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The 28th Legislature
First Session

Alberta Hansard

Tuesday afternoon, November 20, 2012

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Legislative Assembly of Alberta

1:30 p.m.

Tuesday, November 20, 2012

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon.

Let us pray. Dear Lord, let us be reminded of the great privilege we have to live in a province and in a country that allows us to be free, free of persecution for our cultural or religious or other personal beliefs. Amen.

Please be seated.

Introduction of Guests

The Speaker: The hon. Deputy Premier.

Mr. Lukaszuk: Thank you, Mr. Speaker. I have to tell you it brings me particularly great pleasure today to be able to introduce to you and through you to all members of the Alberta Legislature fine Polish-Canadians who are members of the Polonez Polish Folk Arts Ensemble. They are sitting in your gallery today. You, I know, know them through your previous engagement in the world of culture and dancing, but I know that all members would have met them at one time or another as they perform not only throughout the province and the country but throughout the world. With us today are John Szumlas, the honorary consul of Poland; Patrycja Zatonka; Daniel Komaniecki; Marek Komaniecki; Monika MacDonald; Courtney Flisiak; Mikolaj Moss; Zygmunt Bloniarz; Dr. Walenty Michalik, the choreographer and long-time mentor of the ensemble; Anna Michalik, his wife; Izabella Common; Czarek Dembowski; Marcin Szczepanski; Joanna Walczak; and Aleksandra Cieslik. Also joining them today is Zack Ziolkowski, whom you would know as legislative assistant to the hon. Member for Calgary-East. I would like them all to rise and receive our welcome today.

The Speaker: The hon. Premier.

Ms Redford: Thank you, Mr. Speaker. It is an honour to rise today to introduce to you and through you to all members of the Assembly five members of the GANG, Grandmothers of Alberta for a New Generation. Their names are Jan McGregor, Grace Hamilton, Laretta Howard, Louise Barr, and Judy Dubé. GANG is a nonprofit, grassroots group of grandmothers who raise money in the Edmonton capital region and over the past six years have raised over \$352,000 for worthy causes, including the Stephen Lewis Foundation. Their latest project is a food memoir called *Reflections and Recipes*. It's a collection of 80 submissions and recipes. There we are. They're \$20 a book in case you're interested.

An Hon. Member: Available in your nearest gallery.

Ms Redford: Available in your nearest gallery, and it now includes my granny's shortbread recipe, Mr. Speaker.

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Mrs. Leskiw: Thank you, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you to all members of this Assembly five special guests: Mr. Leonid Korownyk, Mrs. Anna Korownyk, Mrs. Natalia Talanchuk, Mr. Peter Dackiw, and Mrs.

Motria Dackiw. The five guests are visiting the Legislature to mark the fourth anniversary of this House passing the Holodomor memorial day act. Mr. Leonid Korownyk and Mrs. Natalia Talanchuk are survivors of the Holodomor and stand in testament that a tragedy like this must never be allowed to happen again. They are seated in your gallery, and I would ask them to now rise and receive the traditional warm welcome of this Assembly. [Standing ovation]

The Speaker: The hon. President of Treasury Board.

Mr. Horner: Thank you, Mr. Speaker. It's an honour to introduce to you and through you to members of the Assembly a group from the Parkland Home Educators Association which includes nine parents and 21 children ranging from grades 3 to 12. This volunteer organization of home-schooling families is a Christian support group for home educators in Parkland county dedicated to supporting quality home education by sharing ideas and resources and offering help and support with the challenges of home-schooling. They also offer a physical ed program for home-educated children in the area. They are accompanied by Mrs. Kari-Lynn Hastman, Mrs. Bobbi-Lynne Rushton, Mrs. Roxanne Jegodka, Mrs. Dana Kangas, Mrs. Christine Ridderikhoff, Mrs. Lisa Baron, and Mr. Jay Valencia. It's a great example of choice in our system. They are seated in the members' gallery this afternoon, and I would ask that they all rise and receive the traditional warm welcome of this Assembly.

The Speaker: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Mr. Speaker. It is indeed a pleasure for me to introduce to you and through you members of the Three Hills school who are visiting us this afternoon. There are 68 visitors. In the interest of time I won't introduce them all, but there are 60 in the members' gallery and eight in the public gallery. I would like to introduce the teachers – Mrs. Christina Hoover, Mr. Jamie Keet, and Ms Melissa Matwychuk – and the parents accompanying them as helpers: Mrs. Laureen Smithers, Mr. Cody Ferguson, Mrs. Brenda Jewel, Mr. Brad Luijckx, and Mrs. Jody Varga. I would ask that they stand and receive the traditional welcome of this Assembly.

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

Mr. Amery: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly 54 students from the Almadina charter school. Almadina charter school is home to students from 40 different countries located in my constituency, the great constituency of Calgary-East. Accompanying the students today are Mr. El-Masri, Mr. Tarrabain, and Miss MacGillivray. They're seated in both galleries. I would ask them to rise and receive the traditional warm welcome of the Assembly.

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

Mr. Young: Thank you, Mr. Speaker. I'm pleased to rise today and introduce to you and through you to all members of the Assembly retired Inspector Lance Valcour. After 33 years of service with the Ottawa Police Service he now works for the Canadian Association of Chiefs of Police, fire and emergency medical services, as the executive director of the Canadian Interoperability Technology Interest Group, or CITIG. CITIG recognizes that if first responders can't communicate during an emergency or major event, lives can be in jeopardy. The Canadian

Interoperability Technology Interest Group was created to improve Canadian public safety communications interoperability and spearheaded the creation of the communications interoperability strategy for Canada. This government was a proud signatory in 2011. Mr. Valcour and CITIG continue to work closely with the Alberta Emergency Management Agency on a number of issues and priorities, including cross-border interoperability with Montana and issues of 700 MHz broadband for mission-critical public safety data. I ask that Mr. Valcour rise and receive the traditional welcome of this Assembly.

1:40

The Speaker: The hon. Member for Fort Saskatchewan-Vegreville.

Ms Fenske: Thank you, Mr. Speaker. Today it is my pleasure to introduce to you and through you to all members of the Assembly a respected elected official, a long-time constituent, and a friend of mine, Natalia Toroshenko. As we commemorate the Holodomor today, I think it is important to recognize Alberta's rich Ukrainian heritage and along with that the many Ukrainian families who survived this genocide and came to Canada to create a homestead in our province. Natalia's family is one of those families, and I am honoured that she is here today. Natalia is a municipal councillor with the town of Vegreville and recently returned from the Ukraine, where she was the division leader of the Alberta delegation sent to observe the Ukrainian election in October. She brought the international Holodomor flame to Vegreville in 2008. I would like to ask Natalia, who is seated in the Speaker's gallery, to rise and receive the traditional warm welcome of this Assembly.

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

Ms Notley: Thank you, Mr. Speaker. Today I'm very pleased to introduce to you and through you to this Assembly our guest, Denise Baillie. Denise is a constituent of mine who suffers from multiple sclerosis as well as chronic cerebrospinal venous insufficiency, or CCSVI. Denise is campaigning to improve awareness of CCSVI in Alberta. She is asking the provincial government to help Albertans suffering from MS and CCSVI by funding clinical trials of experimental treatment. I would now like to ask Denise to wave and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Agriculture and Rural Development.

Mr. Olson: Thank you, Mr. Speaker. It's my pleasure today to introduce to you and through you to all members of the Assembly two wonderful Albertans who have devoted their lives to agriculture, youth, and rural Alberta. They are the Alberta 4-H Hall of Fame inductees Edith Walker and Timothy Church, who are both sitting in the members' gallery. Edith since 1952 has been involved in any number of organizations involved with agriculture and 4-H in the Wetaskiwin area. She was involved with the creation of the Alberta 4-H Centre. For Timothy Church the same type of story: since 1969 he's been involved in numerous positions with the Hesketh and the Hesketh-Orkney 4-H beef clubs and director of the Alberta 4-H Foundation. Edith is here with her husband, Bill, daughter Fern Walker Armstrong, and friends Connie Matson and Marguerite Stark. Timothy is here with his wife, Kelly. I'd ask that they all rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Calgary-Mountain View.

Dr. Swann: Thank you very much, Mr. Speaker. It's a great honour for me to stand on behalf of the United Church women's initiative for child well-being. My wardrobe today has been significantly enhanced by the work of these women. The United Church women and men are headed up by Carolyn Pogue, Sharon Prenevost, and Lillian Stewart. They are here asking why Alberta is nearly the last province to have a concrete plan with timelines and budget to end child poverty. I'd like them to stand in the public gallery if they would and be recognized by the Legislature. Some are in the members' gallery.

The Speaker: Good job, hon. member. Thank you. Jackets are required, but there are special occasions when important introductions have to be made, I guess.

The hon. Member for Little Bow.

Mr. Donovan: Thank you, Mr. Speaker. It gives me great pleasure today to introduce to you and through you four hard-working individuals from the Alberta Barley Commission. The commission represents Alberta's barley producers by not only providing a multitude of services but advocating on their behalf at all levels of government. They are seated today in the public gallery, and as I call their names out, I'd ask them to please rise: Trevor Petersen, Shawn Gorr, Bryan Adam, and a friend of mine, Glenn Logan. I started in politics in 1995, and Glen always jokes that he knew me before I hit puberty, before I could shave, so he has gotten to watch me go through the whole process. I'd ask this House to give the traditional warm welcome of the Assembly.

The Speaker: The hon. Associate Minister of International and Intergovernmental Relations.

Ms Woo-Paw: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to all members of the Assembly Mr. Maurice Fritze, who is a communications specialist with international experience as a producer of Canadian performing artists. He spent many years as Canada's Bob Hope, producing entertainment for our armed forces serving in United Nations peacekeeping roles and in areas of armed conflict. Maurice's shows have toured four continents representing private interests, the Alberta government, and the Canadian government. One of Maurice's Alberta initiatives was the celebration of Japan project. Today he's a mediator, and he teaches conflict resolution at MacEwan University. I would like members of the Assembly to join me in giving Mr. Maurice Fritze the warm welcome of the House.

The Speaker: The hon. Member for Edmonton-Calder, followed by the Minister of Justice.

Mr. Eggen: Thank you, Mr. Speaker. I would like to introduce to you and through you to all members of the Assembly my favourite GANG and the leader of the GANG as well. I know the hon. Premier did make mention of the grandmothers with the Stephen Lewis Foundation, but she did omit a couple of details. First of all, Lauretta Howard, Grace Hamilton, Judy Dubé, Jan McGregor, and Louise Barr are all good friends of mine, and Louise Barr, the GANG leader, is my auntie as well. If they could stand one more time and receive the warm welcome.

The Speaker: The Minister of Justice and Solicitor General.

Mr. Denis: Thank you very much, Mr. Speaker. It's my pleasure to rise today to introduce to you and through you four people who are visiting us from Calgary. First, I want you to please welcome

Tammy McCorkell, who resides in the great constituency of Calgary-Foothills and does terrific work with the Calgary Youth Justice Society. Please also welcome Kimberly Nelson, who does great service for persons with developmental disabilities and is a constituent of beautiful Calgary-Acadia. She indicated to me she had the privilege of meeting the Premier two weeks ago in an elevator in Calgary.

Finally, Mr. Speaker, I'd also like to introduce two Calgarians well known in political circles, David Crutcher from Calgary-Acadia and Craig Chandler from Calgary-Hays. Please give them a warm welcome.

Members' Statements

The Speaker: The hon. Member for Bonnyville-Cold Lake.

Holodomor Memorial Day

Mrs. Leskiw: Thank you, Mr. Speaker. I'd like to ask each member of this Assembly to consider the people in their lives: their family, their friends, colleagues, and Albertans they serve and interact with each and every day. I'm certain that several of the people on your minds are of Ukrainian descent. In our province there are more than 332,000 Albertan-Ukrainians. That's 1 in 10 people, making Albertans of Ukrainian heritage the fourth-largest ethnic group in this province.

As a Ukrainian-Albertan I am proud of my roots and feel it is a fitting and true honour to acknowledge the fourth anniversary of the Ukrainian Famine and Genocide (Holodomor) Memorial Day Act. Passed unanimously in 2008, the act commemorates a horrific man-made famine enforced by Stalin's regime that brought misery and death to millions of men, women, and children living in rural Soviet Ukraine between 1932 and 1933.

Known as the Holodomor, which means the extermination by means of starvation in Ukrainian, this famine was an act of genocide. Farmers were forced to fulfill unrealistic government quotas that left them without food for themselves and their families. Those who resisted had their crops, livestock, and seed grain confiscated. Those who tried to keep food for themselves were executed. It was a cruel policy of forced starvation that must never be repeated and always be remembered.

1:50

As a province we honour every fourth Saturday in November the fallen victims and those who survived, and on November 24 I urge all members and all Albertans to recognize this important day. It is an opportunity to honour the value of democratic freedoms, human rights, and rule of law. It reminds us to cherish the multicultural vibrancy of our province and helps us acknowledge the many Holodomor survivors and their descendants living in this great province called Alberta, who have enhanced our cultural, economic, political, and educational life. This day also helps us ensure that by remembering the dark times of our past, we can ensure a bright, inclusive future for all Albertans.

[Remarks in Ukrainian] Eternal memories.

Oral Question Period

The Speaker: The Leader of Her Majesty's Loyal Opposition.

Health Regions' Expense Reporting

Ms Smith: Thank you, Mr. Speaker. I'm going to look into the government's horrible decision to take us back into debt in a

minute, but first there are pressing issues about the health care system and the erosion of public confidence. When an employee of Edmonton's former health region was found to have lavish but legal expenses, he was fired. Now an employee of the former Calgary health region was reimbursed for expenses that were directly related to partisan political activities. This, of course, is illegal. Since the employee is still under employment with Alberta Health Services, we wonder: what is the Health minister going to do about it?

Mr. Horne: Mr. Speaker, as we discussed yesterday in the House in response to similar questions, these expenses that the hon. member refers to occurred among health regions that no longer exist. Since the creation of Alberta Health Services in 2009 the policies and procedures around political donations have been made very clear. They are in conformance with provincial law, they are enforced, and I have no reason to worry as minister that those policies are not being followed today.

Ms Smith: Mr. Speaker, that was the same case with Allaudin Merali.

The Deputy Premier challenged us yesterday to produce evidence of illegal donations, and we have produced such evidence, thousands of dollars' worth, and so has the media. We believe that there could be more evidence, yet the Deputy Premier's colleague the Minister of Health doesn't want to look at it. What are you both covering up?

Mr. Horne: Okay. The first thing that should be very clear to the hon. member is that the Minister of Health does not make hiring or human resources decisions for Alberta Health Services. The policies and procedures that the hon. member is aware of today, that are in place today, are what are of primary concern to this government. If the hon. member wants to talk about health regions that no longer exist, perhaps she could explain to us why she ran to be the government in 2012? That's a non sequitur, Mr. Speaker, that we don't understand.

The Speaker: The hon. member.

Ms Smith: Thank you, Mr. Speaker. The problem is that it's the same executives who are in positions in AHS who were in positions in the former health regions.

Now, yesterday we asked the minister to do something to help erase the growing cloud of suspicion over the health care system: expenses, donations, bullying and intimidation, queue-jumping, forced contract settlements, and even the threat of a doctors' strike. It's a mess. When will the minister clear the air, begin to release all of the expenses of all of the executives for all of the health regions going back to 2005?

Mr. Horne: Mr. Speaker, what is clear is that the hon. member, with all due respect, is very adept at construing, loosely, conspiracy theories from one issue to another. The fact of the matter is that this party and other parties in this House have the opportunity to avail themselves of the provisions of the Freedom of Information and Protection of Privacy Act. They have had ample access to information that makes it possible for these discussions to go on and on ad nauseam in the House. The policies and procedures are clear today. This is a government of 2012. We stand by the policies of Alberta Health Services. They are in conformance with provincial law.

The Speaker: The hon. Leader of the Opposition. Second main set of questions.

Judicial Inquiry into Health Services

Ms Smith: Thank you, Mr. Speaker. The government's sloppy management has badly eroded Albertans' confidence in the health care system. There is a judicial inquiry under way over the issue of health care system queue-jumping. Job expenses for a former government relations executive at the former Calgary health region indicate that her job was largely partisan in nature. That same individual was described by a former minister of health in an exchange with the former MLA for Calgary-Varsity as the person to speak with if an MLA had a constituent access problem. He even claimed that they could get service within two hours. Does the minister agree that there's at least an appearance of a problem with this?

Mr. Horne: Well, Mr. Speaker, we continue to see the hon. member attempt to construe one unproven allegation after another in the hopes of fearmongering and diminishing Albertans' confidence in their health system. Every time she does that, she insults the health professionals and other support workers that work very hard to deliver health care services every day. She knows full well that the information is available to her. She's accessed that information. There is really nothing further to say on behalf of this government with respect to these unfounded allegations.

The Speaker: The hon. member.

Ms Smith: Thank you, Mr. Speaker. There is something further to say. I've written Mr. Justice Vertes, pointing out some of our concerns and suggesting that such government relations employees be called as witnesses before his inquiry to explain how their jobs related to helping certain politicians work through the health care maze. Perhaps the minister can tell us: what does a government department need a government relations person for?

Mr. Lukaszuk: Mr. Speaker, I have to tell you that I am troubled to hear that the Leader of the Official Opposition has written letters trying to influence the justice relevant to what the opposition has been asking for for months, to have an independent judicial inquiry. Now as an opposition they ask the minister to interfere with the justice to direct the inquiry, which way it should be moving and who the witnesses should be. That is directly contrary to what they have been asking for for months. They've been asking for an independent inquiry, and they shall have an independent inquiry.

The Speaker: The hon. member.

Ms Smith: Thank you, Mr. Speaker. Queue-jumping, illegal donations, lavish expenses, bullying, and intimidation have added to a cloud of suspicion, yet the Minister of Health seems unwilling to look into the obvious issues that have existed for years, insisting that everything is okay now. Will he join us in asking Justice Vertes to call all the government relations officers before his inquiry so we can get to the bottom of the queue-jumping scandal?

Mr. Horne: Mr. Speaker, the very fact that the Leader of Her Majesty's Loyal Opposition would ask in this House during this question period for a member of this government to work with her in order to interfere in an independent, judge-led inquiry, that this opposition asked for, is an answer to the question in and of itself. It's not only inappropriate; it's an affront to the independence of the judicial panel, and the hon. member should know better.

The Speaker: The hon. Leader of the Opposition for your third set of main questions.

Capital Infrastructure Financing

Ms Smith: Now, Mr. Speaker, my debt question. This government is taking us back into debt to cover the basics like roads and schools. They have a variety of stories to cover it, but the stories keep on changing, especially when you listen to what they said before the election, what they said during the election, and what they're saying now. The Premier blames the change on the fiscal reality, saying that the economy is forcing them to take on debt, yet yesterday the Member for Edmonton-Gold Bar was telling us that employment is up, private forecasts are bright. Housing starts, retail sales, and manufacturing: they're all up. But the Premier thinks there's a downturn. Which is it? Are we in trouble or not?

Ms Redford: It was very interesting last week to be at AAMD and C, the Alberta Association of Municipal Districts and Counties, and to talk about community investment, to talk about schools and hospitals and roads and water systems. We made a commitment on April 23 that we would build Alberta for the future, that we would not look back, and that we would be a pragmatic government for Alberta. Now, I don't know what the Leader of the Official Opposition thinks has happened in the past eight months, but one of the things that you need to be able to do if you want to be a good government that reflects the values of the people that elected you is to understand – hear it, Mr. Speaker – that sometimes things change. Good government adapts to that, and that's what we're doing.

The Speaker: The hon. member.

Ms Smith: Thank you, Mr. Speaker. Good governments keep their election promises.

Now, the Premier made an election promise to build and renovate 120 schools and said that it would be paid from budget surpluses. It was obvious after the election that there would be no PC budget surpluses. Rather than adjust spending, the Premier is now determined to go into debt. Why don't they cut their wasteful spending, balance the budget, and build schools?

