



Province of Alberta

The 28th Legislature
First Session

Alberta Hansard

Monday evening, November 19, 2012

Issue 19e

The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

Zwozdesky, Hon. Gene, Edmonton-Mill Creek (PC), Speaker
Rogers, George, Leduc-Beaumont (PC), Deputy Speaker and Chair of Committees
Jablonski, Mary Anne, Red Deer-North (PC), Deputy Chair of Committees

Allen, Mike, Fort McMurray-Wood Buffalo (PC)
Amery, Moe, Calgary-East (PC)
Anderson, Rob, Airdrie (W),
Official Opposition House Leader
Anglin, Joe, Rimbey-Rocky Mountain House-Sundre (W)
Barnes, Drew, Cypress-Medicine Hat (W)
Bhardwaj, Naresh, Edmonton-Ellerslie (PC)
Bhullar, Hon. Manmeet Singh, Calgary-Greenway (PC)
Bikman, Gary, Cardston-Taber-Warner (W)
Bilous, Deron, Edmonton-Beverly-Clareview (ND)
Blakeman, Laurie, Edmonton-Centre (AL),
Liberal Opposition House Leader
Brown, Dr. Neil, QC, Calgary-Mackay-Nose Hill (PC)
Calahasen, Pearl, Lesser Slave Lake (PC)
Campbell, Hon. Robin, West Yellowhead (PC),
Deputy Government House Leader
Cao, Wayne C.N., Calgary-Fort (PC)
Casey, Ron, Banff-Cochrane (PC)
Cusanelli, Hon. Christine, Calgary-Currie (PC)
Dallas, Hon. Cal, Red Deer-South (PC)
DeLong, Alana, Calgary-Bow (PC)
Denis, Hon. Jonathan, QC, Calgary-Acadia (PC),
Deputy Government House Leader
Donovan, Ian, Little Bow (W)
Dorward, David C., Edmonton-Gold Bar (PC)
Drysdale, Hon. Wayne, Grande Prairie-Wapiti (PC)
Eggen, David, Edmonton-Calder (ND),
New Democrat Opposition Whip
Fawcett, Hon. Kyle, Calgary-Klein (PC)
Fenske, Jacquie, Fort Saskatchewan-Vegreville (PC)
Forsyth, Heather, Calgary-Fish Creek (W)
Fox, Rodney M., Lacombe-Ponoka (W)
Fraser, Rick, Calgary-South East (PC)
Fritz, Yvonne, Calgary-Cross (PC)
Goudreau, Hector G., Dunvegan-Central Peace-Notley (PC)
Griffiths, Hon. Doug, Battle River-Wainwright (PC)
Hale, Jason W., Strathmore-Brooks (W)
Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),
Government House Leader
Hehr, Kent, Calgary-Buffalo (AL)
Horne, Hon. Fred, Edmonton-Rutherford (PC)
Horner, Hon. Doug, Spruce Grove-St. Albert (PC)
Hughes, Hon. Ken, Calgary-West (PC)
Jansen, Sandra, Calgary-North West (PC)
Jeneroux, Matt, Edmonton-South West (PC)
Johnson, Hon. Jeff, Athabasca-Sturgeon-Redwater (PC)
Johnson, Linda, Calgary-Glenmore (PC)
Kang, Darshan S., Calgary-McCall (AL),
Liberal Opposition Whip
Kennedy-Glans, Donna, Calgary-Varsity (PC)
Khan, Hon. Stephen, St. Albert (PC)
Klimchuk, Hon. Heather, Edmonton-Glenora (PC)
Kubinec, Maureen, Barrhead-Morinville-Westlock (PC)
Lemke, Ken, Stony Plain (PC)
Leskiw, Genia, Bonnyville-Cold Lake (PC)
Luan, Jason, Calgary-Hawkwood (PC)
Lukaszuk, Hon. Thomas A., Edmonton-Castle Downs (PC)
Mason, Brian, Edmonton-Highlands-Norwood (ND),
Leader of the New Democrat Opposition
McAllister, Bruce, Chestermere-Rocky View (W),
Official Opposition Deputy Whip
McDonald, Everett, Grande Prairie-Smoky (PC)
McIver, Hon. Ric, Calgary-Hays (PC),
Deputy Government House Leader
McQueen, Hon. Diana, Drayton Valley-Devon (PC)
Notley, Rachel, Edmonton-Strathcona (ND),
New Democrat Opposition House Leader
Oberle, Hon. Frank, Peace River (PC)
Olesen, Cathy, Sherwood Park (PC)
Olson, Hon. Verlyn, QC, Wetaskiwin-Camrose (PC)
Pastoor, Bridget Brennan, Lethbridge-East (PC)
Pedersen, Blake, Medicine Hat (W)
Quadri, Sohail, Edmonton-Mill Woods (PC)
Quest, Dave, Strathcona-Sherwood Park (PC)
Redford, Hon. Alison M., QC, Calgary-Elbow (PC),
Premier
Rodney, Hon. Dave, Calgary-Lougheed (PC)
Rowe, Bruce, Olds-Didsbury-Three Hills (W)
Sandhu, Peter, Edmonton-Manning (PC)
Sarich, Janice, Edmonton-Decore (PC)
Saskiw, Shayne, Lac La Biche-St. Paul-Two Hills (W),
Official Opposition Deputy House Leader
Scott, Hon. Donald, QC, Fort McMurray-Conklin (PC)
Sherman, Dr. Raj, Edmonton-Meadowlark (AL),
Leader of the Liberal Opposition
Smith, Danielle, Highwood (W),
Leader of the Official Opposition
Starke, Dr. Richard, Vermilion-Lloydminster (PC)
Stier, Pat, Livingstone-Macleod (W)
Strankman, Rick, Drumheller-Stettler (W)
Swann, Dr. David, Calgary-Mountain View (AL)
Towle, Kerry, Innisfail-Sylvan Lake (W),
Official Opposition Whip
VanderBurg, Hon. George, Whitecourt-Ste. Anne (PC)
Weadick, Hon. Greg, Lethbridge-West (PC)
Webber, Len, Calgary-Foothills (PC)
Wilson, Jeff, Calgary-Shaw (W)
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
Government Whip

Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

Officers and Officials of the Legislative Assembly

W.J. David McNeil, Clerk	Stephanie LeBlanc, Parliamentary Counsel and Legal Research Officer	Chris Caughell, Assistant Sergeant-at-Arms
Robert H. Reynolds, QC, Law Clerk/ Director of Interparliamentary Relations	Philip Massolin, Manager of Research Services	Gordon H. Munk, Assistant Sergeant-at-Arms
Shannon Dean, Senior Parliamentary Counsel/Director of House Services	Brian G. Hodgson, Sergeant-at-Arms	Liz Sim, Managing Editor of <i>Alberta Hansard</i>

Executive Council

Alison Redford	Premier, President of Executive Council
Thomas Lukaszuk	Deputy Premier, Ministerial Liaison to the Canadian Forces
Manmeet Singh Bhullar	Minister of Service Alberta
Robin Campbell	Minister of Aboriginal Relations
Christine Cusanelli	Minister of Tourism, Parks and Recreation
Cal Dallas	Minister of International and Intergovernmental Relations
Jonathan Denis	Minister of Justice and Solicitor General
Wayne Drysdale	Minister of Infrastructure
Kyle Fawcett	Associate Minister of Finance
Doug Griffiths	Minister of Municipal Affairs
Dave Hancock	Minister of Human Services
Fred Horne	Minister of Health
Doug Horner	President of Treasury Board and Minister of Finance
Ken Hughes	Minister of Energy
Jeff Johnson	Minister of Education
Stephen Khan	Minister of Enterprise and Advanced Education
Heather Klimchuk	Minister of Culture
Ric McIver	Minister of Transportation
Diana McQueen	Minister of Environment and Sustainable Resource Development
Frank Oberle	Associate Minister of Services for Persons with Disabilities
Verlyn Olson	Minister of Agriculture and Rural Development
Dave Rodney	Associate Minister of Wellness
Donald Scott	Associate Minister of Accountability, Transparency and Transformation
George VanderBurg	Associate Minister of Seniors
Greg Weadick	Associate Minister of Municipal Affairs
Teresa Woo-Paw	Associate Minister of International and Intergovernmental Relations

STANDING AND SPECIAL COMMITTEES OF THE LEGISLATIVE ASSEMBLY OF ALBERTA

Standing Committee on Alberta's Economic Future

Chair: Mr. Amery
Deputy Chair: Mr. Bikman

Bhardwaj	Quadri
Blakeman	Quest
Donovan	Rogers
Dorward	Sandhu
Eggen	Sherman
Fenske	Smith
Goudreau	Starke
Hehr	Strankman
Jansen	Towle
Luan	Young
McDonald	Vacant
Olesen	

Standing Committee on the Alberta Heritage Savings Trust Fund

Chair: Mr. Quest
Deputy Chair: Mrs. Jablonski

Anderson
Casey
Dorward
Eggen
Kubinec
Sandhu
Sherman

Select Special Conflicts of Interest Act Review Committee

Chair: Mr. Allen
Deputy Chair: Mr. Luan

Blakeman
Dorward
Fenske
Johnson, L.
McDonald
Notley
Saskiw
Wilson
Young

Standing Committee on Families and Communities

Chair: Ms Pastoor
Deputy Chair: Mrs. Forsyth

Allen	Leskiw
DeLong	Luan
Fox	McAllister
Fraser	Notley
Fritz	Pedersen
Jablonski	Sarich
Jansen	Saskiw
Jeneroux	Swann
Johnson, L.	Wilson
Kang	Young
Kubinec	Vacant
Lemke	

Standing Committee on Legislative Offices

Chair: Mr. Xiao
Deputy Chair: Mr. McDonald

Bikman
Blakeman
Brown
DeLong
Eggen
Leskiw
Quadri
Rogers
Wilson

Special Standing Committee on Members' Services

Chair: Mr. Zwozdesky
Deputy Chair: Mr. Young

Calahasen
Dorward
Forsyth
Goudreau
Jablonski
Mason
Quest
Sherman
Smith

Standing Committee on Private Bills

Chair: Mr. Cao
Deputy Chair: Ms L. Johnson

Barnes	Notley
Bhardwaj	Olesen
Brown	Pastoor
DeLong	Rowe
Fox	Sarich
Fritz	Starke
Goudreau	Strankman
Jeneroux	Swann
Kennedy-Glans	Webber
Luan	

Standing Committee on Privileges and Elections, Standing Orders and Printing

Chair: Dr. Starke
Deputy Chair: Mr. Lemke

Allen	McAllister
Amery	McDonald
Bhardwaj	Notley
Casey	Pedersen
Hehr	Sandhu
Jansen	Saskiw
Jeneroux	Towle
Johnson, L.	Xiao
Kennedy-Glans	Young
Kubinec	

Standing Committee on Public Accounts

Chair: Mr. Anderson
Deputy Chair: Mr. Dorward

Allen	Hale
Amery	Hehr
Anglin	Kang
Bilous	Pastoor
Calahasen	Quadri
DeLong	Sarich
Donovan	Starke
Fenske	Stier
Fraser	Webber
Fritz	

Standing Committee on Resource Stewardship

Chair: Ms Kennedy-Glans
Deputy Chair: Mr. Rowe

Anderson	Hehr
Anglin	Johnson, L.
Barnes	Kubinec
Bilous	Lemke
Blakeman	Leskiw
Brown	Sandhu
Calahasen	Stier
Cao	Webber
Casey	Xiao
Fenske	Young
Fraser	Vacant
Hale	

Legislative Assembly of Alberta

7:30 p.m.

Monday, November 19, 2012

Government Bills and Orders Committee of the Whole

[Mrs. Jablonski in the chair]

Bill 2 Responsible Energy Development Act

The Deputy Chair: The Committee of the Whole has under consideration Bill 2, the Responsible Energy Development Act. Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Strathmore-Brooks.

Mr. Hale: Yes, Madam Chair. I do have an amendment. I have the recommended copies that I would like to pass out now.

The Deputy Chair: We'll pause while the amendment is being passed around.

Seeing as most of our members have a copy of the amendment, we'll call this amendment A3. You may proceed.

Mr. Hale: Great. Thank you, Madam Chair. The amendment I passed out amends section 9(1) under the duty of care. We feel that there needs to be a little more wording regarding public interest. In the amendment I passed out, we would like it to read:

- Every director, hearing commissioner and officer of the Regulator, in carrying out powers, duties and functions, shall
- (a) act honestly, in good faith and in the public interest,
 - (b) avoid conflicts of interest, and
 - (c) exercise the care, diligence and skill that a reasonably prudent person would exercise under comparable circumstances.

We are just adding the words "in the public interest."

This bill works for all Albertans. The regulator will be working for all Albertans in the best interest of Albertans. We are leaving a lot of power in the hands of the regulator, and we want to ensure that the decisions they make are in the best public interest. Again, we support the energy industries. We think there needs to be expansion within industry. This will make it easier. We just want to ensure that what they do is in the best public interest. We want to ensure that the decisions that they do make will not benefit just one company or two companies and put members of the public at risk. We want to ensure that when they make a decision, it's for the good of everybody, so there isn't a winner and a loser. We want everybody to win with this act.

The public, the people of Alberta, own the resources, and they need to be represented. They need to ensure that the development is approved in a respectful and responsible manner. We feel that if the regulator has the mandate to do that in the best public interest, that is what they'll do. You know, we, obviously, are putting quite a bit of faith in the regulator when it makes up its rules, so we're hoping that when it makes up these rules, it will make them up in the best interest of all Albertans, not just the oil companies, not just the landowners but for every Albertan involved, that this bill will continue to serve everybody.

There are going to be many projects that are opposed, but if the regulator has the mandate – you know, not everybody is going to be happy all at the same time. There are going to be some people that maybe won't agree, but if the regulator, like it says here, can "act honestly and in good faith," say that this is in the best public interest to approve this project, then that's something that we as

members of the Legislature and Albertans, I think, will agree with, that we have to look at the one good common goal for the province of Alberta.

There are many projects now that are being opposed and many projects that are going to come up, but if we can ensure that the public interest is upheld and, you know, good communication skills within the regulator and within the oil companies to portray the goodwill and the benefits of the oil industry and the gas industry and what these certain projects will provide for Albertans, if we're upfront and honest right from the start, it's going to be hard for people opposed to have legitimate concerns.

We have to act as legislators in this Chamber. Our job is to do what's best for Alberta and our constituencies, and if we can enforce that on the regulator, to do what's best for Albertans and the oil industry and the landowners and the environment and, you know, get a good handle on everything, make up a good set of rules, I'm confident that through proper communication and public input and public communication and public notice we can carry on in the energy industry and have a very bright future.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other speakers to the amendment? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thanks very much, Madam Chair. As I begin to speak on this amendment, I first want to thank the hon. minister. We actually spoke about this amendment unbeknownst to me when he came down and visited Vulcan. I would like to say that this issue of the definition of public interest and the public interest test is an important issue, and as the hon. minister may remember, that topic did come up at that public meeting in Vulcan.

Now, we also had a public meeting in Sylvan Lake, as some of you may have heard, and we may discuss that at another time, but the reality is that the hon. minister came down, there were some people who were emotional, and he answered their questions. He treated them with respect. He agreed where he could agree, and he disagreed where he just didn't want to be agreeable. But the reality is that we left together, and I think the public for the most part respected the fact that you discussed public interest.

This test is section 3 of the ERCA. This is important because I actually don't think this amendment goes far enough. This amendment is basically putting the public interest test under the duty of care. That is acceptable, but under the old act, under the ERC Act, the public interest test was under section 3. It was well laid out, and it was quite explicit.

7:40

It's interesting because if you flip to section 3 – it's quite extensive, but I'm just going to read the very last portion of it rather than the whole thing. It says that when they look at the public interest, the board must "give consideration to whether the project is in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment."

We're not looking to define the words "public interest." We're satisfied with using it in the broad context that jurisprudence has always applied. What it does do is it now puts the onus of this responsibility beyond just the development. It says that the social and economic interests of all the public have to be considered. It mandates that the environment is now under consideration on how we protect the environment. It also mandates that First Nations interests are covered.

So this public interest test is a broad term, but it's been one of the criticisms this hon. minister has heard now out in public, that it is not covered, that it has been removed from this Bill 2. Here is an opportunity to put it back in, to satisfy some of the criticism. I've not heard a satisfactory answer yet to why the public interest test has been removed from what has been our current statutory makeup, and under this bill it is no longer there. To me that's problematic because most all our laws do basically look at the public at large. We just got done discussing this on the private member's bill dealing with law enforcement. The whole purpose of that is the public interest, the protection of the public.

In this case who owns the resource? Well, the public does. This is their resource. This is our resource. So by putting this test back into legislation, then it's reinstalling what I consider a right of the public, to make sure their interest is looked after. If the regulator doesn't do that, then the public has recourse to question that. They have recourse to take that error in law to the appeals court if the regulator does not comply. That is a check and balance.

We are looking at streamlining this process. As some lawyers have pointed out, there is a problem here because without the public interest in this legislation, the public interest test, there is other jurisprudence legislation, even federally, that the public interest test could be drawn upon to go to court and challenge decisions made under this.

If you look at the criticism of the Environmental Law Society, they say, if they're correct – and anyone can debate that – that this would probably cause more lawsuits to go to the appeals court to have the court decide what is correct versus what we think is going to happen, which is streamlining. In other words, it would be counterproductive. I happen to believe that, seeing some of the things I have seen tested in court. It makes sense, particularly if a decision is made that would be contrary to what has been done normally in the public in the past.

Here we have an amendment trying to reinstall the public interest test, which is I believe a basic right for the public, a basic right for all Albertans. I'm not sure why it went missing under this Bill 2. The hon. minister and I actually debated this a little bit down in Vulcan, and we talked about this significantly. There are a number of examples we can draw upon. When you are looking at an owner of land – and a lot of people were discussing this – or an owner of a business that would fall under this legislation, what about those who lease, who are not the owners of the land but they are the leaseholder? When you take a look at this bill, it actually excludes them. The minister knows what I'm talking about because this was brought forward when we actually talked about the disposition.

Beyond that, there are a number of other examples. When you take on a major project, drilling multipad wells – and I'll use that as an example – a whole community could be affected if it is tapping into their water source. I'll give you an example. West of Rimbey a company came in to use water injection, potable water, a whole lot more than the town of Rimbey would consume in a month, and they were planning on doing that every day. The town now had an interest in what this company was doing. Under Bill 2 that's not the case anymore. They could apply. They could actually file, but under the bill they do not have a right. There's no public interest test, and then, of course, there's no right for them to intervene and actually bring their case forward.

Projects are not always streamlined in the sense that one project is the same as the next. They can affect property owners or a community in a very, very small geographical area like a quarter section, or they could be significant and affect a much larger area,

particularly when you're dealing with issues of water and water rights. This is where the public interest test is of great value to the community.

Now, there are other aspects to this. The narrow term “directly and adversely affecting” eliminates the participation in some of these hearings of experts that might have tremendous value to the board or to the commission, in this case, when they are hearing a proceeding. That has happened in the past, when the commission or the board, in this case, has engaged in a hearing, and somebody, say, from the University of Calgary or the University of Alberta or even some company with experts came into the hearing process because they had an interest in what was happening. They were not necessarily directly and adversely affected, but they had an interest. Again, here we are back to the test of the public interest.

There are a number of examples that I could bring forward. I don't want to bore people in this Chamber.

An Hon. Member: Why not?

Mr. Anglin: Well, I'll have lots of time to talk.

I support this amendment because we need to make sure that the public has faith and confidence in this legislation, and if we don't achieve that, everybody is going to lose. The industry is not going to gain any type of streamlining if the public at large doesn't have confidence and faith that this legislation protects their interest. That's paramount. Without that, it all begins to fail.

If companies don't get the streamlining process that this bill intends to achieve, then what's the purpose? What's the purpose? We've failed. There's no reason for us to fail on this one. We want a streamlined bill so the public has confidence. I know the hon. minister wants a streamlined bill so that we extract our resources and we do it in an orderly fashion. But what we want to have is the language that has not just the confidence but that has listed out in very plain English for the public so they can exercise a right when they feel that their right has been denied. That's important. I cannot emphasize this enough. If the public doesn't have confidence, the bill begins to fail. The system is not streamlined.

I will use the example now of our meeting with the minister in Vulcan versus a meeting that took place in Sylvan Lake. In the same context there were people that attended that meeting that attended both meetings. I will tell you that the meeting with the hon. minister went well. He may have a different idea, but the fact is that I think it went well. The meeting in Sylvan Lake did not go well. It did not go well at all. The difference is what? Well, I would argue that the difference is the confidence of the people, that they thought they were being heard. That was the major difference.

7:50

Now, we can get into personalities if you like, but I don't think we need to go there. The reality is that people needed confidence that they could at least bring their concerns forward. They may not have liked what the hon. minister said. In some cases they didn't, but at least they felt they got heard. That's the difference between a process that I would say was positive in the sense that it worked versus a process in Sylvan Lake that did not work. That's a real microcosm example, but it is still an example. If we go and create this commission that does not have a public interest test and end up with a process where the public does not feel like they can be heard or that we do not listen, then we're going to end up with on a macro level what we saw on a micro level in Sylvan Lake. And I will tell you that the industry will not win. They will lose.

We need a process that even if property owners or businesses or even oil companies and gas companies don't like the decision that they got, as long as they know they had a fair process, that they got a decision in a timely fashion – and you know as well as I do that some people are just not going to be happy at the end; that's true. But if the process generally is fair, they will accept it, and we will get on with doing the business that we should be doing. By removing certain rights from this Bill 2 that are in the ERC Act, I think we're heading down the wrong way. We're not going to achieve what we want to achieve, and we will then fail. We will fail industry. We will fail the landowners, the property owners. We will fail those small businesses, and we will fail those communities.

