their rights are not infringed upon by government or industry. AltaLink has pretty deep pockets. EPCOR has deep pockets. TransAlta has deep pockets. The resource sector has very, very deep pockets. Of course, the government has lawyers employed in the Justice department, and then you can farm out or contract out the best legal talent in the province at the taxpayers' expense. But with property rights? No. They go to a public forum, and they get sound legal advice from Keith Wilson. But that's not enough. They sometimes have to hire some people to defend their property rights.

Now, compensation for intrusions on land or property rights, which, Albertans acknowledge, may be inevitable in some instances: it's inadequate. The formulas are outdated. We all know that, but what does this government do? Nothing. Absolutely nothing. The government's response to the report included the following commitments moving forward, of which one is this bill that we're dealing with here and the office of the advocate.

Thank you.

The Deputy Chair: Thank you very much, hon. Member for Edmonton-Gold Bar.

We'll proceed now to the Minister of Agriculture and Rural Development, followed by the hon. Member for Calgary-Glenmore. Hon. minister, please proceed.

Mr. Berger: Thank you, Mr. Chairman. It's a pleasure to rise this evening and speak to Bill 6, the Property Rights Advocate Act. I went throughout the province on the Property Rights Task Force, and there was one thing that was common. There was a need for planning. Everyone recognized that. There were an assortment of different comments. There were the repeal-the-bills comments. There were comments around: what is a property right, and how do you define it? Lots of people asked: "How do we define it? Who can define it exactly?"

That was an interesting comment. It came from a rancher who is fourth generation, and he was asking how that could be. He also realized there were public goods that had taken place on his property and some that he was in benefit of as an irrigation farmer. So as we moved through there, we looked at it. The comments were consistent along with the need for someone to help them through a process if there were issues coming forward. Of course, it centred around the three Cs – consultation, compensation, and access to the courts – and the ability for someone to help them navigate through that. That's where the property rights advocate was born. There is the ideal office for that operation to take place.

I was happy to hear the Member for Airdrie-Chestermere get up and speak in support of that although I do question how much that may be thought out from the fact that on May 13, 2009, he spoke in great support of the Alberta Land Stewardship Act and had many good comments.

Mr. MacDonald: I didn't.

11:10

Mr. Berger: Excuse me, hon. member. I was speaking to the chair. Thank you for the interjection.

This is directly from that speech.

Land-use planning in the form of municipal zoning has always existed for subdividing land, and this will not be affected either by this legislation.

It speaks to planning. The member understands planning, and he understands the need for it.

It goes on to say:

Municipalities will retain their authority for municipal development plans, area structure plans, land-use bylaws, and making decisions on subdivisions and development standards.

All very good comments, Mr. Chair.

The lawyer that they keep speaking of, strangely enough, put out a paper a few years back. I was on municipal council at the time, and quite often there would be cases where this gentleman would be representing an operator, quite often to the extent of maybe tramping on the next-door neighbour's property rights. He wrote a paper, *The Impact of AOPA (Agricultural Operation Practices Act) on Dairy Farm Expansion*. A lot of good comments in there. But we've heard quite often through hon. members about how we're going to step on municipal planning. Mr. Chair, as the Member for Airdrie-Chestermere said in that very eloquent speech on May 13, 2009, that isn't the intent.

But I'll read something out of *The Impact of AOPA on Dairy Farm Expansion*. This was something that that lawyer spoken of earlier not only worked on; he produced this paper. He said in there:

The provincial government has encouraged municipalities to designate areas where the municipality does not want CFO developments or expansions to occur. However, the government was mindful that depending on the composition of a municipal council, some municipalities may go too far and try to block large regions from having further CFO development. In order to address this, AOPA gives the NRCB the legal authority to override a municipal exclusion zone.

This means that if you find yourself in an area of your municipality that has been designated as a CFO exclusion zone, it does not mean that there can be no CFOs. There may be an opportunity to persuade the Board that your location is a proper and safe location for a CFO. Of course, these are delicate and sensitive matters. Proper advice and assistance should be sought in order to increase your chances of success.

When I read through that from a municipal councillor perspective, Mr. Chair, I'd look at it and I'd say: well, what he's saying there is that we'll go over the will of the municipal council. They may have identified an area that slopes down towards a river or maybe for one reason or another is protected, maybe because of the next-door neighbour. A perfect example is that someone may have an export permit for purebred animals and not need runoff from something else that may ruin their chances or actually cause them to lose their export permit. So there may have been zones in municipalities where it was looked as that it wasn't fit for that. Maybe it drained into a water basin. All of those different things tell me that not every piece of property is fit for every use.

There are further comments in there.

- If there is media attention and misinformation in the media about your project, communicate with the media to get your side of the story and the correct information into the media.

Maybe that's something that we have missed as a government on these different acts because we're not talking about bills; we're talking about land use. We're talking about the ability to continue to move forward in this province and make sure everyone is treated fairly in doing that while we progress.

I'd like to get back for a second, though, to the comment of the hon. Member for Airdrie-Chestermere.

At first glance much of this legislation may be interpreted as a regression on property rights, but it would be a very large mistake to think so as this bill, in my view, does the exact opposite. It strengthens landowner rights.

I think that not only is that a good comment, but further to that, with the ability through the property rights advocate's office, we can make this even better.

I would like to go back to comments that the hon. Member for Calgary-Glenmore has made. Last fall when we were in here speaking about I think it was something in SRD, the Member for Calgary-Glenmore made the comment – and he was right – that we do it better in Alberta than anywhere else. I think he was speaking on water and that type of thing. He supported the need for a plan and then went on to question why we're not storing more water rather than letting it flow through.

Those are great questions. He asked that same question just recently at the estimates for Alberta Agriculture. Mr. Chair, to do that and store more water – and Alberta can store more water. We have the ability to allow 50 per cent of the water to flow through to Saskatchewan and keep 50 per cent. Currently we're allowing 70 per cent to flow through. But you need the acts in place to allow for the purchase of that land to build those reservoirs.

Mr. Chair, southern Alberta is very dependent upon water storage. There are two natural lakes south, basically, of Calgary or on that line, those being Pakowki Lake and Waterton Lakes. The other 50 water bodies in southern Alberta are man-made, and I would submit that most of them were built on private land. There has to be a way, there has to be an act to allow for that purchase, for that agreement to be reached between those. Currently we have one that's under an EIA in eastern Alberta. That specific one would be 60 per cent built on public land, and 40 per cent of it would be on private land, but it benefits all those landowners as well as those people downstream in the towns and villages that would be able to access water from that.

Obviously, between these different acts there are abilities to deal with landowners, leaseholders and acquire this through fair compensation and make sure that we have the consultation in place. That was a big part of the land area assembly act, the consultation process that it needed to go through. But somehow there has to be the ability to continue to move this province forward.

As the member has said, we should be storing more of that water. Mr. Chair, we will at some point be able to sit down and have that discussion. If there are questions, the property rights advocate could be utilized by the party who is looking at selling their land or being affected by that project and say: "Okay. We're willing to do that, but here is what we're looking at. How do we walk through the process?"

Land, of course, is unlike any other property in many different ways. Real estate is unlike any other asset on a number of grounds: "Every parcel is unique; it is fixed in place; it is finite in quantity; it will outlast any of its possessors; and it is necessary for virtually every human activity." That's pretty profound. We all know that we are here for a time frame, but we don't outlive our property.

Mr. Hinman: Where's the quote from?

Mr. Berger: That's from Donovan Rypkema.

Mr. Hinman: Thank you.

