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The 28th Legislature
First Session

Alberta Hansard

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The Honourable Gene Zwozdesky, Speaker

Legislative Assembly of Alberta The 28th Legislature

First Session

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Forsyth, Heather, Calgary-Fish Creek (W)
Fox, Rodney M., Lacombe-Ponoka (W)
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Fritz, Yvonne, Calgary-Cross (PC)
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Griffiths, Hon. Doug, Battle River-Wainwright (PC)
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Hancock, Hon. Dave, QC, Edmonton-Whitemud (PC),
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Sandhu, Peter, Edmonton-Manning (PC)
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Stier, Pat, Livingstone-Macleod (W)
Strankman, Rick, Drumheller-Stettler (W)
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Towle, Kerry, Innisfail-Sylvan Lake (W),
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Wilson, Jeff, Calgary-Shaw (W)
Woo-Paw, Hon. Teresa, Calgary-Northern Hills (PC)
Xiao, David H., Edmonton-McClung (PC)
Young, Steve, Edmonton-Riverview (PC),
Government Whip

Party standings:

Progressive Conservative: 61

Wildrose: 17

Alberta Liberal: 5

New Democrat: 4

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Donovan	Rogers
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Goudreau	Starke
Hehr	Strankman
Jansen	Towle
Luan	Young
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Olesen	

Standing Committee on the Alberta Heritage Savings Trust Fund

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Casey
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Sherman

Select Special Conflicts of Interest Act Review Committee

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Standing Committee on Families and Communities

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Quest
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Casey	Xiao
Fenske	Young
Fraser	Vacant
Hale	

Legislative Assembly of Alberta

1:30 p.m.

Wednesday, November 21, 2012

[The Speaker in the chair]

Prayers

The Speaker: Good afternoon. For some of you, good morning.

Let us pray. Dear God, thank you for shepherding us through the various difficulties, deliberations, and decisions that engulf our daily lives and duties, and thank you for providing us with the stamina required to perform our daily chores for those whom we have been elected to serve. Amen.

Please be seated.

Donald M. Hamilton Former Ethics Commissioner

The Speaker: Hon. members, it is with profound sadness that I advise you that on November 14, 2012, Mr. Don Hamilton passed away. Mr. Hamilton had a long and distinguished career in public service, which many of you would know about. Most notably, he became an officer of the Alberta Legislative Assembly on May 28, 2003, when he took on the position of being Alberta's second Ethics Commissioner, a position that he held to the best of his abilities until May 27, 2008. During his term he served many functions, including being responsible for the implementation of Alberta's lobbyists registry. On your behalf, hon. members, I have already sent our deepest sympathies to Mrs. Mary Lou Hamilton, his widow, and to the Hamilton family.

Therefore, in a moment of silent prayer I would ask you to join me in remembering Mr. Don Hamilton as you have known him. Please rise. Rest eternal, Dear Lord, grant unto him.

Please be seated.

Introduction of Guests

The Speaker: The hon. Deputy Premier.

Mr. Lukaszuk: Thank you, Mr. Speaker. As the ministerial liaison for the government of Alberta to the Canadian Forces it is my pleasure to introduce to you and through you to all members of this Assembly six members of the Canadian Forces who are seated in your gallery. This group of six resident Albertans is drawn from regular and reserve elements of the Royal Canadian Navy, the Canadian Army, and the Royal Canadian Air Force and collectively represents the services and dedication of the entire Canadian Forces. They are here on behalf of those who they serve with, so we may thank them on behalf of all Albertans. After all, it is important that we recognize the special and unique conditions of service of these individuals both here at home, in domestic operations, and when deployed overseas. These servicemen and -women contribute to our nation's defence and security needs and obligations with unwavering commitment and dedication.

Mr. Speaker, sitting in your gallery today – please rise as I introduce you – are Able Seaman Shawn Baker, Sergeant Richard Haggarty, Corporal Philip Millar, Master Corporal Rachelle Holland, Sergeant Brenda Woods, and Master Corporal Chad Smith. Earlier today on behalf of a grateful province and all of the members of this Legislature I was pleased to be honoured and distinguished to have lunch with these fine men and women of our forces. Please welcome them to this Assembly in our usual fashion.

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

Mrs. Jablonski: Thank you. Mr. Speaker, it is with great pleasure that I rise to introduce on your behalf your guests, who are seated in your gallery. I would ask them to rise as I call their names and to remain standing until they have all been introduced. Then I'll ask the Assembly to greet them together. Mr. Yash Sharma, managing editor of the *Asian Tribune*; Mr. Baldev Singh Jakhar, a veteran athlete at the provincial level visiting from Punjab; Mr. Harbans Brar, a retired public health engineer also visiting from Punjab; and Mr. Gurtafeh Brar, a partner with Bell Connections here in Edmonton. Hon. members, please join me in giving our guests the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Innisfail-Sylvan Lake.

Mrs. Towle: Thank you, Mr. Speaker. It is my pleasure today to rise and introduce to you and through you to all hon. members 12 grade 6 students from Lighthouse Christian academy. With them is their teacher, Mrs. Katrina Swart, and a proud parent, Mrs. Abigail Schimke. I met with this fantastic group of future leaders earlier today, and I can tell you that they were quite interested to know why we had been here all night and how that process exactly works. They were generally excited to watch the proceedings of the House. I will ask them to please rise and receive the traditional warm welcome of this Assembly.

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

Mr. Anglin: Thank you, Mr. Speaker. It's been a long time since I actually stood up in this House. It's a pleasure for me today to introduce to you and through you to the members of this House 17 grade 6 students from my hometown of Rimbey and the Rimbey Christian elementary school. Unfortunately, I didn't get a lot of time to spend with them due to the business of the House, but I'd like to thank them today for attending. I would ask them to stand and receive the traditional warm welcome of this Assembly.

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

Mr. Mason: Thank you very much, Mr. Speaker. It's a great pleasure for me to introduce to you and through you to all members of the Assembly 61 brilliant students from Highlands junior high school in my constituency, where my son attended and graduated a number of years ago, as well as their teachers, Mallory Koberstein and Derek Lindskoog. I would ask them to please rise and receive the warm traditional greeting of this Assembly.

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

Dr. Sherman: Thank you, Mr. Speaker. It's a pleasure for me to introduce to you and through you to all members of the Assembly Spencer Dunn, a University of Alberta student. Spencer is studying bilingual political science because he believes that it will be an integral tool for Alberta in its future economic negotiations throughout Canada and the world. Spencer is also concerned that with amongst the highest tuition fees in the country Alberta students are graduating with higher debt, that Alberta has the lowest postsecondary participation rate in the country, and that government policy is hurting our industry, our economy, and the future of our young people. Despite this, Spencer is determined to push ahead and complete his program and perhaps become a

future Liberal MLA in the House right here. I'd ask Spencer to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Minister of Aboriginal Relations, followed by Calgary-North West.

Mr. Campbell: Thank you, Mr. Speaker. It's a pleasure to rise today and introduce to you and through you Team Alberta, the national aboriginal hockey championships. Last April in Saskatoon Team Alberta won the silver medal of the 2012 national championship. Players on Team Alberta hail from all over this province: Sturgeon Lake First Nation, Frog Lake, Carry the Kettle, Sarcee, Bigstone, Fort McKay, Wabasca, Calling Lake, Fort Vermilion, Sucker Creek, Saddle Lake, Hobbema, Beaver, Gift Lake, Peavine, Jasper Cree, and many more. Composed of bantam- and midget-age aboriginal hockey players, Team Alberta competed against 12 other teams representing each province and territory in Canada. Last night the team was attending an Oil Kings and Swift Current Broncos junior hockey game and this afternoon had a chance to meet with myself, the Minister of Education, and the Associate Minister of Wellness. I had an opportunity to congratulate the team before question period. I hope they continue to enjoy their visit to the Legislature.

I would ask that coaches and executives Taylor Harnett, Justin Penner, Jack Wilson, Jon Armbruster, Clyde Goodswimmer, and all Team Alberta players please rise and receive the traditional warm welcome of this Assembly.

1:40

Ms Jansen: Mr. Speaker, I rise today to introduce to you and through you to the House three guests here at the Legislature for eye health day. The first is Mr. Brian Wik, the executive director of the Alberta Association of Optometrists; the second is Dr. Troy Brady, the director of internal communications from the Alberta Association of Optometrists council; and lastly, Dr. Aaron Patel, president of the Alberta Association of Optometrists. I ask them now to rise and receive the traditional warm welcome of the Assembly.

The Speaker: The hon. Member for Edmonton-Beverly-Clareview, followed by Calgary-Hawkwood.

Mr. Bilous: Thank you, Mr. Speaker. It's my pleasure to rise and introduce to you and through you to this Assembly a group of guests who are members of the Alberta Union of Provincial Employees. These workers, representing nearly 90 licensed practical nurses, health care aides, housekeepers, and food service staff, have been locked out for almost five months. Their employer, Triple A Living, is subsidized by the PC government yet continues to pay wages up to 27 per cent lower than industry standard while making a healthy profit. Despite the cold weather their spirits are higher than ever, and they will continue their struggle until they get the deal they deserve. I would now ask my guests to rise as I call their names and receive the traditional warm welcome of the Assembly: AUPE president Guy Smith, Gopal Ayre, Editha Spencer, Manjit Basi, Laxmi Chand, Milan Gauchan, Eric Ngai, Sushant Shrestha, Nicole Truong. I'll invite all members to join me in giving them a warm welcome.

The Speaker: The Member for Calgary-Hawkwood.

Mr. Luan: Thank you, Mr. Speaker. It's my pleasure to rise to introduce to you and through you to members of this Assembly a

very special guest of mine, Dr. Bin Hu. He's a professor in the Faculty of Medicine at the University of Calgary and head of the division of experimental neuroscience at the Hotchkiss Brain Institute. Dr. Hu led an innovative team and produced some world-leading research in the area of Parkinson's disease, one of which is called AmbuloSono, which utilizes an iPod device to automatically link walking speed to music playing as an innovative way to treat patients with Parkinson's disease. He is here in the capital city today to discuss that. AmbuloSono is now running in six Alberta cities and includes patients living in several rural areas who have no access to specialized rehab and medical devices. This program attracts international attention and has been recently cited in Canadian Parliament's Standing Committee on Health as a successful example of research and a community-based approach to health and well-being. It has great potential to be implemented into the family care clinics movement that this government has led.

I'm looking forward to connecting him with the right department and professionals in this. Dr. Hu is in the members' gallery. I would ask him to rise and receive the traditional warm welcome from the House.

Members' Statements

The Speaker: The hon. Leader of her Majesty's Loyal Opposition.

Legislative Process

Ms Smith: Thank you, Mr. Speaker. This government has tried to bully doctors. It bullies municipalities into donating to their party. It bullies landowners, and now it's trying to bully and intimidate the opposition into passing horrible pieces of legislation. This from a government led by a Premier who says: "We need to change how the Legislature and MLAs operate. More free votes so MLAs can reflect constituents' views. More time between proposing and voting on legislation." When will we see that change? Today? Sometime in the middle of the night tonight? Tomorrow? Ever?

Mr. Speaker, members of this Assembly on this side of the aisle are doing their jobs, reflecting the views of the people who elected them, proposing alternatives and adjustments. It's our job. It's a function the Premier referenced in a piece that she wrote when she was a candidate for the leadership of her party. She said: "We need to change how we make decisions. We must make time and processes available for consulting with Albertans before we pass laws." Now that she's the Premier, the time for lofty ideas, for generous interchange of ideas, for reflection of the wishes of the people is gone. There is no time. There's minimal consultation. There's a ramrod approach to the legislation: let's do it their way or no way. We say: enough.

Mr. Speaker, the democratic process matters. We are elected by Albertans to come to this Assembly and make sure everything that comes out of it is debated, vetted, tweaked, adjusted, and voted on to represent our constituents' views. That is how this is supposed to work. The arrogance of this government is astounding. Bills are introduced and passed in a matter of days. Amendments are steamrolled as though perfection has already been achieved. Committees are sidestepped. Consultation is ignored. This process has to stop. We cannot keep making laws like this.

Thank you, Mr. Speaker.

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

New School Construction

Mr. Eggen: Thank you, Mr. Speaker. New schools are being built all over this province, but they are quickly being filled up to overflowing. In my riding of Edmonton-Calder the Elizabeth Finch school is at full capacity after just two years. How can this be? Census data recognizes more than a thousand children in the area from zero to the age of four years. The information is there, yet still there's no proper strategy to build adequate space when these children reach school age. The only contingency plan this PC government has in place is to warehouse these students in the hallways of the school, in the gym, to bring in portables, or to increase class sizes in the school. Why didn't this government build larger schools with more module capacity, especially when modules are supposed to be a better solution than portables? And why did this government hide the details of these P3 contracts when they built these schools in the first place?

Mr. Speaker, is it fair just to jam more students into a classroom because of poor planning? If we continue on this trajectory, where are we going to find the space for students in full-day kindergarten and prekindergarten? Is this government just building new schools that are too small and inflexible in an attempt to suppress these long overdue programs?

Mr. Speaker, students, teachers, and the parents at Elizabeth Finch school will fight hard to expand the capacity of their school for the sake of their community but also for the sake of every school in this province that is overflowing and underresourced. This government has failed to respond to the challenges of early childhood education, increasing class sizes, changing demographics and communities, and the hardship of school fees for many families. It's time to make our children's future a priority and to get serious about making public education the foundation for all Albertans' future.

The Speaker: The hon. Member for Calgary-North West.

Eye Health

Ms Jansen: Thank you, Mr. Speaker. I recently had the privilege of meeting with an optometrist from my constituency, and today many members of the Alberta College of Optometrists were here for eye health day in the rotunda of the Legislature Building. My constituents raised the important issue of the limitations of the scope of practice of Alberta's doctors of optometry. I believe that examining the wider scope that optometrists have in a few provinces and some U.S. states could benefit Albertans, and increasing that scope would allow optometrists to practise what they, clearly, have the education to do. This could include allowing them to give oral medication for eye disease treatments, removing the restrictions on glaucoma treatment, ordering lab tests and imaging, the removal of skin tags, and the use of optometric lasers to treat certain uncomplicated conditions of the eye.

1:50

Mr. Speaker, since the last changes to their scope of practice happened in 1996, this may be a good opportunity to really re-examine the changes that might better support practical, timely, and more efficient eye care for Albertans. One example that was brought to my attention is that a simple bacterial eyelid infection diagnosed by an optometrist currently has to be referred to a family physician or ophthalmologist for appropriate treatment if the treatment requires oral antibiotics.

Re-examining the scope of practice of optometrists would be an important step forward in allowing allied health care providers to practise to the full extent of their abilities and training, and that would be a valuable thing for all Albertans.

Thank you, Mr. Speaker.

Oral Question Period

The Speaker: Hon. members, it's not often the case that the Assembly sits right through the night, having started yesterday afternoon, having sat all afternoon, having sat all evening, having sat all night again, and having sat all morning this morning. That having been said, I'm sure that most of us are very tired from having been on duty or being on call or whatever the case may be, so let's be guided by a little bit of extra courtesy today, bearing in mind how tired some members likely are.

The hon. Leader of the Official Opposition.

Capital Infrastructure Financing

Ms Smith: Thank you, Mr. Speaker. "Debt is the trap that has caught so many struggling governments. Debt has proven the death of countless dreams." I love that quote. Those words stand as a stark warning to governments that think that borrowing is the way to prosperity, and those words should be etched into the collective minds of governments that think deficit financing is a wise choice. This is good advice that Alberta would do well to follow. Does the Finance minister agree?

Mr. Horner: Well, Mr. Speaker, of course I do. The ability for us to use all of the tools that are available to us is sound financial management. It's responsible financial management. That's what Albertans elected us to do for them, to be responsible managers of their finances. Debt is one piece or one tool in the tool box, no different than P3s, no different than cash. It's no different than deferring it to a future date, when it'll cost more. That's a tool that we can use too. We're not saying that we're going to use one to the exclusion of any other. We're going to use the entire tool box.

The Speaker: The hon. leader.

Ms Smith: Thank you, Mr. Speaker. I'm sure the Finance minister didn't actually hear the quote, so I'll read it again. "Debt is the trap that has caught so many struggling governments. Debt has proven the death of countless dreams." I quote that because it was spoken in this Assembly in October of last year by this Premier. Why won't the Finance minister heed the Premier's warning?

Mr. Horner: Mr. Speaker, we have a financial management act in this province that precludes the Minister of Finance from borrowing for operating, and we intend to adhere to that financial management act and that piece of that act. The fact that we will not borrow to cover any operating deficit is clear. We will balance our budget. We will have a savings plan, and we will have a capital plan. There is no doubt in my mind that the world economy is suffering. In Canada, in fact, the federal government has deferred their balancing by another year. We will use all the tools necessary to provide Albertans with what they need.

Ms Smith: Mr. Speaker, capital debt is still debt. Roads and schools are the basics. We should look after these needs out of our regular spending, but this government has made too many unsustainable promises and now insists that it has to borrow for what should be regular upkeep. Why can't the Finance minister prioritize and budget better than this?

Mr. Horner: Mr. Speaker, the hon. member had a school recently completed in her riding. That school was built using a P3 model. It certainly shows the financial illiteracy of the other side when they can't see that the P3 is a financial commitment of the people of Alberta for 30-plus years, similar to any debt instrument that we might issue. The reason we use the P3 is because it's a right and sound responsible financial management decision to use. It provides the assets for Albertans today and for tomorrow. It's not a money-in-the-mattress mentality. It's sound financial management.

Ms Smith: Long-term debt is not sound financial management.

Another quote: we need to ensure that our actions are fiscally responsible and fair not only to this generation but also to those that follow. That is also worthwhile counsel. It could form the cornerstone of a responsible, prudent financial plan of any government, but we've seen anything but that from this government. They will pile up new debt, incurred because the PC government cannot or will not prioritize its spending. Does the Finance minister agree with this counsel?