2:00

Mr. Lukaszuk: Mr. Speaker, I just can't miss this opportunity. Good governments keep their promises. Good oppositions keep their promises, too. I would suggest to the Leader of the Official Opposition that she should be preoccupied for the next two or three days with her upcoming convention and how she will keep her promise and not turn her party into Wildrose Lite and talk about conscience rights and talk about all the switches that they have done. That is something that the Leader of the Official Opposition should be concerning herself with right now.

Ms Smith: At least, the media are invited to our convention.

The government did not campaign on alternative financing. They did not make election speeches about going to the capital markets. They did not put going into debt into their campaign brochures. If they're so convinced it's a good idea now, why didn't they mention it in April during the election?

Mr. Horner: Well, Mr. Speaker, I'm going to rise again and say what I said yesterday, and that was that we did tell Albertans that we were going to use alternative financing. We passed the budget in this House, which had it in the budget. I would also say as a past member of the Klein cabinet and a past member of his

Treasury Board that he understood that you use certain financial tools in certain financial circumstances. In fact, Premier Klein was the first Premier of Alberta to use alternatively funded P3 projects. The Anthony Henday ring road in Edmonton in 2005 showed that he knew when to do things differently and to make the right changes.

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

Mr. Hehr: Thank you, Mr. Speaker. Following the passing of Premier Lougheed one writer compared the province he created to the one that exists now and noted that the current structure of this province from our oil and gas industry to our fiscal management systems was established by Mr. Klein. Calling yourself a progressive without changing this is just window dressing. It's simply code for spending the oil wealth faster. To the Premier. You recently stated that government decisions must be fair to future generations. Is it your view that spending all \$11 billion of our nonrenewable resource revenue and now taking on debt is fair to future generations?

Ms Redford: Mr. Speaker, what is fair to future generations is what Albertans know, that if we invest now, we will have successful future generations. That means investing in schools, investing in education, investing in universities, and making sure that we are qualifying people who will be able to participate in our economy. Other people that think this is a good idea include the managing director of the National Bank, the vice-president of capital markets at RBC, the CEO and president of Maclab Enterprises, successful businessmen who understand that you need to make smart, strategic, long-term decisions for the future and that that's what leads to success and is fair for future generations.

Mr. Hehr: Mr. Speaker, I agree with the Premier. We need to build schools, we need to implement full-day kindergarten, build family care clinics, and the like, but is it fair to future generations to be the lowest taxed jurisdiction by a country mile, spend all of the oil wealth in one generation, and now go into debt? Is that really fair to future generations?

Ms Redford: Mr. Speaker, we have a passion about the future of this province that ensures that future generations are going to be well taken care of. We know that we've had success with this in the past. We certainly follow the legacy of previous Progressive Conservative Premiers who've been pragmatic, who've been innovative, who've been creative, and who've understood that if you invest wisely now, future generations will succeed.

Mr. Hehr: Well, Mr. Speaker, there's an old saying in my neighbourhood: you lie to my friends; I'll lie to my friends; let's not lie to each other. If we look at what is going on – the spending of all the oil wealth, the going into debt, and not being willing to tax anything – it's simply lipstick on a pig. Will you admit that your current resolve shows no regard to the future generations of this province?

Ms Redford: I believe that this discussion that we're having now is fundamentally what we talked about in the last provincial election, and I have no doubt that for the next six months we will talk about this. I tell you, Mr. Speaker, this government, this caucus, and this cabinet would not be doing this if we did not have a resolve that this was the right thing for future generations in this province.

The Speaker: The hon. leader of the New Democrat opposition.

Political Party Financial Contributions

Mr. Mason: Thank you very much, Mr. Speaker. Apparently, there have been a number of illegal campaign donations that were made in previous years, including the time that the current Premier was the Minister of Justice. I want to put the same question to the Premier I tried to put yesterday. What did the Premier know about these offences, and when did she know it? [interjections]

Mr. Lukaszuk: I'm starting to think that they don't like me, Mr. Speaker. [interjections] Now I know that they don't like me, but they don't like me because I throw some of their questions right back at them, and they don't like that very much.

But, Mr. Speaker, in answer to this, I've been clear on a number of occasions. If any member of this House believes that they have an allegation and believes that they have some evidence of an allegation, there is a process that is very much a time-tested process not only in this Legislature but throughout this land. File a complaint to the Chief Electoral Officer or to the Ethics Commissioner, have it properly investigated, and then we can talk about facts. These are just allegations, and we won't be dealing with that.

The Speaker: Hon. members, let's be reminded of what the rules of the House are regarding matters pertaining to partisan parties and to campaign or election funding. I've raised it before.

Hon. member, let's see how you do with that reminder.

Mr. Mason: Thanks very much. Well, Mr. Speaker, given that the Deputy Premier suggests that we just take these things to the Chief Electoral Officer and that when we do, the Chief Electoral Officer won't even tell us if he's going to conduct an investigation, much less the result of that, and given that that legislation was put in place by the current Premier when she was the Justice minister, can the Premier tell us with regard to offences under the Election Act that have taken place during her tenure: what did she know, and when did she know it?

Mr. Lukaszuk: I happen to have some good news for the leader of the fourth party. Today in this Legislature we will be debating an act that will be speaking to that very issue, election financing, and all the rules and laws and regulations that pertain to electing officials into this Chamber. I suggest to this member that he hold on to his powder, keep it dry, and he will have all the opportunity in the world to debate that bill and make sure that the transparency that he's seeking will be there. I can assure him of one thing, Mr. Speaker. We will have with the passage of this bill the most transparent piece of election legislation in Canada.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. Well, I think that given that Albertans are very tired of the kind of corruption of this governing party, which seems more concerned with covering its own illegalities than with creating legislation to ensure it doesn't happen again, will the Premier ensure that the legislation that is introduced by her government will in fact allow us to look back retroactively to the period going back as far as 2007 and 2008?

Mr. Lukaszuk: Mr. Speaker, only in this Chamber and only members of the opposition will use terms like "illegal" and "corrupt" without having any evidence or without even giving a person the opportunity of having that evidence presented and having it investigated. If that member indeed has any documents

or information where he believes that anyone in this Chamber is doing anything illegal or is corrupt, table it, have it investigated, and stop making these inflammatory accusations.

The Speaker: Thank you.

The hon. Member for Calgary-Fish Creek.

Physician Services Agreement

Mrs. Forsyth: Thank you, Mr. Speaker. This government's relationship with the doctors of our province is deteriorating rapidly. On Friday afternoon the Minister of Health decided to throw his weight around, and he imposed a long-term contract on physicians. This ended months of good-faith negotiations. Doctors feel bullied, undermined, intimidated, and disrespected. The AMA has asked the minister to mend this relationship, come back to the table, and negotiate a deal by the end of December. To the Minister of Health: will you commit right now to rescinding this imposed deal and return to negotiations with the AMA?

The Speaker: The hon. minister.

Mr. Horne: Thank you, Mr. Speaker. It is true that this morning I received a letter from the president of the Alberta Medical Association asking to return to negotiations toward a new agreement between government and the association. I take this as an encouraging sign for a number of reasons, not the least of which is that the president has clearly recognized that an agreement between doctors and government is in the interests of our health care system and the Albertans that we serve. That said, I need to be very clear that with respect to a financial offer government did put forward its best financial offer, the maximum amount of money, \$463 million, that is available.

2:10

Mrs. Forsyth: Minister, it's about respect. That's what it's about.

Given that the AMA contends that all options are on the table and that options could include job action, does the minister not see in the end that his bullying and intimidation behaviour isn't going to harm doctors, that it's going to harm the patients?

Mr. Horne: What I see, Mr. Speaker, as I said in my previous answer, is an interest on the part of the AMA in resuming discussions. I will tell the hon. member that I think there are a number of issues on which we could resume discussions with the Alberta Medical Association. That said, I think we need to be very clear about what the issues are that we would like to address, and we need to ensure that we are positioned to be successful in the discussion of those issues. I'm going to give some very careful thought to the letter that was sent to me this morning, and I'll be replying as quickly as I can.

Mrs. Forsyth: Well, Mr. Speaker, if he would have done this last Friday, we wouldn't be here today.

Given that the AMA is willing to live by the findings of an arbitrator, why won't the minister use this resolution tool to come to a mutual agreement?

Mr. Horne: Well, Mr. Speaker, what we will not do is that we will not negotiate a new agreement with the Alberta Medical Association via this member or via this Legislature. As I said, we feel that there are a number of areas where with a focused discussion and a clear plan to position both parties for success, we may in fact be in a position where we can resume some discussions. I'm going to look at this and consider it carefully in my reply to Dr. Giuffre, and I will have any discussions that we wish to have

with him and with the Alberta Medical Association and not with the opposition.

The Speaker: The hon. Member for Edmonton-Gold Bar, followed by Lac La Biche-St. Paul-Two Hills.

Public-private Partnerships for School Construction

Mr. Dorward: Thank you, Mr. Speaker. This morning I had the opportunity, the early opportunity, to have breakfast with 400 or 500 school board trustees from across the province. It was clear that many of them had a renovated or new school on their mind. So many made it clear to me that the need for schools is significant and that it can't wait. To the Minister of Finance: can you elaborate on your comments just recently on the alternate financing you mentioned to allow the building of these schools now?

Mr. Horner: You know, Mr. Speaker, the hon. Member for Edmonton-Gold Bar, who is a chartered accountant, I would add, would appreciate that we will consider all of the financial tools that are available to us to get those schools built that Albertans and their communities need today, and we're going to choose the method and the tool that makes the most financial sense. P3s have been one of those tools that we've been using since, as I said earlier, 2005. We've used them to build the Light of Christ Catholic and Saddle Ridge schools in Calgary, the Elizabeth Finch school in Edmonton, even the Westmount school in Okotoks, which is the Leader of the Opposition's riding. I'm sure she appreciates that P3s are a good way to go.

Mr. Dorward: To the Minister of Infrastructure: how do you justify using the P3 option when I noted at the ASBA breakfast this morning that those trustees, in fact, overwhelmingly supported borrowing for the infrastructure we need?

Mr. Drysdale: Mr. Speaker, this government will do what's right for Alberta families and communities. Alberta's use of P3s to deliver needed public infrastructure such as schools has proven successful. Benefits include fixed costs, fixed delivery dates up to two years sooner, with maintenance and warranty for 30 years. P3s are only used when they make sense and when value for money can be demonstrated compared to the cost for more traditional project delivery.

Mr. Speaker, I'm sure we can all agree, including the members across, the faster we can build schools for the students and families of today, the better. We need them today, not five and 10 years into the future.

Mr. Dorward: Mr. Speaker, to complete the trifecta, to the Minister of Education: can you update us on the progress of the P3 models from your perspective?

Mr. J. Johnson: Mr. Speaker, I hate to point out the obvious, but P3s are actually borrowing and allow us to build schools faster than normal. This government has built 28 P3 schools recently, and we have 12 more new schools under construction right now. As a matter of fact, we just broke ground on three P3 schools this last Friday alone, two in Airdrie and one in Chestermere.

While the members opposite criticize and confuse Albertans with sound bites on why we shouldn't borrow to build infrastructure, their members are more than happy to celebrate these P3-financed school groundbreakings provided they're in their constituencies.

The Speaker: The hon. Member for Lac La Biche-St. Paul-Two Hills, followed by Barrhead-Morinville-Westlock.

Political Party Financial Contributions
(continued)

Mr. Saskiw: Thank you, Mr. Speaker. After 41 years of the same government, it doesn't matter who's in charge. The entitlement and mutual back-scratching stays the same. We know that a community relations officer at Calgary health expensed thousands of dollars that she donated to the war chest of a political entity, and this, according to AHS, was just how business was done. Now we know that that same individual is working within AHS as a provincial officer for special projects. Can the government simply clear the air and tell the House exactly what is the job description of an officer for special projects?

Mr. Horne: Mr. Speaker, I don't have that information, nor would I think that the hon. member would expect the Minister of Health to have detailed job descriptions for people within Alberta Health Services. If the hon. member is making an insinuation that that particular position is somehow not important or significant or otherwise of value to the health system, I suggest that he's got a bigger challenge than he already realizes.

Mr. Saskiw: You don't even know what the job is, so how would you know what I'm insinuating?

Given that it is imperative that Albertans have full confidence that their taxpayer dollars won't be used to benefit any political party, will the government clarify whether or not the latest donations to a political party expensed through our Health budget will be returned to Albertans?

Mr. Horne: Mr. Speaker, the opposition persists in talking about issues involving health regions that no longer exist. What Albertans can have confidence in is very clear. They can have confidence in the fact that Alberta Health Services policy with respect to donations has been updated twice since AHS was created. It fully conforms to provincial law. He can also have confidence that there is an independent officer of the Legislature, a Chief Electoral Officer, to whom he can report his concerns, and they can continue to have confidence that this Minister of Health is in close contact with the board of Alberta Health Services, which is doing an excellent job and providing oversight in this area.

The Speaker: The hon. member.

Mr. Saskiw: Thank you, Mr. Speaker. If you want to return the money, there's a poverty group out there that sure could use it.

Given that the Premier broke her promise to hold a full health inquiry covering the time in which her sister worked at the Calgary health region and was publicly known as the go-to person for politicians to deal with wait time issues, can the government explain whether the Premier's sister is at all involved in the planning, co-ordination, or execution of the queue-jumping inquiry?

Mr. Lukaszuk: Well, if we're seeking clarity, Mr. Speaker, maybe I'll ask for some clarity because I'm still a little lost from yesterday. Yesterday the Leader of the Opposition first said that she would never write off expenses of donations to political parties. Then 15 minutes later she admitted the fact that she has but that it was a rookie mistake. Then 15 minutes later she said that she has, but she doesn't know whether she sent it to the Assembly for reimbursement or not. Now she's denying it, and she threw her

secretary under the bus to take the rap for it. I would like some clarity on that.

The Speaker: The hon. Member for Barrhead-Morinville-Westlock, followed by Edmonton-Centre.

Orthopaedic Services in Northern Alberta

Ms Kubinec: Thank you, Mr. Speaker. Westlock hospital is in desperate need of a new and enlarged orthopaedic surgical unit to fulfill the needs of the large population in northern rural Alberta to access the hospital not only because it is in close proximity to their homes but due to the world-class level of care that the doctors and surgeons provide at that hospital. We have a doctor from South Africa who is world renowned for his hip and knee replacements. My own brother had two knees replaced there. My question to the Minister of Health: will the minister please advise us as to what is being done in regard to reviewing any plans?

The Speaker: The hon. minister.

Mr. Mason: I bet he knows the answer.

Mr. Horne: Thank you. Well, Mr. Speaker, like the rest of my colleagues here sitting before you, we are up on our briefs, and we are prepared to answer.

I've had the privilege of meeting with the orthopaedic surgeons that the hon. member refers to twice, both through her and through her predecessor, the former MLA in that area. I can tell the hon. member that Alberta Health Services is looking very closely at the role of Westlock hospital in orthopaedic surgery as part of a north zone regional plan for the delivery of orthopaedic surgery services. It's true, Mr. Speaker, that there is considerable capacity that is available in terms of surgical capacity at the hospital, and we want to ensure that we make the best use of it as part of the regional plan.

2:20

Ms Kubinec: My second question is to the same minister. Will the minister please advise as to what is being done in regard to reviewing any plans and when we can have an answer as to when that might happen?

Mr. Horne: Mr. Speaker, certainly appreciating the hon. member's desire to have some resolution of this particular issue, we are looking at a plan for the north zone that involves all health care services; in other words, going beyond orthopaedic surgery, looking at all primary health care and tertiary level services. It's expected that that review would be complete in 2013.

Ms Kubinec: Through you, Mr. Speaker, to the minister: will those plans be made public so that the people in my constituency will know what is happening?

Mr. Horne: Well, Mr. Speaker, the public is actually part of the planning process. Alberta Health Services is actively engaged with the communities throughout the north zone in looking at the resources that exist in the community now, what may be needed in the future, and also, very importantly, how the hospitals and other health facilities and health professionals who are practising in that area work together to deliver a system of care that meets all of the needs of the people in the north zone, including Westlock.

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

Alberta Police Integrated Information Initiative

Ms Blakeman: Thanks very much, Mr. Speaker. Employers are using police information background checks to vet possible employees, and volunteer agencies are required by law or public demand to check their volunteers. But police keep more than conviction information on citizens in their databases, and this nonconviction information is regularly released. To the Solicitor General: what action is the government taking to work with employers and NGOs to make sure that they understand the distinction between conviction and nonconviction information disclosed in police background information checks?

Mr. Denis: Well, Mr. Speaker, I thank the member for that question. You're right. She's quite correct. There is a distinction between conviction and nonconviction information, but her question was very vague as to what specifically she is alleging. I would just ask her to please clarify that in the follow-up.

Ms Blakeman: Back to the same minister. Given that information collected and kept as part of Alberta's police information database, now known as API3, can include officer observations, opinions, and even hearsay, why does Alberta persist in allowing the retention and release disclosure of nonconviction information during background checks? It's just not right.

Mr. Denis: Mr. Speaker, it really saddens me that this member has very little regard for public safety but also for the facts. API3 is going ahead. You want to know what API3 is, I say to everybody here? API3 is a system that will allow police information on other jurisdictions if they actually happen to come in contact with a suspect. It's about officer safety, and it has undergone a full and complete privacy assessment. Back to this member.

Ms Blakeman: And it still includes hearsay, officer opinions, and observations.

But the legal framework in Alberta is feeble and allows significant individual officer discretion over what information is released as part of these police checks. So why is training, monitoring, and compliance not mandatory for all officers working in this area? They can do whatever they want.

Mr. Denis: Mr. Speaker, I say again that the API3 system has undertaken a full and complete privacy impact assessment, and we worked with the Privacy Commissioner. We have been given a clean bill of health. Again, it saddens me that this member has very little regard for officer safety but also for public safety.

Ms Blakeman: Point of order, Mr. Speaker.

The Speaker: A point of order has been noted by Edmonton-Centre at 2:25.

The hon. Member for Edmonton-Strathcona, followed by Livingstone-Macleod.

Political Party Financial Contributions

(continued)

Ms Notley: Thank you, Mr. Speaker. Yesterday Albertans discovered that the Premier's sister directed Calgary health region funds to Alberta's Conservative Party in violation of the Election Act. In defence of the Premier's sister Alberta Health Services stated that, quote, the Premier's sister and the Calgary health region were meeting the expectation and norms at the time. End quote. To the Deputy Premier: if AHS can casually state that illegal election donations by the Premier's sister were just another

day in the office, how can Albertans be expected to believe that this illegal activity is not endemic to the whole government run by this Premier and this party?

Mr. Lukaszuk: You know what, Mr. Speaker? If the Member for Edmonton-Centre sat down with the Member for Edmonton-Strathcona, they would have an interesting discussion because the Member for Edmonton-Centre just argued that unless you're convicted, you're not convicted, and there shouldn't be any negative information spread about you. This member over here argues that even though nothing has been proven, even though there are no allegations, no investigations, all of a sudden those individuals are somehow criminals. Why don't you two get together and discuss that issue?

The Speaker: Hon. Member for Edmonton-Strathcona, I'll allow your first supplemental, and I'm going to listen carefully to how it goes.

Ms Notley: Well, to the Minister of Health: given that illegal funnelling of public money to the Conservative Party was apparently, quote, meeting the norms and expectations at the time at Alberta Health Services, will the Minister of Health take immediate action to dismiss all those who were involved in and aware of this activity, or will he further compromise the remnants of this government's integrity by suggesting Albertans should accept this as water under the bridge?

Mr. Horne: Mr. Speaker, again, recognizing the nature of the question and your previous rulings on the issue, what I will tell the hon. member and what she well knows is that the responsibility for overseeing the operations of Alberta Health Services is with a board that is appointed by this government, that is accountable back to this government. If the hon. member wants to persist in discussions about the operations of health regions that no longer exist, that's entirely up to her. The AHS board has made it clear and clarified on two occasions that the organization's policies with respect to political donations conform to provincial law and they continue to be followed. This government stands by that.

The Speaker: Let me just remind everyone again. Questions to do with party financing, party matters are expressly forbidden according to the rules, so let's be very careful how we word our questions.