It is imperative that we have the public interest test reinserted back into this bill. Doing it under the mandate of duty of care is sufficient. It's not exactly how I would like to have seen it. I would like to see it with its own section as part of the decision-making processes. Maybe one of my fellow members might bring that amendment forward later, but right now we're dealing this amendment, and it is an extremely important amendment. If you reject that amendment, I think that's a rejection of the public at large.

An Hon. Member: Oh, garbage.

Mr. Anglin: Seriously. I really mean that. [interjection] Well, if you say that we don't want to have the public interest test, what does that say to the public? I mean, that's really what we're saying here.

I realize we engage here a little bit differently than when we engage out in public, but I will tell you this: the public sees these words differently than maybe we do, and they see our actions maybe a little bit differently than we do. We're not talking about us here across the aisle. We're talking about the public's participation in a hearing process so that we can get on with the business of extracting our resources. We can do it in an orderly fashion, and we can treat people fairly and justly. By the way, those two words "fair" and "just" don't appear in the bill anywhere. We're not treating people like that. It's not mandated.

By putting the public interest test back into the bill, we're partway there, and that's important, to keep going in that direction versus the other direction we're heading. The other direction we're heading is that there are going to be battles out there in the development of our resources, and with that nobody gains.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Hon. members, I am seeking unanimous consent to revert to introductions.

[Unanimous consent granted]

Introduction of Guests

The Deputy Chair: The hon. Minister of Environment and Sustainable Resource Development.

Mrs. McQueen: Thank you, Madam Chair, and thank you to the House for agreeing to this. I want to introduce a very dear friend who's in the gallery joining us here this evening, a great volunteer in our community, the treasurer of my constituency association, and the chair of our school board for Drayton Valley-Rocky Mountain House. Nancy McClure does an outstanding job for students and for parents and families across this province. Nancy, would you please rise and receive the welcome of this Assembly?

Bill 2 Responsible Energy Development Act (continued)

The Deputy Chair: We shall proceed. On amendment A3 are there any other comments? The hon. Member for Banff-Cochrane.

Mr. Casey: I would like to speak to the public interest piece of this. I think there's a very legitimate reason why it's not included in this. It has nothing to do with property rights, and it has nothing to do with taking anyone's rights away. I've lived a very real example of this for 20 years. A decision was made in our community by the NRCB in the public interest. People somehow confuse the public interest with an individual in the singular term, in the case of a landowner, or a community concern, but that's not the case. That's one of the reasons why it's out of the act. It's because there's confusion around what it really does mean.

If you interpret public interest to mean in the greater interest of all Albertans, then from a landowner perspective you couldn't want anything more detrimental to be put in this act than reference to community interests because that adds justification to anybody to overrun you, to put the interests of what they perceive to be those of all Albertans ahead of you as a landowner. That, Madam Chair, is absolutely out of line with anything to do with property rights. This is not about property rights. You know, the statement of public interest has nothing to do with individual property owners having a say. The act that says that if you consider yourself or that you believe yourself to be affected does. The part in the act that speaks about registering your agreements and having the province step up and defend those for you does have something to do with property rights. But public interest is an extremely dangerous term for any landowner in Alberta.

I can tell you that after 20 years of dealing with that term and I don't know how many hundreds of thousands of dollars in legal fees that we have spent as a municipality as well as the landowner has spent trying to figure out what public interest really meant and how far that could really go, at the end of the day it was in nobody's interest, no one's, not the public, not the community, not the landowner.

So I think that it's more than appropriate that any reference to public interest be out of this act. If you need that kind of detail about who and when and where and what would be considered, then put it in the regulations so you can amend it from time to time to reflect the importance of the community, the importance of landowners as you move forward. But the wrong place to put it at this point is in this act.

Thank you, Madam Chair.

The Deputy Chair: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Thank you, Madam Chair. It's an honour and privilege to be able to rise and speak in favour of this amendment. I do so on a few fronts. One thing that struck me when this bill was brought to the table is that most bills are given quite a bit of a preamble or some purpose of intent of what the new Responsible Energy Development Act will be in essence used for, what will be some of the interpretive language used not only to guide people who serve on this board but also to give some people who are utilizing the act to defend their interests or garner some purpose as to what an act is actually about. That is sort of contained in the preamble.

You saw that, of course, with the Education Act recently. There was a long preamble on what the legislation was supposed to provide, what was the balancing act that the government was trying to achieve, and what were the goals listed that the govern-

ment was trying to achieve by the act. One of the difficulties with the Responsible Energy Development Act is that there is no preamble that gives some sense of direction or some sense of well-being or sense of purpose to what the act is able to do or trying to achieve. Oftentimes a preamble is necessary. It's necessary for people working under the Responsible Energy Development Act and also for people trying to use it. Without that broad stated purpose of what the act is supposed to entail, well, that gives me some concern. It leads me directly to this amendment.

8:00

If there had been a broadly stated purpose of the act and what it's supposed to do, what goals and overarching abilities it had, and what it was trying to achieve, I would be less worried about there being a reference to public interest. I would be less worried about the lack of it from that kind of perspective. As pointed out, public interest is a very difficult – everyone understands it, but they always understand it through their own lens. It's very difficult to get a broad handle on public interest because everyone has a different viewpoint on it.

Nevertheless, legislation is not supposed to be easy. Governing is not supposed to be easy. In fact, a responsible energy development community would not be worried about making things easy. One of the reasons I am in favour of this is that this omission is new here in Alberta. Previously, in section 3 of the ERCB Act, they were to make decisions on energy projects “in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment.” This was fundamental to the ERCB's mandate. People knew it, they referred to it, they understood it, and they understood it in different contexts, although it wasn't always easy to convey that message.

I do note that the last speaker did point out that this was obviously difficult to do. The government apparently has bought into that and sought to do away with it. But the thing is: what will stand in its place? Since we have no preamble that says what the act is trying to accomplish, what the roles and responsibilities are of the people, or what the overarching goal of this act is, what is to replace it? There is no clarity into what is supposed to replace it. We're supposed to trust that this is going to be subsumed in regulation, where it will be listed with more clarity that will describe what is meant by public interest or what, in fact, will be the new public interest of this body. We're supposed to just simply trust that that is there. It might be that this is where the act falls short.

If the government in its wisdom was going to do some new version of public interest, this should not be stated in some regulation that can change from government to government, that can change from minister to minister, that can change with, I guess, the stroke of a pen. Sometimes acts like these need to have it referenced somewhere within. Since the government hasn't given me any other clear indication of what is to replace public interest but is more just dealing with the words “safe” and “environmentally responsible,” which they're reviewing on a project-by-project basis, safe and environmentally friendly, that causes me concern.

Maybe there's going to be something in the regulations dealing with cumulative effects. Maybe there's going to be something in the regulations that deals with the overarching concerns of Albertans around cumulative effects and the like and dealing more with that broad public interest mandate that would be reflected in that. At this time I don't see it. Since I don't see it at this time, I feel it is necessary to fill in some of the blanks as to what, actually, an act of this magnitude and with this direct effect on not

only our energy industry but on our citizens at large and future generations at large – we need some more clarity around this.

So in that way I applaud the hon. member for bringing forward this amendment to try and clarify what this act is trying to achieve, what is the broader mandate, and what the people working under the Responsible Energy Development Act can refer to: what is their mandate, what are their goals, and how are they supposed to apply these broad-based principles?

I would urge all members here tonight to support this bill or, in fact, maybe try and bring some of this stuff forward in a more clarified fashion so that we can understand what the overall goal, the overarching mandate of this bill is. To date I'm having trouble getting some clarity on that.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any other comments on amendment A3? The hon. Member for Lac La Biche-St Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. Just with respect to the amendment that was put forward by the Member for Strathmore-Brooks, essentially it includes “in the public interest” in section 9(1)(a). You know, there's some commentary about how public interest is a very vague type of concept, whether it means an individual or community. The fact is that public interest has been in previous legislation for years. There's been a vast amount of jurisprudence generated through court decisions and administrative decisions. You have a bunch of principles that have been put in place, delineated tests that decision-makers look at when they consider public interest. It's been in place for years and years and years. That's one of the parts of the system that works quite well. If you don't have an overarching principle like public interest, you get narrowed in on your decision. As a decision-maker you're stuck according to a bunch of very hard-and-fast rules.

Instead, with the public interest you can actually take a broader perspective of things. There's a simple analogy. Should you put another cow in the pasture? Well, you have to look at everything. How many other cows are there? What's the field like? Are there neighbours that have a problem with it? Public interest allows the decision-maker to take a much broader approach throughout the process.

The other thing that I think is becoming readily apparent is that this was a deliberate removal from the act. We see from the previous legislation that they've taken out every single reference to public interest. This gave landowners the legal foothold upon which they could base their appeal. As a result of this act, they've completely taken away that right, and I think this is going to backfire when you go out to the public. I've talked to my constituents about this, about the fact that they won't even allow the decision-maker to take a look at the public interest. I think most people find that pretty obvious, that a decision-maker should look out for the public interest, that they should take a general, broad-based viewpoint when they make their decisions.

There was some commentary about leaving this to regulation. Of course, again that just goes back to the same flawed decision-making when you make laws. If it's an important principle, it should be explicitly stated in the act so that there's no debate on whether it's in there.

Now, with respect to the amendment under section 9 – it's under the duty of care provisions – one of our members mentioned that it probably doesn't go far enough if you look at previous legislation in different areas. That's why I think, you know, that this is another argument for the minister to actually take a look at

this and accept such a very reasonable amendment. This is something that this government should get behind. If we go out in the public forum, if you go to a group of landowners and say, you know, "Should the decision-maker look at the public interest?" I think they will all say: yes, obviously. Then when you further indicate that this has been done for many years, that it's worked very well, that all sides, whether it's landowners, companies, or environmentalists, saw this public interest and it's worked well for many years – if you make that further argument, I think it becomes even more apparent that public interest should be included in the legislation.

You know, it's just interesting what the reason or rationale is for taking it out of the legislation. Why has this not worked in the past? What's the rationale for this? I haven't heard what it was. Maybe it was discussed in Vulcan what the reasons were. I'm wondering if there's anybody that has some examples of where the decision-maker looked at the public interest and why it's especially important in this context.

8:10

The Deputy Chair: Thank you, hon. member.

The Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Madam Chair. I would disagree with the hon. member on the fact that it is not really directed at property owners per se. That's the best thing about that public interest test. It can be applied very broadly, or it can be applied very narrowly, and courts in jurisprudence have done both.

I'm going to give an example where the public interest test is absolutely paramount, and that deals with a situation where Suncor built a gas plant in the county of Clearwater. Now, all of you, particularly from rural areas, know that counties really get very good tax dollars from the development of oil and gas, particularly when a gas plant is built. They get good taxes from the pipelines that feed those gas plants.

So you have the county of Clearwater who gets this gas plant, and now they're going to get the tax revenue from this gas plant. Unfortunately, the only road to the gas plant goes through the county of Ponoka, which gets no tax revenue, but they get all the beat-up roads as a direct result. That's part of the public interest, and it got missed. What happens is that the county now has an objection under our existing law saying: "Hold on a sec. We get no revenue from this. We're not against this development per se, but we're taking all the costs, we're assuming all the risks, and we're paying the price on the wear and tear on our roads."

So there was an imbalance there. Now, I will tell you that that imbalance has been adjusted not by tax dollars but by other means. Suncor stepped up to the plate, realized – hopefully, they're going to continue to realize because that example goes beyond the counties – that there are property owners right there, individual property owners who are inconvenienced per se by the traffic. I'm talking the B train chemical trucks coming in and out, lots of truck traffic where there never was before.

They are the public interest. They weren't adversely and directly affected by the proposal itself. That proposal is further down the road. They saw no adverse effect initially when that first was proposed. It was only after the fact that they realized that their country road turned into a massive highway with trucks up and down 24 hours a day. These people had an issue. Again, that's the public interest because it's the way that a term applies to the public at large. I'm working with Suncor now to resolve this. It's not hard to resolve. Sometimes it just takes an effort.

The fact is that under the current law, with the public interest test there, this is where those people can draw upon the current legislation and say: this is my right. Now, they have the right to go back and ask for a review in variance under that public interest test. I don't think we're going to have to do that. I think we will resolve that. [A cellphone rang] Jeez, I could have called over there, too. Not guilty.

Having it in legislation is an example of where the public interest test applied broadly to the counties, to the county councils, and where the public interest test applied to the individual. In both of those examples they had the right to go back to that legislation and say, "There's an issue here now," because that legislation said that the board must – the board is not perfect. They can't be perfect. They will make mistakes. In this case they did make a mistake because nobody saw the adverse effect for the public interest on two scales. Now we get to go back and we get to correct that because the legislation says that public interest matters. That's important, and that solves an issue.

Because it's in legislation, we're probably not even going to have a review and variance hearing. We're going to get things settled because all parties just want to come to an agreement. We've already agreed in principle on a few issues. There are a couple remaining, and I think we're going to get agreement on those. But the leverage to get the agreement is the legislation. That's what gets our agreement because if we can't come to an agreement, we have a recourse on the public interest test to go to a hearing. So, clearly, it does apply broadly, and it does apply specifically. Individual landowners can call upon that public interest test because they're part of the public.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Edmonton-Gold Bar.

Mr. Dorward: Thank you, Madam Chair. I cannot speak for this amendment, that be sure. If I'm reading this correctly:

9(1) Every director, hearing commissioner and officer of the Regulator, in carrying out powers, duties and functions, shall
(a) act . . .

the amendment says

. . . honestly, in good faith and in the public interest, which forces a director, hearing commissioner, or officer to act in the public interest.

The public interest is indeed an ambiguous and confusing term. In fact, one could argue that an individual that is a subset of the general welfare of the population is part of the public interest. I don't think anybody would understand that a decision made by these folks would be in the positive interest of absolutely everybody in the population. Thus, I think I think it would fail on that test alone.

Madam Chair, I think that the good Member for Banff-Cochrane said it best with his personal experience in this regard. I think that a policy debate as to whether something, in general terms, is being treated in the public interest is all right, but to entrench it in legislation I think is wrong.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Little Bow.

Mr. Donovan: Thank you, Madam Chair. I guess I'm speaking in favour of the amendment because I think the public interest needs to be added to this whole point. I think that's what we're all here for, for the greater public interest, even to the point where your own government has tabled a bill, Bill 4, the public interest

disclosure act. [interjections] I know. It's true. It's right here. It's in writing. To me: why is it good for one thing and not for the other? It's public interest for all of us.

I understand that the Member for Banff-Cochrane has some issues with that. I understand that. The point is that I think we're here to do what's right for Albertans. Yes, it is inconvenient sometimes. Yes, there are public hearings that last too long. But, I mean, your own book puts it right to it. You're saying in one bill, Bill 2, that you don't want public interest, and in Bill 4 you make a whole bill about it. So I guess I'm confused on it, and I'd like your support on that.

Thank you.

The Deputy Chair: Thank you, hon. member.

Ms DeLong: I find this very strange. You know, I actually do believe in private property rights. I actually believe in it, okay? It's basic to my personal beliefs. And I find it very strange that for political reasons you would want to abandon private property rights just to put in the phrase "in the public interest." Now, I'm also a believer in the public interest, but I am not a believer in putting in a phrase, "in the public interest," that would totally override private property rights just to get a little bit of political spin. It makes no sense to me at all because I actually do believe in private property rights.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. Let's pull it back a little bit. Let's just be logical. Based on my past actions and behaviour, I would not put anything out or support anything that would violate property rights knowingly – knowingly. If I make a mistake, I will absolutely admit I made a mistake on the property rights issues and then go back to defend property rights. But putting in this issue of public interest is significant in many ways because it is about property rights. It's not overriding property rights, and it's actually done very well. I'll tell you something else. It's in law now. It's called the public interest test, section 3 of the ERC Act. It's now been taken out. Why has it been taken out?

8:20

When you read the section in the amendment, it says that they must act honestly. If you don't understand what the heck public interest means, then what does honestly mean? How can you prove they acted honestly? How can you prove that they acted in good faith? It is really a determination of a court if you actually went there. You're looking at what the obligation of the commissioner is. So if you would like to put a subamendment that the commissioner should be acting honestly, in good faith, in the public interest, and in the interest of the individual property rights owner, I'd be happy to accept that subamendment also, but I don't think it's necessary.

I think what is necessary is that we put the public interest test somewhere back in this because the entire bill is missing it. This is serious in that sense because in all our acts, as one of the members just mentioned, we do look after the public interest. That is our responsibility. And if we don't put it in legislation, then it is not a mandate of that regulator or commission to look at the public interest. That's what's important here. Public interest does affect every individual. That is important.

We always try to balance the individual's rights with the public at large, and I'm not saying that there's a clear-cut formula. Every situation is different, and we know that. That's why section 26(2)

should be back in this legislation, which was that issue dealing with the individual landowner on actually getting notification, the reasonable opportunity to learn the facts, and the right, the actual right, to challenge the facts as they were presented. That's not in this bill, but that protected the individual landowner. The public interest test now threw the balance back in here, and that's what we're missing out of this entire bill if we want to make it work for industry.

I understand the minister wants to make this work for industry, so how do we get there? If you say that we get there by eliminating the public interest, I think you're wrong. I disagree. The public interest actually plays a very important role in the whole process of our legislative makeup, of our legislation, even dealing with individual property rights. It is that balance. It's always the balance that we have to measure. What we have here is a bill that's missing the various elements that are so important to make this a streamlined bill.

An Hon. Member: Over the rights of the landowner?

Mr. Anglin: I don't know how anyone figures it's over the rights of the landowner. The fact is that having the commission act in good faith is over the private landowner, acting honestly is over the private landowner, taking the public interest under consideration, which includes the environment, by the way. I think every property owner out there, every farmer out there will tell you, and I will tell you this: they are more environmentalists than anybody that ever wore dreadlocks. These farmers that are third and fourth generation who love the land are people who know the land, and they are the true environmentalists. They are the people who will protect the land, and they're the ones that will actually guide the public interest test.

I do not believe for one instant that you can be serious to say that having the public interest test in this bill eliminates property rights. That's just a play on words that has no value whatsoever, and I will tell you why it has no value. It's in various legislation all throughout North America, the public interest test. What we're trying to do now is remove it from legislation, and I don't understand why. I don't understand why. I'm going to tell you what: this bill on another level eliminates many individual property rights, and we're going to discuss that as we go further down the bill. When we get to there, that's another argument.

On this amendment we're looking to make sure that the commission itself, the regulator acts in the public interest, and I think that's actually a good thing because this is the public's resource. This resource doesn't belong to anyone else except the public. So having that as a broad base to start from is a good base to start from.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other comments? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. I rise this evening to speak in favour of this amendment.

Mr. Anglin: That's the socialist.

Mr. Bilous: Social democrat. Social democrat.

I rise to speak in favour of the public interest on numerous different fronts. I do find it most interesting if we go back to the basic question of why the government took out the public interest when it was part of a long-standing bill and law in this province. It concerns me greatly that under section 3 of the ERC Act public

interest was included. As my colleague from Rimbey-Rocky Mountain House-Sundre so eloquently put it, it was there to serve a purpose, to ensure that all different perspectives and points of view were looked at.

There are numerous examples, I believe, in history where people thought that they looked at all the different implications, all the different possible outcomes of a decision, but that turned out to be untrue in light of bringing more people involved into the discussion to look at the different implications. I find it really interesting that this public interest piece is now taken out. Actually, I find it quite disheartening and quite scary. Decisions that are being made need to include and look at the overall benefit, the cost benefit of not just individuals or groups but of all Albertans and, larger than that, of all Canadians and people around the world. I mean, we talk about the environment. Well, the environment is something that's shared by everyone, not just, you know, divvied up on one plot of land or one small section.

In order to ensure that decisions are well thought through and go through due process, public interest needs to be reinstated in this bill. Again, I find it quite frustrating that our friends on the other side are at this moment unwilling to listen to something you have half of the House calling for, something that not only is reasonable but has been a part of so many other bills in Alberta's history.

I'd also like to mention that it's unfortunate that the public interest test has been completely removed. How can Albertans be confident that all of our interests collectively are going to be expressed or protected under this new regulator? I for one have my own concerns, I mean, by the fact that this leads to some other issues. You've got a regulator that's now obviously appointed and dealing with making decisions that are going to have long-term impacts and consequences on all Albertans, and not only on us but on all Canadians.

It's my contention that reinstating the public interest, voting in favour of this amendment, is a step in the right direction. The majority of Albertans are behind ensuring that their ideas regarding the economy, the environment, social policy are given an avenue and are going to be taken into consideration when we're looking at different projects.

I'd ask all members of this House to seriously consider including public interest, that, as I've mentioned, has been in many other bills that this government has passed in Alberta's history, reinstating it, bringing it into this bill to ensure that we're looking at a wide scope, that processes are in place. It's just another way to ensure that we're really looking at a cost-benefit analysis and looking at all the different sides and all the different perspectives that are being represented.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. I'm moved to participate in this debate for a number of reasons. I'll try and be very succinct. First of all, section 9 is talking about the duty of care, essentially, of a director, hearing commissioner, or officer. If you think about what the duty of care of an individual appointed to a board is, that relates to their personal duties relative to their obligation to avoid conflicts of interest, to act honestly and in good faith, those sorts of things. It doesn't relate to the broader interest of the act in terms of ensuring that the goals of the act are carried out in the public interest. Obviously, the act itself is being promulgated in the public interest, and the duty of the hearing

commissioners as with commissioners at any hearing is to balance the public policy interest that has been established.