Mr. Horner: Mr. Speaker, I absolutely agree that we will have a sound financial plan that will have an operating plan, that will have a savings plan, that will have a capital plan. Why? Because every Albertan today wants to have a home in the health care system, and every Albertan tomorrow should, too. Every Albertan today should have a place in an education facility in this province so their kids can achieve their dreams today and in the future. We will not penalize Albertans because of some ideological idea that we will not use all of the financial tools available to us. That includes using the capital markets.

The Speaker: The hon. leader.

Ms Smith: Thank you, Mr. Speaker. What he calls ideology I call being principled.

Here is the irony. The words I quoted were spoken by the Premier just a few months ago, yet she is going to burden this generation and those that follow with new debt to pay for basics like roads and schools. Why the flip-flop?

Mr. Horner: Mr. Speaker, absolutely no flip-flop. We will not use debt to cover our operating deficits. We will not go down that path that other jurisdictions have gone down, including our federal government, including a number of other jurisdictions. The opposition talks about delaying capital projects. Which schools, which hospitals, which roads are they not going to build for Albertans? Our Premier talks about a vision for this province when we have 5 million people, where every Albertan needs to be able to participate in the economy of today and tomorrow. We will fulfill that vision because Albertans asked us to do it.

Ms Smith: A perfect place to start is by rolling back the pay hike the PCs just gave themselves.

Mr. Speaker, another quote from *Hansard*. "We will keep the province's coffers full and its outlook bright no matter what the world economy throws our way." Same speaker. Same Premier. But that same Premier now blames the world economy for having to borrow. The fiscal reality has changed, she says, although her Finance minister insists that they were always going to borrow for schools. So what is it, borrowing and debt because of the economic downturn or borrowing and debt because they promised too much?

Mr. Horner: You know, Mr. Speaker, the hon. member would do well to listen to some of the financial advice that even some of her backers are providing us. The Alberta Chambers of Commerce have told us that a responsible borrowing plan is the right way to go. Businesses in this province, including businesses that have been donors to their party and probably to her leadership race – I don't know; I haven't checked the list. We have net assets today as a province. We have a triple-A credit rating, the envy of the western hemisphere. We have a strong cash balance sheet. That will not change. What will change is that we will build the infrastructure Albertans need today for the economy of tomorrow.

Ms Smith: The fact remains that they did not campaign on that.

Health Regions' Expense Reporting

Ms Smith: When we raise questions about evidence of clear contraventions of the Election Act, the Deputy Premier tells us to submit the matter to the Chief Electoral Officer for investigation. We did. Yet the Health minister, when he is presented with evidence linking a current health executive to such practices, ignores it, and he points to a new policy about expenses that Alberta Health Services has adopted. He says that everything's fine. It's not fine, Mr. Speaker. It's a mess, and this minister refuses to clean it up. When will he clear the air and make all expenses for all executives for all regions publicly available?

Mr. Horne: Well, Mr. Speaker, what continues to be concerning and, if I might say, laughable in some cases is this hon. member's attempt to present so-called evidence and connect issues that are simply not related. This question has been asked and answered several times. The hon. members opposite know full well that that information is available to them through the Freedom of Information and Protection of Privacy Act. They've had no difficulty accessing this information, talking about it in the media and in the Legislature. What this government stands for is the most stringent travel and expense policy in place in this country today. It applies to government. It applies to many of our agencies.

2:00

The Speaker: The hon. leader.

Ms Smith: Thank you, Mr. Speaker. Yet today there were more revelations of lavish expenses, this time at Covenant Health, an organization that receives \$700 million in taxpayer money to provide health services. Expensive wine, fancy dinners, liquor during business hours. They say they'll change their expense policy, but Albertans deserve to have these kinds of expenses repaid. That's why we want all of the expenses of all of the executives for all of the health regions released going back to 2005. When will the minister act?

Mr. Horne: Mr. Speaker, I don't know about the hon. Leader of the Opposition, but the people on this side of the House ran to be the government in 2012. If the hon. member wants to insist on looking into the affairs of health regions that no longer exist, from years gone by, that's entirely up to her. What I can tell you is that these expenses have been made public, including the ones that the hon. member referred to just a moment ago. They are available for Albertans to examine as well as all members of this Legislature. Most importantly, as she has said, the board of Covenant Health has indicated clearly that they will be adopting our Premier's new travel and expense policies, the strongest in Canada.

The Speaker: The hon. leader.

Ms Smith: Thank you, Mr. Speaker. The problem is that these same executives are still on the AHS payroll.

Yesterday the Health minister said that we were trying to influence the inquiry process with our questions about Lynn Redford. The inquiry is actually asking for the public's input. Right there on the inquiry website it says, "Do you have confidential feedback regarding preferential treatment in the public health services field in Alberta? If so, we would like to hear from you." That's what we are doing, Mr. Speaker. We are seeking the truth. Don't Albertans deserve the truth, Health Minister?

Mr. Horne: Mr. Speaker, it's amazing that the hon. Leader of the Opposition continues to present an affront to an independent inquiry under way in this province by continuing to drag the names of people who may have done nothing wrong through the mud in this Legislature. If the hon. member wants to present documents and information to the independent inquiry, that's entirely up to her. Using this Assembly as a way to bring the names of individuals into disrepute and to defame them is, frankly, shameful.

Speaker's Ruling Preambles to Supplementary Questions

The Speaker: Hon. members, this would be an appropriate time to just remind you of our standing agreement in which it says that supplemental questions ought not be preceded by any preamble. Now, typically, as you would know, those of you who have been here for many years, Speakers have allowed a bit more latitude for leaders of the opposition when they are asking their questions and their supplementals. However, I would ask again that the Government House Leader and the other opposition House leaders please get together and review this because at the moment the wording reads that supplementals should not be accompanied by any preambles. On the other side of that, of course, we could instill "must not," and that would make this job that I'm trying to do a lot easier and lead to a lot less flare-ups.

The hon. leader of the Alberta Liberal opposition.

Health System Executive Expenses

Dr. Sherman: Thank you, Mr. Speaker. Everyone knows that Albertans shouldn't drink and drive, but submitted receipts have shown that senior health officials and even the Premier have been travelling lavishly and drinking on the job. A FOIP request by the CBC revealed that senior Covenant Health executives have also been expensing fine dining and booze on the taxpayers' dime. Obviously, this government has lost control and driven our health care system off the road and into the ditch. To the Premier: will you order Covenant Health to disclose all of its expenses, with the receipts, so that taxpayers can see exactly how many fancy dinners and bottles of booze they've bought?

Mr. Lukaszuk: Mr. Speaker, I don't think there is a person in this House who can deny the fact that this government right now has introduced some of the most strict travel and expense policies for all members of government – also, I believe opposition will follow – but also for executives and for employees of our public service. Now, we have also requested that agencies that work indirectly for government or with the government of Alberta adopt these policies, and I believe most, if not all, have already started looking at their expense policies to comply with those of ours.

What I find particularly offensive, Mr. Speaker, is to make allusions that the Premier is drinking on the job. I hope that this member reconsiders that kind of language.

The Speaker: The hon. leader of the Liberal opposition.

Dr. Sherman: Thank you, Mr. Speaker. Given that 50 per cent of the government's \$41 billion budget is contracted out to agencies, boards, and commissions with little accountability on how they spend public money and given that not only do these executives get huge salaries and golden parachutes, but they're charging taxpayers for all the extras, to the Premier: why are you keeping agencies, boards, and commissions exempt from your new expense policies? What else are you hiding? How many more bottles of booze and fancy dinners are wasting Alberta taxpayers' dollars?

Mr. Lukaszuk: Mr. Speaker, we won't engage in that practice. I can almost assure you that right now if we were to pore through the expenses of any member of this Assembly, we would find that the members of the Assembly work late hours, and then often during evenings and at nighttime they go to events. I can tell you one thing. Maybe the opposition could do a better job on Public Accounts. They have the ability every year to bring every agency before Public Accounts and to examine their expenditures of the last year in the public forum of the Public Accounts Committee. I would invite them to call these agencies and put them before Public Accounts.

Dr. Sherman: Mr. Speaker, only in this job will they drink and bill the taxpayer for the receipt.

Mr. Speaker, given that the Premier's own sister has been implicated in using public health dollars for illegal political donations, it's no wonder the government wants to keep this issue bottled up. To the Premier: why does the Premier still refuse to order a line-by-line forensic audit of all health spending and the disclosure of all health executive expenses from previous years to the present? What else does she know? What else is she not telling Albertans?

Mr. Lukaszuk: Mr. Speaker, first of all, I have to tell you that we are extremely proud of the thousands of public service employees who work for the government of Alberta and do their job diligently every day. I can assure you that when any person's life is in the hands of medical professionals, those professionals are not in any way drinking on the job. I can also assure you that just like in private-sector jobs, just like the leaders of the opposition and all members of this Assembly and, frankly, every Albertan, from time to time as part of your job, when you go to a reception, they may consume a glass or two of wine, and I think that would be perfectly acceptable. With respect to charging it to government, bring it before Public Accounts.

The Speaker: The hon. Member for Edmonton-Strathcona, followed by Calgary-Fish Creek.

Political Party Financial Contributions

Ms Notley: Thank you, Mr. Speaker. In defending the Premier's sister over her delivery of public funds to the Conservative Party, Alberta Health Services stated, and I quote: Ms Redford and the Calgary Health Region were meeting the expectations and norms at the time. It's clear now that the policy of this government is to ensure that none of the facts surrounding donations of public funds to the Conservative Party prior to 2009 will ever see the light of day. To the Premier: is this what she had in mind when she campaigned on being open and transparent?

Mr. Lukaszuk: Mr. Speaker, first of all, let's deal with facts. As you know, our leader was the first one to post all donations to her leadership campaign on the web, making it public. Some leaders,

particularly the Leader of the Opposition, did it two years later. She has instilled the most rigorous rules for travel and expense policies of any government in this land. Right now we have an Election Accountability Amendment Act on the floor that will make it one of the tightest acts in this country. If that member has any specific allegations, we also have a process in this province that deals with that. Just throwing loose innuendos simply is not doing anybody any good.

Ms Notley: My second question is to the Justice minister. Given the former Justice minister defended this government's failure to prosecute 19 Election Act violations by saying that "in some cases it is not necessary to prosecute. It is only necessary to ensure that the behaviour does not happen again" and given that two years later the Chief Electoral Officer found at least 51 more instances of Election Act violations, to the minister: why are you covering up details of government agency violations of the Election Act that are more than three years old?

The Speaker: The hon. Minister of Justice.

Mr. Denis: Thank you very much, Mr. Speaker. It's true that the election accountability act was introduced yesterday, and I'll be speaking to it in second reading tomorrow. The principle behind the whole act – pursuant to section 52 of the legislation we're going back three years – is that whenever there's been a letter of reprimand issued, whenever there's been an administrative penalty done, which is typically a fine, or when it's been referred to a prosecutor and a charge has been laid, we're having this completely open and transparent, and I encourage this member to speak in second reading and support this amendment to the legislation.

2:10

Ms Notley: Well, Mr. Speaker, I know that this government would love to run away from their record.

Given the long history of inappropriate fundraising by the Conservative Party and illegal donations by public bodies run by this Conservative government and given the cover-up by this Premier through legislation designed to keep Tory skeletons firmly locked in the government's closet, why should the citizens of Alberta ever trust you?

Mr. Lukaszuk: Mr. Speaker, you will probably agree with me that this question doesn't even deserve an answer because it broke every single rule that one could possibly break in one question. However, let me again be perfectly clear. Let me say it slowly. If there is any member of this House or any member of the Alberta public that has any evidence, any facts, any information that would in any way implicate a member of this side of the House or of the public service, please table it to the appropriate authorities. It will be investigated, and the facts will be found out. I find it offensive that terms like "cover-up" relative to innuendos would even be used in this Chamber.

The Speaker: On that note, a point of order by the Government House Leader has been noted at 2:10 p.m.

The hon. Member for Calgary-Fish Creek, followed by Fort McMurray-Wood Buffalo.

Family Care Clinics

Mrs. Forsyth: Thank you, Mr. Speaker. We know that this government has a record of wasting precious health dollars from patients and from the front-line workers. We know that this government shies away from listening and getting advice from our

doctors as they're too busy keeping them in the dark. We still have no document showing how much this Premier's new family care clinics will actually cost, especially compared with the current primary care networks that are in place. Will the Minister of Health please tell Albertans the cost of family care clinics per patient compared to the primary care networks?

Mr. Horne: Well, Mr. Speaker, this hon. member is consistently interested in, I guess, a battle on service delivery models within the primary health care system. What we're concerned with as the government, obviously, are the outcomes that we derive from the delivery of primary health care across the province. The fact of the matter is that this government spends about \$181 million a year in supports for primary care networks. We recently expanded that from \$50 to \$62, and we're continuing that into the future. We have budgeted in this fiscal year alone \$75 million to support primary health care, including the development of family care clinics.

Mrs. Forsyth: Well, Mr. Speaker, obviously, he doesn't want to answer the question.

Given that the Health minister on Monday said that "the Primary Care Alliance is an integral part of our Advisory Committee on Primary Health Care," can he please explain why the AMA is today asking for its Primary Care Alliance to be involved in the family care clinic process? Who's telling the truth, Minister, the doctors or your government?

Mr. Horne: I think the real question, Mr. Speaker, is: who's more confused? The Primary Care Alliance is a committee of the Alberta Medical Association. They have been involved with us in work on the Minister's Advisory Committee on Primary Health Care. I met with members of the Primary Care Alliance at a conference recently in Banff, a major primary health care conference in our province. Doctors are involved, in fact, in many ways with the work that we're doing in this area. They are, obviously, critical to its success. They are a very important, very highly trained and, in some parts of the province, a very scarce resource. We involve them fully in these discussions, and they play a very important role.

The Speaker: The hon. member.

Mrs. Forsyth: Thank you, Mr. Speaker. I'm looking at a memo I've got, dated November 20, AMA expectations of the Alberta government: the entire FCC process needs to be transparent, open, and fair; the AMA's Primary Care Alliance board needs to be involved in the development of the expressions of interest. Are they telling the truth, Minister?

Mr. Horne: Mr. Speaker, you know, I really have to say to the hon. member that I'm not going to engage in a game around what documents she may or may not have, who she may or may not have talked to. I speak to this Assembly in my capacity as the Minister of Health, and I have continued to explain to the hon. member – and I'll say it once again – that the AMA and, more importantly, the physician workforce of Alberta, some of whom are represented by the AMA, are fully engaged in the work that we're doing. They're playing a critical role. The hon. member would do well to take note of the very important and constructive things that doctors have to say about primary health care.

The Speaker: The hon. Member for Fort McMurray-Wood Buffalo, followed by Rimbey-Rocky Mountain House-Sundre.

Whistle-blower Legislation

Mr. Allen: Thank you, Mr. Speaker. My first question is to the Minister of Justice. While it is all well and good to tell people to take their complaints to the CEO or other investigators, why aren't you doing something to make election rules tougher and the penalties harsher so that people actually start following them?

Mr. Denis: Well, Mr. Speaker, that is exactly what we're doing under the Election Accountability Amendment Act, 2012. Under the Election Accountability Amendment Act penalties increase 10-fold, from \$1,000 to \$10,000 per infraction. Of course, it is up to the Chief Electoral Officer to enforce these penalties. It is independent, and investigations will continue in the Chief Electoral Officer's sole and unfettered discretion.

The Speaker: Hon. Member for Edmonton-Highlands-Norwood, you rose on a point of order at 2:15?

Mr. Mason: I did.

The Speaker: Thank you.

Hon. Member for Airdrie, you rose on a point of order at 2:16? Thank you.

The hon. member.

Mr. Allen: Thank you, Mr. Speaker. My next question is to the Minister of Service Alberta. The government committed to being even more open about its expenses in the last election, yet seven months later expenses still aren't posted online. When is the government going to act?

The Speaker: The hon. minister.

Mr. Bhullar: Thank you very much, Mr. Speaker. All of the information the member is asking for will be available online this December, and it's because of the leadership of our Premier. We've enacted the strongest expense disclosure policy in this country. Institutions like the Taxpayers Federation have come out and said: they have gone further today, and we couldn't be more pleased. Members of the Assembly and members of the media across this country are asking other Premiers to follow the lead of this Premier. We are leading this country with the most rigorous expense disclosure policy in Canada.

The Speaker: The hon. member.

Mr. Allen: Thank you, Mr. Speaker. The people in my riding had expected that when the government brought in whistle-blower legislation, it would include those who do work for the government. Why has this not happened?

Mr. Scott: Mr. Speaker, I'm glad to tell my colleague that this is in fact happening. We've introduced whistle-blower legislation that covers any Albertan who wants to make a report. We have created a situation where there's an independent officer of the Legislature who can investigate any complaint of wrongdoing, whether it's by a contractor, whether it's by a volunteer or anyone that does business with the government. This is part of our Premier's commitment to an open and accountable government, and we are achieving it.

The Speaker: Hon. Member for Airdrie, a point of order at 2:18. Is that correct? Yes? Thank you.

The hon. Member for Rimbey-Rocky Mountain House-Sundre, followed by Bonnyville-Cold Lake.

Electricity Marketing

Mr. Anglin: Thank you, Mr. Speaker. It's that time of year again when consumers can expect electricity prices to spike on a sudden change in weather. Given that Alberta's wholesale electricity market guarantees that consumers are charged the highest price for the lowest cost electricity, to the Minister of Energy: how does Alberta's wholesale electricity auction market benefit Albertans when consumers can be forced to pay as much as \$1,000 even when a producer is willing to sell that electricity for \$45 a megawatt?

Mr. Hughes: Mr. Speaker, I challenge the hon. member to bring forward a consumer invoice paying \$1,000 for electricity in this province.

The Speaker: The hon. member.

Mr. Anglin: Thank you, Mr. Speaker. Challenge accepted.