Final question. The hon. Member for Edmonton-Strathcona.

Ms Notley: Well, Mr. Speaker, to the Attorney General: given that illegal funnelling of public money to the Conservative Party was, quote, meeting the norms and expectations at the time and given that the Election Act currently prevents investigations that would go back past three years and would be done in secret regardless, can the minister promise this House that his new elections law will permit full and historic disclosure of this endemic illegal activity, or will he simply come up with new ways to sweep it under the rug?

Mr. Denis: Well, Mr. Speaker, if this member would like to wait just a little bit more than half an hour, that's when I intend to table an act. I think that under the standing orders it would be inappropriate for me to comment on it in detail at this juncture.

The Speaker: The hon. Member for Livingstone-Macleod, followed by Lethbridge-East.

Health Services for Rural Alberta

Mr. Stier: Thank you, Mr. Speaker. In my constituency of Livingstone-Macleod and in all of the rural areas of Alberta people travel hours to regional hospitals for medical treatment. With the recent raw deal imposed on doctors and support personnel, the challenges affecting rural health facilities are even more acute. Last week's unilateral decision by the government will negatively impact delivery of health services in rural primary care networks. To the Minister of Health: considering this negative impact on rural health care delivery will this government please go back to the negotiating table with doctors?

Mr. Horne: Well, Mr. Speaker, earlier in question period I answered a specific question about the letter that was sent to me today by the president of the Alberta Medical Association. This hon. member is attempting to connect that issue with what he obviously feels are some issues with respect to rural health care delivery in his community. Rural health care delivery is of significant interest to this government. In the last five hospital expansion announcements, that were made just a few weeks ago, the hon. member may have noted that a number of specialty services have been placed in rural hospitals to avoid the situation that he describes. A recent example would be the inclusion of a dialysis unit in the Edson hospital. That will prevent many people from making a trip into Edmonton for that.

The Speaker: The hon. member.

Mr. Stier: Thank you, Mr. Speaker. Considering the deteriorating relationship between the Alberta Medical Association and the Minister of Health and considering that the new fee schedule will be harmful to recruiting and retaining rural doctors, what will the minister do to remedy the glaring problems facing rural health care?

Mr. Horne: Mr. Speaker, the hon. member referred to a fee schedule. What this government announced last Friday is the addition of \$463 million over the next four years to a physician compensation budget, which on average pays 29 per cent more than the national average in this country.

Mr. Speaker, we're proud of the fact that we have the best doctors in Alberta. We're proud of the fact that they are the best paid.

We have a number of issues that we are working with the Alberta Medical Association on, and I will be responding to Dr. Giuffre's letter in due course.

2:30

The Speaker: The hon. member.

Mr. Stier: Thank you again, Mr. Speaker. Considering that the Minister of Health accepted the Health Quality Council report, how can the minister justify imposing huge changes on Alberta Health Services such as with the family care clinics without close collaboration with those doctors at all?

Mr. Horne: Mr. Speaker, let's be clear. We would not have the quality of health services in urban and rural Alberta that we enjoy today without close collaboration between this government and our physicians. They deserve as much credit as anyone else for our success. They are also actively involved in practical ideas to improve access, particularly in areas like the hon. member's constituency.

The Speaker: The hon. Member for Lethbridge-East, followed by Innisfail-Sylvan Lake.

Agricultural Societies

Ms Pastoor: Thank you, Mr. Speaker. The government last February at the Alberta Association of Agricultural Societies recognized their 100-plus year contribution to Alberta's largest sustainable resource, agriculture. Agricultural societies and regional exhibitions manage the infrastructure of the largest facilities of their kind in their respective communities. To the minister of agriculture: what is the plan for provincial investment in these valuable agricultural community builders, rural economic providers, tourism drivers, and community gathering places?

The Speaker: The hon. minister.

Mr. Olson: Thank you, Mr. Speaker, and thank you to the member for the question. The plan is to continue supporting these organizations. As the hon. member points out, they are integral to many, many communities. There are 295 ag societies around the province, for which our government provides some \$30 million in annual support. We plan on continuing with that support.

Ms Pastoor: Well, that's good to hear. Thank you.

Again to the same minister. One of these regional exhibitions in particular, Lethbridge & District Exhibition, is in need of a major renewal in the very near future in order to maintain its community commitment. What role is the province prepared to play in investing in this project, which will be a game-changer in southern Alberta?

Mr. Olson: Well, Mr. Speaker, it may not surprise you to hear that this isn't the first time I've heard this from this member. She is a great advocate for her community, and we talk fairly often about this issue. I have had meetings with that particular agricultural society. We do provide to the seven regional societies funding of about \$358,000 a year, \$258,000 of which is unconditional and \$100,000 of which is for operations. We also in 2005 provided \$40 million for the seven regional ag societies, including \$6.5 million for the Lethbridge ag society for capital.

The Speaker: The hon. member.

Ms Pastoor: Thank you very much. This question isn't just about me; it is about all the others. I know that it's a generous amount of money, but clearly, to keep these organizations going, we're going to need a change in what we do. My last question is about the rest of the B and C exhibitions. What kind of discussions are going on regarding the importance that they play in our rural communities and in our medium-sized cities, keeping agriculture to the fore, where it belongs?

The Speaker: The hon. minister.

Mr. Olson: Thank you, Mr. Speaker. I also have one of the regional ag societies, one of the seven regionals, in my constituency. I know that these agricultural societies, no matter what their size, from the smallest of the small to Northlands and the Calgary Stampede, are very, very important for their community. Everybody wants the government to support them. I'm fully engaged in discussing these issues with all of them. It's a work-in-progress. I'm not in a position to make any commitment to the hon. member right now other than my absolute and unconditional interest in discussing these issues with them.

The Speaker: The hon. Member for Innisfail-Sylvan Lake, followed by Vermilion-Lloydminster.

Sylvan Lake Public Meeting

Mrs. Towle: Thank you, Mr. Speaker. Recently the Deputy Premier visited Sylvan Lake and held a public meet-and-greet. Constituents were disappointed to learn that the meeting was really a handshaking session with no format to ask questions publicly about the issues they were concerned about. The Deputy Premier went on to call my constituents a mob. He went on to insult the widow of a gentleman who had recently passed away for bringing a placard. Then he went on to tell a small group of property rights advocates to wait until the end of the meeting to speak to them, only to slink out the back door. To the Minister of Accountability, Transparency and Transformation: is this type of behaviour from the Deputy Premier what was meant when the Premier said that she wanted to raise the bar of accountability?

Mr. Lukaszuk: Mr. Speaker, you know, this is almost unbelievable. First of all, this member has written an e-mail and asked everybody to spread that e-mail even further, asking for everybody to show up and show force and bring placards. Then in an interview to the media she says: "Oh, I never wrote such an e-mail. I never asked anybody to bring placards." Then, much like the Leader of the Opposition, she flip-flopped again and said: "Oh, yes. Sorry. I forgot. I was asked too many questions." Furthermore, this is the MLA that needs a mediator to allow her to talk to her city council. Furthermore, I left through the front door, and there is actually news footage to show that. [interjections]

The Speaker: Hon. member, I'll invite you to give us your second supplemental, and I'll invite your colleagues to allow the answer to be heard by you.

Mrs. Towle: Sure. Unfortunately, I was there, and you went through the back door.

To the Minister of Health: given that the Deputy Premier chastised a widow for bringing a placard of her husband, who'd passed away, saying that all she had to do was request a meeting with you, and given that that constituent has requested that meeting with you since August, since her husband died, will the Minister of Health finally meet with the Boychuk family, as the Deputy Premier says that you're willing to do?

The Speaker: The hon. Minister of Health.

Mr. Horne: Well, thank you very much, Mr. Speaker. As the hon. member knows, I have had contact with residents of Sylvan Lake on a number of matters, including the elected officials, the mayor, and council, with whom I have met to discuss the issue to which she refers, which is the desire for an urgent care centre in Sylvan Lake. We're continuing our work and Alberta Health Services is continuing its work with the elected local representatives in Sylvan Lake. I am happy to continue to provide the hon. member with updates on the progress of that work. But the fact remains – and I think this is evidenced by the Deputy Premier's visit to the community – that we do not require an intermediary as government in order to work with local communities.

Mrs. Towle: Well, given that the Minister of Health didn't answer my question, given that the Deputy Premier chastised a widow for bringing a placard of her husband, who'd passed away, saying that all she had to do was request a meeting with you, and given that Annie Boychuk has requested a meeting with you, Mr. Minister,

since August, since her husband died – we're not talking about urgent care; we're talking about Annie Boychuk – will you finally meet with the Boychuk family, as the Deputy Premier has said that you're willing to do?

Mr. Horne: Mr. Speaker, I will not participate in the use of an extremely sad and tragic situation, referenced by the hon. member, as fodder for whatever interpersonal issues she may have with other members on this side of the House or other sides of the House. I have corresponded with the family to whom the hon. member refers. I have expressed the sympathy and the condolences of this government and of all of my colleagues to that family for that tragic incident. We are engaged in a policy issue with elected representatives of Sylvan Lake in determining how best to meet that community's health care needs.

Front Licence Plates

Dr. Starke: Mr. Speaker, rural crime watch associations provide a valuable service to law enforcement agencies across the province, acting as an extra set of eyes and ears because, of course, the police can't be everywhere. At their recent annual general meeting the provincial Rural Crime Watch Association passed a resolution urging government to require that licence plates be shown on both the front and the rear of vehicles once again to help identify vehicles possibly involved in illegal activities. To the Minister of Service Alberta: has any consideration been given to offering support to our selfless crime watch associations by honouring this simple and common-sense request?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you very much, Mr. Speaker. Our government appreciates the work that the Rural Crime Watch Association does. They are the eyes and ears of law enforcement in many rural communities, and we appreciate everything they do. As the member knows, front licence plates were discontinued in 1992. Since then we've had a vast amount of public input on this issue. Upwards of 80 per cent of Albertans have in fact said that they prefer just having one licence plate, but we will always look at new ideas and new options and evaluate the merits of them.

2:40

Dr. Starke: Mr. Speaker, a supplemental to the same minister. Now, I realize that back in 1992 the minister was merely a young lad watching the hon. Member for Calgary-North West reading the news on TV, but does he know what the motivation was for making the change from two licence plates to one licence plate?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you very much, Mr. Speaker. In 1992 I was a young lad, and in 1992 I could grow a better mustache than that individual.

Mr. Speaker, this change has saved the taxpayers approximately \$12 million, and it's saved Albertans themselves a lot of money. Should any changes be required now, it would require additional costs on the part of Albertans.

Dr. Starke: Well, Mr. Speaker, I was going to say that I'm cut to the quick, but I guess I'm shaved to the quick.

In any case, my final supplemental to the same minister, facial hair aside: will the minister undertake to conduct a full investigation of the feasibility, logistics, and costs involved in returning to a two licence plate system and report these findings back to the members of this Assembly?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you very much, Mr. Speaker. Nearly 30 jurisdictions in North America have in fact moved to a single licence plate, and that number is growing. However, I will take this member's recommendation and the association's recommendation, and we will evaluate this issue next time we come to working on our plates.

The Speaker: Hon. members, that concludes Oral Question Period for today.

In a few seconds from now we will resume with Members' Statements, commencing with Rimbey-Rocky Mountain House-Sundre.

Members' Statements

(continued)

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

Public Meetings in Vulcan and Sylvan Lake

Mr. Anglin: Thank you, Mr. Speaker. Last week I attended two public meetings, one in Sylvan Lake with the Deputy Premier and one in Vulcan with the Minister of Energy. The meetings were similar in context and content. I listened and I watched in Sylvan Lake as the Deputy Premier berated some people in attendance. He insulted proponents of a highway intersection, which prompted a very sharp rebuke. When the Deputy Premier insulted the widow of a gentleman whose death might have been prevented had there been a critical care facility in Sylvan Lake, emotions exploded. Elevated voices demanded an apology. However, the Deputy Premier was unresponsive and unapologetic.

The meeting ended after the Deputy Premier asked all those with concerns about Bill 2 to gather at one end of the facility. He then abruptly turned and fled out the back door with people shouting at him: you said that you would talk to me. Later it was discovered that the Deputy Premier hid outside in the parking lot after everyone left, and he re-entered the building and now claims he never left. There were no placards of protest at the meeting. None. I only saw two placards promoting two causes, not protesting.

The meeting in Vulcan was no less emotional than the Sylvan Lake meeting, but it was organized completely differently. I debated the Minister of Energy in Vulcan. We both discussed the issues. We agreed where we could, and we agreed to disagree. Emotions were equal to what I experienced in Sylvan Lake, but I can say without hesitation that the Minister of Energy conducted himself honourably and deserving of respect. That said, two people that attended both the Sylvan Lake and Vulcan meetings witnessed two entirely different outcomes. They were treated with respect by the Minister of Energy no matter how far they travelled. In contrast, the Deputy Premier and his supporters are still ridiculing the people that travelled a long distance to attend the meeting in Sylvan Lake. The difference between the two meetings is the difference between class and classless.

Speaker's Ruling Members' Statements

The Speaker: Hon. members, just a cautionary note about Members' Statements. I referred to this a little bit yesterday. You might want to revisit what you said in the first half of your statement there. Members' Statements is a privilege given to us, at

which time they should not be statements that deride or particularly try to verbally assassinate any member of this House or any member of the public for that matter. I'd just ask you to keep that in mind when you craft future statements, please.

I indicated yesterday I might have more to say about this, and I will have more to say about this now, definitely.

In the meantime let us hear from the hon. Member for Barrhead-Morinville-Westlock.

National 4-H Month

Ms Kubinec: Thank you, Mr. Speaker. I will speak on a topic that you all know I am passionate about, and that would be agriculture and 4-H. This is national 4-H show your colours month. Throughout this month of November we have been celebrating the positive contributions of the 4-H program which are so important to the well-being of our rural communities and bring enthusiasm for agriculture and the rural way of life. Maybe that's why I'm so passionate about it; I was a 4-H'er as were all my kids.

The 4-H is one of the most respected and longest running youth mentorship organizations in our province, helping to shape the lives of more than 250,000 young Albertans over the past 95 years. Club members and leaders have gone on to be successful and accomplished members of society who understand the meaning of community service. The 4-H program brings together the young and the young at heart. The program depends on family support and community volunteers who share their time and their knowledge with the leaders of tomorrow, volunteers like Edith Walker and Timothy Church, who were introduced today, this year's 4-H Hall of Fame inductees. They demonstrate how giving back to the community can be such a rewarding experience. With the motto of Learn To Do by Doing, 4-H recognizes the importance of giving youth the opportunity to take part in activities that increase their knowledge and the development of life skills.

Members today continue to acquire a well-rounded understanding of agricultural industry but also learn about such diverse topics as running a business, preparing food, computer skills, performing arts, public speaking, photography, veterinary science, and more. Whether they are involved in a project or taking on a summer camp, 4-H youth build lifelong friendships with people from all over the province and through these opportunities develop leadership skills and enhanced confidence which helps them throughout their lives. Our youth want to be involved, accepted, valued, and heard. The 4-H program is the way that they can do that.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Calgary-Glenmore, followed by Lesser Slave Lake.

Alberta Men's 65+ Hockey Team

Ms L. Johnson: Thank you, Mr. Speaker. The 2012 Canada 55+ Games were held this past summer in Sydney, Nova Scotia. Competition took place in over 20 events with participants from across Canada. Alberta athletes did well, finishing with over 100 medals, which I am proud to say was more than any other province.

Today I rise to recognize the Alberta men's 65+ hockey team. This team won all of their preliminary games, defeating their opponents with scores such as 10-nothing against Nova Scotia, 7-nothing over P.E.I., and again playing Nova Scotia and winning 1-0. Most importantly, the Alberta team won the gold medal game when they defeated Ontario with a score of 3 to 2.

Mr. Speaker, team members came from across Alberta, and I would like to read their names so we can recognize their achievement: from Banff, Graham MacDonald; from Strathmore, Doug Blaney; from Okotoks, John MacKillop; from Edmonton, Tony Saulnier; from Calgary, Jeff Bowles, Phil Bullough, Rob Chartier, Gord Christensen, Barry Dorin, Pat Halas, Peter Kneeland, Eric Shepard, Rich Shillington, and Rick Turpin. Arnie Godin was a player and team manager. Another member of the team was the former MLA for Calgary-Hays, Art Johnston.

Mr. Speaker, on behalf of this Legislature I would like to congratulate the team and all the 2012 Canada 55+ Games participants for a job well done.

Métis Week

Ms Calahasen: November 11 to 17 marked the annual Métis Week in which the Métis people proudly celebrated Métis language, culture, and history. Last week's events highlighted a tradition going back to a time before Alberta was a province and before Canada was a country. In the Métis world this long history is punctuated by one person in particular, the leader of Canada's Métis people, Louis Riel.

2:50

Louis Riel lived at a critical time in our country's history, when Canada was struggling to take hold of its nationhood. We were a country in our infancy, trying to find our footing, defining our boundaries, our people, and our direction. Louis Riel's life embodied many of the characteristics of our emerging nation. He spoke the languages of early Canada: English, French, and Cree. He was a catalyst that forged east and west, bringing Manitoba, the first western province, into Confederation. He was the son of a new nation, born from the intermarriage of First Nations people and newcomers.

On November 16 we honoured the life of this remarkable individual here in the Legislature. When we honoured Louis Riel, we also honoured the Métis people of Alberta. Thank you, Mr. Speaker, for hosting this event.

As we continue to celebrate the continuing journey of a people who helped Alberta become a thriving, diverse province with infinite opportunities and unlimited promise, let us build a future together that is bright and filled with even greater promise and vision. Let us be inspired by the legacy of strength and determination that defined Louis Riel and his people, the Métis.

The Speaker: Thank you.

The hon. Member for Calgary-Mountain View.

Child Poverty

Dr. Swann: Thank you very much, Mr. Speaker. In relation to the scourge of child poverty hundreds of women of the United Church in Alberta and men, too, rallied today in front of the Legislature. They're asking important questions. What are this Premier and this Human Services minister going to do to eliminate the common experience of hungry, homeless families, including children, in their church basements moving each day to another church? Why is Alberta among the last three provinces to have a child poverty plan, with a timeline and a budget and actions to stop this travesty in the richest province in Canada? Finally, how is it that in 2012 there are 91,000 children, by latest count, living below the low-income measure, hungry, unsafe, unwell, losing potential daily mentally, physically, emotionally?

Leadership is critically needed. These women applaud the Premier for committing herself to eliminating child poverty in five

years. But according to the deputy minister a report isn't expected till mid-2013, that means 2014 before a bill. Children cannot wait. Children deserve concrete actions to protect them today and for life. After decades of studies we know what programs are needed.

The Poverty Costs report issued by Vibrant Communities Calgary this year indicated that keeping people in poverty also costs Albertans financially between \$7 billion and \$9 billion a year in health care, lost productivity, addictions, and remedial services. Increased resources, material and educational, for children and their families is what's needed. Children need good food, a consistent safe home, stimulation, and love.

The Liberals child poverty initiative involves the establishment of a school nutrition program, a child benefit program. We need to work towards universal, quality, affordable child care and full-day kindergarten. Child poverty is not a partisan issue. We will support real targets. We want to work together with government to celebrate real investment in children and families. Let's get on with the job, Mr. Speaker.

Presenting Petitions

Mr. Casey: Mr. Speaker, I would like to rise today and table this petition signed by 311 Albertans from Fort McMurray to Calgary and all points in between. These concerned Albertans petition the Legislative Assembly to "pass legislation requiring that all interviews conducted by Alberta Child and Family Services be videotaped."

Thank you.

Introduction of Bills

The Speaker: The hon. Minister of Justice and Solicitor General.

Bill 7

Election Accountability Amendment Act, 2012

Mr. Denis: Thank you very much, Mr. Speaker. It is my privilege today to rise to request leave to introduce first reading of Bill 7, the Election Accountability Amendment Act, 2012.