Mr. Berger: You're welcome. You should read the whole thing. I can give you a copy of it if you'd be interested.

As was said earlier, to go back to that *Hansard* of May 13, 2009, and the comments from the Member for Airdrie-Chestermere, this combined with those other acts. He was speaking on the Land Stewardship Act. "The act protects property rights. Landowners will be compensated for any loss in market

value based on principles under the Expropriation Act." That was always there. We've put even more strength into it, as the member said, through Bill 10 and the amendments that were in there.

You know, there was another comment further in there. "If the only way to protect the land is to impose a conservation directive, then the value of the land will be appraised, any impact assessed, and landowners will be compensated for any loss in market value." The member understood that, but the property rights advocate will even go further. There is the opportunity to have that discussion, be sure that it's being well addressed. If not, the property rights advocate will walk the landowner through the whole process.

11:20

Another question that I had was around the comment: you own from the centre of the Earth to the heavens above. I'm a third generation farmer, rancher, and I hope the next generation will continue, one of them at least. Mr. Chair, I have yet to get a payment from an airplane flying above because, obviously, I don't think they realize where my property line is. If this was to be taken seriously, what is being said over there, how do we collect from that? Are we going to add it onto airfares?

Mr. Chair, the carbon capture that they were speaking of, Bill 24. The regulations state: anything that's deeper than one kilometre. In my 30-some years of being an agriculture producer, I have never farmed that deep. I've never utilized anything that deep. I would assume that I would break all my machinery. When you look at this and you talk about rescinding and extinguishing and all these pieces of the puzzle that were mentioned, I'd like someone to name those, first off.

I'd also like to give an example of competing statutory consents. Mr. Chair, at the bottom of that statutory consent stack are your carbon-based fuels, in the middle range may be known aquifers, and up above that may be a portion of leased land. Let's take, for example, speaking of this, the Alberta Land Stewardship Act enacting a regional plan. I'll use the South Saskatchewan regional plan because at Stavely we have a huge aquifer that in 2005 or '06 was drilled through and lost to the top side. That aquifer puts out 300 gallons a minute, 15 feet through a three-inch pipe with no pump, a phenomenal water source. The regional advisory council came back with the comments in their advice that no known aquifers shall be drilled directly through for any carbon-based recovery below that aquifer. Once we know it's there, don't drill through it.

In that example I was talking about, I was on municipal council at the time, and all the locals were saying: where they're clearing an area there, they're going to drill right through the Stavely aquifer; don't let them do that. Well, Mr. Chair, the ERCB was above the local municipality and, as was stated by the legal comments that I was speaking of earlier, the NRCB was above the municipality. All the old boys in the coffee shop would say: you drill through there, you're going to lose it to the top side. Well, there wasn't much we could do, but the South Saskatchewan Regional Advisory Council points out: don't ever drill through those and risk them.

On that Stavely aquifer are multitudes of statutory consents for water use for farms, for feedlots. You name it, they're there. Now we've got these three competing uses: the top, the middle, and the bottom. Company X comes to drill now under the Land Stewardship Act, and that's a known aquifer. Under section 11 you have the ability to amend. "Company X, move over there 200 yards and drill down. We will not risk that water supply. We want to amend your statutory consent. Move over, drill down, go under it, but don't touch the water." Company X says: "Great. Well, we're on

our way.” If company X says no, we have the availability of negotiation. “Company X, we’ll give you X amount of dollars. You go over there, drill down, come under without threatening that water supply.”

This whole thing goes on to say: what happens if you drill through that and lose it to the bottom side? It took seven tankers pumping steadily and three Cats pushing up dirt and cement trucks to fill it when it blew off to the top side. But that was locatable, so they won that battle.

The last step in that process would be: “Company X, you don’t want to negotiate this. You don’t want to move over here. I’m sorry. We’ll have to rescind that permit because you cannot drill directly through that and put all those other statutory consents at risk.”

Mr. Chair, I believe that’s the common-sense approach that Albertans want to see. That’s exactly why we’re looking at planning. I think the future depends on this planning. In the next 15 years six countries will produce more food than they consume. In the last 40 years 50 per cent of the arable land per capita in Canada has been lost. Canada is third in the world for arable land per capita, and Alberta sits very well within Canada on that arable land.

Land-use planning is not something to be taken lightly. It’s not something to be spreading malicious rumours and all sorts of innuendo about. It’s something that we need to look at in a grown-up way, have the discussion with Albertans, with landowners, and plan for the future of this province to make it even bigger, better, and more profitable.

Thank you very much for your time, Mr. Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Glenmore is next.

Mr. Hinman: Well, thank you, Mr. Chair. We’ve had some interesting discussion going back and forth, and I guess I’d like to comment a little bit on the hon. minister of agriculture from Livingstone-Macleod. I guess my first comment would have to be on when he talks about these 50 wonderful water bodies that we’ve created in southern Alberta. Obviously, they must have just been created in the last two years because before that we didn’t have any bills to expropriate land the way he’s discussing this. All of these actually happened long before any of these bills came forward, and now one’s in the perplexing situation: “How could that have possibly been? These bills are vital. Otherwise, we’re not going to be able to expropriate any land for the public good in order to create another water reservoir.”

The arguments, to me, are extremely shallow and not well thought out. I can’t help but think that some of the members on that side have actually taken a leap of faith off the Niagara Falls, but I don’t know of anybody who’s survived that yet. I don’t think this government is going to survive the public outrage that has been continuing for two years when they go to the polls in rural Alberta if they continue and pass these bills. Why won’t they just listen, repeal the bills, and go from there?

I remember – I think it was in the fall of 2008 – when the hon. member was down in Aden, way down in southern Alberta, a long ways from anywhere. The ranchers there were as enraged as they were in Eckville two and a half, three years later. This government continues to go around, continues to tell Albertans, continues to tell landowners: don’t worry; trust us.

I remember two years ago, I think it was, when our past Premier was talking to the AAMD and C, talking passionately about his history, where he came from, proud of it and rightfully so. His final words to the people in rural Alberta were: as long as I’m the

Premier, you have nothing to fear. He’s no longer the Premier, so now the question is: how much do we have to fear? We have a lot, in my opinion. The reason why that’s real is that if there was no fear, why would we have Bill 6? We’re going to give you a property rights advocate because there’s fear out there.

It’s really interesting, Mr. Chair. If we look at this wonderful report, the Report of the Property Rights Task Force, Engagement with Albertans, then you start to read what came back, and I just shake my head. After all they heard, the number of times that they’ve just been pelted for bringing this stuff forward, they say: well, no problem; we’ll give you the three Cs – consultation, compensation, and the courts – but now we’re also going to give you an advocate, with an A.

I just want to read some of the comments in the government’s own report from their property rights task force. On page 14: “What are your issues or concerns with respect to property rights in Alberta?” That’s what they’re asking. “Theme: Failure of the Consultation Process” and then a quote. They don’t ever say who spoke at these meetings, but there are some jewels of quotes in this book that they’ve published.

Mr. MacDonald: Let’s hear some.

Mr. Hinman: Well, here’s the first one. “We thought we knew what we owned . . . Now it’s all in doubt.”

Again, they’re referring to Bill 36. “Planning needs to happen” – we heard the hon. minister talk about that – “but the approach has been totally wrong.” Okay. They did say that planning needs to happen, but was the approach right? No. This individual says that it’s totally wrong. Not partially, not a little bit, but totally wrong.

Mr. Anderson: They didn’t communicate well enough. That was the problem.

Mr. Hinman: I think communication is always a two-way process.