Given that the rolling brownouts of July 9, 2012, gouged Albertans and forced . . . [interjection] I didn't say retail. Not in there. It doesn't say retail, does it? It says consumers, ladies and gentlemen. No backpedalling.

Will the minister provide this Assembly . . .

The Speaker: Hon. member, please. I stand; you sit. Thank you.

Speaker's Ruling

Preambles to Supplementary Questions

The Speaker: Hon. members, you can see what happens when we don't follow some of our own basic rules. I just checked on this a little while ago. I just advised you all that our supplemental questions should not be preceded by preambles. So, those of you who are still on the roster, please review your questions now. I know most of you have prepared them and written them down. Please try and eliminate any verbiage ahead of the actual question.

Would you like to rephrase your first supplemental now?

Mr. Anglin: Yes.

The Speaker: Thank you.

Electricity Marketing

(continued)

Mr. Anglin: Thank you, Mr. Speaker. Given that the rolling brownouts of July 9, 2012, gouged Albertans and forced Albertans to pay \$1,000 a megawatt for electricity, will the minister provide this Assembly and table a comprehensive list of members who were offered and willing to sell their electricity on July 9 for much less than \$1,000?

2:20

The Speaker: The hon. minister.

Mr. Hughes: Thank you, Mr. Speaker. I'm not sure I actually heard the whole question, but perhaps I don't need to. The market surveillance agency, which is responsible for overseeing the market in electricity in this province, has issued their report on the events of the 9th of July, and they found that there were no reasons or cause for concern, in their view. I'm still awaiting another report from the AESO, which would give me further evidence on that front, and I look forward to sharing that information with the member.

The Speaker: The hon. member.

Mr. Anglin: Thank you, Mr. Speaker. Given that the withholding of electricity from the market for the sole purpose of manipulating prices is illegal and in some cases criminal in some jurisdictions, can the Minister of Energy explain why this practice is legal in Alberta, and how does this price manipulation practice benefit Albertans?

Mr. Hughes: Well, Mr. Speaker, I would suggest that the Market Surveillance Administrator is actually quite well aware of what market manipulation is and what market manipulation isn't. I would say that I take the market surveillance agency's report at face value. They are the experts on this, not the hon. member in this case, remarkably, and I look forward to the report from the AESO.

The Speaker: The hon. Member for Bonnyville-Cold Lake, followed by Calgary-Buffalo.

Health Services in Cold Lake

Mrs. Leskiw: Thank you, Mr. Speaker. Our government's budget of 2012 commits \$75 million to strengthening primary care services over the next three years in Alberta. This includes funding family care clinics. In the city of Cold Lake the only major hospital, the Cold Lake health centre, is overwhelmed with patients and has previously relied on community donations for urgent needs. My first question is to the hon. Minister of Health. What can be done to ease the demands placed on the Cold Lake health care centre?

Mr. Horne: Well, Mr. Speaker, thanks to the hon. member for the question. Our data, in fact, shows that the health centre in Cold Lake is not being overwhelmed with patients. AHS's most recent quarterly report indicated that 98 per cent of the patients were discharged from the emergency department within four hours, which is well above the provincial target, and 96 per cent of patients were admitted from the emergency department within eight hours, again well above the provincial target of 75 per cent. We know that the health care centre is routinely below capacity, but that said, the hon. member mentioned primary health care. There are initiatives under way to expand primary health care, and I'd be happy to elaborate.

The Speaker: The hon. member.

Mrs. Leskiw: Thank you, Mr. Speaker. To the same minister: how does the Minister of Health decide which jurisdictions are eligible for and in need of a family care clinic?

Mr. Horne: Mr. Speaker, in the next few months we'll be making an announcement regarding the process that communities would be asked to follow, the criteria that communities need to meet if they are interested in establishing a family care clinic. We will also announce similar criteria for primary care networks that wish to expand their services to meet some of the new objectives that we're setting for primary health care provincially, a process in which physicians are involved.

Implementation of FCCs will be phased in, with first consideration, I believe, given to communities that are the most high in need; in other words, the most underserved areas of the province. The clinics will feature many features, Mr. Speaker.

The Speaker: The hon. member.

Mrs. Leskiw: Thank you, Mr. Speaker. My final question is to the same minister. What can my constituency do to highlight its

candidacy for a family care clinic, which we so desperately need in the city of Cold Lake?

Mr. Horne: Well, Mr. Speaker, the hon. member and her constituents have already been very effective in alerting me to their interest in developing a family care clinic in their community. I believe some information has been made available to the hon. member, and as I said, in a few months we'll have a process that is outlined for communities to participate both in expressing their interest and being involved in the design of family care clinics that could potentially serve their needs.

The Speaker: The hon. Member for Calgary-Buffalo, followed by Edmonton-Highlands-Norwood.

Provincial Achievement Tests

Mr. Hehr: Thank you, Mr. Speaker. The Premier has consistently stated that provincial achievement exams for students in grade 3 and grade 6 would be eliminated. A private member's motion by the hon. Member for Bonnyville-Cold Lake was supported by all members in this House in this regard. The ATA, an organization that represents 95 per cent of the teachers in this province and reflects the views of most of the teachers in this province, has been long on the record that this testing is redundant and not in the best interests of student learning. To the Minister of Education: when will this province follow through on the Premier's promise of eliminating these provincial achievement tests?

Mr. J. Johnson: Mr. Speaker, it's a good question. Our commitment has been clear. We are committed to eliminating the grade 3 and the grade 6 provincial achievement tests because Albertans have told us that they are less than ideal. On the other hand, we still have a strong commitment to some form of province-wide assessment for students during the life of their K to 12 career with us. We think there is value in that and that's important. Those types of standardized assessment will evolve over time. What exactly a replacement assessment will look like and when it will be delivered and how it will be delivered and what it will ask for, I don't have an answer for that at this particular time.

Mr. Hehr: Well, Mr. Speaker, it saddens me. I heard that exact same answer from the last two ministers who were in charge of this file, that they were looking into alternate arrangements for these performance testing measures that teachers disagree with. When can you give a timeline, an indication of when these new tests will be implemented?

Mr. J. Johnson: Mr. Speaker, I don't think that we can separate assessment out of curriculum. They come hand in hand. As Albertans know, we've been working on evolving the education system in Alberta. We're working on new curriculum. We're working on new ways of assessment. I would envision that the grade 3 PATs will be the first ones to be removed and replaced with something else. But I would also like to point out that there have been a lot of commitments made by this government and this Premier that have been delivered on, and this is just another one in the long line of great things that the Premier has promised to do and that we will do.

Mr. Hehr: Well, given that teachers overwhelmingly agree that every hour a teacher feels compelled to worry about a provincial achievement test or some other replacement test that you wish to put in is time not well spent for helping children learn and become

more critical, curious learners, when will the minister listen to educators and simply realize that standardized testing in any form or fashion does not work for the education system?

Mr. J. Johnson: Mr. Speaker, I don't subscribe to that point of view. I think there are many people within Alberta that have a stake in education outside of just educators, as important as they are – those include the students, and they include the parents, and they include every Albertan, including taxpayers – to make sure that the system is delivering what it is expected to deliver.

We've been working on many of the promises that the Premier has made. She promised to reinstate \$107 million in funding. She did that within two weeks of becoming the leader and the Premier of this province. She promised predictable and stable funding for school divisions. She did that with her very first budget. She promised to pass the Education Act. We just did that, Mr. Speaker. She's promised 50 new schools and 70 modernizations, and we're in the process of that. She's promised full-day kindergarten. We're looking at that as part of the early childhood development strategy. And we're going to deliver on the promise of changing the PATs.

The Speaker: The hon. Member for Edmonton-Highlands-Norwood, followed by Cypress-Medicine Hat.

Electricity Marketing Review

Mr. Mason: Thank you very much, Mr. Speaker. Albertans have faced some of the highest and most volatile electricity prices in history as a result of this government's failed deregulation scheme. In an attempt to avoid public anger before the last election, the Premier, of course, appointed another commission to study the issue. The commission's report was sent to the Energy minister months ago, but he is refusing to release it, so my question is to the Minister of Energy. Why is he keeping the report of the Retail Market Review Committee secret?

The Speaker: The hon. minister.

Mr. Hughes: Thank you, Mr. Speaker. It's a great report, and I look forward to sharing it with all Albertans very soon. In addition to that, I look forward to the response of this committee that addresses the mandate of some of the issues that the hon. member has raised.

The Speaker: The hon. member.

Mr. Mason: Thank you very much, Mr. Speaker. There's a man behind the curtain who knows all about this report, but the rest of us are in the dark.

Given that Albertans on fixed incomes are harmed by roller-coaster power prices and given that the government is refusing to be open and transparent on this issue, will the minister release the report this week so that it can be discussed in this session of the Legislature? And if not, why not?

Mr. Hughes: Well, Mr. Speaker, it's quite clear. I mean, I share the concern of the hon. member with respect to the impact of volatile electricity rates on vulnerable people, so what we're doing is the government is ensuring that when we bring this forward, we have fulsome and well-thought-out and well-articulated responses and initiatives that we can take that protect the vulnerable, that reduce the volatility in the electricity system for retail customers, and which meet the objectives for which this committee was originally established.

2:30

Mr. Mason: Mr. Speaker, given that the minister has these wonderful intentions and given that it seems that he wants to make the decisions on the recommendations before the report has been released, why doesn't he release the report first so that he can take advantage of the public discussion before he finalizes his decision on the recommendations of the report?

Mr. Hughes: Well, Mr. Speaker, I commit to this hon. member that there will be plenty of debate once the report is released – I'm sure of that – and that I will take into account the views of Albertans as we release that report and as we put forward the choices that we think Albertans face in dealing with these recommendations. There are 41 recommendations. There are 390 pages. I know that the hon. member will read every page of this.

The Speaker: The hon. Member for Cypress-Medicine Hat, followed by Strathcona-Sherwood Park.

Infrastructure Planning and Maintenance

Mr. Barnes: Thank you, Mr. Speaker. There has been a lot of discussion across the province lately about the best way to pay for new infrastructure projects. We've heard some interesting analogies from the government as they try to justify a poorly conceived plan to borrow billions for new infrastructure spending. Despite the announcement of taking Alberta back into debt, the government has not yet answered a rather basic question. To the Infrastructure minister: what is the current infrastructure deficit in our province?

Mr. Drysdale: Mr. Speaker, I've been working all summer long with my colleagues to build this infrastructure plan and capital plan going forward, and that includes the infrastructure debt. It's in that plan. I'm working on it with my colleagues, and it'll be presented when we present the budget this spring.

Mr. Barnes: Okay. Well, we'll wait with bated breath for that one.

Mr. Speaker, given that Alberta is a growing province and our communities have a lot of wants and needs when it comes to new infrastructure projects like schools, hospitals, and roads and given that the Associate Minister of Finance said that it is sometimes too difficult to prioritize these projects because often they are so innovative and there are often multiple parties involved, when will the Infrastructure minister stop making these excuses and release a prioritized infrastructure list that shows both the current backlog and the plan for the future?

Mr. Drysdale: Well, Mr. Speaker, I just answered that question. Daily across the floor – we've heard it today – everybody has infrastructure projects they want in their constituency. Their answer is to push it forward five or 10 years. They're not concerned with the infrastructure for our citizens of Alberta today. They want to push it forward five or 10 years, when it'll cost more.

The Speaker: The hon. member.

Mr. Barnes: Thank you, Mr. Speaker. This government has always had a hard time distinguishing between wants and needs. Given that the Associate Minister of Finance has acknowledged that operating costs are initially higher when a new facility like a school is constructed and given that the Premier recently said that

no new infrastructure will ever be built in our province again unless money is borrowed, how does this government plan to pay for the operating costs of these new infrastructure projects once they are built, with a bottomless pit of debt?

Mr. Horner: Mr. Speaker, first of all, there were a number of inaccuracies in the preamble to his last supplemental question. It's very obvious to me that the hon. members are not listening in question period. We will be bringing forward an operating plan, a savings plan, a capital plan that will include all of those facets. Albertans told us they want us to save, they want us to build for the future, and they want us to be prudent and responsible with the day-to-day operating. That is exactly what we're going to do.

The Speaker: The hon. Member for Strathcona-Sherwood Park, followed by Airdrie.

Colchester and Fultonvale Schools

Mr. Quest: Thank you, Mr. Speaker. The Colchester school in my constituency faces imminent closure as parents concerned about health risks to their children will be removing them once the heartland transmission line, which is less than 200 metres away from their playground, is energized next fall. They're anxiously awaiting news about a proposed expansion to the Fultonvale school nearby. My question to the Minister of Education: what can the minister tell us about the status of this very important project?

Mr. J. Johnson: Mr. Speaker, what I can tell you is that the official decision on closing the Colchester school has not been made yet. That is a local school board decision. In the meantime the renovation and the modernization of the Fultonvale school I know is the top priority on that school board's list, and it's being looked at as we speak as part of the capital plan that we're developing, that's going through the budgeting process here within the government. I know there's already some preliminary planning being done by my department and helping facilitate with the local school board.

Mr. Quest: Well, that's interesting, Mr. Speaker, but what reassurances can I pass along to these parents, who are very concerned about ongoing renovations and what it would mean to their kids at Fultonvale since these renovations could actually take several years?

Mr. J. Johnson: Mr. Speaker, what reassurance I can give the parents and the folks from that area is, I guess, the same I would give any, and that's that we'll continue to work with the local school board to make sure that if they decide to close Colchester school, we're taking all of the steps we possibly can to make sure that there are desks for those kids when they come to school in the fall, and any capacity issues that are created by enrolment pressures we're doing everything we can with the school board to try and address.

Mr. Quest: We'll assume that means modulars or something along those lines to accommodate, but the question is: does moving modular classrooms in and then moving them out again really make sense to the Minister of Education?

Mr. J. Johnson: Mr. Speaker, it may make sense. It depends on the situation. Certainly, we can move modulars in a lot faster than we can build a brand new school, than we can do a major modernization. So moving modulars in could be an option, but that doesn't mean that it's a waste of money. A modernization

may take longer and then free up those modulars. We have a lot of demand for modulars around the province, and we'll have no problem finding a place for them once the modernization is done at Fultonvale.

Safety in Long-term Care and Private Rehab Centres

Mr. Anderson: Mr. Speaker, I'd like to address two constituent-related issues regarding health and safety today. The first involves bathing regulations for seniors in long-term care. I have constituents who are very concerned about the sores, infections, and other sicknesses their loved ones are contracting in long-term care facilities due to a lack of adequate bathing. In the case at issue only one bath is provided each week, and often it is just a wipe-down. My understanding is that there are actually no regulations requiring regular bathing in provincial long-term care facilities. To the Associate Minister of Seniors: why are there no bathing standards for our seniors in long-term care, and what will you do to address this issue?

The Speaker: The hon. associate minister.

Mr. VanderBurg: Thank you, Mr. Speaker. It's not the bathing standard; it's the appropriate standard. We need to make sure that in all of our facilities our caregivers that are here today, that are some of the best Albertans that provide care for our parents and our loved ones, have appropriate standards. [interjections] Let's not get hung up on the number. We want to make sure that in each and every place our loved ones get the care that they need. If there are some specifics that you'd like me to go through on a one-to-one basis, my office is open. [interjections]

The Speaker: Hon. members, let's yield the floor to whoever has it. Right now it's Airdrie.

Mr. Anderson: I think one bath a week at least, probably two, would be more than reasonable.

Mr. Speaker, my other question involves safety standards at private rehabilitation centres. In 2007 a 17-year-old at the privately run Serenity Ranch rehab centre tragically died from drinking antifreeze from an unlocked shed. An inquiry was held, and recommendations were given but have not yet been implemented by this government. I also have a constituent whose son recently almost lost his life at this same centre also because of a lack of treatment standards. To the Minister of Health: why are these private rehab centres not regulated for health and safety when they deal with such at-risk patients?

Mr. Horne: Mr. Speaker, I'm not exactly sure what type of facility the hon. member is referring to and how it is licensed. I can tell the hon. member that if it is a continuing care facility in Alberta, it is subject to the provincial accommodation standards as well as the provincial health care standards. If that is not the type of facility he is referring to, we'd be happy to look into his constituent's specific circumstances.

Mr. Anderson: It's Serenity Ranch, and it's a private rehabilitation centre.

Mr. Speaker, the judge-led inquiry into the tragic death of Taylor Argent – that's who I'm talking about here – was completed in 2010, and recommendations were made to the government to regulate and inspect private addiction recovery centres. Why has it taken so long for the government to accept and implement these recommendations knowing that lives are at

stake? It should be the same for private as it is for public with regard to safety.

Mr. Horne: Well, Mr. Speaker, I have no difficulty agreeing with the hon. member that the standards should be the same regardless of the provider. I would have to look into the specific circumstances at Serenity Ranch. I'm happy to do so, and I'll respond in writing.

The Speaker: The hon. Member for Edmonton-Decore, followed by Calgary-Shaw.

2:40 Early Childhood Care

Mrs. Sarich: Thank you, Mr. Speaker. Early childhood education and care is one of the most important investments we can be making to help young families throughout Alberta. However, many families in my constituency and, I'm confident, around Alberta struggle to get quality, affordable, and accessible care for their children. We have taken some really great steps to expand the numbers of families who are eligible for child care subsidies, but our lack of a comprehensive system means far too many families cannot find or afford quality care for our youngest citizens. To the Minister of Human Services: could the minister please provide the Assembly with the current number of child care spaces for children zero to six years of age, the wait-list, and an assessment . . .

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. There are approximately 92,000 child care spaces in Alberta that are regulated. Sixty per cent are licensed or approved for children of age zero to six, which I think was the question. There are 12,000 additional child care spaces available through approved family day homes and innovative child care programs serving children zero to 12. I can't give her a precise number with respect to zero to six, but it is within those spaces. Seventy-eight per cent of those child care spaces are occupied. Wait-lists exist for the very popular and successful programs or in certain communities or cities, but overall there are quite a number of spaces.