This act will amend the Election Act, the Election Finances and Contributions Disclosure Act, the Senatorial Selection Act, and the Local Authorities Election Act. Mr. Speaker, the proposed amendments will help make our electoral system more democratic and will enhance accountability and will also update and improve how provincial and municipal elections are held. I would like to say a particular thank you to the Government House Leader as well as to the Minister of Municipal Affairs for their assistance with this bill.

[Motion carried; Bill 7 read a first time]

Tabling Returns and Reports

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

Mrs. Jablonski: Thank you, Mr. Speaker. Today I'm tabling the necessary five copies of the Alberta Committee of Citizens with Disabilities Barrier-Free Health and Medical Services in Alberta: Understanding the Needs of Albertans with Disabilities research document, which identifies barriers to health and medical services experienced by Albertans with disabilities when accessing preventative and ongoing health care services. Through an extensive literature review, needs assessment, and discussions with Albertans with disabilities ACCD developed recommendations for improvement to Alberta's health care system.

Albertans with disabilities are passionate about health care issues, and they contributed to the development of the recommendations. The intent of the document is to inform and assist decision-makers to produce policies that will remove barriers so that Albertans with disabilities will be able to receive adequate medical and health care services.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview or someone on behalf of.

Mr. Eggen: Yes. Thanks, Mr. Speaker. I'd like to table the appropriate number of copies of a petition demanding that the government take immediate action to twin highway 63. The petition has 37,751 signatures, of which I am tabling 3,007 of those signatures today.

Thank you.

The Speaker: Are there others? The hon. Member for Calgary-Buffalo.

Mr. Hehr: Well, thank you, Mr. Speaker. I have a few tablings by the University of Calgary Faculty of Law blog on developments in Alberta law, their commentary and critique and the like of Bill 2, the Responsible Energy Development Act. They're done by professors Nigel Bankes, Nickie Vlavianos, and Shaun Fluker. I hope all members of this House look at it and look at how this bill needs to be improved.

Thank you.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following document was deposited with the office of the Clerk: on behalf of the hon. Mr. Horner, President of Treasury Board and Minister of Finance, pursuant to the Gaming and Liquor Act the Alberta Gaming and Liquor Commission annual report 2011-2012.

The Speaker: Hon. members, just before we get into points of order, I see it's one minute to 3. I know the Government House Leader would probably allow us to continue here. We'll go beyond 3 a little bit with my ruling.

The hon. Member for Edmonton-Centre.

Point of Order

Allegations against a Member

Ms Blakeman: Thank you very much. The first citation I'm going to direct the Speaker to is our own standing orders, and that's 23(h), which specifically prohibits making allegations against another member. Now, this refers to the exchange in question slot 10 between myself and the Solicitor General. As part of that – and, of course, I don't have the benefit of the Blues – in his second and third responses he makes allegations specifically toward this member. It wasn't a general statement of everyone in my caucus or everyone in this House. It was specific to this member, that I somehow didn't like or respect or hold in high esteem members of our police service, and with that I would include the RCMP and the sheriffs. [interjection] Well, if the minister would like to provide me with the Blues, then I'm sure I'd be interested in doing that.

I would argue, Mr. Speaker, that the member clearly intended that others hearing him would believe that I do not support our police services, and I think he intended that that was what people hearing this exchange would believe. Now, Mr. Speaker, I didn't say that. In reviewing my notes for my question, there's no

commentary on the behaviour of services. It's asking the government why they weren't giving them support by giving them training, asking them why they didn't have legislation around the disclosure of information that's kept and the very fact that nonconviction information is kept. None of that is a commentary on the character or professionalism of people involved in that particular sector.

3:00

What we do have – and I'll direct the Speaker toward page 508 in *House of Commons Procedure and Practice*. The member didn't answer the question. When you look at 508 in *House of Commons*, it does say that there aren't explicit rules about the form or content of replies to oral question periods. If I may quote, it is

to deal with the subject matter raised and to be phrased in language that does not provoke disorder in the House. As Speaker Jerome summarized . . . several types of responses may be appropriate.

That is to

- answer the question;
- defer their answer;
- take the question as notice;
- make a short explanation as to why they cannot furnish an answer at that time; or
- say nothing.

Now, what we got instead, Mr. Speaker, was avoid-and-attack politics, none of the things that are suggested as appropriate as a ministerial response to a question. No, what we have is the member attacking the character of another member and making allegations on how she views a particular sector of workers.

I'll direct the attention of the Speaker to page 619 of the same *House of Commons* book, in which it asks that the Speaker takes into account “the tone, manner and intention” of the person that is delivering the particular remarks. I ask the Speaker: what does the minister intend the effect of his attack to be, that somehow these officers would now refuse to assist me or to offer services to me because he claims I don't believe in them? Why would he say such a thing unless it was to diminish what I was saying and to pivot to some non answer? I think that, if anything, that casts a very bad commentary upon the police services, that they would somehow not assist a citizen because of what she had said in the House. That may be what he tried to do. I don't believe that would happen.

I will also remark, Mr. Speaker, that this issue has been raised and argued and published by the Canadian Civil Liberties Association in depth. It has been published, and I would have expected that he as the Solicitor General would be familiar with the content of this as it does fall under his ministry. Now, if he is not familiar with it, then I could understand his unwillingness to directly answer the question.

As it is, I do not believe that what he did was appropriate. I ask the Speaker to find him in violation of 23(h) and in violation of the replies to oral questions as set out on page 508, and I would ask that he withdraw those comments. They were made to offend, they were made to create disorder, and they were made to cast an allegation upon me that I did not make. I resent it, and I ask that he be made to withdraw the comments.

Thank you.

The Speaker: Hon. member, I'm going to do something uncharacteristic before I invite the Minister of Justice to reply. I'm going to read you what was said in *Hansard* according to the Blues. This is unofficial; however, it may guide you in your

comments. The hon. Member for Edmonton-Centre rose and asked a question. In response the Minister of Justice replied:

Mr. Speaker, I say again that the API3 system has undertaken a full and complete privacy impact assessment, and we worked with the Privacy Commissioner. We have been given a clean bill of health. Again, it saddens me that this member has very little regard for officer safety but also for public safety.

I will now invite the hon. Minister of Justice to explain this.

Mr. Denis: Thank you very much, Mr. Speaker. I have to say that I'm saddened by this member's comments. I know there are no points of order on points of order, but I'm rather offended by her last comment. At no time did I ever suggest that the Calgary Police Service, the Edmonton Police Service, any other police service would not be willing to assist or anything in that regard. At no time does that appear in the Blues. At no time did I make any allegation whatsoever.

I just think that for the edification of this House we should know what API3 is. The main objectives of the API3 system are to "increase officer safety" and to "increase public safety." I'm referring from my own department's website. My comments were that in opposing this item – she clearly does indicate throughout this exchange that she does not support this measure, which has regard to increased officer safety or increased measures for other people – without this system, Mr. Speaker, police and the public are more at risk. There have been situations – there was one in Calgary even – where a particular member of the Calgary Police Service was put at greater officer risk because of a lack of knowing this particular system.

I reiterate, Mr. Speaker, that at no time did I say that the police should somehow fail to assist this member. We live in a free society. This is the base of the rule of law. She'd have the same protection as myself or anyone else here. So I would indicate to you that the onus is on the member, like proving a case, to assert where another member has been wrong.

As I've clarified my comments as to whether or not she would support this increased safety, I think that that was a reasonable conclusion having regard to her issue. I apologize if she was offended, but I do not feel that I should have to withdraw the comments.

The Speaker: The hon. Member for Airdrie.

Mr. Anderson: Briefly, Mr. Speaker. Clearly, according to the standing orders a member will be called to order if he makes allegations against another member. That's 23(h). But Standing Order 23(i): "imputes false or unavowed motives to another Member."

You know, we have a lot of disagreements in this Chamber, absolutely. Even on this API3 issue I'll have some disagreement with the Member for Edmonton-Centre on it, but there is no doubt in my mind that this hon. member cares about the safety of our police officers, about our sheriffs and all of these officers in the RCMP, city police, or otherwise just as much as the Solicitor General does, just as much as I do, and just as much as anyone does. When somebody comes into the House and accuses them of essentially what you just read, Mr. Speaker, essentially accused this member of literally not caring about their safety, the safety of our police officers, that is a despicable thing to say.

You know, things are said in passion. I've had to retract statements in this Chamber. Members of my caucus have had to retract statements in the Chamber. That is definitely something that should be retracted, and this member should be apologized to.

The Speaker: Are there others?

Hon. members, I read the Blues out intentionally in advance of the hon. Minister of Justice's reply because I was hoping to draw a distinction between the API3 system as was described by the Minister of Justice. That is not what is in question. What is in question here is what followed that. I'm going to read it again, where the Minister of Justice said, "it saddens me that this member has very little regard for officer safety but also for public safety." So I'm going to invite you, hon. minister, to just rethink those comments and perhaps do the right thing. Otherwise, I can go on with a more lengthy ruling if you wish.

Mr. Denis: I'll reluctantly withdraw those comments. I will be calling further points of order against this member.

The Speaker: Well, hon. minister, I appreciate the withdrawal. You know, a reluctant withdrawal is a withdrawal, and I'll accept that, but let's be very, very careful here, ladies and gentlemen, as we go forward in the discussions, whether they're in debate or whether they are questions during question period or whether they are private members' statements or whether they are petitions or some other instrument or vehicle that we use in this House, to not impute motives to others even in the heat of the moment. But if we do, then stand up, realize what was said, realize what was recorded in *Hansard*. The Speaker oftentimes does not hear the exchanges that go on because of clapping, pounding, heckling, and so on.

But we've clarified here. I think the Member for Edmonton-Centre is right. She has clarified her position. I don't know that there are any members in this House who have no regard for public safety. Hopefully there are none.

Hon. Minister of Justice, we accept your apology. I don't know where else you might want to go with this, but we'll leave it on the record that you have withdrawn it albeit with some reluctance. It may lead to further complications down the line. I hope not. But if that's what you want to stand by, then I'll have to have a look at it a little further, a little more deeply. Again, I'm just going to ask you if wanted to make one final comment on this matter.

3:10

Mr. Denis: I think I've made my comment, Mr. Speaker, that I will reluctantly withdraw it. It was not my intention, and I'm not going to belabour the point. Leave that as the end of the story.

The Speaker: All right. Thank you. I'm happy with that.

I hope, hon. member, that you're okay with that as well. If you wish to make a concluding comment, I'll recognize you for it, and then we'll move on.

Ms Blakeman: Well, you asked me if I was satisfied it. Mr. Speaker, I'm not. A reluctant withdrawal – I will respectfully disagree with you – is not a withdrawal of a comment. Further, to have him utter, which I'm sure will turn up in *Hansard*, essentially a threat to me that in the future he will be pursuing many more points of order on me on this account is exactly that. He meant to threaten me, and he did. It's on *Hansard*. So I don't think this was, as far as I'm concerned – and that was your question – a satisfactory conclusion to this. He did impute something against me. I think you've recognized it. You asked him to withdraw. He gave a weak withdrawal and then threatened me. So, no, I'm not happy with it.

The Speaker: All right. Nonetheless, the point stands, clarified, explained, and a withdrawal was made in the second offering, which was, in my view, better than the first one. With that, we conclude this matter.

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

[Mr. Rogers in the chair]

Bill 2
Responsible Energy Development Act

The Chair: Hon. members, I'll call the Committee of the Whole to order. Are there speakers that wish to speak? I'll recognize the Member for Edmonton-Calder, followed by Strathmore-Brooks.

Mr. Eggen: Thank you, Mr. Chair. I'm happy to rise and speak on Bill 2. I guess my comments here this afternoon begin with what is not there in this new Bill 2 but rather what was omitted from the previous legislation that governed these things. I have an amendment here that is really going back to the essence of, I think, what was important in the previous legislation.

The Chair: Hon. member, if you would just have the amendment distributed, a copy to the table, and then I'll ask you to speak to it.

Mr. Eggen: Yeah. No worries. Here it is, the appropriate amount of copies, and the original is on top.

The Chair: Hon. members, for the record this will be amendment A7.

The hon. Member for Edmonton-Calder, please. I believe it's almost there.

Mr. Eggen: Yeah. It looks like we're almost there. Well, you know, I can perhaps just make a few introductory comments, and then we can get it.

This amendment I'm bringing forward on behalf of our leader from Edmonton-Highlands-Norwood. The amendment reads that the Responsible Energy Development Act be amended in section 2 by adding the following after subsection (2):

(3) Where by any enactment the Regulator is charged with approving the development of energy resource activities in Alberta, it shall, in addition to any other responsibilities, give consideration to whether any proposed energy resource activity 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.

The main deal here, Mr. Chair, is that the current bill makes no mention of the public interest in regard to the responsibility and role of the proposed regulator. This amendment will ensure that Alberta's regulator and associated staff will continue a commitment to responsible energy development in the name of the aforementioned public interest. The public interest is central, I think we all can agree, to responsible energy development, and it should be enshrined in the mandate of the regulator to ensure that its conduct reflects the best interests of Albertans.

As it stands, the bill currently emphasizes resource development over the public interest, and the Energy Resources Conservation Act provides a section that enshrines the public interest as a commitment of the soon-to-be-dissolved Energy Resources Conservation Board. Since the ERCB will soon be dissolved and a new regulator will take over much of the ERCB's roles and responsibilities, it is also crucial that the regulator be similarly committed to the public interest. The ERCB was the backbone of our energy regulation in this province for many decades, and it's simply not good policy to throw out the accumulated wisdom and authority of this former board in this new regulation.

A discussion document was put out by Alberta Energy, released in 2011, Enhancing Assurance, that said that a single new regulator must act "in the public interest." So even the government's own recommendation studies and recognizes the importance of the public interest in energy resource regulation. No worries. Obviously, this language is a bit of a signpost that tells us where we need to be going with our energy development in all respects, not just with fossil fuels but all forms of energy, and which direction we should be going in.

It's a different world here in Alberta, Mr. Chair, from 40 or 50 years ago, when we were drilling light sweet crude oil and natural gas with much fewer people, much less development, a much smaller population, and so forth. Here in 2012 we have the fastest growing population in the country, have many more different industries developing, and it's very important that we have a respect for the public interest enshrined in this new legislation to ensure that we're not trampling over the toes of the people who live here in the province.

3:20

We've all seen experiences of where public interest is compromised. Quite frankly, it's in the best interests of energy companies and corporations to have tough regulations and laws in place so that we don't end up with conflicts and clashes that result in really losing money and time and resources because the legislation wasn't put in place with a sufficient degree of thoroughness. I know that we've seen examples of this. I'm just thinking of my own personal examples, not starting with an oil story but, rather, with electricity, where we had a plan to run an electricity power line down the west side of highway 2, starting from Lake Wabamun and going down along the west side of highway 2 through Rimbey and so forth. Because there was a lack of attention to the public interest, so many resources and much time and energy were devoted to a power line. By slipping up on this one small issue, we ended up with a lot of social unrest, a great deal of money being expended and wasted, and eventually the whole project being shut down.

When we can build legislation here to look at all the contingencies that might be put in place that we can foresee and some that we cannot even foresee, it's not a question of constraining our energy industry, but it's a question of clarifying what their actions and responsibilities are. When you do that, I believe in the long run you build a much stronger industry that is not constantly second-guessing or having to look over their shoulders to see if other legislation might be coming down to change the way things are. Energy companies do not leave a jurisdiction because the laws are too stringent. They leave because the laws are too variable and uncertain and decisions coming out of the governance, whatever it is, provincial or national or whatever, are not stable.

Here we have an opportunity now with Bill 2, the Responsible Energy Development Act, to put in place that level of stability. That level of stability does not mean that anything goes, that it's a Wild West, drill where you want, build where you want, and away you go. Rather, I think what the oil companies should want and ultimately do want is a strong sense of good, solid, tough, responsible laws that are functioning in the public interest.

That's why we have decided to insert this amendment into section 2(2). It's not a big change. Really, I'm just reaching into the past here to reinsert something that was already there.

Thank you.

The Chair: Are there other speakers? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Mr. Chair. I get to speak to the public interest test again. I can be accused of a lot of things, but not being passionate about this issue is one thing I haven't been accused of.

Here we are again trying to reinsert the exact language that has been left out, the exact language that is in the law as it is today. I never got an answer – and it would be appropriate if we got an answer – as to why this language is being removed. That's really what we need here. That's what the public deserves because this is a public resource that we develop in the public interest. We use private enterprise to develop it, and we use a competitive marketplace to exercise, basically, that competitive right that we give industry. But in the end this is a public interest resource. This belongs to all Albertans.

When we look at the previous legislation, which is the current legislation, the Energy Resources Conservation Act, this is the language. It mirrors the language in the Hydro and Electric Energy Act. It mirrors the language in the Alberta Utilities Commission Act. It's all there. If the language is wrong, why is it in the other acts? It is staying in the other acts. Why has it been in law for the last 30 years? Can someone actually say: "This is where it did not work well. This is the reason the previous legislation did not work well"?

I can't find an example, but I can find numerous examples of why it worked well and how it served the public well, both private industry and the public because both participate in the public interest. That's why that broad term "public interest" is not just necessary but fundamental to the streamlining process. When we remove it, we create an imbalance. That imbalance, in my opinion, is going to counteract any streamlining intent.

As some members here know, there are other public interest tests, the Alberta Human Rights Act and also dealing with Charter issues. They are very significant public interest tests that are broader in terms. Albertans deserve to know that answer. Why is this government removing the language? Why is this government not carrying this language forward? What is wrong with "the public interest" that it now has to be removed from legislation? Why is it in other legislation? Why was it in past legislation, and it cannot be brought forward?

Here we deal with an amendment that is just basic to protecting the overall public interest. We've not yet gotten to the private interest, which we will, hopefully. Someone will bring an amendment forward to give us that balance. The real test of this legislation will inevitably be the regulation. We haven't made that regulation. Nobody knows what that regulation is going to be. If we don't put the public interest test back in the legislation, then there's no mandate to make regulations to do that. That's why it needs to be in legislation, in these words. Then it forces the regulator to obey the legislation, make the regulations to abide by this process, and to make sure that this interest is protected. It's significant because when you look at this bill, this bill gives a tremendous amount of power to the regulator. In whose interest is this regulator working? It's a good question because the law should tell the regulator exactly whose interests they are working in and for, and the public interest test is not in the bill.

I would hope that one of the members or at least the sponsoring member might rise to the occasion and explain some of the deficiencies and why this public interest test is no longer required and what the justification is for removing it from the legislation. How is it going to streamline the process by eliminating the public interest test? What are the obstacles? Can someone give specific examples where the public interest test has stopped a process from going forward?

That's really important because that's one of the criteria that we're dealing with here when we bring this bill forward and say: we want to streamline a bill. I can tell you that the members over here would like to streamline a bill, get rid of unnecessary regulation. But we're not talking about regulation; we're talking about legislation. Where is this unnecessary legislation? Again, the devil is in the details. The details are yet to be known. By making this into legislation, those details now have rules to be guided by so that they will create those details, those regulations with the public interest in mind, and the regulator can be held accountable to the public interest test.

3:30

This is a very important aspect, and I'm happy to have the opportunity to actually address it more than once. It is fundamental to this process going forward. I'd be hopeful that somebody would speak up and explain a lot of those questions that I just asked, why this is happening.

Thank you very much.

The Chair: Are there others that would like to speak to amendment A7? The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. I would also like to speak in support of the amendment. Whatever we do in this House we do for the good of Albertans, for the good of the public. I don't know how not leaving the public interest in the bill would help the public interest. I think with any developments going ahead, we should, you know, look at the tax and revenue, and all that is spent on Albertans, all that is spent on the public, and I think that is in the public interest. I don't know how this would slow down the process, to leave it in there. We should be cutting red tape but not taking the public interest out of the bill. We should leave it in there.

I would also like to hear why we are taking it out. How would it speed up the process, and how would it cut down the red tape? I think it will bring more chaos if we don't leave it in here. It goes to show: what are we trying to hide here? I think, you know, it should be plain and clear. The public interest should be in here, and I support this amendment because this will put the public interest back in the bill. I think that that would be the right way to go instead of fixing it later on. Why don't we do it right to begin with?