Here is the next question: “Did the MLA’s even read this legislation?” Mr. Chair, these are right out of the government’s published Property Rights Task Force report on what they had to say.

11:30

Here’s a great one. I use this one all the time, so I have to do it. “Central planning hasn’t worked for other countries and it won’t work here.” Hmm. “You’re ramming through these power lines,” again, the subject of Bill 50. “The property rights of freehold mineral owners are completely ignored.” I just talked about that in my previous discussion that I had here. [interjection] Oh, yes, fearmongering.

I mean, it’s just disappointing to hear the stories of the individuals who have been impacted by this, and they can say: oh, it’s not a big deal. Well, I tell you that if you’re that individual that’s put two years of sweat equity into something and then they say that it’s not a big deal – give me a break.

“This whole regional planning thing seems rushed.” Again, we hear that we can’t do anything. I just find it amazing with the stats we just heard, and I always enjoy learning those things – only two natural lakes. I must say that I’ve been down to Waterton Lake. It’s a wonderful place, often a little bit windy but a wonderful place, and I do like the coolness there. It’s nice to climb up on the Bear’s Hump. It’s a quick little 20-minute romp, and you look down there and just think, “Wow, this is gorgeous; this is beautiful,” and it’s great that it’s a park, an international park that’s been protected for a long time. “This whole regional planning thing seems rushed.”

Ms Blakeman: So the government can't expropriate it?

Mr. Hinman: They already own it. Who are they going to expropriate it from? The Americans?

"It feels like our way of life is under attack." That is not a good quote to be able to report back on. "We've been stewards of the land for decades – don't ignore that." Again, you'd think that they were – I don't know – someone landing from outer space and not having any respect for our land. The minister just mentioned that he's the third generation. I think they have a little bit of integrity and ability to look after their property. We've been stewards of this land for decades. Don't ignore it.

Government needs to get serious with industry.

Serious concerns were raised about the ways industrial practices are impacting Albertans' property rights. The strongest comments were made in relation to abandoned energy infrastructure, such as wellheads and pipelines.

Many people expressed the opinion that industry and government have grown "too close." The Government of Alberta seems unwilling to enforce higher expectations on industry.

Then we get to the next theme, compensation, another one of their big Cs. I must say, Mr. Chair, that if we're talking education, you as an educator know that a C grade isn't very good, but this government is fixated on Cs, three Cs. Great. Barely a pass. I don't know if that would get you into a lot of the university courses now. Because it's so hard time to get in there, if you have a C, you're out. I would say that with this government it's being generous to give them a C on this. "Compensation is inadequate."

"Compensation was already unfair, and we believe this legislation has made it worse." That is not a good report to the government. "To me, the way government took the pore space amounts to theft." I think this is unparliamentary: theft. Wow. Bill 24. "To me, the way the government took pore space amounts to theft." "We feel like serfs on the land," again an individual referring to Bill 19, the Land Assembly Project Area Act, which the minister was just commenting on.

Land is being abused.

As people expressed frustration that energy companies do not fully remove equipment when an energy site is no longer in use. Many well heads remain standing on the land. Even in cases where a well head has been removed, other parts of the well will remain in the ground.

I think this is an area that they are addressing, and kudos to them for that.

The next theme: imbalance of power, access to redress and recourse. "Access to the courts is a fundamental right . . ."

Hon. member, is that proper?

Ms Blakeman: Yes.

Mr. Hinman: Good. We've got agreement.

" . . . and it can't be taken away." It's in our Constitution. It's a fundamental right, access to the courts. This is why we've gone through so many amendments and new bills and Bill 10. Why? Because they denied access to the courts. Yes, now they've put it for property. Again, the hon. Member for Edmonton-Centre is going to say that property shouldn't be a right.

That's the one thing that they've done in their Bill 10. For property rights they've given back that access to the courts. But when it comes to leases, when it comes to minerals, when it comes to water licences, those are all still decisions of the minister to say: "Well, you're right. I'm not treating you fairly. Why don't you go to the courts?" Well, if he knows that he's wrong or she knows

that she's wrong, why would you have them go through all that expense?

The member also talked about how down in the States they're somewhat litigious. I don't think it's because they have property rights. I think it's their spirit. They have a higher spirit of competition, and they sometimes raise things to a new level. We certainly see that when it comes to spending. They know how to spend like nobody else.

Ms Blakeman: And you want that here?

Mr. Hinman: No, I don't.

I actually think it reduces some of that. What good law does is provide clarity, and then we can say that there's nothing to argue over. Again, if we're talking property rights, how many times do we have fights because the fence isn't in the right place? Not very often. They go out and survey and put it in the right spot, and everybody agrees. We know where the line in the sand is, where the fence is. We can differentiate that. So it's important.

To get back to the report here, "We need proper, independent regulatory bodies." The Energy Resources Conservation Board "has lost credibility in the eyes of landowners and Albertans. Many commented that the ERCB stopped being an independent regulatory body a long time ago, and that it is now regarded as a promoter and facilitator of industry." That's very, very sad. Again, they've done a lot of great work in the past. I have to ask the question – this seems like health care – how much political meddling has been going on that they've lost their credibility? A true, true concern. We need to improve that going forward. "There's a real imbalance of power."

We'll go to the next theme.

What ideas or advice would you like to share with the Task Force as it develops recommendations for the Government of Alberta?

Theme: Fix the consultation. Work with Albertans.

"There should be meaningful consultation before [any underlying] decisions get made.

This government is notorious for somehow coming up with a hare-brained idea. Or, worse, they have a problem, and rather than fixing it, "Let's ram through some legislation, and we'll be saved."

Again, the Member for Edmonton-Centre talked about Bill 4 today and the conundrum. I mean, she understands the technicality of legislation. She's been doing this for years. She goes through it. She looks at the minutia, and she looks at the big picture, and she says: you're creating a bigger problem. I love it when she says: don't make me have to say I told you so again. She points it out. So what? That's a real problem when you have somebody point things out and you still see them do it. To me, that's a two-year-old. For a two-year-old you point out: don't put your hand on the stove; you'll get burned. Fortunately, as parents and as adults we can grab them and stop them from doing it. But here, when she points something out, they just roll their eyes. They say: oh, the painfulness of listening to this. After we've been exhausted through the time, they vote it through.

Twice today, Mr. Chair, she had to be corrected. I would love to see the stats on how many times she's come back and said, "I told you so," when the bills have come back.

I want to think of one myself that I argued on, the new royalty framework. It's not a problem. I spoke about it, spoke on it, rallied against it. There were – what? – six amendments that they put through the new royalty framework before they finally threw up their hands in exhaustion and said: we'd better go back to where we were.

11:40

Again, as the member was talking about earlier – I can't remember; she said it a little bit differently than I do. I like quoting Bastiat on what is seen and what is not seen. That means that we see what we spend money on, but then we can never see what we could have spent it on after it's been spent and it's gone. You lose that whole perspective in that, "Well, no; we see what we spent the money on." I can't remember how you eloquently mentioned it earlier today.

This is a problem. What is not seen with Bill 6 is the fact that we just need property rights. Why do we see this advocacy coming forward, saying that this is going to solve all of the problems? This solves nothing. This is going to cost us more money. It's going to cause us more frustration, and for what? It's just one of those gimmicks that they're putting out there, saying: trust us and re-elect us. I have to say, Mr. Chair, that sometimes I sit here and I think that maybe we shouldn't even bother debating these bills. We should put in three or four minutes and say that this is wrong, say why it's wrong, sit down, and let the government pass these bills. The problem is that when we pass bills that are wrong and aren't in the public's interest and aren't actually protecting society and all of these things, it's very hard to come back. Often we continue to live in this situation, and it just hampers us going forward.