Mrs. Sarich: Mr. Speaker, to the same minister. Could the minister please tell the Assembly an estimate of how many low-income families are not able to afford the parent portion of child care and day home costs even if they are eligible for the government subsidy?

Mr. Hancock: Well, I don't have an exact number for that, Mr. Speaker, but I can tell you that on April 1 we increased the threshold level for accessing the full subsidy from about \$35,000 to about \$50,000, a 42 per cent increase. That meant that 9,000 more Albertan families were able to get a full subsidy or an increased subsidy for child care spaces, so for low-income families more of them able to afford quality child care in this province so that they can earn a living and support their families and take their children out of poverty.

The Speaker: The hon. member.

Mrs. Sarich: Thank you, Mr. Speaker. To the same minister my final question: could the minister please tell the Assembly if the government's new social policy framework includes a plan to expand the not-for-profit early childhood education and care system?

The Speaker: The hon. minister.

Mr. Hancock: Thank you, Mr. Speaker. The social policy framework is not going to be that detailed at this stage. It's going to deal, firstly, with the concepts of what kind of society we want to have and what our roles and responsibilities are in creating that kind of society. I can say that of course as we implement the social policy framework with respect to government programs and the collaboration of government with social agencies and others in the community, we are very seriously interested in early childhood development, early child care, safe places for our children, good opportunities for our children to maximize their potential, opportunities for them to be fed appropriately in order that they're able to go to school and learn. So early childhood development is a very high priority for this Premier and this government.

The Speaker: Hon. members, that concludes question period for today. In a few moments we will resume with Members' Statements, beginning with Calgary-South East, followed by Lethbridge-East and then Calgary-Shaw.

Members' Statements

(continued)

National Day of Remembrance for Road Crash Victims

Mr. Fraser: Thank you, Mr. Speaker. Today is the National Day of Remembrance for Road Crash Victims, a day on which we remember those we've loved and those we've lost in tragic collisions. Let me remember some of the calls that I did as a paramedic, the times I had to tell the mother in the rollover that we couldn't find the child that was in the back seat, and when we did find the child, it was too late. Let me recall the countless times that I've been in the hospital when we've taken somebody in and we've done everything we possibly could, but the parents come through, and we usher them in to spend their last minutes with their child's body.

Every day countless Albertans get behind the wheel, and almost every day one of us is killed.

What can we do to stop these tragedies? How can we get drivers to be more cautious?

In 2007 the Alberta government introduced a traffic safety plan, the first plan of its kind in Canada, and the plan is working. From 2007 to 2010 traffic fatalities dropped by 25 per cent, the lowest number of fatalities in our province since 1965. But let me tell you, Mr. Speaker, that with the memories that I have of those people – and they weren't even my own family members – we're not doing enough. We need to continue to be vigilant and make sure that we're educating drivers and giving our children and our loved ones every possible chance to make it home safe.

Today as we remember – and some of us might be affected by these tragedies – let's take a moment to remember them. Let's all get home safe.

Thank you for that.

The Speaker: The hon. Member for Lethbridge-East, followed by Calgary-Shaw.

Family Violence Prevention Month

Ms Pastoor: Thank you, Mr. Speaker. November is Family Violence Prevention Month in Alberta. This issue affects far too many women, children, and men in Alberta. Alberta ranked third among provinces in the rate of police-reported family violence in 2010. We will continue our efforts to protect children and support

Albertans struggling with the trauma of family violence and help them to rebuild their lives.

Young people have the highest risk of dating violence, and this is why it will be a focus during this month. On November 6 at the Salisbury composite high school in Sherwood Park we held a panel discussion webcast about dating violence. This discussion is available on the Human Services website.

Family and dating violence are pervasive issues. They are bigger than what we can solve on our own as a government, but we have many dedicated individuals and groups as our partners. This month we celebrated the exceptional work of these partners at the first Alberta inspiration awards. The awards recognize those who work to end family violence and inspire others to take action and make a difference.

This government is working closely with families and communities to provide support for those affected by family violence. Supports for family violence emergency shelters, victim support programs, safe visitation sites, and public awareness and education efforts are among the many programs and services. If an Albertan knows of any abuse in their family, I encourage them to call the family violence info line for information at 310-1818, without any area code needed, or visit familyviolence.alberta.ca. This scourge in our province must be eradicated.

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

Capital Infrastructure Financing

Mr. Wilson: Thank you, Mr. Speaker. We've been hearing how the PC government is taking Alberta back into debt, and some ministers are going so far as to call us in the Wildrose hypocrites as we rally against it. I thought I would take this opportunity to share some insight with this House and offer some concrete examples of genuine hypocrisy.

The first is a direct quote from *Hansard*, which I will table. It goes like this:

I'm sad to say most provinces in this country and, in fact, most jurisdictions in North America operate under . . . this sort of deficit finance. They don't take in as much tax revenue as they need in order to pay for the programs they want to provide for their citizens. So they run deficits, Mr. Speaker, which accumulate into debt. That's, quite frankly, undertaxation, and it's just another tax. Only it's not a tax on the people who are working and functioning today in society; it's a tax on the next generation because they'll be the ones who pay for it.

I think most members in this Assembly, regardless of what party they come from, will agree that we're wealthy enough that we should never have to consider whether or not deficit financing and undertaxation is an option in this province, Mr. Speaker, particularly because it can be incredibly detrimental to any country, any province, any jurisdiction. I mean, that's why Alberta has a triple-A credit rating: we have no more debt; we don't run deficits.

Wise words indeed, Mr. Speaker. I believe the Premier and her government should take them under strong consideration, seeing as they were delivered in this House by none other than her current Minister of Municipal Affairs. Hypocrisy indeed.

In the same debate the current Minister of Justice and Solicitor General is quoted as saying, "First of all, we have to understand that the government must never go back into deficit financing."

Two members who used to stand for fiscally conservative principles now openly berate the opposition for taking the same positions on debt and deficit financing that they had held just a few short years ago. What's changed, Mr. Speaker? Outside of

cabinet appointments for the aforementioned members, I and my party would suggest: nothing at all.

2:50 Tabling Returns and Reports

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

Ms DeLong: Thank you very much, Mr. Speaker. I'm pleased to table the requisite number of copies of the 2011-2012 Seniors Advisory Council for Alberta annual report on behalf of the Minister of Health. The Seniors Advisory Council for Alberta consults with seniors and seniors' organizations throughout the province and provides advice to the government on legislation and policies affecting seniors and co-ordination of programs and services for seniors. This report illustrates the council's dedication to fulfill the Alberta government's commitment to seniors and their well-being.

Thank you very much, Mr. Speaker.

The Speaker: The hon. Member for Rimbey-Rocky Mountain House-Sundre, followed by Grande Prairie-Smoky.

Mr. Anglin: Thank you, Mr. Speaker. During the question period I was asked to show some proof and table it. I have the requisite copies here of the Market Surveillance Administrator's report detailing how electricity jumped from \$11.90 a megawatt to \$1,000 a megawatt. I understand the minister asked me to show how consumers are charged that, and with the greatest respect, if the hon. minister would release that report, I will be happy to show him.

The Speaker: Thank you, hon. member. Tablings are not an opportunity to prolong debate. You'll catch on.

Grande Prairie-Smoky, followed by the Associate Minister of Wellness.

Mr. McDonald: Thank you, Mr. Speaker. As deputy chair of the Standing Committee on Legislative Offices and in accordance with section 4(5) of the Election Act I'd like to table five copies each of the following two reports. The first is a report of the Chief Electoral Officer on the 2011 provincial enumeration and the Monday, April 23, 2012, provincial general election of the 28th Legislative Assembly.

The second report, Mr. Speaker, is the report of the Chief Electoral Officer on the Senate nomination election on Monday, April 23, 2012.

Thank you.

The Speaker: Are you done, hon. member?

The hon. Member for Grande Prairie-Smoky is done, so I will recognize the hon. Associate Minister of Wellness, followed by Edmonton-Meadowlark.

Mr. Rodney: Well, thank you very much, Mr. Speaker. It is indeed a pleasure for me today to table two reports on behalf of the hon. Minister of Health. Both are reports from the Alberta College and Association of Chiropractors. The first is their 2011-2012 annual report entitled Building for the Future. Highlighted in this report is the college's newest mission statement on health and wellness, in which they strengthen their commitment to comprehensive and collaborative health solutions.

Mr. Speaker, I'm also pleased to table the financial statements from June 30, 2012, for the college. The statements include the report of an independent auditor as well as the college's financial details for last year.

Thank you, Mr. Speaker.

The Speaker: The hon. Member for Edmonton-Meadowlark, followed by Edmonton-Beverly-Clareview. Someone on behalf of the hon. Member for Edmonton-Meadowlark? Calgary-Buffalo?

Mr. Hehr: Yeah.

The Speaker: Proceed, Calgary-Buffalo, then.

Mr. Hehr: Well, thank you very much, Mr. Speaker. Last week I tabled a report from the Democratic Renewal Project that indicated that Alberta's election finance laws are systematically corrupt. In the same report it noted that Manitoba has done some excellent work on not only limiting financing, no corporate or union donations but also limiting individual donations to a very reasonable amount. It just troubles me. If the hon. minister would like to look at a good act, I am tabling five copies of the Manitoba Elections Finances Act. If people are interested to look at how to do good legislation, they should . . .

The Speaker: Thank you, hon. member.
Edmonton-Centre, did you have a tabling on behalf of?

Ms Blakeman: Yes, I do.

The Speaker: Please proceed.

Ms Blakeman: I'm tabling this on behalf of the leader of the Liberal opposition. He did mention it in his question this afternoon, and it is a news report from CBC News and attached receipts showing senior staff from Covenant Health claiming expenses back for glasses of Renwood Syrah, bottles of wine, and they're clearly, well, drinking on the job. I'll table the appropriate number of copies.

The Speaker: Thank you.
Edmonton-Beverly-Clareview, followed by Fort Saskatchewan-Vegreville.

Mr. Bilous: Thank you, Mr. Speaker. I would like to table the appropriate number of copies of a petition demanding that the government take immediate action to twin highway 63. Again, this petition contains 37,751 signatures. Today I am tabling 3,013 of those.

Thank you.

The Speaker: The hon. Member for Fort Saskatchewan-Vegreville, followed by Lethbridge-East.

Ms Fenske: Thank you, Mr. Speaker. I am tabling five copies of an e-mail that I referenced in the dark of night, which was really the morning, in a submission that I made. It's on the North West Redwater Partnership Sturgeon refinery.

The Speaker: The hon. Member for Lethbridge-East, followed by the Leader of the Official Opposition.

Ms Pastoor: Thank you, Mr. Speaker. Mine are tablings to the Clerk. Is this the proper time or later?

The Speaker: We're at tablings. You're welcome to table it if you want. If you filed it with the Clerk, then he'll table it under his part, but you're up, so why don't you go ahead.

Ms Pastoor: Thank you, Mr. Speaker. I'm tabling five copies of the program from the dinner that celebrated Lethbridge's Dr.

Robert Hironaka's induction into Alberta's Order of Excellence. It describes the amazing life and accomplishments of Dr. Bob, a founder of our world-recognized Japanese gardens, which, by the way, traditionally do not have flowers. It is an area of serene beauty and calm. Dr. Bob has also been a very great influence in our community and led in many areas.

Thank you.

The Speaker: Thank you.
The hon. Leader of the Official Opposition.

Ms Smith: Thank you, Mr. Speaker. I've got a number of tablings based on some of my comments today. First, I'm tabling a copy of the August 21 column from the *Calgary Herald* written by the hon. Premier, which I quoted.

I'm also tabling five copies of the news article from October 24 in which the Energy minister is quoted with respect to changes to Bill 50 through Bill 8.

I am also going to table some documents related to the exchange I had with the Health minister yesterday, where he indicated that it was his opinion that he felt my letter to Justice Vertes asking for Lynn Redford to be called as a witness was interfering with an independent, judge-led inquiry. To educate the minister, I'm tabling five copies of the front page of the Health Services Preferential Access Inquiry, which features a section on how to send information to the inquiry.

I'm also tabling five copies of the rules of practice and procedure for the inquiry. In particular, I would direct the Health minister to read rule 4 on investigations, which directs persons with any knowledge of items that might be of interest to the inquiry to provide them at "the earliest possible opportunity."

Thank you, Mr. Speaker.

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

Mr. Wilson: Thank you, Mr. Speaker. I would like to table the requisite number of copies of *Hansard* dated April 28, 2008, referenced in my earlier member's statement.

Tablings to the Clerk

The Clerk: I wish to advise the House that the following documents were deposited with the office of the Clerk. On behalf of the hon. Mr. Denis, Minister of Justice and Solicitor General, the Alberta Human Rights Commission annual report 2011-2012 for the period April 1, 2011, to March 31, 2012.

On behalf of the hon. Mr. Khan, Minister of Enterprise and Advanced Education, the Certified General Accountants Association of Alberta annual report 2012.

The Speaker: Hon. members, under points of order I have four listed, beginning with the Government House Leader from 2:10 p.m.

Proceed, please. A citation and so on.

Point of Order Parliamentary Language

Mr. Hancock: Thank you, Mr. Speaker. I rise under *Beauchesne's* 492 at page 149 and Standing Order 23(h). Standing Order 23(h) makes it an offence to make an allegation against another member, and *Beauchesne's* 492 makes it an offence to use the term "cover-up." I'll start with the term "cover-up" because cover-up can be used in a number of different ways, and in fact I

would indicate that elsewhere in *Beauchesne's* it says that cover-up can be used in an appropriate way.

But today we heard on two separate occasions in a question raised by the Member for Edmonton-Strathcona that she made a specific allegation against the Minister of Justice in asking why he was engaged in a cover-up of election offences or whatever it was – I wrote it down here: why was he covering up the details of corrupt practices? – and then followed that by making an allegation against the Premier of a cover-up of a similar nature.

3:00

Now, in both cases those are direct allegations against a member. There can be no question about that. In both cases they use a term that is used in a very derogatory and inappropriate manner and, in fact, accuses them of an action which it's clear they didn't do. They're not covering anything up. That kind of an allegation has almost a criminal connotation to it. It's absolutely inappropriate. It absolutely offends the integrity of the members.

What the hon. member meant to ask was why they didn't put disclosure into the act further back, I'm assuming. They're talking about three years in the act, which, again, could be another point of order because you probably shouldn't be debating what's in an act that's going to come up for debate, but the fact of the matter is that they did. They're suggesting some positive, perhaps illegal, and certainly inappropriate act by the Minister of Justice and by the Premier.

Mr. Speaker, I would ask that you instruct the hon. members to consider their actions and withdraw their very inappropriate comments.

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

Mr. Mason: Thank you very much, Mr. Speaker. In response to that, I want to indicate that the hon. Member for Edmonton-Strathcona was raising a number of issues that are of great concern to us on this side of the House. In doing so, she drew attention to the fact that there had been a number of violations of the election finance act which predated the period covered by the legislation introduced yesterday. Because of this statute of limitations imposed by the act, a number of violations, including 19 that are known to have been referred by the previous Chief Electoral Officer to the Justice department for prosecution and were never prosecuted, will never see the light of day.

Furthermore, Mr. Speaker, there are a number of more recent revelations that we have seen in terms of freedom of information requests dealing with other individuals, including one very close to the Premier, that will also not be subject to investigation and will not see the light of day because of the statute of limitations that has been imposed by the government. In that sense, the government has taken direct action to prevent the possibility of examining and exploring these particular offences.

Furthermore, the Premier has refused to answer requests about her knowledge of any of these events and refused to take those questions here in question period. Furthermore, election finance legislation currently in place, which was introduced by the former Justice minister who is now the Premier, is being used by the current Chief Electoral Officer to withhold any information with respect to investigations into illegal activity under the elections finance act or to reveal any penalties or findings that he may have undertaken.

Mr. Speaker, it is the firm belief of the hon. member that the government has quite consciously and deliberately prevented any public disclosure or investigation into a number of illegal acts

which are very likely involving the political party to which this government belongs and is doing so consciously and deliberately. In doing that, I don't believe the hon. member was aware that the specific term "cover-up" had been ruled unparliamentary. It would have been more appropriate to use other words that are not ruled unparliamentary like "conceal," "hide," "disguise," "obscure," or "mask." In that sense, those would have been more appropriate words to use. On behalf of the hon. Member for Edmonton-Strathcona, I will certainly gladly withdraw the use of the term "cover-up."

The Speaker: Thank you, hon. member. I think that concludes that issue. I was preparing notes heading in that direction as I was listening to the arguments and reviewing the Blues and so on. The withdrawal has been read into the record now, and we're grateful for that.

Let's move on to the next point of order. That is from Edmonton-Highlands-Norwood at 2:15, or was it in relation to the previous one?

Mr. Mason: No, thank you, it was not, Mr. Speaker.

The Speaker: A new one. All right. Proceed.

Point of Order Anticipation

Mr. Mason: Yes. During question period today the hon. Member for Fort McMurray-Wood Buffalo – and I'm sorry; I don't have the benefit of the Blues – asked a question to the Minister of Justice with respect to provisions that are contained in Bill 7. As we well know, Mr. Speaker, those of us who have spent more than a couple of days in this place, you're not permitted to ask questions directly dealing with legislation that is currently before the House. Therefore, I stood on a point of order, just wanting to make sure that everything is fair and equitable, that when the opposition is not permitted to violate that rule, also government members should not be allowed to violate that rule.

The Speaker: Hon. Government House Leader, do you wish to respond?

This is a simple matter that I can clarify quickly, but let me yield to Lac La Biche-St. Paul-Two Hills for something brief. Thank you.

Mr. Saskiw: Very briefly, Mr. Speaker. Just to echo the other member's comments, it appears that there was a direct violation of 23(e), which states that a point of order can be called where there's an anticipation "contrary to good parliamentary practice [of] any matter already on the Order Paper," and of course Bill 7 is on the Order Paper. In the past our members have been rightly cut off – our questions were cut off; our mikes were cut off – when we were talking about something that was already on the Order Paper. We would hope that there's some clarification in that regard.