8:30

Clearly, one of the effects of bringing this act into place is to put in place the clear distinction that the now Minister of Environment and Sustainable Resource Development put into her report, which is the backdrop for this, which clearly says that the policy interests should be determined by the Legislature and by the government through the enactments, and the regulatory agency that's set up under this act basically enforces those policy interests and makes determinations with respect to those policy interests.

Members, I would humbly submit, are confusing the role of a director under section 9 in terms of the personal requirement of a director to act responsibly, a duty of care, a duty of fidelity, in essence, as a result of being appointed, with the public interest, which underlies the whole concept of the act and which is represented by the split in jurisdiction between the policy-setting role of government and the regulatory function that's carried out by the act. Nobody is losing the public interest here. The public interest underlies the whole thesis here. This particular section is basically saying that a director must avoid a conflict of interest. That in itself speaks to the question of public interest because what it's saying is that you have to avoid looking at your private interest. That's what a conflict of interest is: looking at your private interest instead of looking at the public interest.

Here we're talking about the appointment of a director or a hearing commissioner and where that director has their obligation. It's not a private interest that they're being appointed to serve. It is, in fact, a public interest. That's inherent in it. With respect, members are confusing the whole concept of a public interest test and even the idea of a public interest disclosure act, which is an entirely different beast for an entirely different purpose and is intended to serve a whole different area, with the very narrow confines of this particular section in terms of the duties of a director in the context of a much larger purpose, which is to divide the policy role of government and the Legislature from the regulatory role that's enacted in the act here.

The Deputy Chair: Thank you, hon. Government House Leader.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. Of course, I'm going to disagree with the hon. member. Surprise. Surprise. But he raises a very important point. The presumption is that the public interest test underlies the entire act. That's the presumption because the public interest test has actually been removed in a literal sense because section 3 of the ERC Act laid it right out. It says: this is the public interest test. That was the title. Then it specifically states what has to happen on that public interest test.

What's happening here – and the member is correct – is about a fiduciary duty of the commissioner, or in this case the director, and this is about what that director has to undertake on a personal level in dealing with a conflict of interest. That is true. What this amendment does is that it then adds to that and makes sure that that commissioner must act in the public interest.

I'm going to give a couple of examples of where this is really important. Enbridge is proposing something called the Gateway project, which is fundamental to our economic system here in Alberta. It is fundamental to the business advancement and profitability of Enbridge. Absolutely. It's also fundamental to the profitability of some companies that will be shipping their products down that pipeline. It's also a public interest test, and it's fundamental to the public interest of this province that we get this

built, get this online, and get product to export markets. The Gateway pipeline could be considered the same. There's a public interest that is paramount beyond the private interest, which we want to enhance, to encourage, but we also are doing this because of the public interest.

What this does on the individual commissioners – because it's nowhere else in the bill. Literally nowhere else in the bill is it written. What it does is that it places that onus now on the individual commissioners that they must act honestly, in good faith, and not have a conflict of interest. That is a presumption on that and rightfully so. But they must act in the public interest, too. Again, these resources belong to the public, and we benefit from the extraction of these resources. It needs to be somewhere.

As I started out in speaking to this amendment, I don't think it goes far enough. I think we should have a public interest test in another section, but I will support this because at least it gets us partway there, that we have the commissioners thinking in terms of: I have an individual responsibility to act honestly, in good faith, and in the public interest. I think that is an important aspect of the fiduciary duty when we list it out specifically.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Medicine Hat.

Mr. Pedersen: Thank you, Madam Chair. I rise to speak in support of this amendment as brought forward by the Member for Strathmore-Brooks. I'm a little confused by what the Member for Banff-Cochrane was talking about, and maybe this is just my newness to this position. Basically, he's defining the public interest more like private interest, and I was a bit confused there.

When we're talking about public interest, I think that's why we're all here. We wouldn't be here if it wasn't for, you know, the public interest, so I think it's very, very important that public interest is in there. If you narrow it down to private interest, it's a whole different story. The Member for Edmonton-Whitemud said that the public interest is implied in this bill. So why don't we just add it? If it's so obvious, then let's just put it in there. Let's make sure that we legislate it and don't leave it up to the regulators.

In discussions with different individuals on this bill or any other bill the advice to me was: try and legislate as best as you can up front because once you leave it to the bureaucrats who are the regulators, they tend to not consult the stakeholders, and then you have all kinds of changes. You have a mess. Whereas if we legislate it, it may be a pain to bring it back to the House to make some amendments, but at least it's brought back to this group, and we all make those agreements for the changes. They said: "If you leave things wide open, it's just horrible because then the stakeholders never ever get consulted. Bureaucrats love making their own rules for the sake of rules, and they'll just bury you with paperwork and regulation."

I mean, everything that we do in the resource sector has to be done in the public interest. It's one of the things that makes Alberta great. If we didn't have the resource sector – that's oil and gas; that's forestry; that's mining. It's for the benefit of Alberta. It's for the benefit of the public interest.

If we don't go forward with this, you know, it just doesn't make any sense. Denying what is best for the public would be the ultimate form of denial of acknowledgement of what is the most important to the public, and that is being recognized as the ultimate stakeholder. That is why we're all here. I think the public interest addition amendment covers off the property owner, the resource company, the environment, and all residents of Alberta. It's a balancing act. This is key to keeping all of the above groups

in a harmonious and balanced fashion, to help reduce the friction between these parties as much as possible.

If we have a balance between all the parties involved, there's a better chance that there will be progress. There'll be a chance for new projects going forward because the last one went so well. We have to make sure that we set the groundwork and the framework for each project that comes across. That's going to build support in the public, it's going to build support in the resource, it'll build support with the landowner, and it'll build support within the environmental groups. If we build on every success, we have a better chance of going forward with the next success. If we take the public interest out of it, I think we're in for trouble.

8:40

My other concern is that by having public interest added, it will help to balance or reduce the bias or power by any member or group of appointed individuals to the regulator board. I guess what I'm saying there is that, yes, they are supposed to act on behalf of the public. You know, they're supposed to act honestly and in good faith, but if we put public interest in there as well, I think we have a better chance of making sure that we're not going to be overrun by a group of people making decisions with a very, very small mindset. If we include public interest, it broadens that. It extends a scope across all levels of the parties involved, and I think we have a better chance of having a successful approval at the end.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Chair. I rise in support of the amendment and substituting the words "honestly, in good faith and in the public interest" because to me and the vast majority of my constituents property rights are in the public interest. My constituency week break was hallmarked by two things. Number one, my two oldest boys were home from university. It was very good to see them again. Number two, some side of 15 or 20 of my constituents and landowners called me to say: "What is happening with Bill 2? Here we go again."

An Hon. Member: There's no bogeyman.

Mr. Barnes: Well, there's a perception that there's a bogeyman. Sometimes perception is reality, and sometimes it's best to deal with the perception.

Constituents are very, very concerned that their property rights are being attacked. I came from a meeting earlier, in between the session, where a couple of big businesses talked at length about the importance of certainty in their business, the importance of some cost certainty, and the importance of the property rights that they were looking for to make huge projects go that would have been very, very much in the public interest of Alberta. I think that sometimes we have to look past the narrow definition of property rights: 20 East Glen Crescent or your back quarter or your small ranch. Property rights are so much broader than that, so much bigger. Property rights include our chattels, include our ability to sell our labour, include our ability to make Alberta grow and to make Alberta strong. This certainty is going to be crucial in the next two or three years.

Another reason that my constituents called me a lot over constituency week was that they were concerned about the deficit, the spending, and the potential for the long-term price of oil to be at \$85 compared to the budget at some side of \$114.

An Hon. Member: Or less.

Mr. Barnes: Or less.

To me that makes it all the more important for the good of all Albertans, for the good of our economy, the good of our quality of life that we get our legislation right, that we do it as well as we can the first time, and property rights in the public interest is getting it right.

The Deputy Chair: The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Madam Chair. Is this the first amendment tonight, by the way, that we're discussing? It's like one of those – you know, maybe we need a refresher just to go back to it briefly while I make my points. I'll try to be succinct also. The amendment as proposed, that I support, strikes out "honestly and in good faith" and substitutes "honestly, in good faith and in the public interest."

I've listened with great interest to what's been said tonight from all members of the Assembly, from all parties. I think it's important to do that and not just have a blind approach: we're right, and you're wrong. I'm really trying to hear from the government side on this. I'm trying really hard, but here's the thing. What's being referred to us from the other side is that you want this put in. What we're saying is: you have taken it out. Putting it in, taking it out; tastes great, less filling: it's the same thing. They have taken it out. We are saying: put it back in.

The Responsible Energy Development Act has zero references. Now, it did, but they've been taken out. Zero, nada, zilch, goose egg. That's the problem landowners have. Even if the intent is not to create any bias or to make governing more convenient, the perception from landowners, Madam Chair, is that this is another infringement on rights.

One member spoke – I believe it was Calgary-Bow – and said: you know, I'm all for landowner rights. We all pounded our desks and said: that's great. I wonder where that member would be on Bill 19, Bill 24, Bill 36, and Bill 50. See, if it's just about governing for convenience, the problem is that landowners are skeptical of the government. They have had it because of these bills. Bill 8 is repealing Bill 50 after the horse was out of the barn. People don't trust you when you do things like that. When you take out public interest, even though it may be an inconvenience sometimes for the governing party, you've said to landowners: you don't matter. That's what I'm hearing in Chestermere-Rocky View, and that's what we're all hearing. Remember that we have to take this back to the people that we represent.

I'm supporting this amendment. I don't see it as any colossal problem, anything that should be of great concern for the government to be willing to put back in "in the public interest." As the member beside me said, that is the reason that we are here. There is no faith right now from landowners. This would go a long way to restoring some of it.

Thank you, Madam Chair.

The Deputy Chair: Thank you.

The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Madam Chair. I'm going to speak on this amendment again. I'm always wise to listen to the hon. Minister of Human Services. He is a very thoughtful gentleman and often brings some clarity to the issue. I agree with him on one aspect of this. It's a fact that possibly – possibly – the term "public interest" has been shoehorned into this amendment, okay?

Nevertheless, I'm still supportive of this amendment because it's important that public interest is involved in this act.

I respect the hon. member who put forward this bill to try and get some of that component recognized in the new Responsible Energy Development Act. I go back to it because this amendment is dealing with the directors. The directors are the people who will be responsible for this act and its interpretation and the like.

I go back to my first point. Right now, because of the writing of this act, there is no detailed preamble or introduction to what the bill is about. It does not say what the purpose of the bill is, what it will do, what it will define, what its goals are, and the like. Like many of our other acts, like, as I said, the Education Act, it doesn't tell people who work for that organization what their goals should be, what their mandate should be, and the like. How will the decision-making by the new AER be guided in situations of legislative uncertainty without such purposes in the event of a lack of specific direction by a regulation, where we don't know what the regulation will hear?

Actually, if members of this honourable House want to get a good briefing on this, it's done by Ms Nickie Vlavianos at ablawg.ca. That's ablawg.ca. Ms Vlavianos has been a long-time practitioner with many reputable firms in Calgary and, in fact, has brought up some of these in her commentary and some of the questions she has in this regard.

8:50

It's not just members of this side of the House that are concerned with distinctions and definitions and how this is going to work. It's esteemed members like Nickie Vlavianos of our legal community and other people who have written on the workings of this bill. I indicated that there are other people who have written in great depth about this. Professor Nigel Bankes of the University of Calgary law department has brought up some very cogent arguments as to some of his questions with the bill. Some of those questions outline what the act is trying to achieve, how public interest is now going to be defined, how government policy is now going to directly affect what these institutions do.

Remember, Madam Chair, that these are supposed to be set up as arm's-length jurisdictions or arm's-length governing bodies. There is no more arm's length to this new energy regulator. It is directly tied to the whims and the will of what the government of the day wants, and they can change that with the stroke of a pen because it's not referenced in our legislation. That, to me, is the broader concern. Even though, as the hon. minister may have pointed out, it may be shoehorned into this amendment, I think it's necessary because we want some of that clarity in there.

Again, I speak in favour of the amendment. If not here, at some place in this act there has to be some reference to: what is the mandate of this organization, what is the public interest, how will it be defined, and how will that be changed?

Anyway, thank you, Madam Chair.

The Deputy Chair: Thank you very much, hon. member.

The Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Madam Chair. Of course, I will add to my colleagues on this side of the House. I will be speaking in favour of the amendment provided by the hon. Member for Strathmore-Brooks. But I think it's important to understand that the hon. Member for Calgary-Bow talked about that she's a supporter of property rights and landowner rights and that she believes wholeheartedly in those. I am curious, as many others are, as to exactly what her position would have been on 19, 24, 36, and 50, especially Bill 50, which was brought back to this House.

It was so erroneous that it needed to be brought back here for a reconfiguration because, clearly, there were so many mistakes in that one.

More importantly, with regard to this bill here, eliminating the issue of public interest, that aspect has been in force and has been a long-standing part of the social contract that was the mandate of the regulator, that said what could and couldn't be done by the energy industry on a person's private land. I think we need to dial this all back and just remember exactly what we're talking about. We're talking about a landowner who paid for his or her land that they control, they live off, and it's their land, period. With anything you want to do on their land, we need to be respectful of that. Clearly, by eliminating the public interest portion of it, we're just not being respectful.

More importantly, section 3, consideration of public interest, read:

Where by any other enactment the Board is charged with the conduct of a hearing, inquiry or other investigation in respect of a proposed energy resource project or carbon capture and storage project, it shall, in addition to any other matters it may or must consider in conducting the hearing, inquiry or investigation . . .

And this is the important piece.

. . . give consideration to whether the project is in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment.

Now, there's absolutely nothing about that section that's controversial, offensive, and in no way does it hinder the government at all from doing the right thing. Clearly, it doesn't. It actually says – and I'll say it again because I'm not sure if you heard me:

Give consideration to whether the project is in the public interest, having regard to the social and economic effects of the project and the effects of the project on the environment.

At what point in time does that clause there say that you're not protecting landowners? At what point in time does that clause there become so offensive that you need to remove it from the bill? It just doesn't make any sense.

The interesting part is that we actually take that consideration of public interest and we apply it to everything else we do. You want to build a school? We look at public interest. We look at the social and economic effects of building that school. You want to build a highway? Once again, consideration of public interest. We look at the social and economic effects of the project and the effects of the project on the environment. But for some reason, when we're talking about utilities or when we're talking about the energy industry and we're talking about landowner rights, everything that we normally would be doing we toss out the window, and we say that we don't need it because it's implied. Oh, it's implied all right. That's the problem, literally.

The hon. House leader talked about the duties of the director, the fiduciary duties and the duties of care, and I agree with him a hundred per cent. The problem, as I understand it from the bill, is that the appointment of the director position is done by the minister, who doesn't have that same obligation. If the minister doesn't have that same obligation, then it would seem to me that consideration of the public interest would absolutely need to be put right in there. We saw this with Bill 50. It was a mistake then, and it's a mistake today.

The other part of it – and the hon. Member for Little Bow brought it up. It's interesting with Bill 4, the Public Interest Disclosure Act. I'm not a lawyer, and I'm new. Clearly, you know, I probably don't understand half of this. But consideration of public interest that talks about the consideration of the environ-

ment and socioeconomic impacts: my 10-year-old could probably understand that.

In Bill 4 it talks about:

Disclosure must be in writing and must include the following information, if known:

- (a) a description of the wrongdoing;
- (b) the name of the individual or individuals alleged
 - (i) to have committed the wrongdoing, or
 - (ii) to be about to commit the wrongdoing;
- (c) the date of the wrongdoing;
- (d) whether a disclosure in respect of a wrongdoing has been made pursuant to the procedures established under section 5 by the department . . .
- (e) any additional information that the designated officer or Commissioner may reasonably require . . .
- (f) any other information prescribed in the regulations.

This is from Bill 4. So we thought it was so important to write that anybody making a complaint under the whistle-blower legislation would have to disclose, would have to provide all the information, but landowners don't get that consideration. Hmm. Maybe we need to cover landowners under Bill 4. That might be a good idea.

Also, when we go into the office of the public interest commissioner – we now have a public interest commissioner, but we don't have consideration of public interest in the bill – it talks about who they are, so that's good. We've covered that in Bill 4. We've also talked about: the office of the public interest commissioner should be fairly independent, answer to the minister, all those fun things. But we have a whole bill here that's – I don't know – 40 pages long that talks about the importance of a public interest disclosure, yet landowners don't get that same respect. It would seem to me that if we're going to ask those who fall under the whistle-blower act to follow a public interest disclosure, why would we not ensure that landowners have those same abilities?

Landowners' groups have come forward. They've come in droves. They've posted. You know, if you don't care about the landowners' groups, that's fine; you don't have to. But they're Albertans, and they have an opinion. They have a vote, they have a say, they own land, and they're not happy with this bill as it's written. So we can all shake our heads. That's fine. We can do that. Or we can actually stand up and take a look at this bill and realize that it was always in there before, so why can't it stay in there? If it's implied, there's no reason why we can't be clear. In the interest of being more open and transparent, raising the bar, all those fun things, there should be no reason why consideration of public interest shouldn't be included, because as I said and as I read, the actual statement is clearly not offensive and doesn't hurt the government in any way and shouldn't hold up the process.

9:00

I'd also like to mention that this bill hasn't even passed yet, and there are already public meetings going on. Most recently the hon. Member for Little Bow held a public meeting in Vulcan. The hon. Minister of Energy attended, and I understand it was actually a very good meeting. There was a lot of nice dialogue back and forth, and it seemed that, you know, two people were coming together to have an opinion and listen to Albertans. It's what we should be doing.

The reality of it is that that was just 60 people at one meeting on a Friday night. If this goes through, you're going to see what happened with bills 19, 24, 36, and 50. The reality of it is that it's not just going to be 60 people. All of a sudden we're going to be in Eckville, and we don't have Mel Knight and Luke Ouellette to come down and have a visit.

While it's disappointing, because I'm sure we'd love to make another video, I think it's more important that we do the right

things so that we don't have to have 600 people show up to Eckville and literally cause this government a problem. It's 60 people showing up today, 600 people are going to show up two months from now, and 1,200 people are going to show up from there. They rallied against bills 19, 24, 36, and 50. They will organize and rally again.

We all might want to say, "You know, with that side of the House over there and this side of the House there and nobody gives in – oh, my gosh, I just can't give in to those Wildrosers. Oh, that's just too much to ask." Rather than doing that, you might want to take a listen to the people in Vulcan, the 60 people who spoke there. You might want to take a listen to their concerns about this bill. You might want to engage with the land surface rights groups and have a sit-down with them. Hey, they're not perfect. Nobody says they are. But removing the public interest portion of this bill isn't the right thing to do.

We need to make sure that these bills are a win-win for industry and landowners because without landowners you don't have land. We cannot erode their rights. They paid for it. They bought it. They own it. It is unfair of us as legislators to stand up and to just run roughshod over them and literally tell them they don't matter. The public interest disclosure is easily done and easily put back in there. There is no way that this amendment offends the government or will stall the process.

It also guarantees the landowners some say and some consideration on carbon capture and storage because the reality of it is that we don't really know where that's going yet. It's just starting. It's just beginning. To say to landowners that we're going to ignore them when we don't even know what carbon capture and storage means yet, that is unfair. We as legislators are elected here to represent all Albertans, not just the ones we cherry-pick to represent. All Albertans.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. One of the members over here just said it fairly succinctly. We're not asking for something new here. What we don't understand is why you removed it from the bill. To the hon. House leader, who doesn't think that it belongs in the fiduciary duty of how the commission or, in this case, the director should act, let me just back up everybody here, and let's talk about property rights and the protection of those property rights because there is a contradiction going on now that either this party in power is supportive of property rights and has gotten it wrong all the way until now or that it is doing something that is protecting property rights by removing property rights in the public interest.

The initial bill, the bill that is being repealed, the Energy Resources Conservation Act, basically says under 6(1): "Every member, in exercising powers and in discharging functions and duties . . . shall act honestly, in good faith and in the public interest." All we're asking is to put it back in.

When you go to Bill 46 in the year 2007, this government passed something called the Alberta Utilities Commission Act. Under section 6(1) of that act it says that the commission and every commissioner "shall act honestly, in good faith and in the public interest."

That's in one act after another act after another act. It was in the Alberta Energy and Utilities Board Act, that was repealed when the Alberta Utilities Commission Act and this new ERCB Act came into effect in 2007.

What we're asking here is simply this: why did you take it out? Why did you take it out? The fact of this matter is that it has been in law for the last 20 to 30 years and probably goes back further. It's been there. The public interest test and the duty of the commissioners to act in the public interest has been there. It's there now under the Alberta Utilities Commission Act. It is in the Energy Resources Conservation Act. Under this new bill, the single regulator, it is removed.

Basically, what I'm hearing then is, if this is true from the hon. members, that those people that are dealing with transmission lines are being abused on their property rights because the public interest test is the duty of the commissioner, the fiduciary duty of the entire commission, and I don't believe that. I don't believe that one bit. I think that that section of law comes from a time when we treated property owners with respect and with dignity, we treated the community with the same respect and dignity, and we balanced that. It was in law. It's in law till we pass this bill. So what gives? Why are you taking it out?

What you've done now is you've taken out section 26(2), which actually gave a property owner a right of notification, a right to have just a reasonable opportunity to learn the facts, a right to challenge the facts. That's been removed from the individual property owner. Now we come down to this section, and we take out the public interest altogether. There is no public interest test in the legislation, and there's no fiduciary duty for the commission or the directors, in this case, to act in the public interest. It's been stripped out. So what do you tell the public? "We've taken your rights away." That's what you've done. You don't like it, but that's literally what's happened in this bill. All we're asking is to put it back in – to put it back in – to respect the public at large, to respect the individual landowners. We're not asking for anything new. We're asking for what you're taking away and to put it back in.