I'm going to fully support this amendment because everything we do here is for the public interest. Thank you very much, Mr. Chair.

The Chair: Thank you, hon. member.

Are there others that would like to speak to the amendment? The hon. Minister of Energy.

Mr. Hughes: Thank you, Mr. Chair. I'm sure many other colleagues have a sense of Groundhog Day, that we've perhaps spent quite a bit of time on this. Here we are, a different time, but it's still Groundhog Day today after talking about the public interest at great length last evening.

You know, Mr. Chair, we agree, obviously, that the public interest should be taken into account when developing legislation such as this. What we've done, really, in Bill 2 is ensure that in its taking responsibility to create the regulator for 10 acts, 10 pieces of legislation, there are amongst those at least five energy-related acts. There are six from the energy field, four from the environmental field. The new regulator will be responsible for regulating under those acts. Those existing pieces of legislation actually do include reference to the public interest, and those will continue to

be referred to in the interpretation by the regulator. All of those past references continue into the interpretation as it will be done by the new regulator.

So I would argue, Mr. Chair, that this amendment is, in fact, redundant.

The Chair: Thank you, hon. minister.

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

Mr. Anglin: Thank you, Mr. Chair. As we discussed last night, I understand the other acts do apply but not to the extent that I think the member is stating. Now, let me explain. Section 25 of this bill states specifically:

Except to the extent that the regulations provide otherwise . . .

So, again, we don't know what the regulations are.

. . . 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 . . .

And the key word here is "instead."

. . . instead of in accordance with the specified enactment.

Clearly, what's happening here is that this bill is paramount to these other enactments by that wording alone.

Here we're dealing with a situation where the hon. member is saying that the public interest test and the public interest mandate are covered by these other enactments. What we know to be true is this. Hearings are conducted under this act and not under those other enactments. They're always conducted under this act. That's important to note when we look at the wording. That's why the wording belongs in this act. The wording was and still is in the existing act when the ERCB holds a hearing. As I understand the member, what he is saying is: we want to protect the public interest, and we're going to protect the public interest. That's great. Then let's put it back into the legislation so we know the public has that right. It's there.

What we're asking is simply this: do what you say you're going to do. Write it into law. Actually, how about this? Let's not remove it from law. [interjection] I always stand up to speak for the public interest and property rights, hon. member, and I will continue to do so and will go on and on and on. I will tell you that the public and property rights will have no greater advocate than the person standing right here. I will fight for them and continue to fight for them, and I will not go away.

Here we are dealing with the public interest test. It is absent from this legislation, yet no one has given a justifiable answer, a valid answer to the number of questions I have posed. Why is it being removed? Why is it already in law in the Hydro and Electric Energy Act, the Alberta Utilities Commission Act? It was in the Alberta Energy and Utilities Board Act before that was repealed. It's been around for 30 years or longer. I only went back about that far. I'm sure it was there, you know, going back even further. It is in other jurisdictions as far as dealing with resources.

Here's a real mandate. In all these decisions dealing with the development of energy, the great public interest here is those royalties we get from this extraction. We talk about the debate over budget. That's where our funding comes from. That is what makes us unique as a province. That's where our local municipalities get, really, the bulk of their tax dollars. When you go out to these counties and you look at how they receive their local funding, it is right here in this bill. It is the oil and gas plants. It is the pipelines. It is the development.

It isn't like we have people opposed to this. We're not trying to hold this back. There is industry, there are property owners, there are municipalities who all want this, but when you put all three on

the table, they are the public interest as a whole. Their interest as a whole has to be balanced with the interest of the company which is developing in that, with the interest of the landowner who is affected by that, with the interest of the municipality. If we do not balance that, we basically fail in protecting their interest.

Again to the hon. minister, I fully understand what you're pointing out, but if it was put back into legislation, we would have no more discussion left. What we're asking to happen here is for you to do exactly what you say that you want done, which is to protect the public interest. I'm curious as to why there would be a fear to have that language in this legislation, as it has been in the past, as it is now in other legislation that doesn't apply necessarily to energy development.

It's really interesting. We were looking today in other jurisdictions. You'll find the public interest test in the Municipal Government Act. You'll find the public interest test in a number of other ministries to the point that we pointed out. We have legislation coming forward dealing with the public interest. So this is actually quite important.

We're dealing with the language of the legislation, and we don't have a satisfactory answer as to why we're removing accepted language that has been part of the process for more than a few generations. Again, I really would like a more specific answer as to why this language has to be removed and cannot be reinstalled into legislation.

Thank you very much, Mr. Chair.

3:40

The Chair: Thank you, hon. member.

I'll recognize the Member for Banff-Cochrane, and then Little Bow.

Mr. Casey: Thank you, Mr. Chairman. I guess a couple of points. Number one, I have to say that I feel slightly offended by the fact that there seems to be an implication that only this member or this party happens to care about property rights.

Mr. Anglin: Let's give him, everybody.

Mr. Casey: Excuse me, Mr. Chairman. I thought I had the floor.

The Chair: Yes, you do, hon. member. I'm sure the Member for Rimbey-Rocky Mountain House-Sundre will make sure that you have your time on the floor, sir.

Mr. Casey: As I did with him. Thank you. [interjections] Sorry. I lost my thought for a moment.

The Chair: Proceed, hon. member.

Mr. Casey: Thank you.

An Hon. Member: Your own members are distracting you. Those are your members distracting you.

Mr. Casey: No. It was your members here. Anyway, thank you very much.

If I might, Mr. Chairman, I can't speak as to why it's not in here, but I can talk to this. I can't say enough how important it is if you are a landowner to think about this. I have been on the landowner side of this albeit from a municipal point of view. This is in legislation not to protect landowners but to simply override landowners. It is in legislation to give the government, to give these boards a veto over any decision on land rights of the individual because you can do it because it is in the greater public interest.

Any individual landowner in this province would be ill served by having the public interest inserted back into this because the only thing that that protects is the mandate of the government. The only thing that is protected in that is the mandate of the province of Alberta, not the individual landowner. I'm concerned with the individual landowner, Mr. Chairman, as well as I am concerned with the overall good of the province of Alberta. One does not necessarily have to be counter to the other. In fact, if you want to have personal property rights entrenched, do not put public interest back into this bill. It gives an automatic veto for any private landowner to object to any project that is deemed to be in the greater public interest.

If we are arguing that the greater public interest should be put back into this to ensure the government mandate can be met, then put that forward. Say it in those terms. But don't tell me you're putting public interest back into this bill to save landowners and property rights of individual landowners because, Mr. Chairman, that is nothing but bunk.

Thank you.

The Chair: The Member for Little Bow.

Mr. Donovan: Thank you, Mr. Chairman. I want to thank the Member for Banff-Cochrane for bringing this up because we were outside having a coffee about it, and we just discussed it. The nice part of being in my party is that I'm allowed to talk to everybody else and listen to their ideas and thoughts, and I might not get lynched. Anyway, we'll find out. I'll get dealt with afterwards.

It was interesting. The member brought up how it gives the government the right to go through, and you actually take away from your property rights, as he's just stated. I sat and thought about that for a bit. You get thinking of all the different bills that we have it in. The member has a valid point, that that gives the government the right to ram something through.

As we all know, I'm not real big fan of rules and regulations and everything that goes on. I understand that we need to have it to govern, to go to a point, but I'm not a big fan of red tape and being told what you can do on stuff. It brings a very valid point about all the other legislation that we have that has that in there. Is that truly in our, quote, public interest to have that in the other legislation that we have? We've named it off. My colleagues went through the Municipal Government Act. There's everything else in it.

The question comes back to: is this really what we want in this? And it's the play on the words "public interest." It goes back to – I mean, you've got to look at the whole thing for what is good for your province. Whether you're the landowner or you're the guy that is producing power or you're guy that's producing the oil and the gas that's going through the pipeline, you've got to look at what's good for the whole province. It's that balancing act. When you put public interest into it, is it the public interest – as the colleague from Banff-Cochrane had kind of said, it gives the government the right to take away when you have that in there. When you look at both sides of the coin, it's always an interesting time, I guess. You sit and you wonder: is that why it was taken out? If that's the point, then my question is that I guess we need to really have a pretty diehard thought about what public interest is for this province.

I don't want the hon. Member for Edmonton-Whitemud to come out of his seat when I get on about Bill 4, the public interest act, but it gets you really thinking. In one act we talk about how the public interest is actually giving the government too much control, and when you take that out, if you listen to my colleagues from across the floor, that takes away the landowners' rights,

which would dial into what Calgary-Bow was talking about yesterday, the public interest in it. Until you sit and you look at it that way, their thoughts are, if you use their rationale, that if you have public interest in there, the government gives them the veto right to go in and do what they want to do with something. If that's the case, then how many other pieces of legislation do we have and how many things have we gone through, other bills or other acts in this session alone, that have public interest written into them?

The question, to me, is: is the government picking and choosing whether public interest is put in a bill or not put in a bill depending on what the situation is? I think it's kind of a good litmus test of whether we're picking it just because it's energy – I mean, hey, that's what makes this province. I'm not here to kid anybody. I've got the odd pumpjack on my land. I've got mineral rights. I'm all for helping me out a little bit. Don't worry about Ian. But the question is that we take public interest out of this one. And we've fought very vigorously. Honestly, until I had coffee with the Member for Banff-Cochrane here, I really wondered what side of the moon you people are on when you're so defensive of having public interest in this. The other side of the coin is: why do we have it written in so many other bills and amendments that we've brought in this fall session? I throw it back.

I like the debate; I truly do. I know it feels like Groundhog Day as we were just here hours ago debating this whole thing from our side as a motion. But the question, I guess, lies back into: if the member is right and the rationale is that public interest actually takes away property rights, which the Member for Calgary-Bow talked about yesterday – in all honesty, I sat and I couldn't figure that one out. Then when I had the opportunity, as I said, to talk with the Member for Banff-Cochrane about it, it was: well, if you have that in there, it gives the government the right to take away because it's in the public interest; a.k.a. I don't want a massive power line through my land, but in the public interest for the whole province it has to go through there so that the members for Strathmore-Brooks or Rimbey-Rocky Mountain House-Sundre could have power. In that rationale, that's public interest for the province.

Yet there are other bills that have been brought forward this fall that have public interest in them. As the Member for Rimbey-Rocky Mountain House-Sundre said: for 30 years public interest has been in the MGA. Has it been abused? That's the question that I guess arises. I know the Member for Banff-Cochrane talked about how he's been a long time dealing with that and fighting with it on the municipal side. Again, I was on the municipal side for 16 years. The question was that when it's in there, it actually gives the government too much power, too much control because it gives them the veto right to go through because they say it's in the public interest.

It's kind of the age-old question: what are we here for? Are we here for the public interest? Of course, we are. I think there are 87 of us in here most days, when everybody is here, that are here for the public interest and the best for Alberta. But if the government has been given this and it's been put in legislation for as long as I've been alive, the idea was that it's for the public interest and for the best. But the concept, now that we're reiterating and digging into it, is that it actually gives the government too much power, that it gives them the right to go into everything.

3:50

So if it's been identified in this bill that it's in the public interest and we're taking it out to give landowners property rights and to give everybody their property rights back, how many other bills are out there? How many other bills have been brought forth even

in this fall session – in all honesty, I’m throwing out a question, and I’ve got absolutely no idea what the answer to it is. How many of them have the public interest written in them, other than Bill 4 because that’s the title of it? I get confused on that.

If we’ve identified that in Bill 2 we’re taking out the public interest to make sure that all people actually have more rights, then why are we making a bill, Bill 4 – you know, it’s the whistleblower; it gives everybody the right for public interest and the best thing to do. I guess I’m confused on it because, you know, if the comments are correct – and I have no reason to doubt the Member for Banff-Cochrane on it – we’ve taken it out of Bill 2 because we want to give everybody more rights. So how many more bills and motions have we brought in this fall that have public interest in them? If we have, why is it we have to have it out of Bill 2, yet it’s okay for the other bills?

I’m just throwing it out there. It just really got me thinking, sitting outside. As we sat and talked about it, I was wondering: why are they so passionate about not putting public interest in there, and if this is the rationale and if this is right, then how many other bills have we brought forth this fall that say public interest? Just too many hot chocolates and coffee for the afternoon.

The Chair: Thank you, hon. member.

I’ll recognize the Member for Rimbey-Rocky Mountain House-Sundre on amendment A7.

Mr. Anglin: On amendment A7. You know where I’m going with this. To the hon. member’s comment about bunk, it’s really important that we bring this back a little bit. There’s a piece of legislation out there – and I really do respect the fact that we want to talk about private property rights, but we’re talking about the public interest. The private property rights had been removed when 26(2) was not brought forward and was rejected.

So we’re dealing with a bill here that has a balance. You have the developer’s right to the resource, to extract the resource and develop the resource. You have the right of the private property owner, which is now missing from the bill. We have not brought it forward to reinsert it. You can’t find me that in this legislation; it’s not there.

Now what we’re dealing with is the broader scope, which is the public interest, because the public interest test is the private property owner’s last resort for protecting their private property. In our province, in our economy, in our society it is in the public interest to protect private property rights. That is something that is well established in most legislation, and it is well established in jurisprudence. It is not something that is fabricated or made up. It is always about a balance. It has always been about a balance. What we’re looking for is the language in the bill to make sure that we maintain the proper balance.

Nobody here at this chair or on this side is saying that we’re going to railroad private property because we’re going to put the public interest test back in. That’s not the intent, and I would say that it was never the intent of putting the public interest test of any legislation. What’s happening here is that we’ve removed private property rights. Now we are removing the public interest test. What is left? This is important because the resource itself is the public interest.

That’s why we have the Surface Rights Act. That act was developed so that property owners had to allow the resource to be developed because that resource was now bid and sold to be extracted. We had this balance we had to deal with. I’m not a big fan of the Surface Rights Act. Don’t get me wrong. I’ve had to deal with it. I think it’s unfair to many property owners, but it is

something that has been well tested in time. It’s well accepted in Alberta, and that’s what we work with. That’s the public interest.

Now, dealing with existing legislation, I would ask the members who claim to protect private property rights to go to something called the Land Assembly Project Area Act, look at sections 4(1)(a), (b), (c), and (d), and then tell me that this government has abided by protecting private property rights. That did not happen in that legislation.

We’re looking now to try to restore balance to this legislation, put back in a person’s right to have a reasonable opportunity to be informed of the facts, to have a reasonable opportunity to at least be notified to be able to challenge the facts of a project, and that’s been denied. Now, all of a sudden if they were to come back under this amendment under the public interest test, they do not have that right either. Every private property owner is part of the public. Nobody here is advocating railroading landowners. That’s just what we’re trying to stop. This bill without these amendments is heavily weighted to the development at the expense of the private property owner, at the expense of the public interest, because when they do not appear in the bill, then there’s no legal recourse for these people to come back.

By putting it in the legislation, as the amendment has it laid out, what it requires to happen is that the regulation has to abide by the legislation. So the regulator has to make those regulations to make sure, and what should be in this bill is the public interest test because the public does have a right as a public because it is the public’s resource. This is where we actually get our revenue to run this province. Private property rights should also be reinstated in this bill, which will be another matter. We’ve already dealt with it once on the notification, the right to a reasonable opportunity to be informed of the facts and the right to challenge the facts. But to say that just inserting the public interest is somehow railroading landowners, then what we’re saying is that every bill you’ve passed so far in the last 100 years has railroaded landowners. You can’t have it both ways. You cannot have it both ways. It’s one or the other.

Looking at the issue of public interest, this is about taking this one step at a time, dealing with one issue at a time. The public has a right to have the public interest test here. We’ll deal with the private property and private landowner when we get to that yet one more time.

Thank you very much.

The Chair: Thank you, hon. member.

I recognize the Member for Calgary-Bow.

Ms DeLong: Thank you very much, Mr. Chair. I find this very interesting in that, you know, bills are not just little phrases here and there that you just pull out when you need a special few words to get someone excited about something. You know, bills are actually structured. They have meaning within themselves and within the context of them. They’re made out of full sentences rather than phrases, they have intentions, you know, usually at the beginning of the bills, and they are complete documents. They are not just odd phrases that are thrown in as in “private property rights” or “public interest” or whatever catchphrases you want. They are actual full sentences. They are an actual part of a bigger whole.

Now, as a government we have absolutely nothing against the phrase “public interest.” We have nothing against the phrase “private property rights.” In fact, both of those are things that, you know, we hold very close to our hearts. These are things that really matter to this party. Okay? Bills are actual complete documents, and just because you like a phrase, it doesn’t mean that you

can throw it anywhere in there and not affect the actual meaning of the bill.

You know, if you guys want to search through and find a place where public interest should be put without taking away from private property rights, I'm all for it. Get in there, get searching, find that special place where you can put it in – okay? – but don't put it in a place where it's destroying private property rights. You've got to be smarter about this.

Thank you very much.

4:00

The Chair: Thank you, hon. member.

I'll recognize the Member for Drumheller-Stettler.

Mr. Strankman: Thanks, Mr. Chair. It's a pleasure for me to speak on this bill because I, too, am a landowner, and I have what I believe to be property rights. I have a lot of energy development on my property, and I recognize that those energy producers have access to their property. This bill, even though it's quite thick – I've got lots of little tabs here of points of interest, if you will – is very significant to me personally, to my constituents, and, I believe, to this province. I'd like to talk also about the public interest because I believe, somewhat differently, possibly, than the hon. Member for Banff-Cochrane, that private property rights are the trumping thing, and that is necessary for the public interest. Property rights and individual property rights are the basis of a complete and free democratic society.

In the British model that we have – we call it Canada – in the formation of the province we decided to segregate the property rights from the mineral rights. That has created onerous responsibilities and, therefore, complicated ongoing legislation, which we need here to try and effect the property rights of the mineral rights holders, which are below the surface. We've been developing and debating this, and we are going to probably be debating this long after this bill came forward.

I was astounded to see the presentation of this bill when it first came forward, that the government itself came forward with lots of legalese-type amendments. I was astounded that they should have had this brought forward prior to ever even tabling the legislation. I take great heed of the word "responsible" here because that is our position. Our job here in this Chamber is to be responsible when we pass legislation. To the hon. member opposite who just talked about legislation: I view that legislation should not simply be words picked from the atmosphere at a whim. This will be written in history. This will be debated and talked about long after we're in this Chamber.

I think that we have a very serious responsibility to do things correctly. I think this amendment needs to be translated correctly in the minds of all the members of this Chamber. The public interest is ultimately what we are trying to achieve.

The Chair: Thank you, hon. member.

Mr. Anglin: Maybe there needs to be clarity on what the motion is that we're dealing with. It says:

Where by any enactment the Regulator is charged with approving the development of energy resource activities in Alberta, it shall, in addition to any other responsibilities, give consideration to whether any proposed energy resource activity is in the public interest, having regard to the social and economic effects.

Those social and economic effects have a lot to do with our resources as far as the revenue. I would argue that, and I would also say to the hon. member: words do play a very important role

in every little part of legislation. What we're trying to do here is not quite absolute, but it's a little bit more prescriptive.

I will remind the members that we're not removing public interest according to the hon. House leader. As he stated last night, the underlying premise here is the public interest. All we're trying to do is say: "Make it more prescriptive. Put it back in legislation." Nobody here is saying that we're going to take over property rights. As a matter of fact, I would rather take that debate up right now, but right now we're dealing with the public interest. The public at large, Albertans at large, have certain vested rights, and I don't think that's disputed. What we're making sure of here is that those rights are carried forward in this legislation. As the hon. minister who is authoring this bill has already said, the public interest test is in these subset bills, the coal act and a few other acts beyond that, that this bill is the umbrella for.

No one is actually saying – at least, I'm not hearing it – that we're getting rid of the public interest per se. It's just not written in this bill. It's not prescriptive in this bill, and that's problematic when you go forward in the development because somebody can make an argument that coming forward, opposite to what the minister has just said, the public interest test will be protected.