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. This is an interesting area, and it is relatively straightforward, but it does parse some points. The practice of the House, as I understand it, has always been that one does not raise questions, in accordance with the rule quoted, with respect to a bill that's on the Order Paper for the debate that day. Those are the key phrases. It has not been ruled out of order to raise questions about the subject matter of bills that

were on the Order Paper. But specifically about bills that were going to be debated that day: it has been ruled out of order. It might well be ruled out of order in circumstances where it's a specific question about the specific clauses of the bill. That's the difference.

I don't recall exactly how the question was phrased. It seems to me that the standing orders, the way that they've been interpreted in this House, say that you can't ask a specific question about the specific contents of a bill. You can ask a question about the general purpose of a bill but not on the day that the bill is up for debate.

The Speaker: That is correct.

The hon. Minister of Justice, very briefly.

Mr. Denis: Very briefly, Mr. Speaker. Just to augment the Government House Leader's comment, I believe that the question asked was as to a general issue about penalties, not as to a specific section.

I'll take my seat, sir.

The Speaker: Thank you.

This is a very straightforward matter. Today is a little bit unusual, obviously, because, as you all know, the House sat around the clock for almost 24 rather consecutive hours. By the time the House convened, there was, I think, a bit of a recess of only about 18 or 19 minutes, so we were not alerted specifically by 1:30 as to exactly what was or wasn't coming forward, at least the Speaker wasn't.

Having reviewed this matter, I can tell you that Bill 7 is not up for discussion and debate today; therefore, it does not qualify for the anticipation rule. In a general sense, just as an educational matter, if we were to employ that rule in any different sense, then no questions would have been allowed today that would have pertained to electricity or to utilities or to public interest disclosure or whistle-blowers or anything else because they, too, are listed on the Order Paper. What's important is what is listed on the Order Paper that is up for debate on the day, and today Bill 7 is not scheduled in that regard. I hope that clarifies that matter.

We'll move on to the third point of order, which is Airdrie, from 2:16 this afternoon. Someone on behalf of? The hon. member.

Point of Order Anticipation

Mr. Saskiw: Thank you, Mr. Speaker. I believe that's in regard to a second question along similar lines with respect to a question that anticipated something on Bill 4. I would take a different reading of 23(e), which states a question that anticipates "any matter already on the Order Paper or on notice for consideration on that day." I believe that Bill 7 and Bill 4 are on the Order Paper, and there's no supplemental requirement that it actually has to be up for debate for the day.

3:10

The Speaker: Thank you for reading that into *Hansard*. I was trying to save the House some time, but I appreciate you having done it.

Just so that you know, the precedent of this House is the part that deals with it being on for debate today, the day of. That's how it's always been interpreted here, hon. member, but it's a good advisory and, again, a little bit more education for everyone.

Let's move on, then. That concludes the third point of order. Let us move on to the fourth point of order. Airdrie or someone on behalf of raised a point of order at 2:18.

Proceed, hon. member.

Mr. Saskiw: Withdrawn.

The Speaker: That point of order has been withdrawn, and accordingly we move on now to Orders of the Day.

Orders of the Day

Government Bills and Orders Third Reading

Bill 2

Responsible Energy Development Act

The Speaker: The hon. Government House Leader.

Mr. Hancock: Thank you, Mr. Speaker. I'm delighted to have the opportunity to move Bill 2, the Responsible Energy Development Act, for third reading.

The bill itself has been the subject of a significant amount of debate in the House. In fact, if I recall correctly, it had a very significant time at second reading, and it had probably close to 30 hours at committee. It has been thoroughly digested and spit out. It's a very important piece of legislation. I'm not sure that this is a record in my time in the House, but I think it might be, to have 21 amendments considered to a bill.

Certainly, it's a considerable amount of work that's been done by all members of the House. It takes a lot of work to first of all read and digest a bill of this size and then, secondly, to come up with amendments to the bill, and then, of course, to be able to receive those amendments on the floor of the House and discern what they relate to and how they impact and what the unintended consequences might be. So I think a good piece of work by this House to take a bill like this, to understand it thoroughly, to debate it copiously, and to have so many amendments that the members of the House have to familiarize themselves with very quickly and then be prepared to understand whether or not they do make an appropriate amendment to the bill.

I think it's important in third reading of the bill to understand why so much work goes into it and so little result comes out, you know, when you have that many amendments. And I don't want to in any way be derogatory about the amendments. I really do not. I want to instead talk on the record about the fact that sometimes when amendments come forward, they may look like they're appropriate amendments that will enhance the quality of the bill, and people say: well, why did you not accept that amendment? One of the roles as Government House Leader is to, in fact, very quickly look at amendments and find them in the bill and figure out what they are and talk with the bill sponsor and understand whether or not it might be a friendly amendment or one that's acceptable or one which will improve the bill.

That actually is quite an interesting challenge on a bill like this. You look at the bill, and I would say, you know, just as an example, that one of the amendments that came forward named the ministers who might be responsible in a certain section. It was necessary to say: well, that sounds reasonable to say who would be responsible, the Minister of Energy and the Minister of Environment and Sustainable Resource Development and such other ministers as may be named. But it was important to be able to reflect back to the fact that our practice in the House and in

government in this province for a number of years now has been to do all of that in the Government Organization Act so that as governments reorganize from time to time, you don't have to go back and re-amend the bill.

Now, the general public would not necessarily know that practice, so it's important that that's understood. When you're saying no to an amendment, it might be for that type of fairly innocuous reason, not for the principle of the amendment.

The same thing. There was considerable discussion about whether the bill is in the public interest or whether the regulator must act in the public interest. Well, you know, there are understandings. There are processes. I mean, one would hope that everything that's done in this House would be done in the public interest. That's an underlying thesis. It's an assumption that I think has to be determined as being valid. Whether we agree as to what's in the public interest, now that might be entirely different, but what the House does should always be in the public interest, and what we do in the name of our constituents ought always to be in the public interest.

There are those sorts of issues and debates that go on and amendments that come forward, and there may be differences of viewpoint with respect to an amendment as to its value in enhancing the bill, or it may be an amendment which is simply seen as being a different philosophical viewpoint. Most amendments, I would suggest, are ones that you look at and say: "Well, you're changing a word here and a word there, but what are the consequences in terms of the parallelism or the construct of the bill? How does that impact elsewhere? Do we understand how that might impact and what we do with it?" Obviously, you can't adjourn after every amendment is tabled, so unless you're aware of the amendments ahead of time, you sometimes have to say: well, it looks innocuous, but I can't guarantee that it is innocuous.

We have had careful time and planning going into bills. Putting a bill like this before the House takes a lot of work. I must commend the now Minister of Environment and Sustainable Resource Development because prior to being in that role, she chaired a task force, as an associate minister of Energy at the time, I believe, and that task force laid the foundation for this bill, laid the foundation to show that we needed, yes, to have a much stronger and more streamlined regulatory process, that people, if they wanted to engage in appropriate, sustainable, or renewable or other types of appropriate development, had one place to go but that in going to that place, they still had to adhere to the standards that are required for safety, environment, public interest, all those other things. That's the nature of the bill. It's based on the idea that the policy background, the policy work is in fact done here. The policy work is done by government and, where appropriate, brought to the Legislature for legislation or enacted under regulations with respect to existing acts.

Clearly, the report that the now Minister of Environment and Sustainable Resource Development did was to outline how you could do a streamlined regulatory process which made it easier for business to do business but still ensured the protections of the environment, the safety of the public, the protection of the interest, and the opportunity for people who were affected to intervene and be involved in the process, so a streamlined regulatory process while still ensuring that the process itself did not create the policy. The policy was, in fact, the purview of the government and the Legislature.

Mr. Speaker, a very complex piece of work, a very good piece of work, now thoroughly discussed and digested by the House. I would ask members of the House to now give it its full and final blessing in third reading.

The Speaker: Are there others? The hon. member.

Mr. Hale: Thank you, Mr. Speaker. It looks like the government is going to get its way with the Responsible Energy Development Act without any amendments put forward by the opposition. This government and the Energy minister have decided to leave the serious flaws in Bill 2 even though they have been thoroughly dismantled in this Assembly by myself and my colleagues. This is a most unfortunate situation that could have been solved. Now, due to this government's ramming through of Bill 2, another ineffective bill will be on the books. The intent of Bill 2 is admirable. Its execution is pitiful.

Bill 2 wants to reduce red tape and streamline the regulatory process, but while attempting to do that, it extracts a high price to pay from landowners. The reality is that nothing in this bill will ensure applications are reviewed by the regulator in a timely manner. While the intent of this bill is to streamline development, it may just result in more bogged-down applications. An amendment to ensure appropriate timelines are followed would have corrected this, but this government didn't think so, so it will pass this ineffective bill instead. The timelines would give our industry some stability. Instead, this government opted for instability.

Bill 2 does away with several traditional rights in the same way the Land Stewardship Act and the Land Assembly Project Area Act did. As the government was forced to amend bills 19, 36, and 50 due to the public outrage that followed these outrageous power grabs, the government can take this as a fair warning to expect further widespread backlash to Bill 2 from landowners. I look forward to debating these amendments in the future in this House.

3:20

The right to an independent appeal must be restored. The government has yet to provide a justification for eliminating the right to an appeal before the Environmental Appeals Board under the Environmental Protection and Enhancement Act and the Public Lands Act. The public is right to be wary of the limiting of their right to an independent appeal. What does the government propose to replace their right to an independent appeal? Bill 2 sends the appeal back to the regulator. People who disagree with a decision of the regulator have to appeal to the same regulator who made the initial decision, as if this regulator will change their mind the second time around. The public will not be able to have faith that their concerns have been addressed by this faulty way of doing business.

An independent appeal would offer a fresh perspective. A landowner could have confidence in a second appeal weighing the merits of a case, but in Bill 2 landowners will just have to suck it up. An amendment would have fixed this fatal flaw, but the government thinks it knows better. Somehow this government went through amending bills 19, 36, and 50 in the last year without learning a single lesson. What will it take for this government to listen? It rams through bills, then denies they have encroached on landowners' rights. Then they make amendments and go on to pass another bad bill. This is the government that never learns from its mistakes. Instead of getting it right the first time, this government will no doubt go on another consultation tour through the rural areas to try to justify their decisions. At the end of the day a few amendments could have fixed these problems, but the government voted down amendments one by one.

Given the dictatorial powers granted to this regulator, the selection process for the board of directors is incredibly important, yet this government plans to install its party friends to such an important position, one could assume from how this law is crafted. The Wildrose put forward an amendment to rectify this problem

which stipulated that the appropriate expertise be present on the board of directors, but this government decided to go its own way and to be able to appoint its friends to the role regardless of whether they are qualified or not. How can Albertans have confidence in this process? They can't. The board should be comprised of industry, environment, and property rights experts. The Wildrose amendment would have solved this issue, but the government decided it knows best. We'll see about that once Bill 2 reaches the implementation phase.

Further, this bill includes a ludicrous provision to allow the minister to meddle in the private affairs of citizens and to contravene the provisions of the Freedom of Information and Protection of Privacy Act to collect information submitted by private citizens to the regulator. What does the minister plan on doing with this information? What guarantee will applicants have that this private information will not be used inappropriately? The regulator is supposed to be an arm's-length, independent body, but apparently the minister wants to have his hands in it at any given moment. The reason for regulatory bodies to be at arm's length is to take politics out of the decisions. Applicants can't have confidence that this will occur under section 68(1).

Another fatal flaw is section 43, where the regulator is granted the right to review its own decisions on a whim. This will make it hard for industry and landowners to have any faith that the regulator will have consistency. This problematic section creates the risk that the regulator will change its mind without due process or notification.

Finally, it's baffling how government MLAs fought so hard against our amendments to include public interest and the respect for landowners in the mandate of this regulator. The public interest was in previous legislation. Now it's gone. I listened carefully to the arguments presented by the government as to why they thought public interest should be taken out and failed to hear a coherent argument for this. Well, at least it's clear. This government does not want to take the public interest into account regarding energy development in Alberta. An amendment would have reinstated the public interest and landowner respect, but the government voted them down, showing the contempt it holds for Albertans. This is most unfortunate for a government that tries to talk about accountability and transparency.

Thank you, Mr. Speaker.

The Speaker: Are there other speakers? The hon. Leader of the Official Opposition.

Ms Smith: Thank you, Mr. Speaker. Well, I had hoped after this whole process to be able to rise and speak in favour of this bill because at the outset – and we said so when we were debating this in second reading – we said that generally we and I think all of the stakeholders support the idea of having a single regulator, support the idea of having streamlined regulations. But the problem, as we have seen in previous bills, is the same problem that we have with this one, that the intent of the bill is often not reflected in the actual legal wording of the bill.

Now, I know that the Energy minister and others have claimed that they have spent two years consulting on this. That may well be the case, that they spent two years consulting on the idea, on the notion. Fair enough. If you were just asking people what they thought of the idea or the notion, then you could move ahead, but what they have not spent time doing any meaningful consultation on is the actual wording of what is in this legislation. This has happened a lot with this government. I don't know if they're getting bad legal advice, I don't know if they're not taking due diligence behind closed doors when they do their statutory review,

but something is missing between the intent of the bill and what they intend to do with it and then the actual clauses that get written into the wording of it.

This is the reason why we appealed to the government over and over again to slow this legislation down, to allow the time for it to be vetted by stakeholders so we could get the appropriate stakeholder feedback, to allow for it to go into committee so that we would be able to go through it clause by clause, identify the problematic clauses, have the time to discuss it. I appreciate what the House leader has said. He's absolutely right. It takes a lot of effort on both sides to go through, read the legislation, come up with the amendments, read and digest the amendments in the process of doing this through the Committee of the Whole, listen to the debate, and come up with a reasonable response and make a decision on whether to vote it up or vote it down. It's not a good process, and we identified that from the very beginning.

We thought a much better process would have been to have this bill go to one of our policy committees. I think the Premier had intended for those committees to do that sort of work. I sort of gathered that that was the intention that she had when she established those, that they would do meaningful work about the bills that were coming forward in this Legislature, meaningful, all-party work so that we would be able to call witnesses, so that we could hear their feedback directly, so that we were all getting the information from the same groups of people, be able to assess it and analyze it, and then be able to decide on its merits whether or not something should be accepted or something should be rejected. I think that would have been a far better process, and it would have resulted in far better legislation.

We see that they don't make this mistake all the time. As I mentioned before in one of the earlier readings, they didn't make this mistake with Bill 10. Bill 10 is a bill where a lot of the meat and the rules are clearly defined in legislation, and very little is left to regulation. Very little is left to the cabinet to decide afterwards. It almost feels, when you read this bill, like they were in such a rush to get it passed that they figured: well, we can figure all that other stuff out later. It may well be that they have earned back a modicum of credibility with the energy sector over the last number of months, that the energy sector is willing to give them the benefit of the doubt, that the regulations are going to turn out and that they're going to match what the intention of the bill is, and that all will be made clear.

I have to tell you, though, whatever modicum of credibility they have earned back from the energy sector, they have not even begun to earn back from the landowner community, they have not even begun to earn back from the environmental community. That's what we worry about with this legislation, that it does not balance all of the stakeholder interests in developing our most important resource in this province, nor do we think it gives the energy sector the certainty that it was designed and that it claims it was intended to do.

The energy sector, as I've mentioned many times before, has been looking for certainty around the regulatory process. They are concerned about the fact that you have the potential to have multiple intervenors, much like the Gateway hearing process, who are not directly and adversely affected by the legislation entering in at different points of the process and derailing decisions and ultimately delaying them for months or, potentially, even years. The problem is that that part of the legislation or that part of the process problem I don't believe has been rectified by the legislation as it's been put forward. That is one of the reasons why we think the government has erred in trying to force this through.

3:30

The government also does seem to have – I don't know why – a disconnect between what we're hearing and what they're hearing. We are just the bearers of the information that is coming out through a variety of groups, individuals, and legal experts who have taken a look at this legislation and have found that it falls short. I'm going to quote a few of these, and there are others.

This bill is "a colossal gaffe by the Alberta government," and "the government doesn't need to be stoking any fires by stripping away these rights." That was Shaun Fluker, University of Calgary. He was quoted in the *Calgary Herald* on November 15, 2012. It's not the only one.

Bill 2 is sloppy legal drafting and bad policy insofar as it strips the most affected by energy projects of their legal right: Keith Wilson, a property rights lawyer, who, incidentally, started out many years ago in the government's own Farmers' Advocate's office. This is somebody who has a great deal of credibility with landowners and at one point worked for government in providing advice to landowners.

Third. Under Bill 2 the consolidated regulator will be making decisions respecting the landowner's land, but if the landowner has some objection or if there's been something overlooked, they can't appeal: a law professor at the University of Alberta named Russell Brown, November 5, 2012.

Fourth. Changing it to being the regulator's call on if and when hearings are called, I would say that's a step backwards for landowners who may be affected: Cindy Chiasson, executive director of the Environmental Law Centre, once again on November 5.

This is only a sampling of the critics of this bill.

We've been trying to once again prevent the government from making the same kind of mistake that it made in previous bills. The hon. Member for Strathmore-Brooks made mention of those, and others in this Chamber, I'm sure, in third reading are going to also make reference to those.

When you look back at the history of this government having passed, first of all, the Land Assembly Project Area Act, where they purposely went out of their way to create a process to freeze landowners' land into green zones and limit the amount of compensation those landowners would otherwise be eligible to receive through the provisions of the Expropriation Act, which had 19 heads of compensation, it's no wonder that landowners across this province began to wonder whether or not the government had their best interests at heart. It's no wonder that landowners became active and agitated and pressed the government to change it.

Now, to the government's credit, they realized their mistake, and they came back with amending legislation that closed this loophole and restored the ability of landowners to receive full compensation. But why did they have to go through the process? Why didn't they take the time to get it right? Why did they pass flawed legislation in the first place and create all of that ire and anguish and public response only to be forced to come back?