Thank you.

The Deputy Chair: Thank you, hon. member.

Ms DeLong: I'm finding this fascinating – fascinating – because on this side of the House we actually do believe in private property rights. We don't see it as a political toy to play with. We actually believe in individual private property rights, okay? One of the things that we're doing in this bill is strengthening private property rights, okay? This innocuous little phrase that you want to add in here, you know, it isn't just a little phrase that gets added in here and, oh, it makes people feel good. This is a phrase that is extremely dangerous to private property rights. Now, you can put a phrase like this in other places, and it wouldn't make that much difference. It would just make everybody feel good. Unfortunately, in this case you're actually taking away private property rights. I'm speechless.

The Deputy Chair: Thank you, hon. member.

Mr. Anglin: Well, I'm flattered that the member would think it's a violation of property rights because it's in the Alberta Utilities Commission Act as it sits today, but as I understand this government, it's not violating property rights when the hon. minister is approving transmission lines. You can't have it both ways. It is in the Alberta Utilities Commission Act. It's not an innocuous phrase. It is a section of the law, and that's what it is. It is in the ERCB Act right now, section 6(1). It is there, and it has been there since this act was passed and came into force. It was there under the Energy and Utilities Board Act. It's not something that we just want to slip in as a phrase; it is a right of the citizens of Alberta that we want to reinstate in the law.

I'm not sure who is counselling people under the law out here because I will tell you this: since it was in the act, somebody must have counselled this party in power at one time to put it in the act. It's been there for the last 20 to 30 years. All of a sudden, we're removing it, and somebody needs to explain why to the public because you're taking a right away from the public. You're telling the commission, in this case the directors, that they no longer have a fiduciary duty to act in the public interest when all of the other acts say that. What gives? That's a valid question.

Thank you very much.

9:10

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A3? The hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair, and thank you, hon. Member for Rimbey-Rocky Mountain House-Sundre. He's going to keep standing to speak until you get it right every time. You know that, don't you?

I'm surprised that it hasn't come up yet, but this needs to be said. It needs to be on the record. I for one and I suspect many others here, particularly in this little group that I'm part of, resent very strongly any reference to being fearmongerers because we speak up for our constituents. I think that's a load of hooey, if I'm allowed to say that, to suggest such a thing, that anybody who speaks up for their constituents is fearmongering. That's ridiculous.

I suspect, Madam Chair, that what's being proposed by leaving out this little tiny phrase, that apparently scares all of you a lot more than it scares the rest of us, is that it will produce some short-term gain. I think you're looking at that and the expeditiousness of the act itself, Responsible Energy Development Act, which we certainly support and agree with the principle. But the devil is in the details, my friends, as you all know. You didn't get to your ages without realizing that. We're looking for short-term gain, but we're going to suffer some long-term pain if we don't include and respect the public interest, which includes property rights.

People need a say in decisions that affect them. The public at large must perceive that their interests are being respected and protected. They're suspicious, they're skeptical, and they've been fooled four times by the hon. members on the other side, or at least the government and the party they represent, with bills 19, 24, 36, and 50. Acts are now being proposed to correct the mistakes and the deficiencies in Bill 50 that will have resulted in a waste of perhaps \$16 billion to \$32 billion by the time those unnecessary lines are built.

I understand, too – it just sort of has come to me as I've listened to the discussions tonight and over the last few weeks – what it is that bugs all of you about us over here. It's that we've staked out a part of your constituency that you have chosen to abandon. That's the true small "c" conservative people in Alberta that wonder why their party left them. Somebody asked me: Gary, why did you leave the PC Party? I said: I didn't leave the party; the party left me. There are a whole heck of a lot of people where I'm from and where these other good folks are from that feel the very same way.

What are you afraid of? You're afraid that your constituency that you've abandoned is going to come up and bite you in the behind. It will if you don't respect their rights. I'm suggesting to you that all we're doing is speaking up, not fearmongering but representing people who feel like they lost their voice. That's why they voted the way they did. We're doing our job in trying to remind you to come back and be true to your roots and the original

values that you once had and remind you of those values. You all need to get back to them.

Thank you.

The Deputy Chair: Thank you, hon. member.

Hon. members, I am seeking unanimous consent to revert to introductions. If there are any who are opposed, please say no.

The hon. Member for Strathcona-Sherwood Park.

Introduction of Guests

(reversion)

Mr. Quest: Thank you, Madam Chair. I'll be brief. I just wanted to introduce to you and through you to all members of the Assembly here this evening Mr. Tony Sykora, chair of the Elk Island Catholic school board and chair of the Catholic school boards of Alberta; Charlene Melenka of Vegreville, school trustee for Elk Island Catholic; and Dean Sarnecki, also of Sherwood Park and Elk Island Catholic. Thank you so much for being here this evening to receive the warm welcome of the Assembly.

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

Ms L. Johnson: Thank you, Madam Chair. I, too, rise to introduce a member in the gallery, a constituent. Mary Martin, who is chair of the Calgary separate school board, is joining us this evening as well. Thank you, Mary, and I'd like to welcome you to the Assembly.

Bill 2

Responsible Energy Development Act

(continued)

The Deputy Chair: Are there any others who wish to comment on amendment A3? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. A lot of comments have been made about this debate. I've heard a few comments about placards. I will tell you this. I do not believe there were placards when the hon. minister came to Vulcan. I don't remember seeing one, but I will stand corrected if he says he saw one. We talked about this very issue with the public interest test, as he's fully aware. I did see some placards in Sylvan Lake. I believe there was a widow, somebody who lost their husband on a different issue than this. I have to tell you I was embarrassed at the reception she got. I saw a placard dealing with an intersection but not a placard dealing with this amendment.

Those people that came to Sylvan Lake to listen to this amendment were told to gather at one end of the room while a certain individual who said that he would listen to them fled and left by the back door, a straight beeline. So I will tell you this. Those people still want to hear from that honourable person. Hopefully, they still will.

I saw two signs in Sylvan Lake. I don't think they were offensive. No one ever said they were offensive, but I understand now – I was pointing out incorrectly – there were actually other signs. There were little children running around with signs, but I didn't actually count those.

I was more interested, when I went to Sylvan Lake, in this particular issue, which addresses this particular amendment, which is the public interest test. I will tell you that right across the aisle I know the hon. Minister of Environment and SRD attended a number of public forums I did on other bills. I know two ministers there have attended forums that I did on other bills, and I will tell

you that I had nothing whatsoever to do with organizing Sylvan Lake. I attended. I didn't participate, but I listened, and I didn't see anything different from any of the other public forums, at a minimum four, that these ministers have attended. So I can't explain to you why placards would drive someone out of a meeting. If I knew that would work, I'd probably bring a placard in here, but I don't think it works, and I don't think anyone here has a fear of a placard.

The fact is that we do get emotional, as we realize, Madam Chair. Even in here it sometimes gets a little loud, and the Speaker has to bring things back into order. We understand that. We try to behave a little bit better. But we can't lose sight of what the issue is here. The issue here is the public interest, and it is the public interest that matters.

I have to put this question to the hon. ministers who have brought this bill forward. I think there are actually two responsible, and they share responsibility. Why was this taken out? This isn't something we're putting in to say: this is new. It's in law now in the ERC section 6(1). It's there, and I don't know why it's been removed. It's called the public interest test. This is the fiduciary duty portion of the commissioners, or in this case this will now be the directors who have to "act honestly, in good faith and in the public interest." That's a very good question because the public wants to know.

Somebody says that this is a violation of property rights. Well, if that's the case, then everything that has been said up to this point in time under the ERCB, under the AUC, under the EUB, has been a violation of property rights, which means I was right all along. So I don't think they want to say that just yet.

9:20

We need to keep the public interest test up front. We need to respect the public's rights. We need to respect individual property rights. What's happened in this bill is that the public test is gone. The fiduciary duty of the commission does not have to respect the public interest. It's been removed. The individual property owner's rights under 26(2) that they currently enjoy now are missing in this bill, and that's not right. That's a violation of the public trust, not having the public interest in this bill.

Thank you very much.

The Deputy Chair: Are there any other members who wish to speak on amendment A3? The hon. Member for Little Bow.

Mr. Donovan: Thank you. Again, there's been some good information and conversation back and forth. I do thank the minister for coming to Vulcan on Friday night. It went very well, I think. We had both sides. We had some good discussion. I did have to cut Joe off a couple of times because I was a mediator at that one.

An Hon. Member: You can't say his name.

Mr. Donovan: Oh. Sorry. The Member for Rimbey-Rocky Mountain House-Sundre. I can't here? Okay.

I cut him off a lot, but anyhow the point is that you can sit back and forth, and you can have a discussion about what's valuable and what's not and whether people always take it or not. I slid over to that side for a second to show a couple of members just what I had pulled up quickly on the Internet. "The public interest refers to the 'common well-being' or 'general welfare.' The public interest is central to policy debates, politics, democracy and the nature of government itself." To me, I think, that's the key to it. I think that's what we're trying to hammer through here, public interest.

I've sat on council for 16 years. I get that there are a lot of times when you're at a meeting, and there's a process that goes through,

and you're, like, "I wish we could shortcut this," but it's not right. The right thing to do is to sit back and listen to people's concerns and issues. That's democracy. That's how the process works through.

I mean, there have been 800 and some ahead of us through this House itself as sitting members, and I'm sure there'll be lots after us. It's the process. I mean, there are multiple lawyers in the room who understand how process works, and that's great. We need that. You can sit and argue about process and the due way to get things done, and sometimes, yeah, it does take time. Sometimes you need to sit there and figure out that there might be a quicker process, but you don't want to cut somebody's rights short of that. That's just what I have to add about public interest.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Energy.

Mr. Hughes: Thank you, Madam Chair. I certainly have a great interest in the discussion here this evening. I appreciate all the observations. I also actually would like to thank the hon. Member for Little Bow for facilitating my attendance at the meeting in Vulcan on Friday night. I did think it was a very constructive event. It clearly was carried out in the spirit of good public interest, so that was very constructive.

Now, Madam Chair, I'd like to assure all hon. members here that the concept of the public interest, in fact, remains a factor that the new regulator must take into account. The public interest provision actually is included and will continue to be included in the statutes administered by the regulator that will not be changed by this bill, Bill 2. They obviously will continue to be a factor guiding energy resource development.

I'll just remind everybody here of the nature of what we're doing here today. We're creating a regulator with one act, Bill 2. That bill and that act, when it becomes proclaimed, will regulate industries under 10 different acts that already exist, six of those related to the energy sector. Those are specifically the Turner Valley Unit Operations Act, which predates the concept, probably, of the public interest as a common usage; the Coal Conservation Act; the Gas Resources Preservation Act; the Oil and Gas Conservation Act; the Oil Sands Conservation Act; and the Pipeline Act. Those six acts are all the energy-related acts that continue to apply and be used as the basis for the regulatory actions of the new regulator. Five of those acts speak specifically to and make reference to and include the public interest in the way that was common historically in this province.

I would simply say that far from it being gotten rid of, we're simply reflecting upon the historical usage that has been defined and clarified in law in this province of this term, "public interest." We're seeking greater clarity in this act, Bill 2, so we're not including it in this act.

There are four other acts that this regulator will be referring to as governing acts as well: the Water Act, the Public Lands Act, the Environmental Protection and Enhancement Act, and part 8 of the Mines and Minerals Act, which relates to certain seismic and geophysical aspects as well.

For those who are so deeply attached to this concept, the concept remains there in the legislative construct that the regulator will be using. I would say, though, that in all honesty there is greater ambiguity about that concept than one might wish to be ideal in new legislation.

We heard from a lot of stakeholders. Our colleague here, who did a couple of years of consultations with Albertans, found that Albertans really wanted greater clarity as to what specifically

public interest means. That's why the bill actually makes provisions of explicit factors that the regulator is required to take into consideration. Those will be set out in the regulations as well after even more consultation with stakeholders. Madam Chair, in addition to the public interest provisions that exist in the energy statutes, the regs will provide more specific factors that the regulator must take into consideration when making decisions. These factors will be informed by public engagement. That is my commitment to this House and to the people of Alberta.

With that, Madam Chair, I would say that the amendment is perhaps redundant at best, and I would not be supporting it.

Thank you.

The Deputy Chair: The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. I do not deny that the hon. minister is well intentioned and acting in good faith, but that's not what happens in this legislation. This is important. Section 25 of this new act states:

Except to the extent that the regulations provide otherwise, an application, decision or other matter under a specified enactment in respect of an energy resource activity must be considered, heard, reviewed or appealed, as the case may be, in accordance with this Act and the regulations and rules instead of in accordance with the specified enactment.

What it says is that this act is paramount. It is paramount. It is what is going to happen. You are correct in the sense that the public interest does appear under these other enactments, but this act overrides that and is paramount. That's what's important.

I believe the minister when he says that we're going to take care of this in regulation. I think he's saying that in good faith, and it is important that, you know, I accept that, and I do. But what's happening here is not in legislation. Having that in legislation is really important because, yes, you can change legislation. You have the ability. But you have to propose the legislation first. We go through this whole public debate, this whole process. We've removed it from legislation. It is now something done in regulation that may be done, may not be done. We can't see that until it happens, and the fact is that regulation can be changed retroactively. It's rare. It's happened. Even legislation – we got into this argument before, but I'll say it respectfully – has happened retroactively.

That's not the issue here. The issue is the public interest. Despite these other enactments that were just brought forward, the law is absolutely clear in Bill 2 that this bill applies. Everything will be considered under this legislation, not that legislation, and that's important. From the public's perspective, the public interest: where is it in legislation? It's not in legislation. It has now been demoted to regulation, which does not yet exist. What we want is for the public to have that right in legislation, so they can rely upon that. That's what we're asking for here with this amendment.

Thank you very much.

9:30

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Madam Chair. I know this is the third time I've spoken. I wasn't planning on speaking this much to this amendment, but you remember the odd thing, and you try and learn a little bit here. I think the hon. minister made some of the arguments for this side of the House in his submission. Before I go on to those, I will say that this has been an extraordinary task you've undertaken. Putting 10 bills into one piece of legislation

was an awfully difficult task regardless of which government was going to be in this House. I recognize that. It is arduous, onerous to do this new proposed legislation.

At the same time I also understand when the minister says to me that the public interest will be referenced in regulation. That's what gives me concern. Throughout the act we have an absence of what public interest is or any reference to it. In fact, I will go back to my starting point, when I got up a little earlier. This act does not have a preamble, any detailed preamble that says what the goals of the act are, what the guidelines are, what the overarching concerns of this new regulator will be. It has none of that statement of principle that people who work for this organization can go to and look to to guide their daily actions.

I mentioned this earlier, and I'll mention it again. If you look at our Education Act, which we'll probably be discussing a little later, in its preamble it's very detailed. It goes through the goals, the aspirations, the hopes of this government and what they're trying to bring through to the act and what they want our educators to bring through. This is absent from what is present currently in Bill 2. The minister says: "Don't worry. It's going to be in regulation." Well, that's when I get worried because regulations are created – and I know he's an honourable man, and I know he has the public interest at heart, but I do not know that the next Minister of Energy will be so committed to such a just and social responsibility to include in our legislation. I don't know what the next Minister of Energy will believe or three ministers after he has gone on to other things.

That has to be clear, and that's the challenge. If I would see some overarching statement of principle in the preamble or some reference to, in fact, public interest or some other words to describe the fact that our oil and gas resources need to be developed in a socially responsible, economically friendly way that benefits the long-term interests of this great province – and I understand. Public interest is a difficult concept for structures like this to deal with, but at the end of the day that has to be there. There has to be a vehicle where the public interest can be balanced. At this time I don't see that in this bill, and it does not give me any comfort that the hon. minister says: "Don't worry. They'll be in regulation."

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

It's a beautiful evening this evening for guests, and I would seek unanimous consent once again to revert to introductions. Are there any who are opposed? Please say no.

[Unanimous consent granted]

Introduction of Guests

(reversion)

The Deputy Chair: The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. I'd like to introduce to you and through you to the members of the Assembly some members of the Grasslands school board that are here for a couple of days. I'd like to have them all receive the warm traditional welcome.

Bill 2

Responsible Energy Development Act

(continued)

The Deputy Chair: Are there any other comments on amendment A3? The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Chair. A couple of points that I'd like to make. Numerous occasions in this House we've heard how this current government is open and transparent, so I would actually challenge the Minister of Energy. If we're referencing public interest in other acts, then why not put it at the forefront of this bill, this piece of legislation? Let's include "public interest." Let's even go beyond the step of saying "the public interest" to put some parameters around it. You know, I'd love to use the words that are actually in the current ERCB bill, which talks about "regard to the social and economic effects of the project and the effects of the project on the environment."

Public interest is really looking beyond our own scope, beyond our own sights. We're talking about the social, economic, and environmental impacts of decisions that we are making today for the long term, so looking at how that's going to affect not only people, but we're talking about wildlife, we're talking about the environment, we're talking about air quality and land quality, we're talking about water and not just for us and within our own limited lifespans but looking at how a decision today is going to impact and affect our children, our grandchildren, our grandchildren's children.

I'm not comfortable with a bill that implies one thing, that is up to the subjective judgment of an individual or a group of individuals how they define something or whether they're acting on the best behalf of Albertans and Canadians. For myself it needs to be legislated. It needs to be included in this. You know, again, one person may have great intentions. The hon. minister may have great intentions. The person who is appointed to this new board may not have such great intentions. Regardless, it needs to be included in the legislation so that we can ensure that the public interest is protected, is acknowledged over the long term, over the span that this bill is law, and to ensure that all projects are looking at different points of view but especially looking at, again, the impact on the environment.

It's interesting. I've read different accounts from the proposal of the expansion of the Jack pine project, that there are environmentalists that are saying that is not in the best interests of the public, that is not in the public's interest. What are they basing it on? They're basing it on the impact on wildlife in the area, the impact on the air and land, the water sources. They're basing it on how it's going to affect the environment over the long term. That piece needs to be in every decision or every project when it's being evaluated and judged on whether the impact is worth the cost. Without public interest being included in this bill, without it being legislated, I have gross concerns that the public interest is not going to be first and foremost, which it needs to be.

Again, we're here representing 87 different constituencies and millions of Albertans, and we need to ensure and they need to know that their interests, not just the interests of one group or another, are going to be taken into consideration.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any others? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Madam Chair. No one has responded yet as to why we're removing this from law and removing it out of legislation. There should be a valid reason for that. It's an important question that has not been answered, because there's a contradiction here. It's in law now. It's been in law for 20 or 30 years. It probably goes back further. It's going to stay in law in the Alberta Utilities Commission Act as we propose this amendment. If it's wrong, why is it in law now? That's a valid question.

9:40

It has an important role. I believe it has an important role. I believe that's why this government put it in all these other bills. I only checked a few bills that I'm quite familiar with because I knew it was there. We're talking about a public resource that we are developing for the public good, but we remove from law the public interest test, and we remove from law the duty of the commission to act in the public interest. I don't understand that, and I'm not sure anyone can explain that. If you say that that's a violation of property rights, it's just not a valid argument. It's something we've lived by. It's a right we've had as the public.

I can go on and on naming a number of examples where the public interest test has come to the aid of the public. So I don't understand why we're removing that right, and it's no longer going to appear in legislation. In the same bill individual property rights have now been diminished one more time. Something has to be driving this in the sense of: what's the end goal? If we go down this path – and this was pointed out. I think I may have referred to it earlier, and I apologize if I'm being repetitive, but one of the arguments given earlier or that should have been given earlier is that this could prompt unnecessary lawsuits because there are things in our Bill of Rights, there are things in our Charter of Rights where you can infer the public interest. I won't go down that road, but the Environmental Law Society did in their draft, and the University of Calgary law professor did in his draft.

To streamline a bill so that we can be more efficient makes sense, I think, to everybody in this Chamber. That's the purpose of this. But if we don't get it right, we didn't streamline the bill; we created a bill that is going to cause more hang-ups, more delays unnecessarily. This is problematic for what our end solution, our end goal is.

When I look at this, I see that the public interest test is taken out. I know it's going to get rejected. I sense that from across the room. But it is an important issue for me. When the minister says that all these other acts apply, this Bill 2 specifically says: no, it doesn't. This act, the way we construct this act is going to apply, and our right in legislation, the public's right in legislation is gone. So much of what we do for our economy is all about the public interest. Yes, it is about private business doing private business, but in the end the overriding force is the public interest. The development of our resources in this economy is all about the public interest, and it's not here.

Thank you very much.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A3?

Hon. Members: Question.

[The voice vote indicated that the motion on amendment A3 lost]

[Several members rose calling for a division. The division bell was rung at 9:43 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Anglin	Donovan	Pedersen
Barnes	Hale	Saskiw
Bikman	Hehr	Towle
Bilous	McAllister	

Against the motion:

Amery	Hancock	Oberle
Cao	Hughes	Olson
Casey	Jansen	Pastoor
Cusanelli	Johnson, L.	Quest
DeLong	Kennedy-Glans	Rodney
Denis	Klimchuk	Scott
Dorward	Leskiw	Starke
Drysdale	Luan	Weadick
Fawcett	McDonald	Woo-Paw
Fraser	McQueen	Young
Griffiths		
Totals:	For – 11	Against – 31

[Motion on amendment A3 lost]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chairman. I believe everybody is here now that's coming. I wonder if we could have unanimous consent to shorten any further bells this evening to one minute.