What we're saying is that that should not be left up to a court to decide. That should not hold up a project. You should list it right in the legislation so that it's clear to the regulator to make regulations so the public interest test is protected. Now, we'll deal with property rights on another issue altogether, and we will get there, but I will tell the hon. member that when a bill says in specific and prescriptive terms that no person is entitled to compensation by reason of this act or any other enactment or regulation made thereunder, I think it's real clear to a landowner that they just lost some rights. We had to fight that and get this government to change that in other legislation.

Here we're dealing with the situation where there are no landowner rights to be found, which is only one element of the three parts of this development. The public interest test is not in the legislation now although the hon. ministers say that it's the underlying premise. This creates an imbalance for the developer. If that's your intention, then state it to be so because I've not heard that. I've heard nothing but: we want balance.

It is absolutely clear that singular words aren't just pulled out of the air. They are very much prescriptive. When you put in the words "may be" versus "they shall," that's prescriptive in the sense that you know how this thing is going to be interpreted. So this is not something that is a hodgepodge. This is something that is well established in legislation, and we're only intending to put it back in legislation. It's not just being put in another spot. It's put in the spot where it was originally under the legislation. It wasn't something that was thought of randomly. It was well discussed not just in our own caucus; it was discussed between various parties. And I will tell you that I suspect some of you would agree if you did not have to deal with the fact that you're going to oppose it.

It's common sense. It's not stupid. It's smart. That's what it is. It's about protecting the public interest, and we need to address the balance of property rights. It's always been the Alberta way, and no one is asking for a change here. What we're asking for in this bill is a streamlined process. Nobody is asking to remove the public interest or to remove private property rights. What we want is a bill that functions well for what we want to do as a society. We want to streamline the unnecessary regulation.

This bill doesn't touch upon the regulation yet. It's always the regulation that causes the hang-up. The bill gives us the umbrella to tell the regulator how to create those regulations, and that's what we want. We want to make sure the regulator takes in the public interest as well as private property rights. We have our

work cut out for us. We have to get that language back in, and we have to be able to get this bill so it does exactly what it's intended to do, to streamline the process so we can get the development of those developments we're supposed to get but that we treat every party to the process fairly and justly and that they feel as if they have a venue. If they have concerns, if they are directly and adversely affected, they have a process where they can be heard.

You need that public interest test to make that work, and I tell you now that if you do not put that back in, you will create more problems, not fewer. You will not streamline. You will end up going to court and letting the courts decide by jurisprudence what that's going to mean without these words, and there are going to be some significant issues that we'll have to deal with.

Thank you very much, Mr. Chair.

The Chair: Are there other speakers to amendment A7? The hon. Member for Calgary-McCall.

Mr. Kang: Thank you, Mr. Chair. The minister claimed that the public interest is protected under other bills, and this bill may override the public interest which is covered under other bills, so my concern is the motive here. If it's protected in other bills, why can't we leave it in Bill 2? I think the public interest should be paramount. Whatever we do here – we brought in Bill 1, Bill 4, Bill 3. All those bills we brought in here were done in the good of the public interest. If it's okay to leave the public interest in other bills, I think we can put that back in here, too.

Those are my comments on this, Mr. Chair, and that's the reason I'm supporting this amendment. Thank you.

4:10

The Chair: Hon. Member for Edmonton-Calder, did you wish to speak next?

Mr. Eggen: No. I think I'm okay. Thanks.

Dr. Starke: Mr. Chair, I'm not wanting to unnecessarily prolong debate. However, I feel that there have been some questions levelled by members opposite about sort of the background and the interest and where we're coming from on some of these things. I'm going to try a slightly different interpretation, but you'll find that there are similarities to the comments made by my colleague from Banff-Cochrane.

With regard specifically to public interest let me just back up a little bit on where this comes from. First of all, I'm not a landowner – okay? – but throughout the course of this debate I've often heard the phrases "I've owned land for X number of years" or "I own this much land" or "I own that much land." I'm not sure if that preface is always attached to the comments in order to indicate that therefore you have more authority when speaking on the issue. I don't own land, but that doesn't make me less interested in property rights. I don't own land, but that doesn't make me less interested in those who have land and who are concerned about it.

When I ran in the election this spring, I met with many of the people that I had done work for for close to three decades. These were people that in many cases put their livelihood, their financial well-being into my hands, sometimes in a small matter but sometimes in a much larger matter. The trust of those people was something that I'd built up over a long period of time. That trust was challenged in some situations where they felt that some of the issues surrounding some of the acts dealing with property rights were not in their favour. What I will tell you is that in many cases what we were dealing with was the interpretation of certain words. We've heard that said a lot here this afternoon, that words are

important, and how individual words are interpreted is very important.

I will tell you that a lot of the objections that a lot of these constituents of mine had to some of the legislation that has been passed in the past years comes from interpretation of certain words and phrases within that legislation and specifically because these are legal documents and how different lawyers will interpret those specific words. I mean, that is one of those questions that can be very difficult. I have had constituents tell me that, in fact, they see public interest and the notion that something could be acting in the public interest as being very contrary to their personal property rights.

I'll give you an example. I would use a hypothetical example. I'd say, "What if in the public interest it was decided that we needed to build a school or a hospital or a water reservoir on your land?" They said: "Well, wait a minute. I've got property rights. I don't want that there, and I could care less about the public interest. The public interest can't trump my individual property rights." So the insertion of public interest or putting it back, if you call it that, into this act I think, at least for my constituents, would cause a great deal of consternation. They would have concerns with that. From my standpoint, if we're going to have terms like "public interest" – and let's face it, public interest can be interpreted very broadly – I know my constituents are going to look at that and say: "Wait a minute. What happens when the public interest doesn't happen to align with my personal property rights?"

That's the basis of my objection to reinserting this. I mean, you folks have asked, and you folks have intimated that all of us here are just thinking like sheep. Well, I don't, because I know how sheep think, and it's not pretty.

You know, from my standpoint and from the conversations that I have had with my constituents, I'll tell you that these constituents, that are very passionate about a variety of issues, including property rights, are also people that became my friends. They're my clients, and they're still my friends even though now I don't get to see them at 3 in the morning anymore. The reality of it is – and I told them when I was elected – that I would continue to act on what I felt was their behalf and that I would continue to act in my new capacity, as I had for the previous 28 years, in their best interests. So in acting in their best interests, I don't believe that insertion of "public interest" here into this legislation is helpful to them. You asked for a reason why I was against it. There it is.

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

Mr. Anglin: Thank you very much, Mr. Chair, and thank you very much for that response. But there are some real open questions now. If we don't have a public interest test and this is not going to be in the public interest, how does this now impact what we want to do?

I don't think we're going down this road, but if I hear you correctly and if I hear other members correctly, what happens now when – I can give you a lot of examples here – a developer comes in to develop the resources? Now, you have the person whose property is directly and adversely affected, and they have their issue. But you know and everyone else here knows you've got to build a pipeline to get to that property. If it's going to be an oil and gas well, you've got to get it out. Okay? For my example, we always build pipelines. Out west of me it's always pipelines. We don't truck. It's a lot of fuel to truck. We've got lots of pipelines. As a matter of fact, I don't think you can buy a quarter section out

by me that doesn't have a pipeline under it. That's just the way it works.

Does a property owner, then, have the right to say no? That's a good question. I actually think they should, but they don't have that right. I actually think that if a property owner had the right to say no, that would make a much more level playing field. Most property owners want the development to go forward. We know that. We know that from our own history. Ninety per cent of all applications are approved, settled without any problem. Of the 10 per cent that are left, 90 per cent get settled without a board hearing. This is a standard statistic that is still true in our province.

We're really dealing with the 1 per cent that need to go to a hearing. They may not go to a hearing. They may go to an ADR, which is an alternate dispute resolution – that's the process we use – and they have a success rate. What we find – and I've always found this in dealing with property owners – is that it's very rarely about money although money generally settles it in the end. It's always about respect and the disrespect that developed when the initial negotiations started.

What happens when a gas plant starts leaking fumes? That is a public interest, depending on where those fumes go. What happens when that infringes upon a property owner who is not even in that near vicinity, but now their individual property rights have been infringed upon? Again, you have the clash between the public interest or the clash between private and private.

One of the reasons that the public interest test is so universal in all our legislation is that it does give these judges the ability to look objectively on a very macro level in addition to a micro level, and that is important. I believe that's why that wording is in a number of pieces of legislation where quasi-judicial boards make decisions. It is not trumping one over the other. It is in addition to. That's what it says here in this amendment. It basically says: giving consideration "in addition to any other responsibilities." It's not about trumping one over the other. It's about balance. That's the way it's always been constructed in legislation, and that's why it's been put in legislation. It is the scales of justice.

4:20

When I look at this, having known this, going to court with this argument in the public interest, it is important. Every property owner knows, particularly in the rural areas, that you at some time might be confronted with having to sell your land for a road; in other words, a road widening. You may have to sell or give up some of your rights, which we compensate them for, for gas pipelines and oil pipelines. You may have to allow a transmission line to cross your property for the public good. That is all part of the public interest test. What we want is for these people to be treated fairly, justly, and compensated and made whole if they have losses. We're not looking to have people abuse the system. We want the system to work, and I will tell you that the public interest is all part of that. The public interest is about protecting landowner rights. It is not about violating them.

Let's back up a sec. Property rights, not necessarily land but your property as a business owner, which are the tangibles and intangibles: that's public interest, too, and that plays an important role. Public interest is not something arbitrary that trumps one thing over another or abuses. Public interest is an umbrella test to make sure that we as a society, we as a regulator, because we're going to create this regulator, take into consideration in addition to others, not trumping over others. That's the balance. Those are the scales of justice that property owners also need. It is important.

If it is so wrong in this legislation, why is it right in all the others? Why has it been right for so many years? Where did it go wrong? I don't know. This is important. If we can't come to an

agreement, maybe we ought to put this back in committee and have some serious discussions and bring people in to give testimony to it to resolve this.

Thank you.

The Chair: Are there other speakers to amendment A7?

Mr. Donovan: One last comment. It's interesting. This is what I think is probably what we're supposed to be doing here as MLAs, sitting back and listening to different ideas and thoughts. You kind of get the juices flowing on what should be done or not done. The Member for Calgary-Bow had stated that you can't pick and choose where you put in the wording of public interest or, you know, land rights and stuff like that, the situation with public interest. It's very resounding, I guess, from this side of the floor. I'm going to probably have a better mustache in a week than the Member for Vermilion-Lloydminster by the time we get this done if I shave tonight. There's just no way it's going to be allowed to have public interest written into Bill 2. It's resounding. It doesn't matter what we say or where we put it.

I just find it intriguing that, say, on some bills public interest is key, and on some it's not. I'm not trying to play politics on it. I think there are a lot of amendments that have public interest. And it's not that it's just using it as a key word. I think it's worded correctly. I mean, this is an NDP motion, too, I believe. I'm talking to that also, I guess. It's public interest. The Member for Calgary-Bow put in that you can't just pick and choose where you put in the words. Who gets to decide the pick-and-choose part? I think that with amendments people look at it, they go through it, they come up with things where public interest is allowed to be put in, and I'm not seeing why we're not allowed to be part of that choice or that process.

I get that the hon. Minister of Energy has done a ton of work on making this bill and doing that. There were – what? – 14 amendments that came from the government side on it that showed that maybe it wasn't quite the right bill. That was fine; I respect that. I like the concept that there were some things identified, and I liked the fact that the minister came out to Vulcan to talk to landowners. And to the Member for Vermilion-Lloydminster: you know, it's not whether you have farmland. I mean, you have a lot number where your house is at if you own it. Even if you don't own it, you're paying rent, which is part of the process. Somebody owns that land. Everybody is basically a property owner at some point unless they're a lifetime renter, which I'm not sure everybody is or isn't, whatever. I'm not here to judge. It's not the end of the world.

This even goes to the lot plan. Rimbey-Rocky Mountain House-Sundre mentioned block number also in his comments, whether it's, you know, the northwest quarter of something or if it's block number 210 Centre Street, Vulcan. I mean, it's property. It's an actual, defined piece of land, whether it's farmland or not.

I guess that from this side I look at: if we bring up the idea of public interest – this is just my biased opinion of it, obviously – right away it gets shot down. "No. There's no public interest in this. You can't put it in there. It doesn't matter what words we use or don't use. You've got to pick and choose where it goes." I think we've looked and it, and I think it's been looked at. I don't think people are making amendments just to make amendments and add words into it. I think people are looking at it as to what's right for their constituents.

I mean, I respect the fact that the Vermilion-Lloydminster MLA talked to his constituents, as I have to mine. For my constituents public interest is the thing they bring up. They feel that's what it is. I find it interesting when another member brings up that it gives

the government too much power, and that's why you want it back out of there now. It makes you sit and think. One member, Calgary-Bow, says that you can't just pick and choose where public interest is put in and especially from this side of the floor, it would seem, yet on that side of the floor, if there's an amendment made, which is just as important as an amendment from this side, I would think, if it was allowed from that side, then it should be allowed from this side.

It would be neat if the Minister of Energy put it in, but obviously it's not going to happen. It's the fact that it just seems like we get stopped all the time. As soon as it's something, I feel, that we come up with – and I don't think people pick and choose where “public interest,” if those are the key words today, goes in. People work hard, put through amendments, my colleagues from the fourth party and the third party, and we're the Official Opposition. I guess that is how it all rolls out when we're rolling it out. People take their time, and they put through what they think is right and what needs to be changed to something. That's the idea of amendments.

I mean, it was identified by the government right off the bat when they brought out the bill that there were some amendments to be made. My colleague from Drumheller-Stettler brought up, you know, that when it was first brought out, obviously, some stuff was missed because there were amendments brought from the government side to change it. I sit there and go: why can we not listen back and forth on the stuff?

An Hon. Member: Why can't we just get along, right?

Mr. Donovan: Yeah. Well, it's a little *Kumbaya*, obviously.

You know, the question is: how do you sit there? It's okay for that side to bring amendments, and it's considered gospel and it's fine then. If this side brings amendments – we've been told by the Member for Calgary-Bow that you can't pick and choose where public interest goes in. I respect, say, Member for Vermilion-Lloydminster, that your constituents feel that public interest shouldn't be in it, and I believe that. I believe there are probably some people that have those thoughts and ideas and values – I guess we have ours – but it always comes to the loggerhead back and forth of “Oh, you can't use it in this act, but we're going to make another act that has it,” which is totally different in other ways. I get that.

But it's the challenge, I guess, of being in opposition, and I understood that when we took that role. You sit and you wonder: why do we sit up till 1 in the morning arguing over stuff? It's because we believe in it. I believe in it. I think most of the colleagues believe in what we're saying. We're not here just to argue. We're not here just to talk eight hours on it. It's to sit here and actually look at what makes sense. If the wording in something happens to be the words “public interest” – you know, I think that in this motion alone that's why we're supporting it, because it has a purpose. It has a purpose in this. It wasn't just thrown in there to say that we've put public interest in Bill 2 just to cause the Minister of Energy a slight heart problem or a blood pressure problem on it. You know, these are reasons why they're put in here.

It's interesting, I guess, from my side on why sometimes it just feels like it's a challenge to throw out words, and there's a challenge as to whether it's something good or not. You know, you feel the challenge in here of trying to get something put through, key words. Obviously, there could have been a memo sent around over there that if they say “public interest,” jump on it and abandon ship; get on top of the grenade because it's going to go bad for everybody.

Then another comment made by Calgary-Bow, that you can't just put public interest in here or there. I don't think it is. I think people have actually looked at their amendments, and when they're putting in an amendment – and public interest isn't the only one they put in – it just seems like you get stopped. You get blocked right away. As I say, it can be a challenge, which – don't get me wrong – I'm all for, but you can see how you sit there and wonder sometimes why you put through all these amendments. It seems like not everybody even wants to listen to them. As soon as there's a catchphrase or a word in it, it's just ditched. I don't know. I just find democracy weird some days in how it works.

But that's the end of my rant.

4:30

The Chair: Are there other speakers on amendment A7?

Seeing none, I'll call the question.

[Motion on amendment A7 lost]

The Chair: We'll go back to the bill. The Member for Strathmore-Brooks on the bill.

Mr. Hale: Thank you, Mr. Chair.

The Chair: It looks like you have an amendment.

Mr. Hale: I do have an amendment to put forward.

The Chair: Okay. Would you circulate those, please? This will be amendment A8.

Hon. member, you can start speaking to amendment A8.

Mr. Hale: Thank you, Mr. Chair. The section I'm amending is the mandate of the regulator. This would be put in as 2(1)(a). We would like it to read:

2(1) The mandate of the Regulator is

- (a) to provide for the efficient, safe, orderly and environmentally responsible development of energy resources in Alberta in a manner which respects landowners through the Regulator's regulatory activities.

I'm happy to see all of the great discussion about property rights and landowner rights from the other side. This is a great example of a place that we can show respect for landowners. Not just landowners, but we must also respect the leaseholders of our public lands. This is something that we've talked about on many of the other amendments about property rights. Just this afternoon many of the government members stood up and said: you know, we love property rights. Well, this is the place to show it. This is in the mandate of the regulator where we can show that we are respecting landowners. There's nothing in this amendment that's going to hold up the single regulator, nothing that will stop the streamlining effect.

You know, a couple of our members have stated in their talks that landowners want respect. It's not all about the money that they get from the lease agreements and the money that's paid to them. It's about respect. It's about being asked if they can come on their land. Property rights are the essence of every democracy. Property rights doesn't mean just the landowner. You own a car, that's your property. You own a house, that's your property. Your clothes on your back are your property. Property rights doesn't mean just landowners. Property rights means the rights to the property that you own.

I have a couple of letters. Actually, I believe this one was addressed to the hon. Energy minister. I was CCed on it. It talks in here, and I'll quote: this inevitably will do serious and irreparable

damage to the good neighbour relationship between landowners, energy and industry companies. This has a lot to do with respect. You know, if the landowners are shown respect from the start, it will go a long way to streamlining this regulatory process. There will be fewer holdups. There will be fewer appeals if they're shown that respect: the respect of consultations, the respect of notices, the respect of the ability to challenge the regulator on decisions that they're making.

The respect that the hon. Energy minister has talked about with landowners that is going to be put in the regulations cannot just be implied. People want to see it. The oil companies want to see it. Everybody wants to see what their rights are, what their privileges are. Inserting this statement in here, "in a manner which respects landowners," is very broad, but it gives the landowners a sense that: "You know what? Maybe they are going to look at our concerns. Maybe they will respect it if it's put in legislation."

It's something that every one of us – I mean, the hon. member opposite mentioned he doesn't own land, but he owns a house. I believe he mentioned that he owns an acreage. I mean, that's property rights. You deserve respect if someone wants to come through your property. I think we all understand that. We deserve respect for anything we have. You can't just go in and say: yeah, I think I'm going to take your car for a joyride. You know, we have to respect that owner's rights to his property.

We've received many e-mails and letters. One e-mail from a lawyer from the University of Calgary . . .

Mr. Denis: Lawyers.

Mr. Hale: Yeah, lawyers. There you go.

He talks about the competitive advantage, and in his statement he said: industry is not entitled to a competitive advantage at the expense of landowner rights. This goes a little way into showing the landowners that they will be respected.

Now, a lot of it is going to be left up to the regulations that the regulator makes in how they're going to deal with that respect, but I think this is a good start. It's a good start to showing that: hey, we actually do care about property rights, and we do care about landowners. You know, I think this should be a really hard one for the government to vote down considering the comments that we've heard today about property rights and landowners.

This is common sense. We're not asking for anything outrageous. We're asking just to put in there: show a little respect. I think that will be well received in the energy industry. Many of them already respect landowners. They have consultations with them before they come on. You know, the companies that are doing great work in the communities already respect landowners. It's an unwritten rule, but it goes a long way to write it in this legislation saying: hey, we're going to respect them.

I've mentioned it before. The company I used to work for had a lot of respect. They would go out and have consultations before the projects even thought about starting. That's respect. It's good. The companies do that, and if the companies continue to do that and for some new companies that start up, you know, if there's a little bit of law here to show them that we as Albertans demand some respect, I think that will go a long way into helping our industry and streamlining the process and meeting at the end what we all want, a single regulator that's going to work well for industry, work well for landowners, work well for all Albertans.