I've never been one to tie myself to a tree, but I've admired those people that have gone out and have camped in a tree or tied themselves to a tree to protect it. They know that if this is a 200-year old tree and it's cut down, it doesn't matter how much debate you have afterwards. It's gone. It's gone, not to be brought back. I kind of feel like I need to tie myself to two bills here as we come to these dying days of this legislation.

The biggest one, no question in my mind, is Bill 2, the fact that this government wants to ram that through and say that parents don't have the right to make the final decision, that the government knows best. This bill, the advocacy one: it's just to stop them from putting a Band-Aid on. We've already lost that property right, and they're just trying to reinforce it and tell everybody: "Don't worry. We'll hold your hand and walk you through this to explain why this has happened to you."

I've talked to people that have actually lost their land for a reservoir that's being built, and they understand. It's an emotional thing, especially when you've got someone who has been there for five generations and we decide to build a dam. I don't know how many people remember the debates and all of the protests that went on for the Oldman River dam. I believe the hon. chair was around and participated in that. We saw the fighting that went on over that, saying that we can't allow this to built, that it's going to destroy southern Alberta, that it's going to ruin the fishing, all of those things that that debate went forward on. But we finally built it.

Mr. Chair, that was a long, long time before Bill 19, Bill 24, Bill 36, Bill 50, Bill 10, and this Bill 6, and somehow we were able to build it. All of the discussion on the Oldman River dam was in 1992, 1993, long before any of these bills, and government has always understood that.

Let's just quickly summarize the Expropriation Act because that is what we've dealt with since Canada was first formed in 1867. We understand that there's public good. Unfortunately, people are hurt by that. In my area, Calgary-Glenmore, 17 homes were expropriated in order to widen Glenmore Trail. Those families lost their homes. They went through a process. They were fairly compensated. Those who didn't feel they were could go to the courts. It's paramount that we have those things entrenched in there.

I can't remember which group it is. I'm going to say the World Bank. They rate countries on how they respect the rule of law and property rights. They say that those who adhere to the rule of law and property rights are the most prosperous, the most peaceful, and the most beneficial for the people. Why do we want to go backwards, to a third-world country, and say: "You know what? Government, the Premier, and cabinet are good enough. They're going to protect our property for us. They're going to protect the future. They're going to do central planning. They're going to tell us what's best in southern Alberta, northern Alberta, or central Alberta." It's bogus. It's wrong. This bill shouldn't be passed, and I'm going to keep speaking against it even though the government probably isn't going to do anything about it. I can't let it pass in its current state. It's nothing but a Band-Aid, and Band-Aids fall off. We haven't fixed anything.

Thank you, Mr. Chair.

The Deputy Chair: Thank you.

The hon. minister of agriculture, followed by the hon. Member for Edmonton-Gold Bar.

Mr. Berger: Thank you, Mr. Chair. I would just like to clarify a couple of points that were made. The member made some good points. In some cases it reminded me of watching a hockey game with a soccer game on the radio. I didn't know quite where we were at times, but there were some good, valid points in between. He spoke extensively about the Oldman dam. [interjection] Thank you for the courtesy that I gave you.

Anyway, he spoke of the Oldman dam and of the building of that. The requirement for land to do that would be a place where with Bill 6, the Property Rights Advocate Act, we'd be able to walk through that whole process with people. He's right. There were hurt feelings. There were people that were upset. But, Mr. Chairman, if we go back to his comments around, "How did we do these water projects?" he also said the other night that we haven't done a water project since the Oldman dam. I would correct him on that. We've done the Pine Coulee reservoir and the Twin Valley reservoir since then, so we have built two.

But in 2002 there was a court case settled between the province and the Nilssons. It was a case that had been brewing since I think 1974 – you can get the exact facts on that – where the restricted development act was ruled not to be usable for these projects. There had to be another act developed, so there was reason.

With that, I will cede to the hon. member that between 2002 and now there haven't been any of those projects done or taken up because there wasn't an act. It was ruled against utilizing that act. So that paints the need for that, and maybe that was missing. Once again, a property rights advocate could walk people through that whole process if that was needed.

Mr. Chair, I want to go back to irrigation for a moment. Irrigation on 5 per cent of the land base in Alberta produces 20 per cent of the product. It's an incredible, incredible asset. But I would ask anyone in this House to find me an irrigation canal that follows a road allowance. They don't. They split up quarters and they split up landscapes because they follow topography. They follow geography; they follow elevation. As was mentioned, the property rights advocate would help if there was an irrigation canal needed. The property rights advocate would be the guy working on behalf of the landowner if they couldn't reach a settlement. I'd say that when we work on a storage facility, it's a large tract of land taken out, but I'll also say that there is a lot of land that's needed when you build a canal. Canals, highways, and public good are what bring us our industry and make us profitable and make us a great place to live.

Further on there was discussion around water rights and this type of thing. Mr. Chair, between Alberta Agriculture and Alberta Environment we invest heavily every year in continuing to rehabilitate our irrigation systems in southern Alberta to advance our technologies, to continue to make sure that we have that ability for those operators. There is no intent of changing anything in that regard whatsoever, and I know this hon. member knows that himself. There are no water rights being changed. If anything, we've increased irrigable acres by the very frugal use of water and new technologies for application. I think we've gone up – I can't remember the exact numbers – about 20 to 25 per cent on the same amount of water, so we've granted that many more licences. It's going in the opposite direction as was mentioned.

If we look again at the Alberta Land Stewardship Act and at the operation of the property rights advocate – and I'm thinking that this would be one that he'd be thrilled with – the South Saskatchewan Regional Advisory Council, aside from saying to everyone that in the plan of the South Saskatchewan there should be no drilling through known aquifers and no chance of losing water, also looked at the seven major areas that are recharge areas for our aquifers in southern Alberta.

11:50

They go on to mention that they're not only the areas that supply the water to the aquifers; they also speak to the point that the majority of those areas are lease lands, public lands operated by private individuals. They go on to say that it's a marvellous carbon sink, it's a water recharge area, and the best use for that land is the use that it has had for over a hundred years. They say that that should be extended. Extend the tenures on this because that's exactly what we need.

Well, Mr. Chair, that's the opposite of what we've been hearing from these people all along. "Well, they're going to take this back." No, sir, the property rights advocate would jump up and say: "This is the best thing that ever happened to you. They want to extend your tenure." Wow. What enforces that? That same act that says: this plan shall overrule the ERCB. If they say we can drill through here, the ERCB has to look at the plan. The plan says: no, you can't drill through a known aquifer. The plan says: no, you can't tear up this grassland because the best use for it is what it's doing right now. It's protecting a water supply. It's a carbon sink, and it's providing pasture and wildlife habitat. Wow. It's public land, and that's the way it should be looked after, the way it has been looked after. Let's extend the tenure, and let's keep that going.

Let's talk about one other comment that was made there. I'll just go back to the comment around property rights and logging. I love this one. This one is great because we're on both sides of the issue again. Mr. Chair, in my area, where the Oldman reservoir exists, where the Castle logging exists, where there's plenty of opposition and comments around it quite often, back in 1878 a fellow by the name of Senator McLaren was granted the logging rights to that area. He logged and he logged and he logged: Beaver Mines, Pincher Creek, Twin Butte, probably Lundbreck, not over to Coleman because they had their own, Cowley, many of those areas. The houses and the buildings were built from what was cut right there locally. So that right was out there at that time.