The Deputy Chair: We are asking for unanimous consent to shorten any more bells for a division in the future to one minute rather than 10 minutes. Are there any who are opposed?

[Unanimous consent granted]

The Deputy Chair: What that means, for those who haven't experienced this before, is that we will ring the bells for 30 seconds, there will be a one-minute pause, and then we'll ring the bells again for another minute. That's what we'll do for the rest of this evening.

We are back on Bill 2. Are there any members who would like to speak on Bill 2?

Mr. Hale: Madam Chair, I do have another amendment. I have the required number of copies that I'd like to have passed out.

The Deputy Chair: We will pause while the amendment is being distributed, and then we'll go into debate on the amendment. This amendment will be known as A4.

We'll now move to debating the amendment. The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. The amendment that you have now deals with section 16, disclosure of information to the minister. I'll just read into the record what it will say when this amendment passes.

The Regulator shall, on the written request of the Minister, provide to the Minister within the time specified in the request any report, record or other information, excluding personal information, that is specified in the request.

We're saying to cross out "including" and put in "excluding" personal information.

The reason I'm putting this amendment forward is that I can't in my wildest dreams figure out why the minister would have access to personal information. There's nothing in here that specifies a limitation to the personal information. As I read it, it says that the minister may request personal information regarding any resource enactment approval with a landowner, you know, between landowners and companies.

10:00

That personal information could mean anything. That could mean mortgages, bank accounts, your wife's information, your

children's information. It's too broad. It leaves the door wide open to any kind of personal information that's available. I mean, that goes against your personal privacy rights. I can see him requesting information dealing with, you know, contracts that you have between the oil companies and landowners, the oil companies and different oil companies if they're subletting leases, roads with special areas, information that deals with the energy sector, but I do not think there should be a clause in here giving access to any personal information.

Now, I don't know. Maybe the hon. Energy minister can explain why he should have access to any personal information. I'm hoping that was maybe just an oversight in this bill, that, you know, maybe he would clarify that it means information dealing with a contract, but as it's written here, it does not say that. It's "personal information." I'm sure many of you have personal information that you don't want the hon. Energy minister to see. If you say that your book is wide open, that he can request any information that you have, I'm sure maybe your husbands or wives or your children would disagree with that. I know mine would, and I know that many of my colleagues would.

Mr. Saskiw: What are you up to?

Mr. Hale: That's privacy. That's the privacy act.

You know, that's the main reason we put this forward. Sure, we can register our agreements with the regulator as landowners. That's good. That's something that we're not opposed to. We think that's a good section in this bill. If this information requested was just about those contracts, then we wouldn't be having this amendment put forward. It just leaves the door too wide open to retrieve any information dealing with our personal lives. That's the reason I put this amendment forward.

Thank you.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Energy.

Mr. Hughes: Thank you, Madam Chair. I think that perhaps I can shed a bit of light on this because I know members have asked about this specific clause. Perhaps before we get into a lengthy concern, a bit of clarity would be helpful.

I would observe, Madam Chair, that I don't think the amendment proposed by the opposition is consistent with public expectations. This section actually requires the regulator to disclose information at the minister's request. Now, the kind of information that one would look for provides for a greater accountability. For example, there will be situations that require personal information like expense information submitted by the board of directors, the CEO, or the hearing commissioners. This is required, obviously, to meet public expectation. Of course, timely exchange of information is required for the government to carry out its constitutional duty of aboriginal consultation.

I'd also like to assure the hon. member opposite that this clause does not override the Freedom of Information and Protection of Privacy Act. In fact, personal information is still protected by FOIP. I do think that this is an important aspect that it is critical that we retain.

Thank you.

The Deputy Chair: Thank you, hon. minister.

Any other members wish to comment?

Mr. Hehr: Well, I guess that since the minister is here, I'll ask him: is it defined in the act what data the regulator will be allowed to collect? Are there any fences put around this at all, or is it open

to interpretation? If you could help with that, then I may or may not have to speak after that.

Mr. Hughes: Madam Chair, I'm not sure I can give an answer that cuts him off at the pass, much as I might wish to. The specific aspects will be defined in regulation, obviously, in terms of what will be required, but this is the normal course of business in terms of managing agencies, boards, and commissions that are agents of the province of Alberta, doing good work on behalf of Albertans. It's important to have that exchange back and forth.

The Deputy Chair: Thank you, hon. minister.

The hon. Member for Calgary-Buffalo, but we have other speakers, so we can't keep going back and forth.

Mr. Hehr: Thank you, Madam Chair. I guess that answer by the hon. minister served a half measure towards me. I think we've got to take a look at, overall, the way society is nowadays. We have a tremendous amount of technology, a vast ability to collect information – governments and corporations and the like – and we see a growing trend to this collection of information by governments, private businesses, and the like. The key to success oftentimes is information: knowing where people live, knowing what they do, knowing the way they vote, and all of those things. There's a danger in that. If we write legislation that lets us use this information or collect this information with impunity, it is fraught with peril. Things from people's lives and their personal lives, things that the government has no business knowing and should have no right to, are all of a sudden collected, and although they are not collected for any untoward purpose, nevertheless the danger lies there.

We can take a look at the United States. There's a perfect example of that happening right now. There's a very famous general who is involved in, I guess, what would be called a sex scandal. This information was compiled by the CIA and the FBI, and it was for no one else's broader purpose or information. It had no impact on the way he was performing – you know what I'm saying – and the like. Nevertheless, this information was leaked. It was leaked from government departments, from the CIA and the FBI. It was leaked because the government had the information and someone found it, and of course society is often interested in salacious details.

Oftentimes when governments collect information on too broad of a scope or passage, that information can be used against an individual, or something else can be investigated, or something can be looked into. The nature of the collection of private material is that it doesn't remain private if someone is collecting it. So I'm always nervous, especially when we don't write our legislation to attempt to narrow down the scope of what people will be collecting this information, what they're going to collect, and what it can be used for. In my view, I do not accept the argument: well, this is all going to be fleshed out in regulation.

Privacy rights are very important. I think that some broad measure of what that personal information should be that the government can collect, whether it be name, address, phone number, whether it's a contract or the like, some fences around what materials the regulator will be able to request and the like I think would go some way to improving this bill and improving the personal information of Albertans. I think we've got to get in the habit here in the Legislature of trying to encompass that into our legislation. This has been around now for about 15 years. With the increase in technology, the ability for people to get this information, I think it's high time governments took a more earnest look at the reasons why people have private lives, the

reason why people don't want governments to have information. Once governments have that information, the power of the state can be used in an unwieldy, unmannered approach that can trample personal lives and personal freedoms. That's why we have civil liberties.

I'm going to support this amendment. I think it's a good amendment. In any event, even though it may not be accepted, I think it'll spur the minister on to writing some clear and distinct regulations that put some fences around what information the Responsible Energy Development Act and the regulator will be able to get.

Thank you, Madam Chair.

10:10

The Deputy Chair: Thank you, hon. member.

The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. Just to speak briefly on this amendment, what's interesting when you read this piece of legislation, in particular section 16(1), is the very broad nature of the language used here, including personal information, without any type of limitation whatsoever. Actually, I'm not sure whether or not the Lieutenant Governor actually has the ability to make regulations on that particular section, but even if there was that regulation-making authority, one would think that all you have to do is define personal information under section 1, the section of definitions for interpretation. If the minister has valid concerns about the requirement of certain information, it should be put out there, and it should be as specific as possible right in the statute.

It's interesting that he mentioned that FOIP still applies. I think that, potentially, the way this reads right now is that the minister could request any type of information: income tax information from a member of the public, business transactions, any type of information that's readily available or collected by a provincial or the federal government. I find that rather scary, that type of nanny state power that's put in this piece of legislation. It's not to say that the minister will go out and do that, but the power exists. It is so broadly stated. If someone does challenge this piece of legislation, particularly this section, I think there are valid, arguable legal arguments to be made that this is a very massive infringement on someone's personal rights. I'm wondering whether or not this actually conflicts with other existing legislation. You know, there's no privative clause or anything like that in place here.

I'm speaking in support of this amendment. Hopefully, you know, the hon. minister will take this amendment in stride. Thank you.

The Deputy Chair: Thank you, hon. member.

Any other members who would like to comment on amendment A4?

Seeing none, the hon. Member for Cardston-Taber-Warner.

Mr. Bikman: Thank you, Madam Chair. I certainly think this is an important consideration. I'm not sure – if I missed it, I apologize – what the reason would be to require personal information without limiting it, narrowing it a bit. I mean, we know Big Brother is watching, but does he really need to know the size and all the measurements? I think not. There needs to be some restriction, whether it's by definition so that we can be specific or whether it can be just eliminated altogether if it doesn't serve a specific purpose. If it doesn't, we ought to know, and I think that people ought to know.

But I don't think that should be there as a sort of disincentive to step forward to object or complain. At this point I think it is. As

the hon. Member for Strathmore-Brooks said, it has the potential to create problems. I think that in good faith we ought to send a message to the people of Alberta to say that we do respect your right to privacy and that we do respect your right to keep some things to yourself even though you want to come forward and object to something. There are a few things we need to know, but we sure don't need to know everything. I hope that in good faith you good folks over there, who value your own privacy and the right to keep some things sacred and perhaps confidential, will support this amendment. I think it deserves your support.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any others?

Mr. Donovan: Again, I'm getting up to speak in favour of this amendment. As it's been covered by my two colleagues earlier here, just how much information does the government need on something? I understand that when the minister spoke, he said, you know, that it's going to exclude. Then the hon. Member for Calgary-Buffalo commented that all these things are planned out, probably good motions and ideas, but stuff gets leaked, information get's taken out of context, and I guess you're just leaving yourselves open for something to come back down the trail and bite you later on.

I guess, in saying that, I'll keep my comments short. I'm in favour of the amendment.

The Deputy Chair: Thank you, hon. member.

Are there any others?

Seeing none, I'll call the question.

[Motion on amendment A4 lost]

The Deputy Chair: We'll move back to debating Bill 2. Are there any other speakers on Bill 2? The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. I do have another amendment with the required copies that I would like passed out, please.

The Deputy Chair: We'll pause while those copies of the amendment are being passed out. This will be known as amendment A5.

Seeing as most members now have a copy of the amendment, we can continue. The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. This amends section 18 of Bill 2, and I will read my amendment into the record. I move that Bill 2, Responsible Energy Development Act, be amended in section 18 by adding the following after subsection (4):

- (5) prior to or within 9 months of the execution of an agreement under subsection (2), the Minister shall ensure that a Member of the Executive Council introduces a motion in the Legislative Assembly that would have the effect of facilitating a debate in the Assembly on the question of whether the agreement should be approved by the Assembly.
- (6) if an agreement under subsection (2) is entered into prior to receiving the approval of the Assembly, the agreement shall include a provision providing that the agreement shall be of no force or effect if it is not approved by the Assembly.
- (7) if the Assembly does not approve an agreement under subsection (5), the agreement shall not be entered into or, if the agreement has been entered into, the agreement is of no force or effect.

Now, this section of the bill grants the cabinet the power to direct the regulator in negotiating interprovincial and international agreements that could make essential industry beholden to groups that do not share interests. This could lead to agreements that are detrimental to Alberta's energy future. We think that the House should have the ability to look at these agreements.

You know, there are many pipelines that are being proposed now, many interprovincial agreements, international agreements, you know, for exporting our product. It's something that affects not just one company, not just one individual, you know, as a single well does, not just one area as in the oil sands. This is something that has a huge provincial effect on all the people in the province, so I feel that it shouldn't be up to a single minister or a single regulator to make those approvals. It should be something that we can make as a whole group because it's something that is going to affect everybody in Alberta.

10:20

There are good parts about this section already. You know, we need these other pipelines to export our product. If we give the regulator the power to make these dealings on behalf of the people of Alberta, they can have one hearing with all the provinces there. They don't need to have hearings in every single province. They can do it as a whole group, which will speed up the process, which is the intent of this bill. It should be something that is talked about by all the MLAs, not something left just to the regulator or the Energy minister of the cabinet to make a decision on their own.

In regard to international exports as we're seeing now, it's something that all the provinces need to work together on. It's something that one group cannot make on its own. It's a decision that needs to be made as a whole. So we feel that adding these in will allow the regulator and the Energy minister to bring these proposals forward to the House. We can have a debate on it; we can hear the pros and the cons with regard to these dealings that are going on and have the ability to take it back to our people and get their input on it.

This deals a lot with the openness and transparency that's talked so much about in this House. This is just another step to be open and transparent, to communicate with all Albertans how, you know, we're being affected, how the energy industry is being affected. We're all in agreement that we want a single regulator. We just want to ensure that the single regulator acts in the best interests of Albertans. These amendments are a way to bring it back to the House for a good debate to ensure that everything is handled through the proper channels and that we do have the consent of the majority of Albertans when dealing with the resources that they essentially own.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A5? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. In speaking to the amendment put forward by the Member for Strathmore-Brooks in reference to section 18, it just seems to be an extraordinary power that's been given to the regulator, something that you don't often see in legislation. That's under section 18(2), which essentially allows the regulator to

enter into any agreements that it considers desirable with the Government of Canada or an agency of it with respect to a matter relating to the purposes of this Act or any other enactment or with any government of a jurisdiction outside Alberta or an agency of that government in respect of the effects of such a matter in that jurisdiction.

What that says is that the regulator can simply go out and make agreements with governments outside the jurisdiction of Alberta. There's no limitation on whether that's just with other provinces. There's no limitation on whether that's North America. Anywhere in the world the regulator may make deals, may make arrangements on behalf of the government of Alberta. It just seems like an exceptionally odd provision to have in a statute.

I think, you know, that we should have a provision in there that's quite similar to the way other jurisdictions handle extra-provincial agreements that are made, and that is to have the agreement approved in principle or ratified subsequent to the agreement by the Legislature or, federally, by Parliament. It just seems to me that would be the requisite due diligence that we should have when entering some potentially very important agreements.

Maybe this provision is in place for this so-called national strategy, or whatever term the Premier is calling it, in the sense of creating that type of plan. To have this power in the regulator to enter into any agreement without limitation with respect to virtually anything – the only limitation is “agreements it considers desirable,” which, of course, is a subjective test and could include virtually anything. So if the regulator decides it wants to enter into an agreement with South Dakota, it can go and enter into that agreement without it coming back to the Legislature here and without having the appropriate debate on that agreement.

I'm standing in support of this amendment to ensure that there are at least some safeguards. The main safeguards in subsection (5) state that “prior to or within 9 months of the execution of an agreement,” then a bunch of verbiage, and then it basically states that it “should be approved by the [Legislative] Assembly.” One would think that should be a very realistic, proper way of dealing with potentially very serious contracts that have large ramifications for our province. One would hope that the regulator wouldn't enter into some type of agreement that could bind the hands of the province and of all Albertans. So I'm speaking in favour of the amendment.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Calgary-Buffalo on amendment A5.

Mr. Hehr: Thank you very much, Madam Chair. I will admit that this is a very interesting amendment, one that I, to be honest, hadn't thought of myself. Frankly, while I'm speaking on it, I'm not sure whether I'm going to support it. I'm going to hopefully work through some of the arguments here and see if I can add something to the debate. That will be up to you to judge, but I'll give it a fair whirl.

Now, if you look under the Constitution, our oil and gas reserves are the people of Alberta's, stewarded by this government and members of this honourable Legislature. Hopefully, we are doing this in the best interests for the long run. Often I've also said that in the long run we're all dead. So that's awfully difficult to do, but that's what we should be doing.

If you look at what is currently happening in Alberta, that many people are paying attention to, the Nexen energy company is being purchased by an arm of the Chinese government, their national oil company. To date we've been relatively, in my view, silent on what our wishes and hopes and dreams are on behalf of the Alberta people and, in fact, what we want for our oil and gas industry. I also understand that it's the federal government's job to regulate trade and commerce. Okay. I understand that. Nevertheless, we have been relatively quiet on whether we deem it in our provincial interest to have a state-owned Chinese oil

company come into Alberta and take a play in our backyard. It's just one of those questions.

If we really want to develop ourselves as a province, to see ourselves as being the stewards of our resources, to be a voice in what we want for the development of our oil sands and other oil and gas regions, then this amendment would add to that voice. It would give us an opportunity to discuss in this House situations where a foreign country may be involved or outside pipeline agreements are entered into with other provinces. That, in my view, would be a good thing.

In my view, we haven't discussed the ramifications of the Nexen deal very much. In fact, currently, Madam Chair, if the CNOOC deal goes through, we will have 14 national oil companies competing in Alberta. Fourteen national oil companies. Now, I guess that would beg the question, Madam Chair, why they're here. I think it's a simple question, but what's the simple answer? They come here, they pay royalties, and then they make lots of money. Allegedly, there's money in this business. They send that money back to their home country to pay for roads, schools, hospitals, and the like. There are 13 of them doing that right now.

10:30

At one time, in my view, I thought we had a broader vision of what it meant to be in the Alberta interest. It was under Mr. Lougheed, when he in 1971 or '72 started the Alberta Energy Company – okay? – a company that lasted till approximately 1993 and was a very integrated energy company. It provided a lot of the infrastructure for the oil and gas industry as well as returned a lot of profits not only to this government but to shareholders, who were primarily Alberta citizens. Now, that was a neat idea.

I won't go into the ramifications of what, in my view, was a fit of government not quite thinking about the long run, the selling of the Alberta Energy Company. That was done, and I thought it was a mistake then. I think that to this day the sale of that company left us without a voice in our own future, our own direction, our own ability to have a stake in our own future. I think Mr. Lougheed recognized that, and he often recognized: think like an owner. That means having your own oil company. Or what else does it mean? I think that's something where, you know, if we're going to have an oil and gas industry, we should look at whether that was the best course of action. Allegedly, the oil and gas business is going to be around for another hundred years or so, so there may be no time like the present to investigate whether we're getting a fair return on our oil and gas resources.

You know, I read a report by the Parkland Institute that says that we're receiving approximately I think it's 13 per cent of the total take from the oil and gas industry. There's a country out there, Norway, who developed their oil and gas industry based on some of the ideas of Lougheed, having their own oil company and the like, who bring in roughly . . . [interjection] No. Just wait. I'm talking. That was the hon. Solicitor General. He wasn't sure what I was going to talk about. I'm not talking about savings. I'm talking about their organization of their oil and gas industry, and I'd encourage the hon. Solicitor General to do some research on this issue. I will forward to him the research of a brand new report that came out by the World Bank that analyzed some national oil companies, their responsiveness to market conditions. I know the hon. Solicitor General is a believer in the free market, and understandably so – that's fair enough – as am I in certain instances. But did you know that Statoil, Norway's national oil company, is traded on the New York Stock Exchange? It is valued and recommended by stock traders all over the world. They say that

this is a great thing to invest in. They do despite the fact that government is involved in that.

Back to my main point. The Norwegian government collects roughly 75 per cent of the total take of the energy industry – okay? – because they're actively involved in partnerships with other oil companies. Guess what they figured out? There's profit in this, lots of money to be made. I know it may sound novel, but allegedly there is, okay? The Norwegians have figured it out, like Mr. Lougheed had figured it out.

The Deputy Chair: Hon. member, you're speaking on amendment A5.

Mr. Hehr: Now back to the amendment. I think that this would create some of that ability for us to look at our broader future as an energy producer, as having a viable voice for Alberta citizens to take part in, and would allow us to review things in this honourable House.

Thank you, Madam Chair.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to comment on amendment A5? Seeing none, we'll call the vote.

[Motion on amendment A5 lost]

The Deputy Chair: Back to Bill 2. Are there any other members who wish to comment on Bill 2? The hon. Member for Strathmore-Brooks.

Mr. Hale: Thank you, Madam Chair. I have another amendment.

The Deputy Chair: We'll call this amendment A6, and we'll pause till everyone has a copy.

Seeing that the majority of members have a copy of amendment A6, I would ask the hon. Member for Strathmore-Brooks to continue.

Mr. Hale: Thank you, Madam Chair. This amendment deals with division 2, the hearing commissioners. We have an amendment to section 11(1). Section 11(1) states:

The Lieutenant Governor in Council shall establish a roster of hearing commissioners consisting of a chief hearing commissioner and such other individuals as are appointed by the Lieutenant Governor in Council.

My amendment, then, states:

(1.1) The Lieutenant Governor in Council shall appoint the chief hearing commissioner on the recommendation of the Standing Committee on Legislative Offices.

The reason I put this amendment in is because as it stands now in the bill – one subamendment I already have put forward – the transition committee is appointed by council, the board of directors are appointed by council, the chief hearing commissioner is appointed by council, and the roster of hearing commissioners are appointed by council. This amendment allows transparency and accountability. There seems to be a common theme with the picking of the people involved in this bill, and it seems that it's left up to the hon. Energy minister and the cabinet.

Again, this bill affects everybody in Alberta, and everybody should have a voice through their MLAs, through an all-party committee. That's why we suggest sending it to the Standing Committee on Legislative Offices to make a list of recommendations. We're not saying, you know, that they have to do it. This is something that they can send to Legislative Offices. As it stands now in that committee, it's one-party heavy, so

chances are that it's going to be who they want anyway, but at least there can be other voices heard.

This way it's not open and transparent. It's only open and transparent in one room. This needs to be something that's discussed and talked about through all the parties because it does have a huge effect, you know, on the hearing process, the appeal process that's in this bill.

10:40

That's why we think that this decision should be made not solely by the cabinet and the hon. Energy minister. It should be made by the all-party Standing Committee on Legislative Offices. You know, it'll go a long way in picking this hearing commissioner so that it doesn't take the form of a specialized appointment, that it is open and transparent and that the right person does get the job. Once again, we need to get this bill right. We need to ensure that when there are appeals that go through and there are issues that need to be dealt with, they're dealt with in a professional manner, that they're dealt with by someone who has a vast knowledge of the industry and the workings of Alberta and how the industry relates to people in Alberta.