I hope you guys take into consideration this statement and vote in favour of it. Thank you.

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

Mr. Anglin: Thank you very much, Mr. Chair. I rise in favour of this amendment. I would like to tell the hon. members that the reason we had such a long discussion about the public interest is so we could get here, and here we are. All we want to do is make it a mandate of the regulator to respect landowners, and it's in the right spot. It's under the mandate of the regulator so that when they make decisions, they respect the landowners.

4:40

That interpretation is broad, but it is also very flexible in the sense that the regulator is basically going to make regulations that have respect in this hearing process for a property owner, a landowner because those are the ones that are the individuals, not the broad public but the individuals, that will be coming in front of a board, in front of the regulator with a concern, whatever that concern can be. We can come up with multiple concerns, but that's the whole hearing process. All this does is say to the regulator: you have to respect the landowner – and you could actually extend that – that will be coming before you, in every sense of the word.

As one of the members said I think a couple of weeks ago: even a blind squirrel can find a nut every now and then. I think we might have found a nut. I would hope so, that we can agree on it and say: "You know what? This is good. This is protecting a landowner in the sense that at least we're going to make regulation that respects the landowner." Because that's what's happening here. This is in the right spot. It is the spot that says: this is the mandate of the regulator. When the regulations are made – and they will be forthcoming – those regulations dealing with those particular landowner issues are going to be complex. We know that. I mean, this is a very broad bill. It takes in a very wide area, everything from the environment to energy development.

This is paramount to me, that the regulator respect the landowner. It doesn't say that it gives them rights above anyone else. It doesn't say that one has supreme rights that are paramount to another. It just says that when they are exercising their fiduciary duty, they will respect the landowner. I think this is a very positive step forward in dealing with some particular landowner issues and property rights issues.

I think this is really important because a lot of this development is on private property and a lot of the development that's on SRD land are really issues dealing with many of the aboriginal peoples, traditional lands that are not necessarily reserve. As anyone knows who has aboriginal peoples in their ridings, traditional lands can be quite expansive. We're not saying anything other than that we're going to respect them. It does even apply to aboriginal peoples as much as it applies to the individual landowner who owns a quarter section or a section of land.

The whole process, then, now starts to flow because it gives us a little bit of balance. We are telling the regulator in its mandate that it will make those regulations with this in mind.

Thank you very much.

The Chair: Thank you.

Are there other speakers to amendment A8? The Member for Airdrie.

Mr. Anderson: Well, thank you very much, Mr. Chair. I would like to stand and support this amendment from the Member for Strathmore-Brooks. I think it is a very reasonable amendment.

I enjoyed the speech from the Member for Banff-Cochrane. I like it when members of the governing party get up and defend their bills. That's a good thing, and they should be commended for that. He says that he's tired, and so he should be, of folks ques-

tioning his government's commitment and devotion to upholding landowner rights.

The reason that people feel that way is because this government has an abysmal record on upholding and protecting landowner rights, which is manifest by the fact that we have 17 MLAs mostly from rural Alberta sitting on this side of the House. Landowners slightly north and then south of Red Deer felt – and, of course, how could we forget Lac La Biche-St. Paul-Two Hills? I'm sorry about that. All those folks felt very strongly that, indeed, this government does not respect landowner rights. You can tell that.

It's very interesting. If you go into the Elections Alberta data that they release, the different poll-by-poll constituency election results you will see, particularly in southern Alberta, the results in some of these rural areas where the power lines are coming down, where some of these changes in the law will have the most effect, it's 75 per cent, 80 per cent in some of these areas. It's just incredible. Places like Madden, by Crossfield, up by Lochend in my constituency just overwhelmingly voted Wildrose in the last election.

The reason they did that was not because of my sparkling personality.

Ms Blakeman: Oh, yes, it was.

Mr. Anderson: Well, I don't think it was, Member. I don't think it was my sparkling personality. I think the government will agree with that. [interjections] Yes? We have agreement? But I think it had something to do with those . . . [interjections] Okay. There you go.

I think it didn't have something to do with that. Maybe not everything but certainly a huge portion of it had to do with the government's inability to support landowners' rights or protect landowners' rights adequately enough.

Now, that said, do I think that the government is antilandowner? No, not really, but I think that they have made a lot of mistakes and that they have let the ends justify the means, so to speak. In the interest of promoting a province that is well planned and maintained and so forth, they feel that they need to undercut certain rights among landowners. I think that that is a pattern that the previous administration fell into prior to the last election. That is a huge reason why 34 per cent of Albertans, more than one-third of Albertans, including many, many in rural Alberta, voted for the Wildrose. That was a key issue in the last election, and that's why I'm surprised that the government is not seizing this moment to take a very important issue, an arrow in the quiver of our party, I would say, away from us.

Why are they not seizing the mantle of protecting landowner rights? Bill 2 does not adequately protect landowner rights. The government has the ability to show that with this bill they protect landowner rights, and they can balance those with the need to make sure that we have effective, streamlined regulation with regard to oil and gas development and other developments in our province. That's what Bill 2 could do, but it falls remarkably short of that.

Because of that, they're essentially freeing up my friend from Rimbey-Rocky Mountain House-Sundre and many other folks to tour the province for the next four years and talk about this bill and other things that the PCs are doing with regard to going ahead with power lines, in particular, despite admitting that they shouldn't have given that power to cabinet, as we see with Bill 8, which is on the Order Paper. Because of those mistakes, now we will have many more town halls. Frankly, they weren't necessary. This could have been fixed, but now we will. People will be upset again about it, and rightfully so, because this government has

again shown that it is unable to compromise and hear out landowners and the issues that they bring forward.

I think that if the government were serious about some of these amendments – not only that, but we have this process now where we have a chance to look at some of these amendments and actually put them into law, again giving the government a chance to take away the battering ram. Why do they love pain so much? I don't understand the pain. I don't understand why they like it so much. It's like they enjoy these town hall meetings. They enjoy it. The Deputy Premier must enjoy going to Sylvan Lake and being as warmly received as he was the other day. They must enjoy that.

I don't understand why we're not just doing what clearly needs to be done, which is to start with an amendment like this. Just put an olive branch out to landowners. Change section 2(1) to say: the mandate of the regulator is to provide for the efficient, safe, orderly, and environmentally responsible development of energy resources in Alberta in a manner which respects landowners through the regulator's regulatory activities. How is that hard? How is that difficult? Why is it so hard to mention landowners? It's not asking for tons. It's just saying that the decisions the regulator makes will be in a manner which respects landowners.

Now, of course, if we don't pass this amendment, then what the Member for Rimbey-Rocky Mountain House-Sundre and our good friend Keith Wilson can go around saying to everybody is that the government voted against adding "in a manner which respects landowners" into this mandate of the regulator. By voting against it, what they're really saying is that they are voting specifically to say that the regulator should not have the mandate of ordering efficient, safe, orderly, and environmentally responsible development of energy resources in a manner which respects landowners. That's, effectively, what they're saying. "No, we don't think that should be the mandate of the regulator. We think that they should be obviously making sure there is efficient, safe, orderly, and environmentally responsible development, but that development does not need to be in a manner which respects landowners."

4:50

You know, when folks are voting against that, again, you're just giving these folks a club, metaphorically of course, to beat you senseless with for the next four years. I just don't understand it, Member for Little Bow. I do not understand. It's almost masochistic. I don't understand it.

So here we are. But I feel that my words are striking a chord with the government over there. I can see opinions swaying, swinging over to a yea vote on this amendment. Yes. See, there are smiles in the back. I know it's coming. Oh, sorry. That was laughter. My bad.

I think that we can all agree that we need to respect landowners, so let's actually do something which shows that we're serious about that. I'd love to hear from the members of the Wildrose Party, a party which clearly respects landowners and has done so repeatedly with our actions, not just our words.

Thank you, Mr. Chair.

The Chair: Thank you, hon. member.

Other comments, questions? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much, Mr. Chair. There are a number of examples where the whole issue of respect comes into play, and I want to use one in particular. Some of you may remember an incident that happened last summer with a company that had an oil leak in the Red Deer River. Now, that is a matter of

environmental concern. That's a matter of an after-the-fact decision, cleanup, and all that. That's actually still under investigation. Here is a situation where you have an event that took place, property owners that were adversely affected, and then all of a sudden another application comes before the regulator dealing with these exact same property owners.

So you have one property owner who had a massive oil spill across their quarter section. They're trying to clean that up. They're trying to deal with that issue, and now you have an application coming in for a well site at the same time. Now, the conflict that that property owner is going through is one where we need respect because the circumstances are unique, hopefully will never be repeated, but the reality is that the circumstances, in effect, have to change how this regulator is going to deal with the situation. The current law actually takes care of that in many ways. In this new bill it's very important that the regulator have some sort of guideline on how it needs to deal with this issue.

Now, you can say: trust the regulations. That would be exactly the way this bill is going, but if we have in the bill that these regulations will be constructed to respect the landowner, then this situation can be dealt with. That's why we think this is important. That's why we think that some of the members across, in the government, are really contemplating supporting this amendment because it's smart. Well, I hope you are smart. We don't need to question that. I think you are. I want to believe you are, in good faith. I don't think you should necessarily doubt that. By the way, what better way to shut me up than to pass this thing? [interjections] Now you're awake.

The Chair: Hon. members, please. The Member for Rimbey-Rocky Mountain House-Sundre has the floor.

Mr. Anglin: There are times when I can gain their attention, Mr. Chairman.

I know they would want to, and I would be willing to give it up if we can get certain provisions put back into the bill so we can make sure that this respect to landowners is brought forward. I think we have that opportunity now.

Thank you very much.

The Chair: Thank you.

The hon. Member for Banff-Cochrane.

Mr. Casey: Thank you, Mr. Chairman. I just need to get this off my chest, so it shouldn't take that long. I've been around the public policy world, although on a much smaller scale than this, for the last 15 years at every level, and I've been in a thousand different debates and a thousand different arguments with provincial governments down to regional governments and you name it. I'm more than familiar with debate, but never in all of that time have I heard an argument to vote for an amendment being a threat of my political demise.

For the last three weeks we've heard nothing but: if you don't vote for this, you are going to lose the next election. Well, this is about doing the right thing. If you want to put an argument forward that speaks to the bill, that speaks to the amendment that happens to be on the floor, then great. But to threaten me with some political bogeyman every time you put an amendment on the floor, I have to say that it just puts me a little bit over the top. If you wouldn't mind just sticking to the bill and sticking to the amendment and leaving out the threats, the rhetoric, and the innuendoes, then we'd have a productive meeting here.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Olds-Didsbury-Three Hills.

Mr. Rowe: Thank you, Mr. Chairman. We can have a really productive meeting here if we just pass this amendment. [interjections] Well, you asked.

As I've said before in speaking to this bill – and I'll get back to the election. I won't mention anybody else's campaign, but I'll mention mine. The recurring theme that kept coming up in discussions, in door-knocking, constantly, was property rights. That was the main theme that I heard the whole campaign. We're not asking for special rights here. We're just asking for equal rights. We're asking for respect for each other. We're asking that landowners' issues be dealt with in the same light, in the same vein as energy companies' are. We all want the same thing. The energy companies want to get along with the landowners; the landowners want to get along with the energy companies.

As I said, we're not asking for special rights for property owners. We're just asking for equal rights and equal respect. I think we sometimes confuse property rights as being just a strictly rural issue. It's not. Property rights are an Albertan issue. If you live in downtown Calgary or downtown Edmonton, who's to say that a wireless company can't come along and say, "We need that piece of property for a cell tower"? If they can do that with power towers, if they can do that with energy drilling, why can't they do it with a wireless tower? It's a huge issue.

We're arguing over semantics here, I think. As was mentioned by the hon. Member for Banff-Cochrane, he was seeing those issues as a threat to property rights. There's another way to look at that. Property rights are paramount to all Albertans. It's not just a farming issue. It's not just a rural issue.

This is a no-brainer, in my eyes. This is where we can show all Albertans that we can co-operate and we can do the right thing here. I ask for your support in passing this amendment.

Thank you, Mr. Chair.

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

5:00

Mr. Anglin: Thank you, Mr. Chairman. With the greatest respect to the hon. member, there's some validity or some merit to his claim that he doesn't want to hear certain verbiage, but I would not call it a threat. I would never intend to threaten. But I will tell you this as a reciprocal. I do not particularly like it that when I go out to tell the truth, somebody calls it fearmongering, but I have to listen to that a lot. But I will tell you this. When I go out and debate in these public halls, I put up the legislation, and we discuss it. Now, some people are good with that. The hon. minister who came to Vulcan sat there; he listened. He disagreed. We disagreed.

The situation in Sylvan Lake did not serve this government well at all, and I know that some of the blame is being pointed over here. I can assure you that no one over here organized it. We only attended. Yet that behaviour was an example of what these landowners have come to know and expect sometimes, and they're tremendously disappointed. If that doesn't concern you, that's fine, but it concerns me as an Albertan.

I will also tell you that when I go out to these public halls and when I organize them, a lot of people come out. In some cases industry – I should back up, not industry but these agencies that the government has appointed like the AESO. I should say that industry, I guess, like AltaLink don't like coming out to those hearings with me. I've had them sitting in the front row, their heads down, not participating, and then thank me for saying something nice about them during the evening, but they didn't like what they heard. To me that was the greatest compliment because

they could have argued like the hon. member did here, saying that it was threatening or something like that. But they didn't do that.

I actually have a lot of respect for many of the engineers that I have met in other areas, but I disagree with the way things have happened, and it goes right to this amendment about respect for landowners. This is a real issue out in Alberta. It's an issue of trust; it's all about trust. If you were to go out in my area right now, you'd hear that loud and clear. That's all the Deputy Premier was hearing, but I'm not sure he actually heard it. I don't know what he heard, so he'll have to explain that himself, but that's what I was hearing. What people wanted to do was exactly what the hon. Minister of Energy did. They wanted to let a government minister know exactly what their feelings were. The last thing you can tell people out there and think that you can keep the respect the same is: when somebody tells you the opposite of what I'm telling you, that's fearmongering.

Now, I will agree that we can disagree on interpretation, but it's not fearmongering. There are certain things we cannot disagree on: when the fact is the fact, which is exactly what is in writing. That's left to their interpretation, and that's it. So when you have a piece of legislation like the Land Assembly Project Area Act, that is quite specific on how much control the government has over a person's property, you may or may not want to discuss that in front of a bunch of property owners, landowners when that's up on the board. When you're dealing with this amendment and you're out in front of the public and this amendment says specifically "which respects landowners" and you oppose that, well then that would be a fact if you do indeed oppose that. Then you have to deal with that. If one member here were to say: we put this amendment forward, and that governing party opposed it . . .

An Hon. Member: Threat.

Mr. Anglin: That's not a threat if you did it. That would be fact. That's the difference.

That's what I'm trying to point out. If it is the fact, then it's not a threat, and then you have to deal with the consequences of the action, which is what you supported or what you didn't support. That's all. It's not a threat, and it's actually not dangerous, but it is the reality of the decision, and it is left to the interpretation of the public. I have to tell you that the public doesn't have trust right now. If you don't believe that, then you haven't really been out in the public a lot. The public doesn't generally trust government. It is incumbent upon all of us, even us as the opposition, to encourage the population at large to trust government. It is. It may sound like a lot of BS to some of the members, but it actually is part of it. I mean, we want it to work for all Albertans. I may have to retract that BS statement. Okay. I retract that.

I think the point was taken that it is incumbent upon all Members of this Legislative Assembly to gain that trust of the public. Here is an amendment that is a step in the right direction. I'm not saying it's going to do it. I won't threaten you with that. I'm saying that it'll get you on the path to gaining that trust.

Thank you very much.

The Chair: The hon. Member for Little Bow.

Mr. Donovan: Thank you, Mr. Chairman. Again, I think this goes back to what everybody in this room talks about, "in a manner which respects landowners." I mean, the amendment says it. It's not asking for the moon or the sky or the things in between.

It was great for the minister to come out to Vulcan and talk to landowners. I think the universal conversation that night was how the government guaranteed they would respect landowners' rights. We talk at different meetings. I wasn't at the Sylvan Lake meeting

that the Deputy Premier was at. You know, it's different personalities, and it's the different ways of how some people interact with others. It's the confrontational mode of how things were set up. I think there could have been the chance of failure being set up at the one meeting because it was interpreted that way, that it was going to be confrontational, and it was. If you think you can or you think you can't, you're always right. That was the situation there. Sylvan Lake looked like it was going to be confrontational, and it was. It came across that way for the Deputy Premier. I wasn't there.

I reassured the Minister of Energy when he came to Vulcan that I'd chair it and that I'd make sure there were no problems. It went well. It was a reversal of the flower between two thorns. We had two Wildrose and a PC in the middle at the front table there, but it went well. It went back and forth. We had good dialogue. At the end of that I think everybody came back out of it – it's simple wording: "in a manner which respects landowners." We're not asking for public interest. I've accepted that that one probably isn't going to be accepted in Bill 2. I'm starting to get off that horse a little bit. Don't get me wrong; I like arguing with everybody over stuff, too. I think it's very plain and simple, "in a manner which respects landowners." I think that's all we're asking for on this.

With that, I'd hope, please, that everybody would accept our amendment, which adds that to section 2(1)(a). Thank you.

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

Mr. Fox: Thank you, Mr. Chair. It's a pleasure today to rise and speak to the amendment put forward by my fellow colleague, which amends section 2(1)(a) by adding "in a manner which respects landowners" after "Alberta." Now, the reason why I'm standing to speak to this is more to go back to the principles of government. Why are we here? What brought us to this point in history? Why do we sit in the Legislature like this under a Commonwealth democracy like we have? Well, we can go all the way back to the Magna Carta and thank the work that was done on that. You know, that was brought forward to limit the power of government back in 1215.

Why was that? Why are governments in existence, and why do they all fall back to this? Well, it's because life, liberty, and property do not exist because we make laws. It's the fact that life, liberty, and property existed in the first place. This is the reason we are here to make laws. We need to take this to heart. Property: it's right there. Property existed before we were here to make laws. We need to respect that property is owned by Albertans and that what they want for their property, what they want for Alberta comes out of that. Where an excess of power prevails, property of no sort is duly respected, no person is safe in his opinions, no person is safe in their faculties, and no person is safe in their possessions.

5:10

We as a government have no other end but the preservation of property. By standing here, by debating this, by talking about this and even, dare I say, passing this – and I hope you will pass this – we are just giving respect to all Albertans in their ownership of property. Winston Churchill said way, way back – well, it seems way back to me; I'm sure there were a few of you around then – that 10,000 regulations kill all respect for the law. Let's not have that.

Albertans need to respect the laws that we craft here in this House, that we pass in this House. We are here as their representatives. We want to make sure that they have respect for these

regulations and that these regulations respect them. Without that respect we're going to have more of what we've seen in the past. We're going to have people standing on principle and fighting: fighting regulators, fighting energy companies that are looking to enter their property. Do we really want this? Is this really what's best for Albertans, just standing on principle because there is a regulation somewhere that doesn't even say that it respects somebody's right to own something, to own property?

I think that's not why we're here. We're here as a matter of honour. We're here because we were humble and we stuck up our hand when asked who would speak for the constituents. We are here to speak on their behalf. Landowners, property owners are every Albertan. We are here on their behalf, and we have to make sure that we are passing laws that respect them and their rights.

I think this is a no-brainer. This doesn't change the bill. All this does is give landowners, property owners the ability to say: yes, our regulators respect us. Thank you.

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

Mr. Strankman: Thanks, Mr. Chairman. I, too, would like to rise and speak in favour of this amendment by my hon. colleague from Strathmore-Brooks. I'd like to challenge the member that earlier talked about the public interest. I feel that the gentleman from Vermilion-Lloydminster took umbrage at my comments about being a landowner. He viewed that property rights were only relating to landowners. Not unlike his clients that have livestock, they too have property. Even the hon. member's place of business is a property. His licence to practice is a property right, and his clientele are landowners.