At the same time Canada was looking at western Canada as a coal bank. There were many subsurface rights given out that were actually stronger than the surface rights. If you look into the old mines and minerals act of 1878 or 1879, if your house happened to be on top of where a coal mine was, they had the ability to knock your house down to get to their coal. The west was looked at as a resource bank, a coal bank.

Let's go back to the logging. In 1966 a company called Revelstoke Lumber got the rights to log in that area, got the rights, bought the rights. I think it was 1980 when Revelstoke Lumber went under, and those rights were purchased by a company called Atlas Lumber. Atlas Lumber would have loved the property rights advocate because he'd have protected them by saying: you have a right here to cut a tree because you purchased that.

By what we're being told over here, section 11, where you have to actually rescind or negotiate that, shouldn't be there, so we're just going to tell these guys – Atlas went broke after the Lost Creek fire of 2003; 22,000 hectares were burned in that fire. Now we're talking about over three years and logging a mere 800 hectares. This is a big crime. Nobody has everybody looked at the Crowsnest Pass since the Lost Creek fire. Wrong, my friends. Everybody has driven through there and looked at it.

Well, we've got this small logging area, and now we can sit over here and we can go, "I'll just take that away." They shouldn't be. I'd hang on a tree so they couldn't do that. Well, that's a right. Do you want the ability to negotiate it? The property rights advocate should be stepping in to say: "Well, you know what? We have the ability under the Land Stewardship Act, section 11, to amend. We'll give you a different area, negotiate. If you don't want the different area, we'll pay you to go to a different area or to rescind."

This member said: "Take it back. Take it away from them." Well, Mr. Chair, there has to be proper legal process. I would say that this member is looking at that as going: "Well, it's laissez-faire. Do what you want. Get it done, but don't step on a property right. Or do you even have a property right?"

Mr. Chair, highest and best use does not mean the most profitable use imaginable. Think about that for a while because it says it all. Just because you own it – and I think this member would agree – doesn't mean you can do anything with it. You would have hog slaughter plants right next door to your house in Calgary-Glenmore because it might be a great place to set it down because there's water access. There are all these things. There is land use. There is zoning. There are reasons for all these things because value of property is not borne completely within the property; it's borne by the surroundings as well. It's location, location, location. It's not kitchen, kitchen, kitchen.

We have to remember that we are all affected by land use, and we have to look at someone like the property rights advocate. If someone wants to say, "No, that area for logging is now off limits," great. How do we deal with that? Let's deal with it in a manner that's fair to all. We have the property rights advocate. We have the acts on the floor that would say: here's a process to follow.

Mr. Chair, like I said earlier, you can't just throw these things out as if they're split second, that they're going to fix everything, and we'll just do it like this. Well, what are the ramifications of like this? That hasn't been thought through. It's just a comment. It's just a quick fix. Albertans expect and want more, and that's what we're giving them: a property rights advocate that can walk through the process, whether you're in gas and oil. That member spoke about that pipes and this and that were left. Okay. The property rights advocate can work through that as well. Everything that we're speaking of can be addressed by having an advocate.

Many, many people in the comments that he's not reading said: "How do we walk through the process? We don't have a lawyer. We don't have this. We want access to someone who can help us." The property rights advocate fits that bill.

You know, we're looking at it as: well, we don't need this. Don't we? Do you want to go back? We don't want any planning? I don't think Albertans expect that. I think the balances that he spoke of we need to respect, and we need to have the ability to work through those.

Mr. Chair, with that, I hope I answered his original question. Thank you for your time this evening.

The Deputy Chair: Thank you.

Hon. members, I have the Member for Edmonton-Gold Bar next if he wishes to proceed. Are there any other speakers? Followed by Calgary-Glenmore. Please, the hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Yes. Thank you very much. I listened with interest to the last couple of speakers, and that gave me an opportunity to look through the Agriculture and Rural Development budget estimates. I see where last year – and I checked it on the Internet, and it's an accurate number from 2010-11 – the Farmers' Advocate actually spent \$860,000. Now, that's a lot more than was forecast, and the estimate for this year, I'm pleased to report to the Assembly, Mr. Chairman, is close to \$1 million. It's \$993,000. That's an increase. There seems to be a lot of activity at the office of the Farmers' Advocate.

When we have this office already up and running, the annual report for that office, just to see precisely what is going on there, seems to be difficult for this hon. member to find.

It's also difficult to find, oddly enough, the financial statements for each ministry on the government website. I don't know what they're trying to hide. I don't know why they don't want citizens to see them, but they make them really hard to find.

When we compare this bill and the need for the property rights advocate and the office of the Farmers' Advocate, I don't understand why they couldn't be one and the same.

Mr. Anderson: Oh, come on. Give me a break.

Mr. MacDonald: Oh, come on. Now, give me a break.

Well, the Alberta Surface Rights Group. I wonder who they are, and I wonder if they have any members down around High River. I'd bet there's the odd member of this group in High River. [interjection] And you think they're all voting for Danielle Smith? Well, I could see why, with the skepticism that's displayed from hon. members across the way.

Now, I'm looking, Mr. Chairman, at the Alberta Surface Rights Group. [interjections]

12:00

The Deputy Chair: The chair wishes to remind everyone that it's Edmonton-Gold Bar who has the floor at the moment.

Mr. MacDonald: They ask the question, "Do we need a property rights advocate?" [interjections]

Chair's Ruling Decorum

The Deputy Chair: Perhaps some people didn't hear. I said that the hon. Member for Edmonton-Gold Bar has the floor. As much as I appreciate the levity at midnight, let's observe the parliamentary procedures here.

Please proceed.

Mr. MacDonald: And if they continue, you're going to have to blow your whistle really hard and put them in the penalty box.

The Deputy Chair: I might have to do that.

Debate Continued

Mr. MacDonald: Now, the question is asked by the Alberta Surface Rights Group: do we need a property rights advocate, a

property rights advocate office? This is a question that was asked by them hardly a month ago.

They go on to say, correctly, that

last week the Alberta government announced it was going to establish a "Property Rights Advocate Office". The purpose of this office was very vague, citing a one stop shop for information on property rights and advice on how to best deal with violations to your property rights! Not much other information...

They go on to say,

... just this meaningless drivel.

Those are their words, Mr. Chairman.

Whenever we look at the set-up we already have and what is going on in the office of the Farmers' Advocate, there are a lot of things, but we have no way of checking up other than following some of the links to seismic water-well testing guidelines, the Energy Resources Conservation Board, the Alberta Utilities Commission, Sustainable Resource Development, the Surface Rights Board, Alberta Environment, Synergy Alberta, Alberta Rural Crime Watch, the Freehold Owners Association, surface rights groups, and the Agricultural Operation Practices Act. These are some of the links from the office of the Farmers' Advocate. But, again, you click on their annual report, the 37th one, and it doesn't come up.

Now, the Alberta Surface Rights Group, when they're discussing this bill, propose the following questions to the hon. Premier. "How much is this office going to cost the taxpayer?" That is one of their questions. Will it be in the millions or tens of millions of dollars? I don't think it would be – at least, I hope not – but with the past history of spending by this government, maybe it will be a \$10 million office. There's no shortage of money for public relations to try to solve a political problem, and this is what this bill is trying to do.

"How many lawyers need to be hired?" Again – and we talked about this earlier, Mr. Chairman – "will it be farmed out to the government's favourite crony law firms?" I don't know who they are, but whenever the hon. member gets to speak, I may look and see which law firms donated to which candidates in the recently concluded Progressive Conservative leadership campaign.