This should be an amendment that passes. I mean, I can't see why the government side of the House would say: "Well, no. We want to solely make the decision on our own." I mean, for the simple optics effect, at least you can show that you're being open and transparent. It's practising what you preach. It's something that people need to know, that the person picked for this hearing commissioner is the right person, not an appointment made solely by one party.

I hope that you will vote in favour of this amendment, and I look forward to the discussion.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on this amendment?

Mr. Dorward: Did the hon. MLA give any consideration at all to the fact that a person's name would be discussed in an open meeting of the Standing Committee on Legislative Offices in order to be able to make the recommendation to the Lieutenant Governor in Council?

The Deputy Chair: Thank you.

The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. Just in regard to the member's comments this happens in every other jurisdiction on very important bodies, whether it's judges, whether it's senior bureaucrats, whether it's chairs of certain entities. There are discussions that are in public about those people, whether they have the requisite qualifications for that job. For a Premier that gloats about being open and transparent, every single act that has been taken subsequent to that completely negates that argument. It's unfortunate that the member opposite wants to have a secret process when it comes to the appointment of such an important person.

I think the other reason why – I'm surmising – the Member for Strathmore-Brooks is putting forward this amendment is because we should take the politics out of this appointment. Just take the politics out. There are certain circumstances. For example, potentially, the Health minister previously appointed a certain chair of Alberta Health Services, who may or may not be partisan. I think that's one aspect of this. We should actually ensure that the person is nonpartisan. We do this, of course, with other chairs. We do this with the Ombudsman because that person should be truly independent. That's why a legislative committee makes that decision.

Of course, as the Member for Strathmore-Brooks said, it's not that the other opposition parties would put forward one name. It's a bunch of names, and the ultimate decision would still rest with the government, but there's at least some due diligence in the process that's being done. To think that for some reason this has to be a secret process is quite baffling.

The Deputy Chair: Thank you, hon. member.

The hon. Minister of Energy.

Mr. Hughes: Thank you, Madam Chair. You know, I appreciate the sentiment being put forward in this particular amendment, but it's simply a complete and utter error in law. The Standing Committee on Legislative Offices is involved in appointing six officers of this very Legislature. These are the officers of the Legislature who are appointed by the Standing Committee on Legislative Offices. That's the Auditor General, the Ombudsman, the Chief Electoral Officer, the Ethics Commissioner, the Information and Privacy Commissioner, and the Child and Youth Advocate. At no time, Madam Chair, either in any of the many amendments that have come forward from all sides of this House or in the original legislation was there a suggestion that the commissioners should be officers of this Legislature.

But I can assure my colleagues on all sides of the House that the appointments to the board of directors of the regulator and also the roster of hearing commissioners will be a process which is well adhered to by this government, which is publicly advertised, a thorough process, a process that is appointed by the cabinet and that will be competency based. I give that commitment to the House.

The Deputy Chair: Thank you, hon. minister.

Are there any other comments? The hon. Member for Lac La Biche-St. Paul-Two Hills.

Mr. Saskiw: Thank you, Madam Chair. I guess that with respect to the amendment, saying that it's an error of law is simply not correct. The Standing Committee on Legislative Offices can within their jurisdiction make a recommendation. It's not binding on the minister, and it doesn't have to be an officer of the Legislature. They can make any type of recommendation to the hon. minister, so there is no exclusionary clauses on the mandate of that committee. It's just simply incorrect.

I think we can respect some of these assurances that there would be an open competition, but we, quite frankly, haven't seen that in the past. We saw this with senior bureaucrats in agriculture, where there was no open job competition. It wasn't based on merit or competency. You know, all sorts of laws were being broken.

This just seems to me to be a very valid, reasonable amendment. The governing party would still have the ability to eventually appoint an individual to such an important position, but reasonable due diligence would be done. I would hope that they would accept that.

The Deputy Chair: Thank you, hon. member.

The hon. Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Madam Chair. I'm rising to speak today in favour of the amendment brought forward by the hon. Member for Strathmore-Brooks. It seems very reasonable, but it also seems that we can't come to reason in this House at this moment.

One of the things that I find interesting is that the hon. Minister of Energy mentioned that it would be a fair and open process. He's assuring us, and that is fantastic. That's what we want to hear. The problem with that is we've heard that before. We saw it

specifically in creating a job for Mr. Evan Berger, creating a job description for said person, and also creating a wage and everything for a job that didn't exist. That job did not go out to open tender, did not go out to any open competition. Why would that be any different than this? There's a pattern with this government that shows that that isn't the way they proceed, and it would seem to me that if it is the intention to proceed that way, then there's no harm in making sure that it's actually protected within the act.

The other part of it is that given that all of the directors are appointed by cabinet and all of the hearing commissioners are appointed by cabinet, we've created a political monopoly, and in no way does that monopoly answer to anybody but cabinet. Given the track record of this government of appointing their cronies and their friends and people in the government family, it would seem that if you want to be open and transparent, you would make sure that that can't happen. You want to make sure that you engage in ensuring that you have trust from the public and from Albertans.

I think it's also important to show Albertans that these appointments are not political. I actually believe that the Minister of Energy does believe that they shouldn't be political, and I think that's great. I think that if he actually believes that, then he would very clearly be able to put it in there, that he's making his appointments on the best wishes of Albertans.

I guess the bigger question that I have is – we've talked a lot and this government has talked a lot about being open and transparent. They've also talked a lot about having the most robust transparency policies in Canada. I believe the Associate Minister of Accountability, Transparency and Transformation has gone on and on and on in this House about how open and transparent this government is and how everything should be on the table. Yet at the same time he says: if you want information from the Health minister, you have to FOIP it; if you want information on expenses, you have to FOIP it; if you want anything done, you have to FOIP it. But we have the most robust and open and transparent policies across Canada.

10:50

It would be interesting to hear from the Associate Minister of AT and T exactly how transparent this policy really is. Literally, you'd want to ensure that the openness and transparency of this bill – you as the minister would of course want to ensure that that is fundamental in this process, and you would want to ensure that you have fairness, and you'd want to make sure that everybody who is appointed to this board is done so through an open and fair competition process. Given that that's your brand new associate minister role it would a hundred per cent be: if you want Albertans to believe you can walk the walk, then it would seem to me that you need to talk the talk.

If we're going to have an Accountability, Transparency and Transformation associate minister, then it would seem to me that he would want to ensure that the bills coming before this House are in line with what his goals are. That would just seem to make sense. But if we're going to just have cabinet appoint the directors, have cabinet appoint the commissioners, then how open and transparent is that? I guess if we want to know what their expenses are or what they're doing, we might have to FOIP that as well. I mean, that seems to be the track record we're on. It would seem to me that we need to make sure that this process is the most fair to all parties involved. The only way to do that is to go to the public, to have it open, and to have nominations come forward, have an all-party committee submit those nominations.

What's the fear if the ultimate power ends with the minister and the minister can ultimately pick whoever he wants anyway?

Really, he gets the best of both worlds. He can still pick his guy, and then literally tell Albertans: “Well, I followed the accountability, transformation, and transparency rules. I picked my guy, but I had a public process to make sure it was all fair for everybody.” At least then he can have the insinuation that we had a fair and open and transparent process. It’s a win-win, really. The Minister of Energy really gets it both ways. He gets to have a fair and open procedure. The Associate Minister of AT and T gets to, you know, lobby on: “Woo-hoo. Look at how good we’re doing.” The public get to believe that you actually were fair and open and transparent. Yet you still get to pick your guy. So what’s the big deal?

I mean, you could have done the same thing with Evan Berger, but instead we chose a different route where it was all secret and quiet, and then all of a sudden, you know, we threw him into a job that didn’t exist, with a job description that didn’t exist, and created a wage for him that didn’t exist, and then once it went to the Ethics Commissioner, we created a job description and made sure he had an appropriate title and all that sort of thing.

Given the lack of trust from the public, given the history with Evan Berger, and given that, you know, this government repeatedly appoints their friends and family members to these types of boards it would seem to me that if you want to do that and you want to make sure that we’re open, transparent, and accountable, the best way to do that is to maybe have a conversation with the Associate Minister of Accountability, Transparency and Transformation. Then maybe you could come to an agreement about how that process can be open, accountable, and transparent.

Then you could literally – I mean, we’ve done the work for you. But God forbid, we know that you won’t be able to do that. We’ve literally shown you how this can be open and transparent. You can literally see the establishment of a roster. We already knew you weren’t going to agree with it, so that’s okay. But if you want to be open and transparent, what’s the big deal if it goes to an all-party committee? The government controls the all-party committees too, so literally it’s a win-win. You can control it from every angle you have. It’s all a win-win. But you at least give the semblance of seeming to be open and fair. I don’t know what the opposition would be to that because you win anyway, but at least you can start a process where you can actually build on what the Associate Minister of AT and T is trying to do.

Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to comment?

Mr. Bikman: I heard someone utter, Madam Chair, that this process that’s being recommended through this amendment would be a waste of time. Well, let’s be candid. What goes on in here is a waste of time, I submit, because you already know what you want to do, and you’ve got a majority. You’re just sort of pandering in a sense to an appearance of an open debate, but you know how you’re going to vote, and you know how you have to vote. You can protest as much as you want, but the facts speak for themselves. No one dares vote in favour of what your constituents want. You assume that because you’ve been elected, that gives you the freedom to vote the way that the party tells you to vote, and that’s really not fair and open. [interjections]

The Deputy Chair: Hon. members, the Member for Cardston-Taber-Warner has the floor.

Mr. Bikman: Glad to see that you’re all still awake.

An Hon. Member: Speak for yourself.

Mr. Bikman: I am and the people that voted for me. Are you?

You can’t just say that you have a policy of transparency and openness and accountability. Just saying it doesn’t make it so. You’ve got to actually walk the talk. I think that’s what my young friend was trying to say. Talk is cheap. We need to walk the talk. If you’re going to be accountable and transparent and open, you can’t just say it; you’ve got to do it. We’re just asking you to do it. The people that we represent would like to see that happen. People really do need a say in these kinds of things. We need to see what the qualifications are of people and why they’re being considered. And you know what? If you didn’t have the track record you’ve got, you wouldn’t have this opposition to what you’re trying to railroad us into doing.

The Deputy Chair: Thank you, hon. member.

Are there any other members who wish to speak on amendment A6? The hon. Member for Little Bow.

Mr. Donovan: Thank you, Madam Chair. I’d just get up and again support this amendment. I think that when it goes through the process of having it through the Standing Committee on Leg. Offices, it gives everybody an opportunity to talk about it. I guess I don’t see the problem with having a discussion about who’s qualified and who’s not qualified for a position.

In that, I support the amendment. Thank you.

The Deputy Chair: Thank you, hon. member.

Are there any others who wish to comment on amendment A6? Seeing none, we’ll call the vote.

[The voice vote indicated that the motion on amendment A6 lost]

[Several members rose calling for a division. The division bell was rung at 10:58 p.m.]

[One minute having elapsed, the committee divided]

[Mrs. Jablonski in the chair]

For the motion:

Barnes	Hale	Pedersen
Bikman	Hehr	Saskiw
Bilous	McAllister	Towle
Donovan		

11:00

Against the motion:

Amery	Hancock	Oberle
Cao	Hughes	Olson
Casey	Jansen	Pastoor
Cusanelli	Johnson, L.	Quest
DeLong	Kennedy-Glans	Rodney
Denis	Klimchuk	Scott
Dorward	Leskiw	Starke
Drysdale	Luan	Weadick
Fawcett	McDonald	Woo-Paw
Fraser	McQueen	Young
Griffiths		

Totals:	For – 10	Against – 31
---------	----------	--------------

[Motion on amendment A6 lost]

The Deputy Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Chair. The debate on Bill 2 tonight has been scintillating, to say the least. I’m sure we would want to do much more, but we have had guests patiently waiting

for us to get to Bill 3, so I would move that the committee rise and report progress on Bill 2 and beg leave to sit again.

[Motion carried]

[Mrs. Jablonski in the chair]

Mr. Casey: Madam Speaker, the Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 2. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

Thank you.

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

Hon. Members: Concur.

The Acting Speaker: Opposed? So ordered.

Government Bills and Orders Third Reading

Bill 3 Education Act

[Debate adjourned November 8: Mr. Eggen speaking]

The Acting Speaker: The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you very much, Madam Speaker. It is a privilege to rise and speak to Bill 3, the new Education Act, that will be enshrined into law after this. Now, I will tell you at the outset that I will be voting against this bill, but I will go through some of the things that I found positive in the bill, some of the things that I hope will be reflected in a new education system, and then get to the more contentious aspect of the bill, which is more a principle or a philosophy, something that I personally can't compromise on, and in fact the Alberta Liberal caucus won't compromise on; that is, the way we treat the Canadian Charter of Rights and Freedoms as well as the Alberta Human Rights Act in this province. Under no circumstances will we support a bill that either does not enshrine those rights or, even if it does, sends mixed messages to groups that those rules do not apply.

I understand this act has been a long time coming. The hon. Minister of Human Services, I believe, started the inclusive education talks in 2008. He then continued around the province for a great many years, moving the stages and processes and consultations on this bill widely and broadly for much of his tenure as the Minister of Education. In fact, he originally tabled the Education Act. I believe it was Bill 18 in its prior form, and in that bill were much of the provisions we see here at this time. That hon. minister in his wisdom chose to include the reflections in section 16 of the act, the contentious portion, that the terms of the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act were applied. Like I said earlier, the hon. minister is an intelligent man. He understands that words matter and the way that we write legislation matters.

We then had the hon. Deputy Premier take over the file. He did some more consulting, did some more work, had some more meetings with community groups and stakeholders throughout this province. He, too, then tabled a bill. I believe it was last March, and I believe it was Bill 2, the Education Act. That bill, too, contained a recognition that our Alberta education system in all its forms, fashions, and the like would be subject to the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act. I would also suggest, because he's a smart man, that he

understands that words matter and that people interpret them by what was written and what was done.

Let's get to the merits of some of the act. I like the fact that some of the language in the act reflects an inclusive education system. It reflects the fact that we have many people with special needs in our province who deserve an opportunity to learn. It includes a provision that will enforce the laws to have children go to school till 17. I know full well that's a difficult law to enforce, but it's a statement of principle from this government to members of society that school is so important that you will attend until you're 17. It's a statement of principle. We all know that we can't necessarily enforce that, but as a statement of principle that says something about us. It's a statement that I am proud of, that that happened.

I note that I also enjoy the provision that says that you will be allowed to receive education to complete your high school until the age of 21. A noble cause. We have significant challenges with our graduation rates here in this province. Allowing kids who drop out, maybe to pursue the working world or something else, an opportunity to know that the school doors will be opened to them when they are ready and encouraging that opportunity to complete their high school education is very important. I believe this government should be applauded for it. We have a recognition that if our society is to go anywhere, our kids need to be educated further. If they don't complete their high school education, the consequences are not only dire for that individual as they generally earn less and have more recidivism with the law and the like; it also hurts our province. It hurts us in the fact that we don't have an individual who could be reaching his fullest potential. I agree with that.

11:10

I know school boards were very happy with the natural power provisions. Hopefully, when the details come out in regulation, this will enable them the freedom and flexibility that they need to run the best education systems in their local jurisdictions. I believe that was also a good move.

There is much in this bill that I admire, much in this bill that sets the direction for the next probably 25 years. It was 25 years, I think, since the last education bill came into this province, so this is not a bill that's going to be opened up on a regular basis.

But now I have to get into my concerns. Largely, they stem from what I went through earlier: the process by which this bill, at least under two former ministers, included protections in section 16 under the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act. This is important because words matter and messages sent to the education community at large about their importance are very, very important to me and to many members of this community. For instance – let's be blunt – people were worried about the term “sexual orientation.” Okay? That was what they were concerned about. Many groups in our province staged a protest at the Legislature saying that they had an obligation to not be included under this act, that, no, the law of the land did not apply to them because of their unique circumstances. Largely that was home-schooling groups.

I understand. I'm a pragmatist. Madam Speaker, I understand that home-schooling is something that we allow in this province and something that I think works in certain instances. I'm also fully well aware that home-schooling by its nature is a private responsibility of the parents. By no means did the act, whether it was written in legislation – there was really little application to the actual principle. It's much like the situation where we say to kids: you shall go to school to 17. Well, Lord knows, if a 16-year-old doesn't want to go to school, the Minister of Education is going to

have a pretty hard time getting him to go to school. It's similar to the way the home-schoolers presented the argument.

One. Let's face it; for them really to be covered by the act, essentially, their son or daughter who is being home-schooled would have to file the complaint that they were being discriminated against. Does it seem logical that that's going to happen? The second thing. If people had bothered to read the Alberta Human Rights Act, the only section that could in any form or fashion apply is on publications. It says that for publications people have every right if they're of the same religious group or otherwise to communicate as they see fit. In any event, if people had bothered to look at the legislation, to look at the way it was written, it had no practical or real application to them. It was simply, I guess, to use a statement from the Bible, a banging gong and a noisy cymbal that was clanging outside of the Legislature, and people saw rights being infringed on that really weren't.

Nevertheless, because this government has now taken that language out of section 16, that group of people and others do not believe that the Alberta Human Rights Act applies to them. I read it on the Alberta home-school defence website: we won; we're allowed to do our thing, so send a thank you letter to the Premier for recognizing that this draconian language in the Alberta Human Rights Act does not apply to us home-schoolers; we are allowed to do what we would wish to do on promoting whatever values. Those were generally – let's be blunt – to teach that being gay is a sin.

I'm also pragmatic enough. My father filled my head full of nonsense, and every parent in this province has the right to fill their kid's head full of nonsense. We have to figure it out for ourselves, okay? That is the right of each and every parent in this province.

That being said, the way this government writes legislation matters for what we believe in as a society. It matters what messages we're sending out, and they're statements of what we as a society believe in. To use an American term, we hold these truths to be self-evident, okay? We hold the Alberta Human Rights Act and the Canadian Charter of Rights and Freedoms to be self-evident. Because of the process that is involved, that two former ministers included the Human Rights Act, section 16, and the new act didn't include that, it sent a mixed message, whether it was real, implied, or otherwise. That language says something about us. In my view, that is wrong. I don't think we're on the right side of what is fair and reasonable and creates an attitude of respect. For that reason, I will not be supporting this bill, for that alone.

Now let's get back to the overall Education Act. Everything that's included there is all words. It's all bluster. Unless we commit ourselves to funding education, to moving forward with some of the things that we've said in this House are true – moving to kindergarten, junior kindergarten, and the like – putting our money where our mouth is, that we recognize that education matters, all of the words and rhetoric in that bill do not mean a thing. We have to properly fund education. We have to ensure through our funding, through our cheque writing, that every kid has every opportunity to learn. Our examples through the way we support our education system through proper funding will be more the telling of the tale of how we survive and thrive as a province, more so than any bill that is written.

Thank you for allowing me the time to speak, Madam Speaker, and I look forward to the rest of the comments.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) now applies. We have five minutes for any questions or comments. Would anybody like to use Standing Order 29(2)(a)?

Seeing none, I'll call the Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Madam Speaker. I feel like it's déjà vu all over again. I'm pretty sure I was clean shaven when we started the discussion on the Education Act. That said, actually, I'm pretty sure I was clean shaven when we started the discussion on Bill 2 tonight, too, for what it's worth.

I think we've made some great headway on the Education Act, and I am going to be supporting it, but I would be remiss if I didn't mention a couple of things that still trouble me and, I think, many Albertans. I think there's much good in this legislation though, Madam Speaker.

You know, the bullying aspect of it is terrific. I just want to share a couple of things. My daughter is in grade 1 at Prairie Waters elementary school. I think a lot of schools are trying to deal with bullying. They have a pledge that they read out on the loudspeaker, and she was one of them that got to read little things like "I won't stand by." "I will stand up." "I won't watch someone get picked on because I'm a do-something person." You know, on and on and on. I think we're trying to change the culture of bullying and get rid of it, frankly, in schools. I think teachers, administrators, parents all play a hand in it. I'm just absolutely stoked to see that our government is trying to lead the way on it as well. I think it's one of several really good things in the Education Act, and I want to applaud that.

I also want to applaud the Education minister for his work on the bill and the countless stakeholders that took part. I can't imagine all of the hours, all of the people that were consulted and had their viewpoints put forward. Education is such an immense field. Everybody is so passionate about it. You'll never get something that everybody agrees with. I just think it's a magnificent effort, as we said, 25 years in the making. Let's move ahead, not backward.

11:20

That said, there are a couple things I want to mention that I think we could have done better on. Anybody want to guess what the first one is about? I'll give you a hint. It is the no-zero policy employed in some parts of this province. I think we had a real opportunity, Madam Speaker, to change for the better the education system for Alberta kids. I think we let one go by, probably for political reasons, when we all knew what the right thing to do was.

There are two sides to that debate. I will say first and foremost, before I speak to it, that I completely respect the stakeholders that did not support, you know, pushing forth some kind of amendment to eliminate the no-zero policy. They have reasons on that side of the debate, and I understand it. I don't necessarily agree with it, but I've had great discussions with those that are opposed to it, and you always have to respect the other side of a debate.

I don't necessarily respect the government on it because I think that our job as MLAs, our job in government is to listen to Albertans, and Albertans spoke loud and clear on this. The noise was deafening in this province that it's not good for students to teach them that accountability doesn't matter. We had a chance to put forth 16 words: ensure that teachers are free to assign grades of zero for work not submitted by students. I would just put to you that if that's offensive to somebody, I cannot understand why that would be. I cannot understand why that would be. When Albertans rise up and say, "We would like this for our students," why can't we make that change?