I think we're getting hung up on this word "landowners" as a single, improper faction there. I don't see the name "landowner" very well represented in this Bill 2. I think this is the beginning. As I spoke earlier – I'm sorry, hon. members – I do own land, and I do recognize the rights of the energy person, the person who has access to that energy. I believe it was an ongoing mistake and it will be an ongoing mistake to have division between the energy rights and the landowner rights. They should have been all encumbered as one under the landowner, the property rights owner. A country south of the 49th parallel does that. This country, based on the British model, did not, so we are therefore going to be struggling with legislation like this for ongoing generations quite possibly: nuances, wordage, and everything going forward.

I'd like to start right here and now. With a new party, a new view on the provincial landscape, and a new bill – we're coming forward with a new bill – with a new vision coming forward, we would specifically put in there that we would recognize the people who are affected by this legislation. It's very important, Mr. Chairman, and I'd like to speak in favour of the amendment.

Thank you.

The Chair: Other speakers on amendment A8? The hon. Minister of Energy.

Mr. Hughes: Thank you, Mr. Chair. I appreciate the representations made by members on all sides of the House on this. Clearly, we all have great respect for landowners and have sought to ensure that we take into account landowner interests in the course of this work on this bill.

Colleagues will recall that before we broke for the constituency week, we passed an amendment which actually addresses this and in a more practical, more businesslike fashion. That is the way I would characterize it. That was under division 3, General Powers, Duties and Functions of Regulator, in section 15, Factors To

Consider on Applications. That is where we added specifically as an amendment that I proposed that we include the interests of landowners. So the paragraph does now read:

15. Where the Regulator is to consider an application or to conduct a regulatory review, reconsideration or inquiry, it shall, in addition to any other factor it may or must consider in considering the application or conducting the regulatory review, reconsideration or inquiry, consider any factor prescribed by the regulations, including the interests of landowners.

This, Mr. Chair, is a very specific, applied, practical, and on-the-topic kind of amendment that this House made, this committee made a couple of weeks ago. So I would say that the amendment here before us today actually has already been addressed in a very substantive, where-the-rubber-hits-the-road kind of way, that serves the interests of landowners, actually, better than a generic reference to landowners in the mandate.

With that, I recommend that we actually not accept this amendment today.

The Chair: Thank you.

Further comments on amendment A8? The hon. Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you very much. I'm going to actually disagree with the hon. member on this although I do respect the fact that you did introduce that amendment. What this does under the mandate is also balanced out. It makes sure that it is covered in both sections of this act. One is only dealing with the interests, but the other, which is proposed right now, says "respects," and that's a different term than just the interests. Respect the landowners. That's important. So I just want to point that out.

If you say that this is going to harm the bill, then I would be interested in how it harms the bill. What it does is that it puts it into the mandate of the regulator under this amendment. So what you have now is not just the hearing process that takes into consideration the interest, but in the design of the regulation under the mandate of the regulator all aspects of regulation will have to take into consideration the respect of the landowner on those particular points that would affect the landowner. In my view, that's why it is important, why we should put it under the mandate so that it gets carried forward.

I would argue with the hon. member that your amendment is specific to that one hearing process. Respect of the landowner is very broad in many other terms in the creation of that regulation, and that is important, in my view, to the landowners and, in my view, expressly for this government to show that you are true to your word, that you respect the landowners, that you have the actual, literal word in the legislation.

Thank you very much.

The Chair: Other comments? The hon. Member for Drumheller-Stettler.

Mr. Strankman: Yes, Mr. Speaker. I'd just like to reiterate and speak to comments by the hon. minister. If you go to section 33(2), the section I have before me says, "if the Regulator makes a decision on an application without conducting a hearing." I have great credence in that because we seem to be tagging on wordage here, and we're talking about reiterating landowners' or property owners' rights in this case.

5:20

They have written into the legislation the word "if." It's quite disturbing to me that in legislation that should be definitive, this type of wording is brought forward. I would like to encourage that

we try and be as succinct as we can and support amendments like we're trying to bring forward here that would support property holders' rights in the legislation.

The Chair: Thank you.

Other comments?

Seeing none, I'll call the question on amendment A8.

[The voice vote indicated that amendment A8 lost]

[Several members rose calling for a division. The division bell was rung at 5:21 p.m.]

[Ten minutes having elapsed, the committee divided]

[Mr. Rogers in the chair]

For the motion:

Anderson	Forsyth	Saskiw
Anglin	Fox	Starke
Blakeman	Hale	Stier
Donovan	Pedersen	Strankman
Eggen	Rowe	

Against the motion:

Allen	Fraser	Kubinec
Bhardwaj	Fritz	Leskiw
Bhullar	Goudreau	Luan
Brown	Hancock	McDonald
Campbell	Horner	Olesen
Casey	Hughes	Pastoor
Cusanelli	Jeneroux	Quadri
DeLong	Johnson, L.	Scott
Denis	Kennedy-Glans	VanderBurg
Dorward	Khan	Webber
Fenske		

Totals:	For – 14	Against – 31
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[Motion on amendment A8 lost]

The Chair: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Chairman. I would ask the unanimous consent of the House that in the situation that further bells are required this afternoon or this evening, they be reduced to one minute and that at the start of the evening session you remind members of the one-minute bell.

The Chair: Thank you.

The hon. Government House Leader has moved that on any further divisions for the rest of the evening the bells be shortened to one minute.

Mr. Anderson: Can I just suggest that we separate the motions? I think that we'd be happy to do it for the rest of the afternoon, but for the evening I'd have to confer with my caucus.

The Chair: Hon. Government House Leader, just for the rest of the afternoon, then, and we'll deal with the evening once we reconvene at 7:30. The motion is on the floor. It requires unanimous consent. Is anyone opposed to the motion by the Government House Leader? Seeing none, so ordered.

[Unanimous consent granted]

The Chair: Any future bells, then, will be for one minute in duration.

Back to the bill. I'll recognize the Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Chair. You will all be delighted to know that I have an amendment to Bill 2. It is at the table. I will ask that it be distributed now. For those of you that want to work ahead, it is amending section 16 under general powers, duties, and functions of the regulator.

The Chair: Can we maybe just pause while we distribute the amendment? I'd appreciate it. Thank you.

Ms Blakeman: Sure. I was just going to give you a page number, but okay.

The Chair: Okay. So you're not speaking to it; you're just telling us where it is? Would you then proceed, hon. member.

Ms Blakeman: Thanks. It is under division 3, the section on general powers, duties, and functions of the regulator. Specifically, it appears on page 13 of the hard copy.

The Chair: This amendment for the record, hon. members, will be A9.

Ms Blakeman: Thank you.

The Chair: Proceed, hon. member.

Ms Blakeman: Thank you very much, Mr. Chair. Well, it will be no surprise to most of the people in here that the section I'm looking to amend is around collection and disclosure of personal information, which is a topic near and dear to my heart. I was a little surprised to find that in this bill, but when I did, I didn't like the way it's in there. We collect too much information, and then we keep it too long and use it for purposes beyond what we've collected it for. Then we're not careful about how we get rid of it. And we repeat that. The government through legislation and policies and regulations repeats that over and over again.

It's not just, you know, the example that I gave recently in the House around safekeeping of records with personal information, which was a private business, the hospitality group that managed to lose their USB. What are those things called that you poke in the side of the computer?

An Hon. Member: A thumb drive, a zip drive.

Ms Blakeman: Thumb drive. Zip drive. Okay. Here we go. High tech. Thumb drives.

On it was all the personal information of every employee they'd ever had, and it wasn't encrypted. That's the same group that also scanned and kept all of the drivers' licences with the permission and encouragement and assistance of this government, for which I will never forgive them. You know, that's a private company. We've got examples of doctors' offices where the doctor retires, and they don't know what to do with his files. They end up going to his nurse. The nurse retires. It's in a box in her garage. She dies, and somebody is trying to throw out a bunch of medical files that were in a garage. You know, there are lots of different ways this can happen.

So, one, don't collect so much information. Collect only what you need to use. The one piece of legislation where the government actually managed to do that right was in the Health Information Act. It very specifically says: collect only what you need, and that must be the least amount that you could possibly collect. That's the collection part of the information.

Just so that you're all with me here, this is amending section 16 under division 3, general powers, duties, and functions of the regulator. Then we've got the powers of the regulator, factors to consider on applications. Then the third one, which is actually section 16, is disclosure of information to the minister. Right. We've got:

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, . . .

Here it comes.

. . . including personal information, that is specified in the request.

Where we're changing it to say:

. . . any report, record or other information, including personal information if the person whose personal information that is specified in the request consents in writing to its disclosure.

5:40

Remember, there are three parts to this, right? There's the initial collection of the personal information, there is the use of the personal information, and there is the disclosure of the personal information. What we're talking about here is the disclosure of it, essentially, because it's already been collected. The minister has now said: I want to see this information. Now, interestingly, it doesn't say why the minister wants it, and he/she is not required to tell anybody why they're collecting that information. You know, I just don't want my personal information collected by the minister when he can't tell me why he wants it.

I'm going to ask my colleagues from the Wildrose to talk about what kind of personal information is collected that would be in these files, that could then be requested by the minister, because they're much more up on that than I am. So we've got a situation where the minister can say: I want this information. The regulator hands it over. The person doesn't know it's been requested by the minister, doesn't know it's been handed over to the minister, and if it's incorrect or unverified has no ability to know that it's now being disclosed to somebody else, the minister specifically, no opportunity to correct it. They don't even know it's happened.

The second piece that I'm trying to change here is that where the minister does request it, that request has to be made public, that that's part of it so that it would come out that the minister has asked for a report, a record, or other information, including personal information. Two things are happening here. One, the individual whose personal information is being disclosed to the minister would have an opportunity to sign a consent. And if you guys accept this and you make it a blanket consent form, I will haunt you because that's the other thing that the government . . .

An Hon. Member: That's a threat.

Ms Blakeman: For a long time.

Because that's what happens. You know, when we brought in personal information, we were supposed to be protecting everybody's personal information. And what happened? Well, every doctor's office, dentist, massage therapist, hospital check-in, just about anywhere that you went where they could possibly have your name, they now say: before we can give you service, you need to sign this. People go: "Oh, okay. Well, whatever." And they sign it. It's a blank consent form, which then gives them permission to pretty much do whatever they want with the information without ever coming back to you again. We don't call that informed consent on my side of looking at this stuff.

We're asking for two things here. One is that the individual gets an opportunity to decline, and if they're going to give permission, they're going to give it in writing so that we've got a record of it

all; and two, if the minister makes that request, it's going to be public so that we all know that the minister requested that information. This is important because so much information is being collected on individuals – and we don't know why, and we don't know, again, how long they're going to keep it – just because it's so darn handy, especially when it's in those electronic databases. You can just – there's a visual here – hit the button with your finger, and that information goes out and can be data matched with other banks of information, and now all of a sudden even if you had managed to use just bits of information, you can literally reconstruct the individual by data matching. I think this is important. I know people laugh at me about this, but there's too much information about us out there in the world, where we might say: "Okay. Well, hopefully, the government has our best interests at heart when they're collecting our information."

There are so many points of interconnection between the public sector, the government now, and the private sector, who really don't have our best interests at heart and shouldn't. They're there to make money. They're there to make money for their shareholders. That's what makes the economy go round. They have no obligation to be nice to us, nor should they.

As a result, in those points of interconnectedness – now, where does that happen? Let's talk P3s for schools. I mean, everything is contracted out with this government: cleaning services in the hospitals, whoever services the fleet of cars for the government, whoever provides child care beds. All of that stuff is now contracted out. Every time that happens, some information goes out into the private sector.

You know, I'm not saying that they're bad people. They're not. They should be making money for their shareholders. Good on them. But part of that is not a commitment to do the right thing with our information, and there are certain requirements. PIPA would cover them, for example, but it's not the same commitment as what we expect from government.

I want to put the onus here in the legislation that they have to get the person's permission, which means that they would know, which I think is fair. I can't see a reason in here, but I look at the minister to see if he's going to stand up and give me a compelling argument, like an earth-shatteringly accurate, pithy, to-the-point argument about why you would need to be collecting someone's personal information and not letting them know. I can't see that you're going to be able to come up with that one. Secondly, why are you collecting that information? For what purpose are you going to use it? And how do you make sure that anyone else that gets that information doesn't misuse that?

Now, why is that possibly the minister's concern? Well, because that's the way we do privacy of information. We say that whoever has it is responsible for doing the right thing with it. In this case, if the government gives it off to a contractor, they are responsible for making sure that the contractor does the right thing with that information. As I said, it's not the contractor's business to do that, so they have oversight from the government, who is ultimately responsible for the protection of our personal information. None of that protection is built into this act.

I don't need to belabour the point, but I am going to ask some of my colleagues that have a deeper understanding of how the act works to just talk about under what circumstances somebody's personal information would be held by the regulator and possibly asked for by the minister. It's important to know under what context this kind of thing is going to happen, you know, and what kind of personal information. There's a difference between the tombstone information of, you know, name, address – well, actually, as soon as you start putting together any two of a photograph, any biometrics like a fingerprint or an iris print, a

signature, a full name, address, birthdate is a big one, with the biometrics could also be blood types or DNA, you've got a lot of information on people.

Why would they be collecting that? I'm going to let my colleagues talk about for what purposes they would be collecting personal information, and you'll start to get a picture of why it's important to make sure that you have to go back to the individual to get consent for them to pass that information on to the minister and that the minister would have to make public the fact that they've requested that information.

Just so that you know this isn't unusual, did you know that the Minister of Health can request any of your personal health records?

Mr. Hancock: Why would he want to?

Ms Blakeman: The Minister of Human Services says: why would he want to? I don't know, but he can, and you empowered him or her to do that in the act. They are able to, and they wouldn't have to tell us about it at all.

This is the kind of thing I'm trying to prevent here. So if the minister wants to collect that personal information, you've got to come and get my permission and, two, you're going to have to publish the fact that you asked for my personal information. That's the amendment. It is on the books now as A9, and I hope this is going to generate a rousing discussion and the blessing and support of the Minister of Energy along with his colleagues on the government side and my colleagues in the opposition.

Thank you very much.

The Chair: Thank you, hon. member.

I'll offer the minister a chance to respond, and then I'll recognize the Member for Rimbey-Rocky Mountain House-Sundre.

Ms Blakeman: Ooh, pithy and brilliant, let's go.

Mr. Hughes: Well, I can't promise it will be either pithy or – what?

Ms Blakeman: Brilliant.

Mr. Hughes: Brilliant, yes.

An Hon. Member: You just said that so she'd say it again.

5:50

Mr. Hughes: Yes. There you go.

Mr. Chair, really, we need to be practical here in terms of how we look at this. Everybody needs to recognize the fact that we're not overriding FOIP here. Personal information is still protected by FOIP. All of the individuals involved within the government as well as the regulator are still under the constraints of FOIP and ensuring that personal information is protected.

There might be times – you know, the hon. member asked for examples of what might include personal information. One example is – oh, I don't know – the expense accounts of the CEO or the board members or the commissioners. Those are things where you would need to have this in place in order to enable the receipt of that kind of information.

The goal here is to ensure that there is good open communication between the regulator and the Department of Energy so that policy issues as they're being considered can be looked at in the full light of the knowledge of both the regulator and the Energy department.

Those are just a couple of examples. I suspect it's not a whole-some enough answer to satisfy the hon. member, but she did ask for examples, and those are the examples I can give.

The Chair: Thank you.

Did you need to respond, hon. member?

Ms Blakeman: Yes, I do.

The Chair: And then I'll get to the Member for Rimbey-Rocky Mountain House-Sundre.

Ms Blakeman: Well, I'm afraid, Minister, it wasn't brilliant, but it was clever, using examples of things that the opposition have recently requested or like to look at for appointed people that are on boards and commissions. But the fact of the matter is that you don't need personal information to get that because there's a financial hook to it. You don't need, for example, to actually be naming the person. You can ask for, as you did, the expense reports for the CEO of X board. You don't have to name them. So you can get the information that you described without getting additional personal information from them but by going through a financial request. I don't accept that that is a reason for you to decline your support for the amendment.

I know there's a practicality to this. I know sometimes it would be hard to chase people down and get their consent, but you haven't been able to tell me how many people you'd usually be requesting information from. If you can stand up and tell me it's a million and a half people every year. Okay. We're talking a little bit different approach to this. But that still doesn't, in my opinion, excuse the government from having to get permission from someone to take and use their personal information.

I cut off my hon. friend, here, so I will take my seat. You know, maybe I can engage the minister again.

The Chair: I'll recognize the Member for Rimbey-Rocky Mountain House-Sundre.

Mr. Anglin: Thank you, Mr. Chair. This amendment I rise to support, very much so. One of the greatest defences of democracy is to eliminate, basically, the power to abuse. It's not about the abuse of power. It's about giving government the actual power to abuse. And for what reason? There always has to be checks and balances, and that's why the hon. minister mentioned the FOIP Act. Unfortunately, I would disagree that the FOIP Act does not stop the collection of information.

There are a couple of things that are problematic. We're going to allow landowners and companies to register agreements, and I still don't understand that concept. I like the concept of the regulator being able to enforce an agreement. We don't have people register their business agreements with the courts. We just have people go to the courts when they have a disagreement, particularly on contractual law, and they deal with that issue when they show the court their contract, their disagreement, and they get a decision.

Here we're going to have a situation where we're going to encourage them in many ways – and I think it's not necessarily a bad thing. But people will register their business agreements with the regulator with the intent that: "I don't need to go to court if there's a disagreement. I can get the regulator to make a decision or enforce my agreement."

That's powerful information not just on the personal level but on the business level. If that were to be abused, that would be significant. That is tremendous information. So there is a situation where I think it's not the intent of government to abuse power

here, but what we're doing here without any limitations is there is a power to abuse as we go down the road because information can be used against individuals. It can be used against people.

I'm going to draw on my own example. As I tabled in this Legislature – I forget when, but I think it was the very first week. I was challenged by the hon. whip of the governing party, and I tabled an instance where information was collected on me by private investigators hired by the regulator. That's not in dispute. That's a matter of fact. But what happened was that two days after the private investigators were hired, there was a communications log with the Premier's office, approved by the Premier's office.

Of course, that information was not released to me, but the subject was me. I don't get to see what information they collected, but clearly they collected information. You shake your head, hon. member, but the fact is that those notes were there, and they were passed along. We just don't know what the Premier's office involvement was. All we know is that the communication log said: subject, Joseph V. Anglin. That's this person right here.

Clearly, we need some sort of limitation on the abuse of power. And I will tell you, quite honestly, that there have been violations in the past. We're going back to the issue of trust with the public. What you have here is the ability of government, the minister to just direct the regulator to turn over information.

Now, this amendment does not stop the flow of information in any way, shape, or form that's particularly legitimate. It doesn't stop that. It doesn't infringe upon that. That will automatically happen. But what it does do is something this government has proclaimed it will do: it will require transparency. That will give

the trust to the public that if the minister gives that direction and that is publicly disclosed – because I can't think of an example of why the minister would request information and not want that information to be public. I'd be willing to hear some other arguments on that.

When I look at this amendment or amendments, however you want to look at it, this is about putting a cap on power. One of the things that has been pointed out I think by another member was that we have these rights, and when we pass laws, we eliminate or reduce or restrict rights. That's a philosophical way of looking at the creation of governments and legislation. On another philosophical level every time we pass a law, we eliminate, reduce, or restrict rights, and where the power of that legislation ends, that's where that right is generally returned to the public.

I do not believe – and I don't read it in this amendment – that this is going to restrict government from collecting information. This is not going to inhibit or clog the system. The underlying principle of the bill is to do one thing, which is to streamline the process. The information will still flow, but it does throw a little added protection for the privacy of the individual, which I believe I've heard from a number of members here that they respect although I don't think we added that in on the other amendment. But I believe you do. In good faith I believe you do.

The Chair: I hesitate to interrupt the hon. member, but it is 6 o'clock. The committee will stand recessed until 7:30 p.m.

[The committee adjourned at 6 p.m.]

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