"How plush of an office" will be needed? How many people will work in here? I know how many people work in the Farmers' Advocate office. They seem to be listed here, and there are at least six or seven, maybe more. The Alberta Surface Rights Group is asking for the total price tag of this bill and what this office will cost, and I think that's a valid, valid question.

[Dr. Brown in the chair]

Now, they go on to say: "Apparently the Justice department will be running the show." That's very interesting because we know that the Justice department – and we know who used to be the previous Justice minister, Mr. Chairman – is responsible for the drafting of the legislation, all the legislation that's now going to be sort of promoted through this office.

Now, the Surface Rights Group also questions, "Will the actual people who own the property have any say in who is appointed" property rights advocate? That's interesting. That's another very valid question. I've been proposing in this Assembly that there be in the library the list of agencies, boards, and commissions where people are appointed to them by the government. Included in that list would be the following: how long the appointment lasts; if it is vacant or, if not vacant, when it will become vacant; and the compensation level. So any interested person who is perhaps not a glitterati PC Party member could maybe make an application and

hope that they would be appointed to that agency, board, or commission.

The federal government. You can go to the library at the House of Commons. There's a book there, and you can check out all the appointments to the agencies, boards, and commissions, what they're paid, when the term expires, and if you're interested, you can apply. The same should apply in this province. If it applied in this province and it was not done in secret, then the Alberta Surface Rights Group perhaps wouldn't have a point when they ask the question, "Will the actual people who own the property have any say in who is appointed?" They go on to suggest here that this will be a patronage appointment to reward some glitterati PC Party member. I hope it would never get to that, but I don't have any confidence that it would not.

They go on to suggest that we could have someone like the former Premier, the hon. Member for Fort Saskatchewan-Vegreville, or the current Member for Calgary-West, who is retiring. Calgary-West: that would be an interesting gentleman to have, if this bill is to become law, as the first property rights advocate. I would like to go to a meeting that he would be chairing as property rights advocate. It certainly would be interesting, and I think the hon. Member for Edmonton-Centre would agree with me. If the sheriffs were there in large numbers, there would be probably a good reason for their presence.

This is another good question from the Alberta Surface Rights Group. "How is this new office any different than the Farmers' Advocate Office, which already supposedly gives out information on property rights and advice on how to deal with violations to your property rights?" I would like an explanation from the hon. members across the way regarding this because, again, I think we're duplicating efforts here. We're creating an office needlessly when there's one already in existence. We may have to tweak the budget, hire a few more people, but I think it would be cheaper in the long run, and it would work out just as well.

I can understand why people say this, particularly if you go to a surface rights meeting or you meet with a group of freeholders. We have to restore confidence in the Farmers' Advocate office. I can see why some people, particularly in rural Alberta, view it as nothing more than an oil company cheerleader office, as it's been described.

Again, the Alberta Surface Rights Group questions: why would the property rights advocate office be any different than what they have labelled the Farmers' Advocate office?

There's a duplication here, but I'm not going to bore the Assembly with a reminder of what I said previously on this, Mr. Chairman.

Ms Blakeman: Thank you.

Mr. MacDonald: You're welcome. You're very welcome.

But be mindful that this is a public relations bill to try to get this government through a very difficult time in the lead-up to the provincial election, which is coming up. All the PC candidates across the province can say: "We listened to you. We had this commission. We listened, and this is the result. We're going to set up a property rights advocate office."

Ms Blakeman: Do you think people actually asked for that?

12:10

Mr. MacDonald: I can't find anywhere where this property rights advocate office was requested.

Ms Blakeman: But how did they listen to people if no one asked for it?

Mr. MacDonald: Well, they have selective hearing, and they have vivid imaginations. The vivid imagination can be very useful at times.

Now, the Property Rights Task Force claims that there was a great groundswell of people asking for the property rights advocate at recent open-house meetings. Some people claim that they attended more than one meeting, and they never heard a word uttered about anyone requesting a property rights advocate.

I said earlier that in a lot of the meetings I attended, a lot of people stood up and admired Keith Wilson for his grasp of the issue and for his legal interpretations of some of the stunts that this government has attempted in the last couple of years. But no one has said that we need to spend a couple of million dollars creating an office and have a political appointee chair this office and quietly promote Bill 19, Bill 36, Bill 50, and Bill 10, carbon capture and storage, and the property rights changes that were made in that bill.

Now, the Alberta Surface Rights Group, many of whom attended these meetings: what they did here and what I heard in Eckville about a year ago was a call to repeal the land theft bills, as they call them, and to a lesser extent the call for a property rights protection act. That would be interesting, and I would suggest the government get the hon. Member for Calgary-Glenmore's view and the hon. Member for Airdrie-Chestermere's view on the drafting of a property rights protection act. That would be an interesting dialogue to listen to, Mr. Chairman.

The Alberta Surface Rights Group suggests that the bill that we're discussing here this evening "is little more than pre-election window dressing, designed to confuse the more gullible among us." That's a direct quote, Mr. Chairman, and I'm going to repeat it because it certainly is, in my view, true. "This announcement of a Property Rights Advocate is little more than pre-election window dressing, designed to confuse the more gullible among us." They go on to say and to warn that this is a lot of money that is being spent in the creation of "a phony bureaucracy that will in fact be totally useless!"

Now, the last question that they ask is this, Mr. Chairman. "When will [the hon. Premier] stop spending money on foolish deals like this, in an attempt to divert and deceive, rather than actually try to solve the problems her government has created?"

Of course, we all know that the Justice department and the Justice minister review each and every piece of legislation, so the current Premier would have been involved in the drafting of Bill 19, Bill 36, Bill 50, and the repair bill, which was Bill 10, and the property rights which were removed whenever we changed it with the carbon capture and storage bill. Someone described that bill as the largest property theft in the history of this province. It was a lawyer who described it to me in those terms.

Certainly, Mr. Chairman, Bill 6, the Property Rights Advocate Act, in my view, is not needed. It is totally unnecessary. I realize, as do Albertans, why the government is attempting this at this time.

I'm going to be busy during the election, and I'm not going to get an opportunity, I'm disappointed to say, to travel through much of the province, but I can be confident that many government members are going to stand up and claim that this bill is an answer to all the problems that they have created through flawed legislation in this term. This idea that this government is finally engaging with Albertans and listening and that this bill is a result of that is a work of fiction. There's no doubt about that.

I can just see from the list of committee members that the current Minister of Agriculture and Rural Development was vice-chair. Other members included the Minister of Justice and Attorney General; the Minister of Infrastructure; the Minister of

Intergovernmental, International and Aboriginal Relations; the Minister of Sustainable Resource Development, from up in Peace River; the MLA for Lacombe-Ponoka – I wonder if he got paid to sit on this committee – the hon. Member for Edmonton-Calder; and the hon. Member for Strathmore-Brooks. That was a sizable task force.

They claim they met with 1,100 Albertans in 10 communities and heard from more than 300 others online. They heard from people by telephone and by e-mail. They conclude by saying that this was a listening exercise. This task force had over 1,400 Albertans participating in this listening exercise. That about sums it up. It was an exercise, just like the bill that has resulted from this listening exercise is a public relations exercise with no consequence to the taxpayers.

Mr. Hinman: Exercise is supposed to be good for you.

Mr. MacDonald: Exercise is supposed to be good for you, hon. member, yes.

Mr. Chairman, certainly, I don't think we need this property rights advocate. I agree with the authors of this letter. It's a creation of the government to get rid of a political problem.