If you've read it, the act has hundreds of references to what the minister can do, what the minister should do, what the minister shall do. This would have been another clear indication that we did listen to Albertans and we did do what was right, what our constituents asked us to do. That's where I always come at it from. I heard it loud and clear, and I would bet that many probably did, and we're still going to hear about it for the next, oh, three and half years or so. I would suggest it will probably come up again. I don't think it was really offensive.

To the point on teachers, who best to judge what mark to give our kids? Who do we want to make an assessment of our children and their work? I would suggest that we give them the freedom to do that.

An Hon. Member: Not the government.

Mr. McAllister: I would agree, not the government and not the bureaucracy. It's shameful that we would allow the bureaucracy to determine what we do. That's what I'm getting at.

Again I say with respect to the stakeholders that have their own agenda, that I understand autonomy and how they're coming at it, but I think that we needed to come at it with some courage and say: this is better for our kids. It's probably better for teachers, too, from those I speak to. We could have made some headway there. Thank you for listening to me make my point on that.

The other point I'd like to talk about is school fees. I'll say right up front that there is no easy answer to this subject, but I think we again have an opportunity to show some leadership and ban at least mandatory school fees in this province. It's gotten to a point where as a parent of three now – well, one has just finished and one has not started, so I guess I'm paying for one – you're not really sure what you're paying for from year to year.

I do have a great privilege as education advocate to travel and talk to, you know, boards and parents and teachers, and I hear it all the time, particularly from those that are having a tough time making ends meet. We may not be in that category here, so it's easy to dismiss it and say that you can write these extra cheques. But for those that do, it adds up when you have to pay for noon supervisory fees, and you have to pay for locker fees, and you have to pay for administration and photocopying. Look, face the facts. At some point in the last 10, 15 years – I don't know when it was – something went awry here with fees.

Now, I'm not quick to assign government the blame and say, "Maybe you're not giving boards enough money" or to assign boards the blame and say "Maybe you were doing the wrong thing," but I think we have to recognize that this went awry somewhere, and we need to fix it for Albertans because it's why we're here. People are PO'd about it, and I know we're going to hear more about it in the years to come. Fees have gotten ridiculous. We have 3,000 parents being chased down by a collection agency for not paying their public school fees. That's a problem, so I wish we would've acted on it.

There are 62 boards in the province. I believe completely in autonomy, and I believe that they have a tough job to try and balance what government gives them with the needs of their parents, with the needs of their students. You know, it's an admirable attempt to try and make up for shortfalls.

Lethbridge, for instance, does not charge mandatory school fees. I always say, no matter what the subject – I said it earlier tonight on another issue – that we can always look to a model that works and learn from it. Maybe there's something there that we could take and apply, open up the dialogue and find out a way to give parents a break because I do believe they're being nickelled and dimed to death, and I do believe that they're tired of it.

We have another issue that I think is probably going to become a bigger issue. I would just ask for those of you that haven't heard about it in here in terms of education to talk to some of the teachers in your riding, and maybe we can put our heads together and find out a way to fix it. The issue of inclusion is causing some problems in schools. It's not because the concept isn't right. It is right. It's because, again, there isn't a one-size-fits-all approach to inclusion.

I tell you that I've heard this in at least 10 different areas that I've been, not just my own board. What's happening in some of the ridings is that when you have a class with three or four ESL students, English as a second language students, which may have a different acronym now as they change frequently, and then you've got two, three, four, five, six students that are below the level of learning by two, three years, and you have a couple of special-needs students, maybe somebody with severe – pick the condition – Tourette's or something like that, you've got a problem.

The teacher can no longer be all things to all people. I hear that the supports aren't there. It would be easy for me to say: well, geez; I wish that government would just give everybody way more money and we could really fix that. But I believe in fiscal responsibility, so I don't think that's the answer. I do believe there's a shortage of supports getting to the classroom, but my biggest concern is that we're putting teachers in a position that they're not comfortable with, that goes beyond the realm of teaching. I've heard it from several teachers.

An Hon. Member: Hundreds of students.

Mr. McAllister: You're right.

I think what happens is that every student suffers from that. It's not fair to the student with special needs. It's not fair to the student that's Larry Lunch Bucket, you know, that's trying to get through, like the Member for Little Bow. I mean, he might need a little extra attention.

It's not fair to the advanced student that might get a little more one-on-one time. In the end we're punishing students, so I just tell you that this is a big issue. I hope that maybe – the Member for Calgary-South East today came up with a private member's bill that was very good and that we all discussed. Maybe we can put our heads together on this one and meet with stakeholders and find a way to make a positive because I really believe that we've got a problem. I've heard it from several teachers.

Mr. Hancock: It's both action and prudence. It's been discussed for years.

Mr. McAllister: Sorry. I'm half distracted because I'm trying to answer that question, and I didn't quite catch it all.

Whether we can do anything about it or not after the fact, I guess, is maybe, as a rookie, what I need to understand. I just think it's an issue in education, and I raise it as we discuss the Education Act because I hear it from educators.

I've made a couple of points that I think are pertinent, and again, as I said at the start, I do so with respect to the other side of that argument and the other side of that presentation, particularly from the stakeholders because I believe that they have reasons for doing the things that they do. I just know this: I was put here, you know, by people that expect me to do what they asked me to do. I think that in this case we could have gone a little bit further. I'm proud of the changes made to the Education Act by the current minister. I wish the previous minister had been a little more forthcoming back in the spring, but it is what it is. May we all do all we can for the betterment of our kids going forward and put this bill through, and

then do all we can for our administrators and teachers to make sure they can do the best job they can for our kids.

Madam Speaker, it's always a pleasure to speak on a bill such as this. Thank you.

11:30

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is now in effect. Are there any members who would wish to comment or question? The hon. Minister of Tourism, Parks and Recreation.

Ms Cusanelli: Thank you, Madam Speaker. I just wanted to talk to a couple of points presented by the hon. member here. First off, to start with, the no-zero policy. To me as an educator the no-zero policy has no place in a school act. It is a very specific thing that a district along with its district personnel needs to decide upon. A no-zero policy within a school act is simply going to say that teachers, in whatever circumstance that they should decide, don't have to advocate for that child who hasn't handed in an assignment. That's where the no-zero policy comes into play. It's not a no-zero policy for those students who don't want to be accountable. That will catch up to them eventually.

I will tell you from personal experience, Madam Speaker, that when I have had to advocate for students who weren't able to hand in an assignment or who weren't able to keep up with their studies, it had everything to do with the fact that that student needed an advocate and needed somebody to be standing alongside them to walk them through whatever their differentiated need was. I've taught kids that, for them, walking across a desert in order to find their mother was something that they had to do, and then they landed in Canada. Here they are learning a new language and a new culture. For them, handing in an assignment when their parents aren't there, like many students' parents aren't, is a difficult thing.

If we don't have teachers who are being held accountable within a district because that's the district's decision to be able to make sure that they advocate and walk alongside that child, then we affect all kinds of things. The domino effect will continue. That means that we will have higher rates of students who don't graduate. I will tell you this: those students that I have taught who are new Canadians absolutely deserve to graduate and absolutely deserve to have somebody, a teacher, a principal, advocate for them and be able to understand that each and every one of those children that we teach has an individual need.

A personal example as well. My own daughter has what is called a code. She has a learning disability, and she has an anxiety disorder. Without the advocacy of the school, my daughter isn't going to hand in that assignment because she is going to get overwhelmed. She's going to need the principal of the school and she's going to need the teachers in the school to have an understanding of what she requires. Sometimes she might hand in that assignment three weeks later. But you know what? In life that's how things go.

The Acting Speaker: Hon. member, do you have a question?

Ms Cusanelli: I do have a question. I wonder why it is exactly that you think that schools should not on their own be able to decide such a thing and why you think that the government ought to be taking the responsibility that is inherently the district's to work with its personnel and understand the culture of its district. Could you answer that?

Mr. McAllister: There's a lot to speak to. Thank you to the hon. minister. That was top shelf. Thank you for the question. It's

interesting that the minister contradicts the Education minister on the other side, who has openly said that the no-zero policy is ridiculous and he doesn't have any problems with a zero. In fact, I think half of that side pretty much said that, but let me get to your point.

First of all, you mentioned the School Act and why we should mandate it in the School Act. This wasn't really the question. It was sort of the start of the pontification. The School Act is in place as a policy for boards to follow. It's public education. It's what we do. As I've said a hundred times during these discussions, there are hundreds of references to what the government, what the minister can, can't do, shall do in the act. We ask ourselves: could we have done some good with the no-zero policy? I don't think for one second that any Albertan thinks this debate is about immigrants that can't speak the language or is about a teacher sitting at the desk with a red Sharpie waiting for the bell to ring and the assignment deadline to pass so that they can circle a zero and say: ha, you're going to fail. I don't think any teacher in Alberta is that kind of teacher.

That's not the point of this issue. The point of this issue is – I'll speak to it from a personal standpoint. Look, I had a son graduate last year who more often than I'd like to admit didn't get assignments turned in. We got a phone call at home. You know, you're on a hockey bus – I'm not making an excuse for him because I rarely do that but just as an example – and you don't get the assignment turned in. At the end of the day, I think, we do our kids . . .

The Acting Speaker: Thank you, hon. member. Thank you very much for that.

Standing Order 29(2)(a)?

We'll move on to our next speaker. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Speaker. It's my honour to rise and speak to the third reading of Bill 3, the Education Act, and also, I feel, my responsibility not only to my constituents but especially to past students and as a teacher. This act is a work that has been a long time in the coming. It's sad for me that there are certain elements that are missing from this piece of legislation that we'll be voting on likely this evening.

First and foremost, I think, I find it a little bit at odds, the fact that our former Premier of this great province Peter Lougheed introduced the Alberta Human Rights Act in 1982, which has been a part of previous education acts and is now being removed by this current government. I find that frustrating for a number of reasons. First and foremost, it's one thing to say that the Canadian Charter of Rights and Freedoms and the Alberta Human Rights Act have been replaced by nice language that supposedly covers the same thing. Unfortunately, if that were true, then I ask the hon. members across the aisle why they took them out to begin with.

This is something that ensures that people's rights are protected, that students and individuals aren't discriminated against, and it's something that needs to be in there. I mean, I can appreciate the fact that in this new Education Act bullying is a topic that is covered quite thoroughly and is an importance and a priority for this government. I think an antibullying strategy is a priority for all 87 members.

My concern is that with Bill 44 in place there are limits then. If an act of bullying is transpiring in a school and is based on jokes about a student's sexual orientation, et cetera, parents can then opt their child out of being a part of that discussion, which is quite alarming. I challenge members to go beyond the word "tolerance."

I find that word is insufficient in that we should be accepting and celebrating everyone and all people for who they are. Unfortunately, in this day and age we still do need legislation to protect all individuals and their rights. I look forward to the day when that legislation isn't necessary, when we are truly in a society that is respectful and accepting of all people everywhere. However, there's much work to be done. It's with great sadness and frustration that those two documents are taken out of this current bill.

11:40

As well, I think, something that other members have touched on: the issue of school fees and how they're continuing to climb. You've got many families that are struggling to make ends meet. You know, they're being hit with fees that 10, 20, 30 years ago didn't exist and were covered. So it begs the question: given the fact that we're living in the wealthiest province in the country, how is it that we continue to download these costs onto families and parents which should be included and should be a part of our public education system?

Another point I'd like to touch on. The Minister of Education recently had talked about his position of being in favour of the corporatization of our public school system. For myself and New Democrats in this province I have a real concern when Walmart can open a high school or we can have a McPlayschool. I find that there isn't a place for businesses and corporations to be running schools. Public education needs to be just that. It needs to be public. We need to have true, open, and spirited debate on different sides of different issues, and when you have a business or a multinational corporation that's able to invade a school and to put forward only their position or their point of view, students aren't getting a holistic education. They're not looking at all different sides of the story, as it were.

Again, you know, if we open the door an inch, well, we know what happens when we do that. We need to keep public education public. It needs to be publicly funded, publicly delivered. Corporations and businesses can be discussed but should not be running our schools or paying for much-needed supplies. Again, if this government takes education as a priority – you know, it's a matter of how we're managing our dollars. If education is a priority, then our education system should get the dollars it needs, which leads me to my next point, talking about school closures.

The issue that I have with this government downloading that responsibility solely onto school boards to make that unilateral decision is that it's a way for this government to basically opt out of and shirk their responsibility. I say that because at the moment with this current bill the government can say: "Well, if a school closes, that was a school board's decision, not ours. Our hands are clean on this." Unfortunately, no, they're not. I mean, you look at how school boards are funded and that formula. They're not the ones that decide how many dollars they get. There's a formula, and I'll speak to that in a moment, how that's quite antiquated in today's day and age. That responsibility needs to continue to be shared.

My concern with school closures is that schools are really the hub of a community. I mean, that's where you have families and people gathering not only for what goes on in the school during school hours but in the evening as well and on weekends. There are many families that will move to a community because of its school and often what mature neighbourhoods can offer. When you have a school closing in a mature neighbourhood, it now contributes to families moving out of that neighbourhood, which further gentrifies the neighbourhood, which further, you know, hollows out our mature neighbourhoods and does the opposite of what I believe we should be encouraging, which is the best

possible use of our space and land so that we can cut down on the urban sprawl that many of our urban centres are experiencing.

I think school closures is an issue that we and this government need to do much more to prevent. One of the other reasons that schools are having to close in mature neighbourhoods is part of the utilization rate, the formula on how schools are funded. Many mature schools are actually penalized. There's a space utilization rate formula that takes into consideration square footage and space usage. Well, mature schools have larger gymnasiums. They have large hallways, stairwells, and all of that space is actually counted against them. Unless we want our teachers and our educators to be teaching in the coat room and in the hallway and under the stairs, they're going to be penalized for having a larger facility.

Earlier my colleague from Chestermere-Rocky View commented on inclusive education. I'd like to continue or at least add to what the hon. member said. I think inclusive education, being an educator, is a wonderful concept. It's fantastic. However, if we want it to do what it is intended to do, then there needs to be the appropriate amount of supports available.

What I'm talking about is that, you know, you have a classroom with 25 to 35 students, and you have one teacher. You have a handful of students with a variety of different needs. Some of them might be behavioural. Some of them might be physical, special needs that some students have. We have English language learners, students that are learning English for the first time, all placed in one classroom alongside other students. How can a teacher or an educator possibly deliver the highest quality of education to every student in that room? The truth of the matter is that they can't. Sure, we may say: well, we'll throw an aide in the classroom. Again, for that number of students that's a disservice to all of the students in the classroom. It's unfair to the teacher, it's unfair to the parents, and it's unfair to the education and future of all of our students.

Therefore, if we want inclusive education to work in this province, there need to be the supports. When I say "supports," I mean there needs to be adequate teacher training so that they can work with students with a variety of needs in order to provide the best possible education and services. There needs to be access to supports, whether we have students coming with empty bellies that are hungry, that need nutrition in order to be able to concentrate and learn, or students coming with inappropriate clothing or students that need a variety of other supports to be there.

I am a fan of the concept of inclusive education. I've seen it work. I've actually experienced it in my own teaching career. But I can tell you that in order for it to work, there need to be a large number of resources available from materials to adequate staff to reducing our class sizes to ensure that, again, students are getting the highest quality of education and that we are truly preparing young Albertans for the future and to take us forward in the 21st century.

You know, it's with frustration that I have to share with this Assembly that I will not be supporting this bill. Although there are certain aspects of it that I think are a stride forward, there are too many things wrong with this bill. Unfortunately, our amendments that the Alberta New Democrats put forward, that addressed each of these issues that I've spoken of, were voted down. Otherwise, the New Democrat caucus would have been happy to support this bill.

It doesn't go far enough to protect our students, to ensure that their rights are protected. It doesn't go far enough to ensure that our public schools are not going to be overrun by corporations and that schools aren't going to be closed down and that this government can again wash its hands of its responsibility and pass it on to our school boards.

I mean, there are other issues that I haven't touched on. The fact that there still are provincial achievement exams for grade 3

students is a ridiculous usage of resources. An overwhelming number of teachers have called for diagnostic assessments for students in grade 3, that can then help teachers identify what supports these students need in order to be successful as opposed to seeing how they rank on an exam that isn't going to serve their own needs as lifelong learners.

So it's unfortunate that I stand here and say that I will not be supporting this bill. The Alberta New Democrats do not support this bill as is.

I thank you, Madam Speaker.

11:50

The Acting Speaker: Thank you, hon. member.

The hon. Member for Chestermere-Rocky View under Standing Order 29(2)(a). Please proceed.

Mr. McAllister: Thank you. I appreciate where the Member for Edmonton-Beverly-Clareview is coming from. You know, I don't often say that. I think that quite often we differ in our viewpoints on an issue. I'd like to ask him to go a little bit further on the subject of inclusion because I believe the member to be a teacher and a parent. I'm wondering if the member has heard, Madam Speaker, from teachers on the inclusion issue specifically. You know, how are they describing the situation in the classroom to him, or what does he see?

The Acting Speaker: Thank you.

The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Madam Speaker, and I'll thank the Member for Chestermere-Rocky View. That's a great question. You know, as a teacher I have spoken with many of my colleagues. I have quite a few friends that are teachers. Honestly, they find it quite frustrating. Suddenly you have an idea where you want to throw all these different students with differing needs and differing levels into the same classroom. We call it inclusion, and we say: look how fantastic this is. But if the schools, the teachers, the school boards aren't given the resources they need to help all of these students to be successful, it's a system that's set up to fail. It's unfortunately failing students, it's failing teachers, it's failing parents, it's failing families, and it's failing communities.

The concept is correct in that I do agree that students can benefit from being in a classroom, being together with different students of different abilities. But in order for that to happen, teachers need the supports. We need to reduce our class sizes to ensure that there's a lower ratio of students to teachers or students to staff. We need to ensure that staff have the proper education for this.

You know, when I went through university and took my bachelor of education, there was only one class in a four-year degree that I had to take on inclusive education, on inclusion, one class to deal with all students with various needs. That's insufficient. It's inappropriate. It's not enough training.

Alberta is a booming province. There are many families moving to Alberta, so we have a higher number of new Canadians. We have a higher number of English language learners. That's the old ESL. They're now called English language learners, for those of you who aren't educators. That's fantastic, but a lot of them will come and be thrown into a grade 6 classroom when they speak less than a sentence of English. A teacher feels torn. They want to help this student, but they can't be in 20 places at once. They either don't have the training or the skills or the time to help that student to improve their language. Therefore, that student, then, is flustered, is frustrated with the system, doesn't understand what's

going on, and now we have other behaviours that could possibly erupt, or we have students that don't feel like going to school.

I've talked to schools. They might be able to pull a student out for a class here or a class there to do some small instruction for improving their language. Wonderful. But it needs to happen more than one block a day when for the rest of the day the student doesn't understand what's going on.

You've got a teacher that feels frustrated. I mean, teachers in this province and, I would argue, in this country and everywhere want their students to succeed. I mean, people go into teaching because of the sense of pride and accomplishment that they feel when they help students to be successful. It's unfair to teachers to put them in this predicament where they cannot help every single one of their students to be successful.

It's frustrating for parents. You know, some at one time had an adequate number of supports if their children had severe needs where now that worker is being shared amongst 25 students, 35 students, and now a lot of that one-on-one time is cut back because of inclusive education.

You know, I'm very much a fan of it. I think it's possible. But, again, the resources need to be allocated. The government needs to do a better job consulting with teachers, consulting with educators, consulting with those in the field who know what they need to be successful.

Again, we're living in the richest jurisdiction in the country. If education and ensuring that our students are getting a proper education was a priority, the government would allocate resources for that. I mean, it's a matter of priorities. Unfortunately, this is another example of the government saying something that sounds wonderful on paper and failing to deliver in practice.

Thank you.

The Acting Speaker: Thank you, hon. member.

The hon. Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Madam Speaker. I'm pleased to rise to speak to Bill 3, the Education Act, and I will be supporting the Education Act going forward. But before we go to that point, I'd like to just make a few points.

As a parent of two children and one of them in the system right now, it's really important to me that when my child goes to school, she knows that there are consequences to everything she does. She also knows that she's accountable to the teacher, she's accountable to me as a parent, but more importantly she's accountable to herself. Each and every day we drill into our children's heads that in order to be a good citizen of this province, in order to be a good Canadian you need to have a work ethic, you need to have responsibility, you need to be accountable, and you need to be trustworthy.

Part of that comes with your homework assignments, and some of that is taught by the teacher. The teacher in my own school is awesome.

Mr. McAllister: Most are.

Mrs. Towle: I would agree that most are. I'm not saying that at all. I'm just talking about my school. I've a fabulous, fabulous school in my riding. St. Marguerite's is where my child goes.

In the case of my student's teacher and her students all the way up to grade 5 there was an expectation of each and every student in her class that when an assignment was given, they had to actually hand it in. There was an expectation that when that assignment was handed in, it would be graded. There was an expectation that if you missed the assignment, then you would get a zero. There's also the expectation that if you get that zero or if

you fail that assignment, you have the opportunity to rewrite. This is important. The teachers in my school go above and beyond, as most teachers do. The no-zero policy is not about punishing our students. Almost every single teacher that I've talked to – and I know that in my daughter's school literally every single one of them gives them every single opportunity to make up that mark.