Well, you would have thought that having gone through that, they wouldn't have made the mistake again. Yet they did. They made the same mistake with the Land Stewardship Act, when they brought it through, having such a broad parameter for what the decision-making power of cabinet would be, allowing cabinet at a whim to be able to cancel any kind of statutory consent, extinguish rights – that was the term in the act – without full compensation, without an opportunity to have recourse to the courts. A horribly flawed piece of legislation. All kinds of landowner advocates and activists let them know that they'd made a mistake.

They did come back, and they made certain revisions. They at least made it very clear that they wouldn't be able to cancel your land title or your marriage licence or your driver's licence. That's how broadly and badly the original legislation was written, that it would have potentially given cabinet the power to do that, again without recourse, again without full compensation. So having made that mistake, come back, once again, made the revisions, you would have thought that they would have learned. Two learning experiences of passing bad legislation, rushing it through, and then having to come back and make significant amendments to it.

The third one, though, Bill 50 – we've just now gone through a process where they passed the Electric Statutes Amendment Act, made a mistake in handing the power over to cabinet. Rather than going to do an independent needs assessment on whether transmission lines are needed, they've locked us into \$16 billion worth, potentially, of transmission lines, a portion of those identified through this critical infrastructure list that they have in their legislation that we probably don't even need. It would be nice if we could go back. Hopefully, we'll have an opportunity this evening to convince the government once again that they should go back and have a look at those particular projects so that we can do an independent review of them.

Once again, it's the same principle. Landowners responded, consumer groups responded, industry advocates responded, said that they'd made a mistake, and finally – finally – they come back and make a major revision to this bill. Here's a third example of them rushing through legislation, getting it wrong, getting pummeled by different landowner interests, different consumer advocates, and then finally – finally – realizing that they had to change it.

We haven't seen what will happen yet with the carbon capture and storage amendment act. I have no doubt that that's going to go through a very similar process once people start getting forced access to have people come onto their property to take advantage of the government-owned pore space under their property. I suspect that one is coming in the future.

We know what's going to happen here. We know. I can make a prediction right now. What's going to happen is that the government over the course of the next months or years – who knows how long it's going to take them to develop the regulations – are going to bring forward regulations, and they're going to be found wanting. Either the energy sector is going to find that its trust in government was misplaced and there are going to be things that were missing, that should have been in legislation but weren't; or the landowner groups are going to find that what we have been raising as concerns was absolutely legitimate, that their rights have been diminished, and the government will be pressured to come back and make amendments; or the environmental groups are going to put enough public pressure and international pressure on this government that they're going to have to come back and restore concepts like public interest into this legislation, that already does exist but has been stripped out. These are the things that we fear.

We fear that by racing ahead, rushing on badly written legislation, on flawed legislation, not taking the time to do the stakeholder consultation properly and doing this right, we are going to be in exactly the same position with this bill a year or two years from now that we were in with those other bills over the last few years.

This is not an idle concern. When you have a piece of legislation that stands to impact two of our principal industries in this province, energy being one and agriculture being the other, blindly being forced through with only a mere few weeks of debate,

without proper consultation, without any real consideration, in my opinion, given to the amendments, legitimate amendments brought forward by the opposition based on the consultation and the feedback that we've received, then you're now in a position where you are creating way too much uncertainty in our economy.

We already know that there is international, global uncertainty in the economy. The last thing that our industries need is for our government to continue to foment this uncertainty and interfere with their ability to make investment decisions and feel confident that they're not going to be walking on quicksand as they try to make their decisions on investments going forward.

The amendments that we brought forward I believe were very reasonable. I don't think that it would have changed at all the intent or desire of the government to create a streamlined process to do energy regulation; for instance, the various motions that were brought forward to bring back this issue of the public interest. In the current ERCB regulations the public interest is mentioned four times, yet when you look at some of the wording of the new legislation, the new bill, they've struck out the words "public interest." I'm looking at section 9(1)(a), as an example. First of all, it says "honestly and in good faith." That's fine. But why doesn't it say: honestly, in good faith, and in the public interest? Why can't we have provisions in here that talk about the public interest? I think we need to.

3:40

It's quite clear that without some due consideration of public interest, you can end up with massive problems. I'll just use Bill 50 as an example, the Electric Statutes Amendment Act. When government took it upon themselves to decide in cabinet that we needed to have a bunch of critical transmission lines built based on old information, it resulted in a massive overbuild, a proposed overbuild of transmission lines. It's unclear which ones we need, if any of them, and there is no way now for us to go back and have a reasonable debate about whether or not this is in the public interest, whether or not the benefits outweigh the costs. This is the reason why the public interest has to be considered when you're making these kinds of major investment, when you're doing these kinds of major developments. You do have to do a cost-benefit analysis. You do have to make sure that the public interest is served.

In addition, the debate that we had just before question period: I think that absolutely the most important part of this bill that is missing is the issue of having timelines. The government in multiple places throughout the legislation talks about handing it over to the regulator to establish the timelines for when different applications are going to be heard and when they're going to be decided on. Unfortunately, if we had a regulator that we had confidence in, if we had a regulator that was able to deal with these applications in an expeditious and timely way, we wouldn't even be here talking about this legislation. So the very idea that now we're going to be leaving it up to the regulator to set the rules and timelines defeats the entire purpose of the legislation, in my opinion. This is the job of the legislators, to give an indication to the regulators of what our expectations are of how they're going to deal with these applications in a timely way.

Now, that doesn't mean that they approve every one within a 180-day period, which is the period of time that we proposed as being reasonable, but it does mean that if they're going to say no, they have to say no within that period. If they're going to say yes, then say yes within that period. Give our industry a reasonable period of time and a reasonable expectation of when they might get an answer so that they don't end up having to wait excessive months or even years to be able to get these decisions.

We also had a debate over the issue of an external appeal process. I'm not sure why this is such a foreign concept to the government. It seems like when they get something right in another area, for some reason – maybe it's because the departments don't talk to each other, maybe it's because the ministers don't talk to each other. I'm not sure what it is. Why can't we take structures that we know are working and have those same structures replicated when we're creating something new?

In the case of having an external appeal, of course, I'm thinking about some of the development appeals that happen at the municipal level. The municipalities go through a process where they examine development proposals and make decisions on the basis of the information that they have at the time, balancing different landowner interests, balancing stakeholder input, balancing the public interest. They make a decision about whether or not they're going to agree or disagree with a certain development. But then if they reject it or if there is something that needs to be appealed, there is an opportunity to be able to appeal that to another level. We have a process that works, doesn't interfere with the process.

By and large what happens is that most people acknowledge that the decisions that are initially made by those councils are reasonable ones. We're not seeing a situation where every single decision is appealed every single time. In the case of the Environmental Appeals Board our understanding is that in the last year it heard 12 cases. What is the difficulty with creating a process so that if something goes wrong – if there is an approval process, if the development occurs, if mistakes are made and there is something that needs to be addressed, what's wrong with having someone other than the body that approved it listen to the arguments and make a decision about whether or not there needs to be redress?

It's not an appeals process that's being overused. It certainly cannot be argued by the industry that this is something that is creating bottlenecks in their approval process. It's not. It just gives that extra protection to landowners. Now landowners fear that one more right and opportunity for them to appeal these kinds of actions has been taken away from them. That's one of the pieces of feedback that we get. Through this act our landowners are feeling like their opportunities to have their rights respected are being diminished. We think that it would have been something that could have been very easily resolved, that it wouldn't have been anything that would have impacted the timelines for industry. It's just one more thing that unnecessarily antagonizes our environmental community, one more thing that unnecessarily antagonizes our landowners.

The fourth area, this whole notion of restoring notification. Now, I know that the minister attempted to clarify what he meant by notice by putting in this term "public notice." But there is quite a bit of difference between giving a public notification, putting an ad in a newspaper, putting something posted on a website, when you're not going to be the person impacted. If you have an idle interest and you've got a little bit of time, you may want to daily go on and have a look at the different approvals that have been granted that may or may not impact a variety of developments throughout the province, but I'm quite sure most of us don't do that.

I'm quite sure that the people who most need to know when somebody is going to be coming onto their land as a landman and asking for drilling access, the person who most needs to know is the person who has the surface rights to that piece of property, which is why it wouldn't have harmed anyone – it wouldn't have harmed anyone – it wouldn't have interfered with the process, it wouldn't have changed anything beyond the status quo of what we

have today if they had simply agreed to take the section that was in the current ERCB rules, section 26, and carry it forward into this legislation, replacing section 32 with a very clear process that the regulator would have to follow for notification and hearings.

I think this is so important. I'm going to read it into the record again because this, I think, could have gone a long way towards changing the concerns or addressing the concerns that landowners have. It certainly would have gone a long way towards addressing the concerns that the lawyers that I mentioned had brought up. I'm going to read it into the record because I'm, once again, going to predict that a year from now we're going to be back doing an amendment that's going to put this in the act anyway, so I might as well put it into the record.

This section would have said under our amendment:

32(1) If it appears to the Regulator that its decision on an application may directly and adversely affect the rights of a person, the Regulator shall give the person

- (a) notice of the application,
- (b) a reasonable opportunity of learning the facts bearing on the application and presented to the Regulator by the applicant and other parties to the application,
- (c) a reasonable opportunity, after filing a statement of concern in accordance with the rules, to furnish evidence relevant to the application or in contradiction or explanation of the facts or allegations in the application,
- (d) if the person will not have a fair opportunity to contradict or explain the facts or allegations in the application without cross-examination of the person presenting the application, an opportunity of cross-examination in the presence of the Regulator, and
- (e) an adequate opportunity of making representations by way of argument to the Regulator.

(2) When by subsection (1) a person is entitled to make representations to the Regulator, the Regulator is not by subsection (1) required to afford an opportunity to the person

- (a) to make oral representations, or
- (b) to be represented by counsel,

if the Regulator affords the person an opportunity to make representations adequately in writing, unless the statutory provision authorizing the Regulator's decision requires that a hearing be held.

This, again, would have balanced the rights of the energy sector to be able to get the certainty that they wanted; it would have limited the number of intervenors to those who were directly and adversely affected; it would have allowed for the landowner to have some clarity in the process that would be used in the event that there's going to be development on the land that they have rights to, whether in fee simple or through a lease; and it still would have given the regulator the flexibility to be able to receive a submission written or through a hearing process. We see no reason why the government and why the Energy minister would not have taken this very reasonable amendment and just carried forward legislation that is already in place. I mean, we already have these practices. If we already have these practices and these are not the practices that are causing the issues, then why break something that is not broken? Why not just bring this part of the legislation forward.

I have every confidence that we will very likely be returning to that amendment at some future point. I'm just disappointed that the government chose not to listen to the concerns of those who were raising it and make the modification to their legislation today.

On the issue of the reconsideration. This is another area where it just confuses me why the government would not have looked at this and realized how important it is for the sake of providing certainty to the industry. We're all trying here to find provisions

that will give certainty to the industry. Yet right now we have a provision in the act, section 43, that allows for the regulator to reconsider at any time for any reason. We believe that we needed to give some certainty back to those who are subject to the decision about something that may be reconsidered or changed, so providing a minimum of 60 days' notice of reconsideration to any landowners, companies, or other persons directly affected by the decision. What would be wrong with providing a period of time in which people understood that there was going to be a reconsideration rather than having it occur at any given time, willy-nilly, without the appropriate amount of notice? We don't think that this provides certainty to the industry, and this is the reason why we proposed having a change.

3:50

The issue of having a chief hearing commissioner be independent and accountable. I think that we have already seen through a number of the issues that have been brought up in the media, through a number of the issues that have been brought up in this Legislature, through the fact that we have seen certain former members of government get waivers for them to be able to take positions back with their previous government departments that there are real concerns about the level of independence that we have between the people who are appointed to do jobs through these agencies, boards, and commissions and the connection that they have to the current governing party.

We want to make sure that the very best person is in the position of being the chief hearing commissioner, and we think that the best way to have ensured that would have happened, to ensure that they were truly independent is that they should have been appointed, as we do see with other officers of the Legislature, through an all-party committee so that we could all have the opportunity to have input into that decision so that we could go back to the various stakeholders and demonstrate that that person had been vetted and that person was the best person to be able to balance all of those competing interests. I think that by not agreeing to that amendment the government, once again, erred.

Related to this, ensuring that the directors of the board are representatives that are not entirely beholden to the minister goes to the exact same point. Having the minister able to make the decision on every person who is appointed to this commission and for it not to be balanced, specifically with particular types of people who have particular expertise, is something that is going to once again, I think, create problems for this government. One of the issues when they first brought this bill forward was that they were going to populate the board with just three people and those three people were all going to be former ERCB employees. Well, once again, those who have the expertise to be able to ensure that all of the different stakeholders are properly represented are not necessarily just going to be former government employees. We want to be able to ensure that we've got people with a variety of expertise, and we don't have that now.

We wanted to have a provision in there that would have allowed for us to ensure that at least one person on this board had some demonstrable expertise in property rights. I've just quoted a number of people who have demonstrable expertise in property rights, a couple of whom I'm quite sure would have been more than happy to serve on this board. We wanted to see one person with demonstrable expertise in environmental conservation. There are a whole range of individual groups in this province who are doing terrific work on negotiating environmental easements with our landowners, who are doing terrific work on stewarding landscapes and helping us to recover landscapes when we've seen disturbances. Having somebody who has that demonstrable

expertise, I think, would have been a real addition to this board, and then, of course, having two individuals with demonstrable expertise in the energy industry, each from different aspects of the industry. We certainly would need someone with oil sands expertise and someone with conventional oil and gas expertise.

I remember talking with somebody who had been an employee with the ERCB and is now working with one of the large energy companies. He said how his perspective has completely changed now that he's working for industry. When he was on the one side, he told me that he was absolutely adamant about every single rule being followed in exactly the way that he had interpreted the legislation. Now that he's on the other side, he realizes just how unreasonable some of the requirements of the regulator had been that he had previously been in support of. It's this importance of being able to be on the receiving end of the regulatory rules, restrictions, and interpretations that provides the important perspective about what reasonableness is, about how a rule is being enforced or how a regulatory requirement is being enforced, and I think we miss that by not having people who are on this board who have expertise in the energy industry.

Now, of course, I suppose the Energy minister has the ability to take this under advisement and make those kinds of appointments as it is, but we think that's not good enough. We think it needed to be written into the legislation if we were going to be able to win the confidence of all of the different stakeholders, including the landowner groups and the environmental activists. I think they missed an opportunity to do that.

We even were talking in our caucus about proposing a different type of approach for how that board of directors might be chosen. The hon. Member for Drumheller-Stettler – oh, he's not here today – had looked at the Railroad Commission which now in Texas is also responsible for doing regulatory approvals on utilities. The Railroad Commission is actually an elected commission that oversees the regulatory aspects of those important projects. He suggested that we even go that far, suggested that we have a board of directors where they would be subject to regular elections from the various stakeholder groups. We thought that that would be too far for the government. Clearly, we were right because even this modest proposal that we put forward was rejected. But the point still remains that having people with these different types of expertise would have been ideal on this commission, and it would have gone a long way, I think, towards identifying the issues before they erupt.

I mean, this was related to another provision that was voted down by the government. There's this transition board that is going to see us through to this new permanent board, and our understanding is that those transition directors are going to become the permanent board of directors. This was the perfect opportunity, the perfect time to be appointing people from these four different aspects – a property rights expert, an environment expert, and then those who have expertise in both aspects of the energy business – to make sure as the regulations are being developed, as we're transitioning to this new approach, that we've got the right people on board to help us with that. I think the government has missed an opportunity on that, and I think, once again, we'll be addressing that once we see the regulations come out.

It would have been easy for them to have created a bill that would have secured the interests of landowners by just making one simple change right at the beginning so that it set the framework for the entire legislation. Under section 2(1) they talk about what the bill is intended to do, how it's intended to develop the resource in a responsible way, how it's intended to do so in a way that respects the environment. The only thing that was

missing was having a clause that would have amended that section to add “in a manner which respects landowners,” and I may also add “leaseholders.” If they had put that right in at the top, as a recognition that we're trying to develop a piece of legislation here that balances the various interests, I think that they would have gotten some credit from the groups that are now the biggest critics of this legislation.

It would have been a simple amendment. It would have been in some ways an important symbolic amendment. Sometimes symbols are important when you've completely destroyed your credibility with a group, as this government has. They've completely destroyed their credibility with landowners. And this kind of language would have gone at least a step of the way to recognizing that we needed to have this important consideration as we're developing the regulations around how our energy development is going to take place in this province.

We also believe that we need more transparency with regard to extraprovincial agreements. This is one of the things that has us concerned, especially as we hear our various politicians in other parts of the country or even the U.S. President talking about things like a cap and trade program and things like – and you've heard this before – the federal Liberals campaigning to ban tanker traffic off the west coast or have other types of provisions that would have the federal government intervene in our ability to regulate our own industry. I'm very worried that for the interests of expedience there might be some of these things that are agreed to under the auspices of the Premier's national energy strategy, and we have no ability, it would seem, under the way the legislation is currently written, to be able to have that come back for debate in this Legislature. We think that's a problem.

We think that any extraprovincial agreements that could potentially impact our ability to develop our resources and have our autonomy to do so or affect us in a financial way should come back to this Legislature within nine months of the execution of the agreement. We're not quite sure what this provision in the legislation might open the door to, but we wanted to have some certainty that there weren't going to be a number of interprovincial or international agreements signed that we simply couldn't live with without even knowing about it or being able to weigh in on it or be able to have the stakeholder feedback. Again, I don't think it would have been an interference to the government for us to be able to have that opportunity. I'm not sure what this opens the door to, but I am quite concerned that we've given this amount of power through this legislation to that regulator.