The Acting Chair: The hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Chair. It's always interesting in these debates to go through some of the points that are brought up, and I guess I want to refer to a couple from the ag minister. He made a few comments. I have to say that he started off by talking about canals and that these canals don't have rights-of-way, which they absolutely don't. But these canals already exist.

I don't think there'd be anything more exciting than if the minister of agriculture knows of a new major reservoir. I know there have been a couple of smaller ones – he's talked about Pine Coulee – but those aren't major reservoirs like the Oldman River dam and the one that we need up at, I guess, the start, at the tributaries of the Belly and the Milk rivers in that area, that would actually back up into the U.S.

For most farmers that I know of, if the government were to start a new irrigation project and say, "We're going to put a canal through here to deliver water to your land," I'd be very interested to see how many of those individuals are fighting. When water is delivered, I think, the average price quadruples. I'd have to verify that. It's been a few years, but it seems like it goes up quite a bit. I think they'd be quite excited to be able to have a canal come through.

What's even more interesting is that the minister talked about all the rehabilitation that the irrigation districts are going through in southern Alberta and the precision. I wouldn't say that they're being frugal with their water. I would actually say that the precision in delivering that water is phenomenal, with drip irrigation and whatnot, so that we reduce the evaporation and the problems associated with that. Along with that, though, a lot of the rehabilitation that has been going on there, Mr. Chair, has been to go to pipelines, and canals are not the preferred way to go. But it is kind of interesting because when Alberta agriculture funded a rehabilitation project – and we've funded many, many canal rehabilitations – all of a sudden it's taken out of the cycle.

12:20

I think it's a 20-year life span. They may have upgraded a canal 15 years ago, and now with the new technology and the price and the things they're doing with pipelines, they can't actually move forward with some great water conservation without the minister or the government actually saying: "You know what? We're going

to allow this rehabilitation to come forward early" because, again, of the rules and regulations that they've set up there.

[Mr. Zwodzesky in the chair]

His comments about Revelstoke and Atlas and that group were interesting, but again I wasn't quite sure. I guess it goes two ways because you lost me on what you're trying to discuss on those leases and those rights. I think it's critical that those people who own a lease or, you know, have that right to harvest those trees are protected. Like you say, in the past, to my experience, they've always been able to negotiate and to do, whether it's land swaps, whether it's acreage swaps for forestry and logging. I think that those industries are always amiable. The fear, though, is that if they don't have access to the courts, the government can actually come in and take these leases or logging rights and not necessarily compensate them fairly. That, Mr. Chair, is where the fear is.

That's the problem, that this is subject to the minister, not subject to the rule of law. Sorry for the pun here, but it just doesn't hold water to say: don't worry about it. They want to be able to hold the water. They want to have some security. Again, as I was speaking about earlier this evening, that security by the World Bank is really: how well do we respect the rule of law? When I say that, I don't mean: what kind of draconian laws can the government pass, and therefore we have to follow them. We're talking about the rule of law, which protects the life, the liberty, and the property of those individuals.

I guess I want to go back to respecting contracts. I talked a little bit earlier, you know, about Alberta First Nations Energy Centre and how they've got partners that have come in. They've spent the equivalent of probably \$20 million on a class 3 engineering report to show the viability of their project. They had two ministers come in and talk to them. The first one said that it's not economically viable. Then the next minister comes in and says: "Well, you know what? You didn't get a good enough deal for your people, so we're not going to allow this to go forward." So there was total discord on those two fronts in not knowing what's going to happen there.

It goes back to when you have a contract, when you have, you know, 13 conditions to that contract that you need to fulfill, yet when you do that, then the government or the minister or the Premier all of a sudden seems to think they have a new idea, and that's pulled out from under them. That's a real concern.

What I'm trying to get back to here, in relating to this Bill 6, is that it just isn't good enough to have an advocate to be able to go for industry or for property owners or for a farmer and say: well, we've got an advocate that we'll send down to you, and he'll hold your hand and walk you through to explain why we're doing what we're doing to you and why you might not be getting full compensation or why you can't go to the courts. It's just wrong, Mr. Chair, that we've brought forward this property rights advocate in response to the report of the Property Rights Task Force.

The hon. Member for Edmonton-Gold Bar has gone through his letter there and the numerous problems that exist in looking for an advocacy. Again, when you look at the fact that we're running – and again, I'm very disappointed I wasn't able to debate the appropriation this evening. Again, closure came in at the appointed hour. It's always nice how the government can move from one bill, when you think you're going to be able to speak to it, pull it off the table. The time allotted runs out, and then they bring back something else.

The problem that we have here that Albertans are facing is that we don't have rule of law. What we have are arbitrary decisions

that can be made at the ministerial or cabinet level, and we're told that that's where it's at.

It's also interesting that the agriculture minister talked about central planning. That's one of the problems with all of this. I was kind of amazed that he would even go that route because I would have thought that as a former reeve of that area he and his elected people would know far better what's really needed in that area. He gave some good examples of how the ERCB was wanting to drill through water aquifers and that they couldn't stop it. Now he's saying: well, with the land use we can actually legislate that. I don't understand why we couldn't legislate and protect aquifers and just have a water protection act, which I know this government is working hard on in looking at how we're going to protect watersheds and waterways and all of those things. Yet we get this omnibus bill, almost, to say: well, an advocate is going to cover this.

Again, they scoffed over there when the hon. Member for Edmonton-Gold Bar said: well, you know, couldn't it be part of the Farmers' Advocate? There was an uproar. "Oh, no, no, no." Well, I think there's going to be a bigger uproar on whether or not we even need an advocate. Why do we need an advocate? Because they're not protected by the rule of law. For the life of me I don't understand why they won't back up and listen to Albertans. They've been going around for three years. I don't know of a single meeting where they could have left feeling good and saying: I think we've got it right. I mean, there was just fury in the room. "Why are you doing this to us?"

To go to Bill 6 and talk about the property rights advocate, in the theme he was saying that we need to have central planning. I just don't know of anywhere in the world where central planning has worked and why we'd want to bring it here to Alberta and all of a sudden think that for some reason elected people in Alberta . . .

Mr. Berger: Point of order.

The Deputy Chair: The hon. Minister of Agriculture and Rural Development is rising on a point of order.

Point of Order Relevance

Mr. Berger: Yeah. First off, relevance.

The Deputy Chair: Which citation are you citing? From *Beauchesne*?

Mr. Berger: Okay. I'll accept that. Is there any relevance we're going to get to? The comment is, though, that I never did say anything about central planning.

Ms Blakeman: Citation?

Mr. Berger: Well, I'll have to dig one out.

The Deputy Chair: The citation number, hon. member?

Mr. Berger: Go on. My comment is on the record.

The Deputy Chair: Standing Order 23(h), (i), (j)?

Mr. Berger: Standing Order 23(h), (i), (j) will work.

The Deputy Chair: I'm sorry. I hear somebody shouting *Beauchesne* 459. Would that be the one?

Ms Blakeman: If you want to use the rules, get to know them.

Mr. Berger: I was in a hurry.

The Deputy Chair: Hon. member, 459 *Beauchesne* for relevance?

Mr. Berger: Yes, 459.

The Deputy Chair: Okay. Proceed.

Mr. Berger: My comment is that I never mentioned central planning whatsoever in anything I said, so I'd just like to correct that for the record. That was never a comment I made.

Mr. Hinman: I will be more than thrilled to show him in *Hansard* that he did use the words "central planning" earlier this evening. *Hansard* will verify that tomorrow for him. I understand that often we get up and we start talking, and we use words that aren't quite articulated in the way we want.