To be fair, my 10-year-old daughter was lazy. She got an assignment, she was supposed to study for a test, and she blew it. She blew it on Thursday afternoon. She came home with 21 per cent. She said: but, Mom, that's satisfactory. So I went through an education process of what's a passing grade and what's not a passing grade and how that's not satisfactory. We spent all weekend learning about cumulus clouds and all those fun things because her teacher gave her the opportunity on Monday to redo that assignment and to redo that mark, gave her that opportunity.

Mr. McAllister: Didn't they all fail?

Mrs. Towle: Yeah. To go further than that, the whole class failed. There was not a single mark higher than 36 per cent, and that teacher offered that opportunity to every single student. I don't know what her mark is because it's midnight, and we're here. I have no idea how she did today, but I know for a fact that if she was not successful today, her teacher would give her another opportunity in a different manner.

That's teaching my daughter responsibility. It's also teaching her that she has a role to play, that if you're given something and there's an expectation of you, you have a role to play in the response that you give back. That's creating better Albertans.

I also know that in a neighbouring classroom where that teacher has sort of a similar teaching strategy, there's a child with autism. They don't give that child zeros. They find different avenues to ensure that child is learning, to ensure that child has the opportunity to have a positive education experience, and to ensure that that child goes through the school system without being punished. My child is given the same opportunity, but that teacher knows the difference between what abilities each one of those students has.

We talk about local autonomy. We talk about: give it to the school boards. Well, if we're truly going to talk about autonomy, who better to know the capabilities and understand the abilities of these students than the teacher who is with them five days a week, eight hours a day? That teacher knows if that student is capable of performing better than a zero. That teacher knows if the will is there to make up that mark.

If we truly want to be fair about autonomy, autonomy doesn't end at the school board level. Autonomy can go further, and that's what the amendment from the hon. Member for Chestermere-Rocky View allowed for. If we're truly going to talk about autonomy, let's talk about it. But why are you saying to a teacher that you can't do something when that teacher is with that student every single day?

12:00

There's an added effect there. As we go forward, when these young learners head out into the workforce at 18 or 21 or whatever day we choose that they're going to go to the workforce, employers have an expectation that they show up for work, that they're given a task, and that they perform it properly and perform it with capability.

In university if you get a zero, you don't get a degree. There is no leeway in university for passing and getting your degree if you don't try. If you get zeroes all the way through, you don't get a degree, period. So literally what we're doing is that we're saying: with all from grade 12 downwards we'll be tolerant, and we'll do

all these things, and you don't really have to work that hard. But when we hit university, it's a whole different world, and then when we hit employment, it's a whole different world.

If we literally want to create better Albertans, we have to consider that that amendment would have done that. Clearly, they didn't, and that's fine, but it has to go on record that not every school board supports this and that not every teacher supports this.

Mr. Dorward: That's why we give them the choice.

Mrs. Towle: Absolutely. Let's give them the choice. That's exactly what that amendment did, a hundred per cent. It didn't say that you have to give a zero, and it didn't say that you didn't have to. It said that it allowed the teacher to give a zero if they chose to.

It's interesting. The other night I attended the ASBA awards, a fantastic event. I appreciated that there were six new teachers there that received awards. Each one of them talked about how engaging they were with their students, how each of them had created different methods of teaching. Most of them created different methods of teaching to teach special-needs students or ESL students or students from rural communities that were difficult to keep in school. It was fantastic. They had innovative ideas. They brought tools into the classroom, SMART boards, laptops. The one teacher talked about literally using iPads to work with autistic kids. What a fantastic ability.

The background to that is that we've now come up with a funding model that hurts special-needs funding, and it hurts some schools. In my own area there are at least two schools that are going to be short of upwards of \$3 million because of the change to the new funding model for special-needs children. We're talking about inclusiveness, and we're talking about inclusion. As the hon. member with the NDs had said, it's great to talk about inclusion, but if the resources are there – it's not always in funding; it might be in training; it might be in ensuring that class sizes are appropriate, those sorts of things – then we need to do it in the right way.

Some of the boards that I've been chatting with have even talked about how they may have to go back to segregation. Well, how does that help our Alberta children? How does it help when we've worked so hard and literally come leaps and bounds forward with inclusion, that just because we changed a funding model, we might have to separate and go back in time? That doesn't seem to me to benefit Alberta children.

I think it's important that we absolutely keep that in mind. When you talk to the new teachers who received the awards last night and you talk to teachers who have been teaching for 30 years – my own mother-in-law was a teacher for 30 years; one of my good friends is a teacher at a French immersion school – each and every one of them is dedicated to this profession. Each and every one of them that I've talked to is literally dedicated to each and every child in their room. All they want to do for each and every one of those children is create a better learning experience. We need to make sure that they're able to do that.

By not acknowledging the no-zero policy, by changing the funding model of inclusion, we're not doing that, and that is going to create a situation 10 years from now that is going to be damaging to our children. We need to make sure they're responsible, and we need to make sure that our children know that for the tasks that they're given, there is a consequence and an action for everything they do. We do it at home. We do it in the community. There's no reason why that can't extend to schools, and every single teacher that I've met is doing that. The problem is that they're limited.

We can go on and on and talk about why a certain teacher was fired, whether he was fired for insubordination or if he was fired because the insubordination came as a result of him giving a zero. That's all semantics. The reality of that amendment to this bill did not force any school board to enforce a no-zero policy, and it didn't put any teacher in a position where they had to be insubordinate to their principal so that they could get fired. What's important is that right now we are putting some teachers in the position where the only way they can effectively teach their students and the only way they can give a zero when it's deserved, and only when it's deserved, is that they have to be insubordinate to their principal and have it result in a disciplinary hearing. That's just not the right way to do things.

Thank you.

The Acting Speaker: Thank you, hon. member.

Standing Order 29(2)(a), five minutes of comments or questions, now applies. The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you, Madam Speaker. I want to follow up on a point that my colleague raised in referring to the no-zero policy. Earlier it was mentioned that perhaps teachers would flunk kids that couldn't speak the language, flunk kids that were having learning difficulties or maybe with special needs. To the member: did you ever think that that was the intention of the no-zero policy, that any teacher in this province would be ready to do that sort of thing, or is that just ludicrous?

Mrs. Towle: I absolutely a hundred per cent believe that it is not the intention of any single teacher in this province. I believe every single teacher in this province is trying their best to make sure that students get through the education system in a positive manner. They're trying to find the best learning tools to ensure that that happens, and they're trying to ensure that each one is successful in whatever goals are set for them.

Clearly, that is not the intention of any of them. However, in the instances where a student puts zero effort into the assignment that's given, where a student ignores their ability to get any mark, a zero says that they actually, literally, did nothing. They could have gotten 14 per cent; they could have gotten 21 per cent. If that's the best that they can do, that's fine. But zero implies absolutely zero. It means you put no effort into it whatsoever. Then the teacher goes and he or she says: oh, I'll give you another opportunity to do that. The student takes the opportunity and does nothing again. Then the teacher finds a different method to create the same result of getting a mark. I don't think for a second that any single teacher is sitting in the classroom ready to flunk a student. I think a teacher that would make that decision to give a zero doesn't do it lightly. I think they literally probably stew over it.

I know that in my daughter's case there are many chats with parents long before that zero would ever come. I know even in my case the teacher was kind enough to call me to let me know that, actually, the whole class failed, and she was asking me, "What can we do to help this classroom understand better?" I looked at her and said: "What can I do to help my child understand what you're saying better? You're doing a good job. I don't know the curriculum. How can I assist my child in her study habits or what you're trying to teach her so that she can get a better mark and you can achieve your goals?" I think every single teacher tries to do that. But when we literally say to our students, "It doesn't matter if you get a zero, and I can't give you a zero" and that if they don't want to do the work, they don't have to because they know there's absolutely no consequence to them, that's a sad day.

Thank you.

The Acting Speaker: Thank you, hon. member.

The Member for Calgary-Buffalo under 29(2)(a).

Mr. Hehr: Just a question to the hon. member. I appreciate her passion. Does she think that maybe teachers and school boards and the ATA, professional associations who have developed these policies and protocols around marking, encouraging kids to stay in school, might know something about what they're recommending? Or do you think that this is all buffoonery? They use this body of knowledge to craft programs to go forward. The ATA, which teaches 95 per cent of our students, says that they're fine. Okay? School boards across the province say that they're fine. Or do you think they're making these decisions in an absence of any information whatsoever, a vacuum?

12:10

Mrs. Towle: Thank you, hon. member. I absolutely do not think that the teachers that have made these decisions in certain school boards are not making them validly. A hundred per cent they probably are. What I am saying is that not every single school board follows that policy, and those school boards also have a validity and a statement to make as well, and those teachers who choose not to follow a no-zero policy have as much value and have as much education and as much input into the system as the school boards that choose to.

The other thing that I would suggest is that I'm not so sure that teachers are making the decision. School boards are making this decision, but I'm not so sure that it's actually coming down to a full teacher level. What I'm hearing in my riding and neighbouring ridings is that that's not the practice of my riding and neighbouring ridings around me. They don't use the no-zero policy. There are two very big school boards in our area.

I'm not suggesting that those who decide to use it are buffoons or anything like that, but what I am suggesting is that there is some ability to be flexible. The amendment allowed for: those who want to use it can; those who don't can't.

The Acting Speaker: Thank you, hon. member.

The Member for Cypress-Medicine Hat.

Mr. Barnes: Thank you, Madam Speaker. There's no Albertan who does not have some connection to the education system. We all went to school. Many of us have children who are currently in school or have completed their journey through the school system. Many Albertans are teachers or have a friend or relative who is a teacher, who works at a school, or who is involved on a school board.

The Education Act we are debating, which is basically the updating of Alberta's School Act, is so important because, as I said, our education system is one of the few things in the province that almost every Albertan will use. Madam Speaker, we certainly learned last spring that the Education Act is a complex piece of legislation. It is very important that we take the time to get it right.

In general, I am supportive of this third version of the Education Act, as are many of my Wildrose colleagues. Without a doubt, a lot of work has gone into Bill 3, and I think three is the appropriate number for this bill since it is the third stab at the new Education Act. There has been a lot of hard work poured into this legislation from education stakeholders, from public servants, public servants in the Education department, and from folks here in the Legislature, including three different Education ministers. I have been impressed to see that the current Education minister did do his homework before bringing Bill 3 forward and actually talked to Albertans about what they wanted and what they didn't want to be included in the third try of the Education Act. Yet I

can't help but feel that despite efforts from all the different sides and all the different groups who have worked hard on this Bill 3, the government has passed up a chance to listen to Albertans after the introduction of this bill and after Albertans had a chance to read through the specifics of the legislation.

Madam Speaker, Albertans had a couple of ideas that the government could have incorporated into this legislation to further improve it. Many Albertans – parents, teachers, and students alike – as has been so often expressed here again tonight, have expressed disagreement with the no-zero policy employed by some school boards in our province. This policy basically prevents teachers from giving a zero to a student for incomplete work, and as has been pointed out, sometimes with the best interests of the student in mind, with the best interests of the student's family, with the best interests of all, it is the right policy to help advocate for this young person.

Albertans across the province became aware of this policy when a teacher in Edmonton was fired for giving a student a zero. I don't think that anyone would dispute that in general teachers will do all they can to make sure that students complete all of their assignments. But when a student absolutely refuses to do their work, teachers should have the discretion to give that student a zero. I have heard parents say so, and I have even heard students themselves say so. The only people who seem to disagree are some of the members on the government side. As a father of three boys sometimes they deserve a zero, sometimes they need a zero, and sometimes it is the best course of action.

Madam Speaker, over and over again I have seen Albertans unite on an issue such as being opposed to a no-zero policy, and I've heard them call upon the government to take action. Over and over again my colleagues and I on this side of the House have reminded the government that the reason all of us are sitting in these seats is to do what Albertans have called us to do, yet over and over again this government tells Albertans that it knows best and refuses to do what Albertans are asking it to do. Too much management.

Another perfect example of this in regard to Bill 3 is on the issue of mandatory school fees. It is increasingly and alarmingly becoming common practice for schools to charge parents more and more in the form of these mandatory school fees. For example, parents are often required to pay fees to cover administration costs, and parents are even charged fees to cover the costs of programs that are mandatory, that students must participate in as part of this curriculum. These fees can certainly add up when you have a few school-aged kids.

I've talked to a few educators and administrators that spend far too much of their productive time chasing fees, turning them over to collection agencies in some instances, phoning parents for bounced cheques, phoning parents who, unfortunately, maybe aren't in a situation where they can currently afford it, wasting important professionals' time and resources and putting undue stress on the important education of some of our children. As a matter of fact, participating in the MLA for a Day program about a week or two ago, I went to a school in Cypress-Medicine Hat that actually had a full-time person sitting there collecting fees. I can't imagine the effectiveness of that position. I can't imagine how that could impact some of the people who temporarily cannot afford it.

What Albertans have asked is for the government to establish some guidelines for school boards around what they can and cannot charge parents for so that parents are required to cover the cost for things like extracurricular programs their children choose to participate in but are not required to cover the cost for things that are a mandatory part of our school system. This seems like common sense to me.

Madam Speaker, the Alberta School Act came into effect in 1988. Twenty four years passed before Albertans will now soon see their school system updated through Bill 3. Twenty four years is a long time. Will Albertans have to wait another 24 years before their concerns such as ending the no-zero policy and getting rid of unnecessary school fees are addressed? I certainly hope that will not be the case.

I have highlighted some of the measures Albertans wanted to see included in the Education Act that, unfortunately, the government refused to include. However, I'm not afraid to give credit where credit is due, and I do thank the Education minister for listening to Albertans and removing the controversial language in section 16 that we saw in the previous Education Act, that could have potentially made all education subject to both the federal Charter and the Alberta Human Rights Act.

It's very, very refreshing for me to see parents involved in school, parents involved in home-schooling, parents with the best interests of their children at heart so willing to take a stance and let the government, let all Albertans know that the education of their children is very, very important and that they want to have the paramount responsibility for it. The decision to instead use the antidiscriminatory language of the previous school act, which, I understand, is what the Wildrose suggested back in the spring, was the right adjustment to make, and I've heard a lot of positive feedback about this from Albertans.

Madam Speaker, as I have said, I am generally supportive of Bill 3. It is a fairly good piece of legislation. Although I am disappointed that the government would not work with the issues that Albertans raised, again, around the no-zero policy and mandatory fees, I will be supporting and voting for the bill, and of course I will still be raising the views of my constituents on the measures they wanted to see included but were not.

In conclusion, Madam Speaker, while I'm still on my feet, I would like to thank all the people who worked hard on Bill 3, even to 20 after 12 in the morning. To all the teachers, for all the tools that they need in the education system – I thank all of them for all of their hard work.

Thank you very much, Madam Speaker.

12:20

The Acting Speaker: Thank you, hon. member.

We have Standing Order 29(2)(a), that allows five minutes for comments or questions. Are there any members who would like to participate?

Seeing none, I would ask if there are any other members who would like to comment on Bill 3? The hon. Member for Medicine Hat.

Mr. Pedersen: Thank you, Madam Speaker. I'll make this as fast as possible.

An Hon. Member: No, no. Take your time. It's important.

Mr. Pedersen: It is. I mean, I just want to be on the record for my constituents, so if you could just give me five minutes.

I'm rising in support of Bill 3 for the most part. Although I don't have the good fortune or the privilege to be a parent, it was a hot topic during the election, and we heard a lot about it before, during, and after. It was an issue for parents, it was an issue for teachers, and it was an issue for boards. I heard time and time again from parents how they wanted their rights to be respected by the government and that they wanted the best for their children not only inside the classroom but, you know, to allow the teachers to teach their children. I also heard that the teachers and the boards have been looking for an updated Education Act for some time to

deal with today's reality, and I hope that Bill 3 will deliver on this request.

Madam Speaker, we're proud to live in Alberta. You know, we are very lucky to live here. There's no reason that our children should not have a world-class education in a province as great as ours. There's also no reason that our children should not be raised in a strong and free Alberta, an Alberta where parents' rights are respected, and an Alberta where students are truly being put first.

I'm glad to see that the current government has listened to the many concerns that were raised in this sitting as well as the previous session and that parents will have the ultimate say in their children's education. I know that the recognition of parental rights will ultimately provide a better education for our future generations, and making sure that the parents are the ultimate decider will go a long way in that.

Madam Speaker, it's great to see that we have an Education minister that has recognized the many flaws in the previous versions of the legislation and has listened to the concerns of the opposition and the parents and the teachers and the boards. I really appreciate that. You may remember that parents had to actually march to the steps of this very building in order for their voices to be heard. You know, going forward, although it took such measures for their voices to be heard, I hope that the government has learned that you need to meet with the stakeholders and listen no matter what bill we're dealing with. By doing so, the best possible results will be achieved.

I just want to raise one issue. We did bring an amendment forward. The Member for Airdrie, I think, requested a change to the charter schools system to make it easier for them to gain access to the system to make some changes. Right now they're kind of limited in the way that they operate. Medicine Hat is very fortunate to still have operating one of the first three charter schools in the province. That's the CAPE school, and they are a K to 9 school. CAPE stands for the Centre for Academic and Personal Excellence. I've had the good fortune of touring their school. I was awkwardly put in place to be a judge at their science fair this past Saturday. I mean, I haven't done anything like that for 30 years, so it was very interesting to be intimidated by grade 8 students.

An Hon. Member: How'd that work out for you?

Mr. Pedersen: They taught me a lot, and I sat and listened.

Anyway, the amendment, I think, would have gone a long way to allowing charter schools to extend what they're trying to do, to do things a little bit differently, and to make sure that everybody realizes that charter schools are public schools. They are fully funded, and sometimes people get that misconstrued.

Lastly, before I close here, I think probably one of the most important things that this act has brought forward is the tools that teachers and boards and parents and students have been asking for in tackling the bullying issue. I know that efforts were made in previous sessions by other Education ministers to update this act, but I think that the bullying issue is probably one of the most important things, to me anyway. I sincerely hope that this new bill gives the tools to the educators, to the boards, to the parents, to the students to finally put an end to bullying in school systems. I think that's very important. I sincerely hope that this bill does provide the tools and the guidance and the direction required to end this.

You know, let's put this through. Let's get this bill into the hands of the educators, the parents, the teachers, the boards. Let's see them make a future of this. Thank you very much.

The Acting Speaker: Thank you, hon. member.

Under Standing Order 29(2)(a) is there any member interested in participating? The hon. Member for Chestermere-Rocky View.

Mr. McAllister: Thank you. Just wondering, the member mentioned his intimidation by grade 8 students. Have you seen the movie Adam Sandler starred in, and could you have taken any of those tips as to how you might have fended off those kids?

The Acting Speaker: Hon. member, see if you can make it relevant.

Mr. Pedersen: I can't.

Mr. McAllister: You know, I think I'm just going to withdraw the question, Madam Speaker.

Thank you.

The Acting Speaker: Are there any other members who wish to speak under Standing Order 29(2)(a)?

Seeing none, are there any other members who wish to speak on Bill 3 in third reading?

The hon. Deputy Government House Leader to close debate.

Mr. Denis: I move that we call the question.

[The voice vote indicated that the motion for third reading carried]

[Several members rose calling for a division. The division bell was rung at 12:28 a.m.]

[One minute having elapsed, the Assembly divided]

[Mrs. Jablonski in the chair]

For the motion:

Amery	Hale	Oberle
Barnes	Hancock	Olson
Cao	Hughes	Pastoor
Casey	Jansen	Pedersen
Cusanelli	Johnson, L.	Quest
DeLong	Kennedy-Glans	Rodney
Denis	Klimchuk	Saskiw
Donovan	Leskiw	Scott
Dorward	Luan	Starke
Drysdale	McAllister	Towle
Fawcett	McDonald	Weadick
Fraser	McQueen	Woo-Paw
Griffiths		

12:30

Against the motion:

Bilous	Hehr
--------	------

Totals:	For – 37	Against – 2
---------	----------	-------------

[Motion carried; Bill 3 read a third time]

The Acting Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Madam Speaker. It is so exciting that Bill 3 has passed. I'm tempted to use that enthusiasm more on Bill 2, but I'm afraid we should move to adjourn until 1:30 p.m.

[Motion carried; the Assembly adjourned at 12:33 a.m. on Tuesday to 1:30 p.m.]

Table of Contents

Government Bills and Orders	
Committee of the Whole	
Bill 2 Responsible Energy Development Act.....	731, 733, 742, 744
Division	745, 752
Third Reading	
Bill 3 Education Act.....	753
Division	762
Introduction of Guests	733, 742, 744

If your address is incorrect, please clip on the dotted line, make any changes, and return to the address listed below. To facilitate the update, please attach the last mailing label along with your account number.

Subscriptions
Legislative Assembly Office
1001 Legislature Annex
9718 – 107 Street
EDMONTON, AB T5K 1E4

Last mailing label:

Account # _____

New information:

Name:

Address:

Subscription information:

Annual subscriptions to the paper copy of *Alberta Hansard* (including annual index) are \$127.50 including GST if mailed once a week or \$94.92 including GST if picked up at the subscription address below or if mailed through the provincial government interdepartmental mail system. Bound volumes are \$121.70 including GST if mailed. Cheques should be made payable to the Minister of Finance.

Price per issue is \$0.75 including GST.

Online access to *Alberta Hansard* is available through the Internet at www.assembly.ab.ca

Subscription inquiries:

Subscriptions
Legislative Assembly Office
1001 Legislature Annex
9718 – 107 St.
EDMONTON, AB T5K 1E4
Telephone: 780.427.1302

Other inquiries:

Managing Editor
Alberta Hansard
1001 Legislature Annex
9718 – 107 St.
EDMONTON, AB T5K 1E4
Telephone: 780.427.1875