4:00

We also have concerns about the government's expansion, potentially, of the ability to collect private information about individuals. I'm still not quite sure why it is that they had the provision to allow the government to collect private information on those that they're regulating. It seemed like an odd provision. It seems to me that there should be some fairly standard information that gets collected on those who are doing business with government, those who are taking out leases or developing the resources on our behalf. I'm not quite sure why the government thinks that they should be able to also collect private information, and I'm a little bit concerned that it isn't clarified about what kind of private information they would be collecting.

Privacy rights are an increasing concern for all citizens, especially since we have so many mechanisms to have our privacy invaded in a way like we never used to. Before Twitter and Facebook and YouTube and e-mail and all of the electronic communications it may have been easier for us to be able to protect our privacy. It's harder to do that now, and to give government

carte blanche to collect a bunch of private information, unclear about where the parameters around that are, unclear of how it will be protected, how it might be shared, we think is an unnecessary provision. It would have been a very easy thing for them to accept that amendment without it changing the provisions of the legislation and what it's trying to accomplish, but once again it was voted down.

The catch-all clause which has us most concerned is, of course, section 68. That is, to us, the same kind of provision that the government granted itself through those previous bad bills. When you look at Bill 50, the Electric Statutes Amendment Act, 2009, one of the things that the stakeholders had the biggest problem with was the government granting itself so much discretionary power to make decisions in cabinet, behind closed doors, in the absence of any check and balance on their ability to do so.

The problem that people had with the Alberta Land Stewardship Act, once again, is the inordinate amount of power that cabinet has given itself to be able to make decisions to abridge landowner and leaseholder rights without full compensation, without recourse to the courts, being essentially the appeal body as well if there are concerns or if compensation does need to be negotiated, the ability, for instance, to even withhold the ability of municipalities to receive their fair, appropriate transfers or to take away their bylaw-making power if they pass certain local rules that conflict with regional plans.

This kind of power that the cabinet has given itself is something that has our landowners and other bodies very, very concerned, and here we have a replication of the same problem in this act under section 68. It says that regardless of all the other nice things in this legislation at any time the cabinet can override any of the rules of the regulator. If we were trying to get some certainty for our landowners and for our energy sector, for that matter, about what it is we were trying to accomplish through this legislation, I think that section on its own pretty well undermines that ability, and this is the reason why we thought it should be struck.

We do think that this legislation could have been greatly improved with these amendments. We're disappointed with the approach that the government took. I think that at the beginning of this whole process we had kind of thought that we might be able to make some progress with the Energy minister.

Mr. Hale: We sure hoped.

Ms Smith: We certainly hoped. We did. I remember talking with the Member for Strathmore-Brooks and him saying that he thought that a couple of these amendments might actually be approved by the Energy minister. We were even delighted that the Energy minister took the opportunity to go out and have a debate in the Little Bow riding with the hon. Member for Rimbey-Rocky Mountain House-Sundre. We think it was a respectful debate.

It was very clear and should have been clear to the Energy minister through that process that people are interested, but they're unfamiliar. They don't really know what's going to happen. They don't really know how it's going to impact them. I think the minister has missed an opportunity to actually go out and talk to landowners and educate them about what he feels this legislation will do, but even more importantly I think he missed an opportunity to go out and get the feedback that we get every single day through e-mails, through our direct consultations and direct contact that we have with our constituents about the very legitimate concern that they have that their rights are being interfered with, that their rights are being eroded, that their rights are being undermined. We hear this every day.

It may well be that the minister does not get into the rural areas as much as we do though I know he comes from my neck of the woods. I know that he's got a lot of friends in the Highwood area. I think he must know that the landowner concern about previous bills is being carried over into concern about this bill because they see that there are similar types of clauses, similar types of approaches, similar reductions in the protection for landowners. I think he's created, unfortunately, an unnecessary amount of skepticism and fear and potential backlash by being in such a rush to pass this through, by being in such a rush to pass through the amendments, to avoid taking them seriously, to avoid doing the consultation with the stakeholders. We were still in the process of consulting with even the energy stakeholders that are impacted by this bill.

I remember what happened with the Land Stewardship Act, and this feels very similar to what happened in that process. It was, I believe, April 27 that the bill was introduced into the Legislature. It was passed through first and second readings, Committee of the Whole, third reading, and declared into law by something like June 8. Within five weeks a massive piece of legislation was passed through all of those different phases. I don't think it was until the summer of that same year that the legal experts and the landowner groups started reading through it and saying: what on earth does this bill do? That, I think, is the same thing that we're going to find with this legislation.

There have been a number of different stakeholder groups that we have phoned to get feedback from. Many of them have said: well, we haven't had time to read the bill yet, but we're sure hopeful about what it's going to accomplish. That, I think, is the fundamental problem. It's one thing to consult on a concept. It's another thing to consult after you've actually got the provisions, the exact legal language in front of you, because that's where the mistakes get made. Once we've finished with our work here, then it gets handed into the hands of the lawyers to do their interpretation.

Now, I know there's lots of work that needs to be done on the regulations, but this is just it. Once we've done our work here, if we have not been clear about what our intentions are as a Legislature, then it comes up to different lawyers to be able to battle out their different interpretations. I think we're going to find over the coming months that as legal experts take a closer and closer look at this bill, we're going to end up with multiple issues with multiple clauses, and we will have to come back in a period of time to be able to make some of the amendments.

What I would have liked to have seen with this bill – and I'm hoping that we will be able to see this with other pieces of substantial legislation that this government brings forward in future years. I think that we have to all recognize that the fall session is a pretty difficult time for us to be able to pass through substantial pieces of legislation with enough opportunity to debate, to do the stakeholder consultation, to do the amendments, and to see it through. I have such great sympathy for Parliamentary Counsel, who have had to draft all of these amendments for all of these bills, not just this one, and the incredible amount of pressure that we are putting on such a small team to be able to do this in this compressed period of time.

There could have been another way to do this. There was an opportunity to have this bill go to a committee so that it could have been more thoroughly examined. But I would just offer this to the government, having seen now how these pieces of legislation get pushed through. It would have been far better for them to introduce a piece of legislation like this in the spring and then have the opportunity for us through the course of the spring to do the work on it, to do the proper debate on it, to do the proper

consultation because, of course, in the spring every three weeks you've got an opportunity to go home and talk to your constituents. You have the opportunity to send out a mailer or a survey to ask them if they have any concerns about an issue.

Then you can continue on through the fall session, making any final amendments that you need to do through Committee of the Whole. Split it up. I'm not sure why the government has gotten into this habit of thinking that everything has to be forced through within a matter of weeks. I think that what we would far benefit from is taking the advice of the Premier that she put forward during the leadership race and taking the time between the different readings so that all of us, those on the government side and those in the opposition benches, are able to take the time that we need to be able to do the due diligence so that we can get this right.

As I mentioned when I started, I would have liked to have been able to support this bill. I think that we did an incredible amount of work as an opposition trying to put forward appropriate provisions that would have allowed for this bill to be improved, that would have allowed for us to be able to support it and go back proudly and tell our constituents that we supported it and the reasons why we did.

4:10

Having failed to convince the government and failed to convince the Energy minister that even one of these amendments was worth passing, it seems to me that this has been a process where the foregone conclusion was already reached before we even went through these 30 hours of debate. I know the House leader thinks that a great deal of care and consideration was given to these amendments as we went through. We certainly sure did spend an awful lot of time on them, we certainly did speak an awful lot of words on each of them, but I don't know if there was a whole lot of listening going on.

As a result of that, I have to say that I'm going to have to vote against this bill, much as I would have liked to have supported it. I look forward to debating this bill, or at least an amendment to it, in a year or two's time because I'm quite certain that once the landowners, the environmental groups, and the energy sector see how short this falls from the ideal of what they wanted to accomplish, they'll be calling us asking for us to support amendments and to put forward amendments to be able to repair the damage that's been caused. I hope that I'm wrong. I hope that the government does get it right on the regulations, but having seen how wrong they got it in the drafting of the legislation, I have to tell you, Mr. Speaker, that I'm not hopeful.

Thank you.

The Speaker: Hon. members, 29(2)(a) is available.

Speaker's Ruling

Question-and-comment Period

The Speaker: Just before we go to it, because I have received some calls and notes over the last few weeks about how 29(2)(a) works, I just want to remind you that when it was brought in, it was brought in exactly for this purpose.

- (a) Subject to clause (b) [below], following each speech on the items in debate referred to in suborder (1), a period not exceeding 5 minutes shall be made available, if required, to allow Members to ask questions and comment briefly on matters relevant to the speech and to allow responses to each Member's questions and comments;
- (b) the 5 minute question and comment period referred to in clause (a) is not available following the speech from the

mover of the resolution or the Bill in opening or closing debate, or

- (i) the Member who speaks immediately after the mover.

In this case the Leader of the Official Opposition is the third speaker, so 29(2)(a) is available. However, what I've noted in reviewing *Hansard* is that frequently a lot of people simply stand up and say: is there anything you wish to add? Now, the hon. Leader of the Opposition spoke for almost 60 minutes or thereabouts or 50 minutes, and it was very riveting, I'm sure. I'm not commenting on her speech; I just want you to know. But 29(2)(a) was put in for a very good purpose, and I would just ask you to consider what the real spirit of 29(2)(a) was for subsequent speakers after this one.

That having been said, I will move now to the associate minister for persons with disabilities, followed by Edmonton-Strathcona and then Little Bow and then Calgary-Buffalo, and I'll add others as they come onto the list. Thank you.

Debate Continued

Mr. Oberle: Thank you very much, Mr. Speaker. I've asked to rise today. I feel I would be remiss if I didn't rise and say something about Bill 2 and about property rights as they relate to my constituents. All of us in this House are duly elected by our constituents, and all of us have equal right to be here and equal right to our opinions. I don't and won't criticize the opinions or the points of view from other corners of this House. But I'm concerned that we've had a big, big debate about property rights and land rights and a supposed assault by our government on personal property rights in this province for quite some time now in the last few years.

It's really been evident in the last few months of debate in this House. I've found that the chair, not that I question any decision of the chair, has allowed great latitude in the discussion of property rights. For example, in the last speech we had a considerable diatribe on the government's approach to property rights.

The Speaker: Excuse me. Could I just clarify? Are you rising under 29(2)(a)?

Mr. Oberle: No.

The Speaker: No? Would you mind if I just interrupted for a moment? I had explained what 29(2)(a) was, and I had assumed that maybe you were speaking there as well. I didn't see anyone under 29(2)(a).

Is there anyone under 29(2)(a)? The hon. member, quickly.

Mr. Strankman: Well, I'd just like to speak to our Wildrose leader's comments about property rights. I was wondering if she could add the differentiation between property rights for landowners and property rights for people who may not necessarily be landowners, that may be in more urban situations.

The Speaker: Hon. leader, before I recognize you, let's keep the questions brief like that. That was well done, hon. member, and we'll try and keep the answers brief as well.

Ms Smith: Thank you, Mr. Speaker. Well, I think that the hon. member raises a very good point. Part of the reason why I think there's a greater sensitivity about issues of property rights in a rural environment is because it's those who are in a rural environment who can see, through various pieces of legislation, how it is

that their land value and investment may be diminished. I mean, let's be perfectly frank. When you're living in an urban environment, an urban centre, the chance that there's going to be a major infrastructure or utility project that is going to take away your property rights is much less than if you live in a rural environment. In an urban environment we do see it happen, though. There have been issues, I believe, in the riding of the hon. Member for Calgary-Foothills about development of wells, a sour gas well, very close to an urban environment. Was that the Member for Calgary-Foothills? Calgary-Northwest?

In any case, I think that we have seen that there are urban residents who have seen how development can impact their ability to develop their property. We've also seen, for instance, that there are small towns and many communities where they actually have well sites that have been abandoned that are located right near suburban residences. I know that there have been some concerns that those well sites have not been restored and may impact future property values of those urban owners.

We've also seen, for instance, in the case of the development of transmission lines people purchasing homes expecting that they have a green space that is located near them and being told, whether appropriately or not, by their real estate agent that a certain project won't get built and then suffering through the fact that there's uncertainty about the construction of those lines and the impact on their property value that takes place in the meantime in addition to the fact that they're not able to sell their homes. I think we've seen those kinds of instances.

We've seen instances where road widening occurs, and it results in expropriations. It results as well in property being taken. We've seen in the case of Lynnview Ridge in Calgary a whole community that suffered losses as a result of inappropriate cleanup by the previous developer. Some of those landowners never felt like they got the full compensation that they were entitled to when they had their rights diminished.

So there are all kinds of instances where urban property owners face the very same issues that rural property owners face. I suppose the difference is that in a rural environment you do see that the attitude, I believe, among perhaps the government, perhaps some of those who are proposing development, almost seems to be that they are not taking into consideration all of the different future value that that particular landowner in the rural environment factors in when they're making considerations about purchasing land.

We've seen rural landowners see their land value diminished when they're put into a green space. We've seen rural landowners see their land value diminished when they are found to have historical resources on their property. We see that their rights to develop are diminished when any kind of pipeline or transmission line project comes through their property. I do believe that the issues that rural and urban property owners face are the same, but I think that the sensitivity in the rural area is much, much higher because the incidence of being impacted through a whole range of different types of development is much higher than what you might expect in an urban environment.

There are other ways, though, in which urban individuals are impacted by development. We've raised the case, for instance, with the issue of the transmission line construction. It's not just those residents in the Sherwood Park area who are going to be impacted in their land values when those big power lines get built, but it is also all of us as ratepayers and consumers who are going to get impacted if all of this transmission gets constructed, and we end up seeing the portion of our bill related to transmission lines increase by double or triple or even further. These are the kinds of

arguments that I think it's important for us to engage, those who live in an urban environment.

I hope that answers the hon. member's question.

Speaker's Ruling

Question-and-comment Period

The Speaker: Hon. leader, I'm sure it does. The point I was trying to make is that Standing Order 29(2)(a) is usually reserved for short snappers back one way and the other. I realize this is a complex issue, and there's nothing the Speaker can do – you have the floor; you can speak the full five minutes if you want – but let's just keep in mind what the spirit of the debate aspect was when 29(2)(a) was first brought in. It's a unique feature of this Assembly.

Our next speaker, then, is the Associate Minister of Services for Persons with Disabilities.

4:20

Debate Continued

Mr. Oberle: Thank you, Mr. Speaker. I apologize for the mix-up with regard to 29(2)(a). I did not make my intentions clear. I'm glad that happened, though, because it kind of underlines my point. The questioner under that 29(2)(a) exchange asked the speaker, quite rightly – as you pointed out, that's what 29(2)(a) is for – if they could expand on a specific point that probably wasn't covered in the previous speech.

The ask was: could the speaker comment on property rights in municipal situations where the person involved might not actually own property? Property rights of persons that don't own property is an interesting concept, Mr. Speaker. We could be talking about personal property, firearms or other such things, but that exactly underlines my point. We've wrapped everything in property rights, whether or not it's involved in the debate on any particular topic. I'm quite sure that if we'd been debating about – I don't know – naming a new provincial mosquito this year, we'd have found a way to wrap that issue in property rights. You know, there would be the proper hue and cry.

I think we'd all agree, Mr. Speaker, there are a lot of people in our province that have made, well, pretty good careers out of debating property rights out in the public arena in the last few years, many of them opposed to what we've done as a government. You know, there are a lot of pseudo-facts out there and some facts, but the fact that some of the assertions are blatantly untrue has never seemed to slow a lot of people down, and I find that troubling.

I think one true measure of what this government has done about property rights in the last few years, Mr. Speaker, would be to go to the other end of this. Let's examine outcomes. How many people, actually, have had this government infringe upon the use of their property or seize their property without due compensation or without due process? Of course, the answer to that would be zero, but that seems to be an untroubling statistic, and the debate rages on.

Now, in the response to that last speech, when the hon. Leader of the Official Opposition was responding to the question, she started talking about the inappropriate cleanup by a developer. Somebody had left a gas station inappropriately cleaned up. What exactly does that have to do with the bills that the government passed in the last couple of years, that we've been talking about property rights? We wind everything into property rights, Mr. Speaker.

She also talked about municipal infringements upon property rezonings. Well, the fact of the matter is, Mr. Speaker, that that's been going on for years and years. I don't recall us changing the Municipal Government Act in the last couple of years. That's how municipalities plan.

At the other end of this, as a litmus test of how we're doing, let me bring forward an example from my constituency briefly, Mr. Speaker. I'm sure you're shocked, but I will bring it back to the bill. As I said, you allowed that speaker great latitude to talk about property rights, and I need to correct a couple of things.

I have a landowner that built a new house along a paved highway, a transportation road. It's a labour of love. It's a country residence. His wife practises massage. There are corrals, horse barns. It's a beautiful place. It's absolutely phenomenal. He built it on the curve of a highway. There was a slump on that curve. A culvert failed. Plus, we needed to build a new intersection on the highway two kilometres east. We had to cut the road right across his field, so we notified him right away. The inhumanity that our own legislation forced us to notify him right away that we're going to infringe upon his property. He's upset because he built this house by himself. It's a beautiful place, as I said. There we are. We're forced to notify him. That's what Bill 19 did to us. We were actually forced to notify him. Imagine.

We talked to the landowner. The road doesn't impact his house – it's going to cut through the corrals at the back – but the fact that he's losing the corrals impacts the whole property. That's why they built it, so they could have these corrals there. He wants to negotiate with the government. The inhumanity that our policies and legislation would allow us to sit down and negotiate. We presented an offer to this landowner which he was unhappy with. He immediately asked that we access the Expropriation Act. The inhumanity, Mr. Speaker, that he would have access to the Expropriation Act, which he did after Bill 19 passed and which he did before Bill 19 passed, and that was explicitly lied about in the public arena by people travelling around this province telling landowners what the new state of affairs is.

But guess what? The Expropriation Act prevents the government from buying his whole property. They can only expropriate the piece that they need for the highway. Clearly, that wasn't in his best interests. It didn't meet his understanding of what his property rights were, so he went back. He actually negotiated a deal to his satisfaction and sold the property. Unbelievable, Mr. Speaker, the inhumanity of our property rights system.