The Deputy Chair: This is a point of clarification, then. We'll await that clarification. Thank you.

Hon. member, proceed, then.

Debate Continued

Mr. Hinman: Thank you. Perhaps even the chair could have verified it. I know he's listening intently. The one person that I'm always impressed with is watching that.

To go back to central planning and the dilemma that it causes, you have the government, which are just elected representatives, which are usually disconnected from another area, yet they have some passionate, burning desire in their heart, whether it's to build a trail or to build a waterway or to build a park or to protect a lake. Who knows what their passion is and why they're there? But he has absolutely no connection to the people in that area and what they might want to do.

12:30

You know, we had some problems with our regional planning going back, but we shouldn't have thrown the baby out with the bathwater. We needed to do some tweaking. Down in southern Alberta the Oldman River planning commission did a pretty good job. People would go there. They had the different counties, the different MDs that went, and they brought their debates. They were local, and their local people talked to them, and when they passed something, it changed.

It's kind of interesting. In Springbank, just west of Calgary, back in the '90s the people that were elected on the board there put a moratorium on and said: "There are not going to be any more acreages that are coming out in this area. We're going to have a moratorium. We're going to protect our land." I was kind of naive then, thinking: "Oh, gosh. A moratorium is in place. That'll never change."

It's funny. As different individuals started to retire, they realized: oh, I've got to sell this for farmland when I could, in fact, sell it fivefold for a development or acreage? Lo and behold, the next time an election came along, there was a new group of local people on there, and they're allowing development again. Those landowners made a lot of money because once again acreages were allowed and the moratorium was lifted. We can argue from central government, saying: "Oh my goodness. They had no right to do that. We need to protect that." Again, there are lots of interesting things that are coming forward on how to compensate different areas from development and to hopefully be able to keep it in that area.

The point that I want to make, Mr. Chair, is that central government just doesn't work. Everything that this government has been passing, whether it's for health care and the superboard, whether it's for the education portion on the taxes, whether it's for ambulance service around the province, whether it's for land use: they're centralizing. They're saying: "You know what? If we just bring it in closer into the government, into cabinet, into the Premier's office, we'll be able to solve all of our problems." In fact, we're just exacerbating those problems, the contentions and the fighting and the worry that's going on.

Don't fall off your chair there, hon. member for High River. You won't be there much longer, so you can enjoy. High-five. Keep it up. You're doing great there. Enjoy your retirement.

It's interesting to watch, Mr. Chair, the reaction from this government as they go headlong into an election with such bogus bandages as Bill 6, saying: "Oh, we listened. We've got an advocate for you now. You can count on us. You can trust us. This guy is awesome." As the hon. Member for Edmonton-Gold Bar brought up, how much does it cost us? What's going to be the cost and the size of this?

My goodness, when you look at how many cabinet tours have gone around in the last two and a half years since Bill 19 first came out, boy, oh boy, that was a lot of advocacy work that's gone on. How many dollars have been spent?

The bottom line is, I was saying, that I don't know of a single meeting where these guys could have walked away and said: "Wow, we finally got it right. Everybody here was encouraged that we got it right, and they're supporting us. Now we can go back with this amendment, and rural Albertans that have been coming out in droves will be pleased and say: 'The government is listening. They finally see the light, and they're going to protect us.' We're going to go back to the rule of law, where we understand the Expropriation Act and what we can and cannot do." [interjections]

There are too many people wanting to throw a few questions at me. I apologize, Mr. Chair. They often have good ones, and sometimes it actually – what would I say? – speeds up the process, but we're not looking for speed this evening. We're looking for content, and we're looking for clarity, and we're looking for an A-plus, not three Cs. An A-plus would be for this government to say: "You know what? I think we've debated this enough tonight. Let's all go home and think about it." What they need to do is to protect Albertans and adjourn debate and move on.

Instead, what they want to do is that they want this to pass. In good conscience, I can't allow that to happen. If we're going to keep going on here, I'll keep on going because I think that there are some fundamental freedoms and rights that need to be fought for and some that should be fundamental freedoms and rights that aren't fought for.

I'm going to give a little lesson that I received some years ago. Here in Alberta, Fortis et Liber, strong and free . . .

An Hon. Member: Leeber.

Mr. Hinman: Some people like to say leeber, but I like to go back to the old Latin term, liber. I think that I'd even sit down if the hon. members over there could tell me what liber means in Latin and go with that, especially the Education minister. Maybe if he listens, he might get educated a little bit here tonight on what liber is.

In Latin liber is actually the inner bark of the tree. Then you say: what does that have to do with anything? Actually, the inner bark of the tree is what the first people creating law and ownership used to write down their titles on. So liber, as in do you have any

liber to show me that, means: where is your paper to show me that you own that? They owned property. They owned slaves. It was a liber. That was the root word for library, libro in Spanish, and all of that. It was the paper, the ownership, that you owned it on. It was critical for whether or not you could establish in law and have it written on that inner bark of the tree. It became a book.

If you go down to land titles, they have all of the papers there. That's the purpose. The bottom line is that this government is jeopardizing the strong and free society that we have. Why? Because they don't have respect for rule of law. They don't want to have a book, a book of rules, a book of property that they have to respect.

What they want to be able to do is to say: hey, we've got this new fabulous idea. Good heavens. It could be here in the fabulous constituency of Edmonton-Centre, in which our committee works tonight, that we were once again welcomed to. I always appreciate the warm welcome. She always welcomes everybody here in the Legislature.

It's rule of law. That's what it is. It's about what's written down there. Again, with the rule of law the most important thing is that when the rule of law is clear, people can predict and know what they need to do. When it comes to property rights, the rule of law and, again, our surveying, we actually know. We can go out there, and we can find the survey pegs for – gosh, what was that? – the old Dominion surveyors. They came across Canada. I mean, those guys were remarkable. There's nothing neater than being out on your horse on the prairie and you come along to a place where they've dug four holes a hundred years ago, and you know that in the middle of that, if you dig down a foot, you'll find the steel peg that they put in there a hundred years ago.

The other interesting thing about that is that they did that because they wanted to make road allowances. One of the things that's a primary concern of government is to have your transportation and utility corridors scoped out, placed out so that people can do that. This government has failed dramatically when it comes to transportation and utility corridors. They want to bulldoze ahead and not worry about boxing themselves in.

In southern Alberta, in Calgary, we still don't have a ring road because this government has failed to see the importance of respecting the rule of law, respecting those people who have that property, going through a proper and fair and equitable way of obtaining that. They keep forgetting that we need to do this, and then we get caught on the short side and say: oh, what are we going to do for a ring road? Then we look at some ridiculous solutions that this government has come up with on going under, going over, going around rather than doing the right thing of planning a little bit ahead of time.

12:40

The Deputy Chair: Thank you, hon. member.

I don't believe there are any other speakers. Is the committee ready for the question?

Hon. Members: Question.

[The clauses of Bill 6 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Deputy Chair: Those opposed? That, too, is carried.

The hon. Deputy Government House Leader.

Mr. Weadick: I'd move that we now rise and report progress on Bill 6.

[Motion carried]

[Mr. Zwozdesky in the chair]

The Acting Speaker: The hon. Member for Strathcona.

Mr. Quest: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports the following bill: Bill 6.

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

Hon. Members: Concur.

The Acting Speaker: Are there some opposed? No. So ordered, then.

Mr. Weadick: In light of the hour and the work that we've gotten done tonight, I would move that we adjourn until today at 1:30.

[Motion carried; the Assembly adjourned at 12:42 a.m. on Tuesday to 1:30 p.m.]

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