Just down the road from that, oh, maybe three kilometres away I have another landowner in a similar situation, Mr. Speaker, except in their case the road isn't needed. In fact, for some currently unknown piece of time, again, the government was forced to notify the landowner and show the plans. That landowner, despite the fact that the road does not impact their house, has sold their entire property because, again, their enjoyment of their property is impacted by that future road. The inhumanity that they were allowed to trigger when that sale happens was because of Bill 19.

You know, there's a lot of bunk out there about property rights. The fact of the matter is that I'm on the receiving end of this, as everybody is in our constituencies. I talk to landholders who are impacted, and I see what the legislation actually does with those landowners in co-operation with those landowners, and I'm comfortable with that.

Now, Bill 2, Mr. Speaker. I heard the hon. leader's one small speech. It wasn't clear to me whether she was referring to Bill 2 when she said this, but I heard it a couple of other times: if it ain't broke, don't fix it. I thought that on other levels we had some agreement that it was, in fact, broke. Let me tell you that in my

constituency it's broke. I'm sure you're aware that I have some landowners that are very deeply concerned – opposition members are aware and raised these issues – and deeply, deeply impacted by odour emissions in the Three Creeks area. The hon. Member for Dunvegan-Central Peace-Notley is also impacted by energy developments there. Part of the problem, not by any means all but part of the problem, is inconsistencies, confusion between dueling regulators out there. We're not doing the job that we should be doing in regulating the energy industry out there.

Mr. Speaker, I see this bill going a long way to fixing those problems. I'm eager for the imposition of this bill. This has been many years in the making, and it has been under consultation for many years as well. I'm very keen to see us move forward with this bill. I think the bill is necessary. The system needs fixing, needs improvement. I think that Bill 2 moves us forward while protecting the Crown's interests in development, while protecting the provincial interests in development, and while protecting private land interests in development.

Our province is going to develop. How do we do that in an environmentally sound manner, in a manner that allows us to achieve the most from our natural resources, and in a manner that respects the rights of those people on the landscape that own property? I think that's what is crafted in Bill 2.

I'm very eager to see that we move ahead, Mr. Speaker. I thank you so much for the time to state so.

The Speaker: Hon. members, 29(2)(a) is available. The hon. Member for Little Bow under 29(2)(a), followed by the President of Treasury Board.

Mr. Donovan: Thank you, Mr. Speaker. I'd like to thank the hon. Member for Peace River for his, I could say, slightly sarcastic tone to that, which is fine. I have a couple of questions about his speech. First off, I know of landowners in my constituency, where the MATL line went through by Coaldale – I will try to get you the names by the end of the week – that were forcibly taken in by a power line which your government so graciously allowed to go through. One had three RCMP cars in his yard serving him with the papers, telling him that that power line was going on his property. If you'd like, people, I'm more than happy to bring that up. If you're looking for a name for the mosquito that might be flying around in this national park that we're looking to do, you could probably call it the Wildrose because we're going to be biting you guys in the rear-end for probably quite a while.

4:30

I guess that goes back to the audacity that people in this province have the common courtesy to sit down and, God forbid, make a thought on their own on whom they want to vote for in this province. It's fine to vote for whomever they want, but the fact is the sarcastic tone to it. I mean, the humanity and these poor people and what they've had to go through because they decided to sell their land. I'm a very sarcastic person, so I do appreciate your tone on that. But if we sat in that little glass dome and thought about that our whole lives, nobody would ever vote but just for one party, and it would be a big *Kumbaya*, and it would be a dictatorship. I don't think that's what people want. I thank you for that. I do appreciate the sarcasm, though.

Mr. Oberle: Mr. Speaker, despite the fact that I don't actually detect a question in that comment, I did start out my speech by pointing out that all of us are duly elected by our constituents, are free to stand here and have our own points of view and be

respected in this House. I fully respect that hon. member. I await that information.

The question about property rights is: when property needs to be accessed or impacted, is there due process? Does the landowner have full compensation available, and does he have access to the Expropriation Act, to the courts, some appeal mechanism? I don't know that that particular situation relates to that. I look forward to that information, Mr. Speaker.

My sarcasm, my tone, arises from the fact of this constant criticism of land rights, of property rights, and of our government's supposed infringement on same. Several speakers there but more broadly in our province have talked about, for example, Bill 19, and I pointed out concrete examples of the exact two changes that Bill 19 made to the property rights regime in our province. [interjections] Mr. Speaker, that hon. member is probably not interested in the answer, but fortunately I'm not addressing him.

Bill 19 made exactly two changes. First of all, we are required now to notify landowners at the front of the process, and second of all, the landowner gets to trigger when the sale happens if indeed a sale is going to happen.

You know, I'm glad the member is not offended by sarcasm. I don't use it that heavily too often, but I thank the member for his comments, Mr. Speaker.

The Speaker: The hon. President of Treasury Board under 29(2)(a).

Mr. Horner: Well, thank you, Mr. Speaker. I did want to rise also to acknowledge that I, too, am a landowner, both of an acreage-sized land as well as a quarter section sized land. I also have surface rights on my property as well, so I am also keenly aware of the property rights issue, and it's very close to my heart.

I'm also very aware of the issue the hon. member talks about in the Three Creeks area in northern Alberta, and I'd be very interested to hear a little bit more about his relationship to that issue and what we're doing here. As I recall, this bill is the culmination of two years or more of consultation with landowners, energy, aboriginal groups, the environmental groups, the NGOs, the major industry players. Again, there was a tremendous amount of consultation that went into the building of this act to create what we believe to be very good legislation. I would be interested to know the hon. member's relationship to that, to the Three Creeks area, and perhaps to the resolution of that situation.

The Speaker: Hon. associate minister, you have 20 seconds.

Mr. Oberle: I will attempt it, Mr. Speaker. First of all, it removes one of the problems that I have on the Three Creeks landscape, the conflict, almost, between two different regulators and the confusion that that causes. That's removed by this bill.

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

Ms Notley: Thank you, Mr. Speaker. I'm pleased to finally get the chance to rise to speak to Bill 2. Ever so briefly on that last topic, it's interesting that the Member for Peace River characterizes the matter as being resolved because, indeed, just this week I heard from residents of the Three Creeks area, and resolved is absolutely not the way it was described to me. Indeed, the frustration that they experience in terms of the responsiveness of the ERCB and the inability to have consistent measurements and transparency and accountability – any sense that the actual residents there have a say in the process is simply absent. If anything, the Three Creeks situation is a prime example of how the ERCB has not functioned in a way to effectively balance the interests of not only land-

owners but community members on one hand and industry on the other. It is, in fact, a cautionary tale.

Mr. Speaker, as has already been stated by other members of our caucus, we are emphatically opposed to this bill. We think that it is wrong and bad in an endless number of ways. We think that the government is capitulating to industry, ignoring the environment, and disrespecting landowners by bringing this piece of legislation forward and by allowing it to pass.

The very initial premise that the government comes to this House with in terms of justifying this bill is that what we need to do is that we need to streamline and hasten the industrial development pace in this province. We're apparently not developing fast enough, and we need to do it even faster. It's really quite something, Mr. Speaker. You know, there have been a number of legitimate and independent and – dare I say it? – former Premiers who have actually outlined that as a general rule of thumb the pace of development that we're currently engaging in is probably not a great idea and that what we need to do, while promoting development, is to ensure that we do it in a reasoned, balanced way that ensures that the best interests of all Albertans are taken into account and that the multiplicity of impacts around development are fully considered. Those are the representations of former Premier Lougheed, and I know he's probably been quoted in this regard repeatedly. The fact of the matter is that that is the case.

[The Deputy Speaker in the chair]

Interestingly, the Pembina Institute published a commentary about two or three days ago. The Deputy Premier sort of looks up and says: oh, well, the Pembina Institute are, you know, just a bunch of scientists who aren't funded by industry, so we would never want to give them any due. However, the fact of the matter is that they published a report yesterday after having sat through three-quarters of the Jackpine expansion hearing in both Fort McMurray and Edmonton. All the lawyers there have, you know, clearly laid out the facts in a way that we're rarely given the opportunity to do in this Assembly and have concluded that the approved development in the oil sands, let alone the planned development in the oil sands, stands at this point to breach a number of different land-use standards and environmental standards at the current pace.

Now, it doesn't mean that you don't develop necessarily, but it does mean you acknowledge that as things stand now, that balance is not being achieved, and by the very rules that your very industry-weighted process created, you are going to fail against those rules. You are going to exceed air quality. You are going to exceed water usage. You're going to exceed those things. That is on the record at the Jackpine hearing. Shell itself is acknowledging that that's the case. It's not really clear to me that what we need to then do is ramp it up and put steroids into our development approval process, Mr. Speaker. I don't believe that that is in the best interests of Albertans, and I think that when you poll them, they will agree with that statement. Anyway, the very fundamental point behind this legislation is problematic to me.

Now, the next thing that a lot of people have talked about, public interest. This legislation clearly takes public interest out of consideration in terms of the decisions that are made by the new regulator. The House leader can argue all he wants that, oh, in theory everything we do here is in the public interest, but I think we all know that when it comes to considering the very, very few, narrow settings where any judge is ever going to be allowed within 19 light years of the decisions made by this regulator, if we ever do, the question of whether that regulator is compelled to

consider the public interest in the same way that they were compelled to under the environmental legislation or the SRD legislation or the public lands legislation, they don't have to under this legislation. That is significant and substantial. It is a very clear political decision made by this government to ensure that the public interest doesn't get confused with the primary mandate of this regulator.

4:40

What is that mandate, Mr. Speaker? Well, it is to provide for the efficient, orderly, safe, and – oh, wait for it – environmentally responsible development of our resources. It doesn't ever talk about protecting the environment, doesn't ever talk about improving the standard of the environment, doesn't talk about improving or building on the social or economic benefits to the community, none of that. It is very clear that it is to provide for development. We'll throw in a few adjectives, but at the end of the day it is to provide for development.

Now, that's fine if that's all this regulator was doing, but what this government is doing is that in creating this regulator, they are also eliminating the role of the ministry of environment, who in theory, even in this government, has a mandate to actually not only responsibly develop the environment but, in fact, to protect it and maybe even to improve it. God forbid that we actually try to improve the quality indicators of the health of our environment in this province.

That was the mandate of the ministry of environment. That is gone. It is now completely subsidiary to the mandate of this regulator, which is to provide for development. There is a very clear political decision to say: "We don't care anymore about the environment. It is a footnote to what we do here, and we're going to do whatever we can to eliminate the mechanisms through which those who do care about the environment might possibly – possibly – be able to advocate for those outcomes."

The other thing that we're concerned about, of course, is that this regulator only has to report to the Minister of Energy. There's no obligation to report to the Minister of Environment and SRD, yet this regulator is taking over monitoring and studying and enforcing and developing policy on environmental issues that relate to the energy industry. Well, I hate to break it to you, folks, but about 75 per cent of the environmental challenges that we face in this province are related to the energy industry. This body says: "No. The ministry of environment doesn't need to have anything to do anymore with three-quarters of what their ministry is because this little separate regulator, this non-Crown corporation body over here on the side, is going to deal with all of it without actually having a mandate to protect or improve our environment or our water supply or our air quality or anything like that in this province." This is an incredible affront to not only landowners but to all Albertans who actually have a vested interest and a concern about the future of lands and water and air in this province.

A perfect example: we no longer have the ministry of environment overseeing or being involved in pipeline cleanup. Well, that's all right. We can count on the regulator to handle that. It'll be fine. Interestingly, though, the regulator, the ERCB certainly, is no longer publishing or setting out any standards in terms of what a good pipeline cleanup looks like, but we're just going to put it off to them. As long as it amounts to environmentally responsible development, it's fine.

The review process under this new legislation is also grossly, grossly eliminated or undermined, and in so doing, we, of course, take rights away from individual Albertans and people who are concerned about the air quality and land quality and water quality in the province. The government's amendments to our review

process, Mr. Speaker, were superficial, entirely designed to look like one thing but, in fact, maintaining exactly the process they had in place before, which was to limit the rights of landowners and Albertans concerned with their environment to participate in any kind of oversight mechanism around energy development.

It limits hearing participation. It limits the occasion of hearings. There's no longer an obligation to have hearings. It limits the obligation to provide or consider providing funding to people who might appear before the panel who don't have access to the \$400-an-hour lawyers that the energy industry hires from downtown Calgary. That's gone. As we've said before, they no longer have to actively have an obligation to give notice to affected parties. That's a significant, significant giveaway to industry, that now what you have to do is that you basically have to live at the regulator's office to try to keep track of what things are being slipped by by this government and their new regulator.

They don't want to have an external appeal process. They figure that once the regulator makes its decisions, the regulator is absolutely the best person to review its decisions. Well, you know, we had that at one point. We had that situation at the Workers' Compensation Board, Mr. Speaker. Strangely, that was a disaster, and then people started killing themselves in the parking lots. The appeal process was so incredibly captured by the agency of which it was a part that it became absolutely not credible to anybody participating in it. It was captured by the agency of which it was a part. That's the kind of thing that this government wants to put in place with the regulator.

They also want to ensure that the ability of anybody who has actually managed to find the money and fit through the very narrow criteria around who it is that gets to actually participate in the appeal process and then actually managed to convince the regulator to have a hearing – if all that happens, we're going to limit the degree to which that process is then subject to judicial review. That, too, is a problem. Then even if the person gets that far, the regulator always has the option next time around, to avoid all that confusion, to simply come up with its own system of an alternate dispute resolution with no rules around when or how that happens. They could easily come up with something that completely defies any notion of natural justice and just bring the whole thing behind closed doors, which we know is kind of a favourite forum for these folks when it comes to making sure their friends and insiders get what they need.

Transparency is a huge problem with this, Mr. Speaker. First of all, the finances around this body are clearly a problem. They will not be subject to the same level of scrutiny or broken down in the same level of detail as they would have been with respect to the functions that currently reside under the Ministry of Environment and SRD. The ERCB doesn't have to answer for the line-by-line stuff in the same way that ministries do, and I suspect the regulator will not either. Interestingly as well, the staff and the commissioners at the new regulator will not be governed at all by the Public Service Act. I'm not exactly sure why that is, but I do wonder if that exempts them from the conflict of interest provisions that would ensure that industry is not sitting in any of those positions. That's a question that I would certainly like to have answered.

As well, this new regulator has the option to choose not to publish any of the penalties that it may at some time impose upon somebody for breaching the act. Well, that's interesting. That sounds really familiar, Mr. Speaker. That sounds just like what we've been talking about with the Election Act. "Oh, let's not publish anything. You know, these people really were not trying to throw chemicals and stuff into the river. We were working together with them for 20 years while we were telling everyone in

the Legislature that we weren't contaminating the river, and they really didn't mean to contaminate the river. Now that we've seen that it's happened, we don't think it's important for people to understand or know what the consequences are." That is provided for under this act, that those consequences stay secret. It's up to the regulator whether or not they choose to publish that stuff. So this is a remarkably draconian piece of legislation.

Enforcement. There's nothing in here that appears to be an absolute offence, Mr. Speaker. It appears as though if someone actually is found to be in breach of the vaguest of standards that are set out in this piece of legislation, they have a broad opportunity to defend themselves in that it's simply a question of whether they took reasonable steps on the balance of probability. Therefore, that's not even there.

There are just so many things that it's really hard to cover them all. Suffice to say that we're letting down Albertans with this legislation.

The Deputy Speaker: Thank you, hon. member.

Standing Order 29(2)(a) is available. The hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Speaker. I'd like to ask the hon. Member for Edmonton-Strathcona what her thoughts are on the change in this current bill regarding public interest.

[The Speaker in the chair]

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

Ms Notley: Well, thank you. You know, as I said before, I think that when you have language about the public interest, the kind of language that exists within the current environmental legislation, for instance, it is incumbent upon the regulator to consider matters that go beyond simply: how do we develop this land as quickly as possible and as efficiently as possible and as safely as possible with the primary view being to develop it? That's sort of what the mandate is now.

4:50

Public interest would actually ask this government to engage in a bit of governance, a bit of consultation with the people of Alberta and actually ask them what they think the public interest is and perhaps do some broader studies around that, just as we are doing in the more complex hearings that are going on right now but that will not be replicated under this.

The other difficulty that exists and impacts on the public interest is that we've also written in the ability of the regulator to avoid consulting with aboriginal people. It's not clear to me, Mr. Speaker, why in heaven's name we would do that. Yes, we've decided that this won't be a Crown corporation, I guess, presumably to make it more arm's length and give more plausible deniability to the folks here in the Legislature. Nonetheless, in doing that, we negate one of the fundamental obligations that we have as members of this Assembly to ensure that we develop our resources lawfully because the fact of the matter is that many of the areas of the province which are going to be subject to development are currently areas which impact on the rights of our aboriginal peoples. Trying to legislate out having to consult in a meaningful way with the aboriginal community: it shocks me that they would do it.

Obviously, there'll be other mechanisms for the aboriginal community to do that, but it will make it more difficult, more expensive, and more complex. This regulator will in fact be

engaging in the vast majority of the work around balancing energy development, land-use planning, environmental protection, and aboriginal stewardship that go on in the province. This regulator will have more authority than possibly imagined. To write out of this regulator's obligation the need to work closely with our aboriginal communities is shameful, Mr. Speaker. Absolutely shameful.

The Speaker: Are there others under 29(2)(a)?

If not, we'll move on to the next speaker. A couple of alterations have happened since. We have Little Bow, followed by Calgary-Buffalo, and then we'll go to Cardston-Taber-Warner and Calgary-Shaw.

Mr. Donovan: Thank you, Mr. Speaker. It gives me great pleasure to stand here today and talk to Bill 2 in third reading, I guess our final kick at the cat. About 12 hours ago I got to sit in here and talk about Bill 8 and a couple of other items. So it's nice to put in a full day.

First off, I'd like to thank the Energy minister for his work on this bill and, obviously, the two years previous to this that led up to this. I mean, the bill obviously had a lot of time and effort put into it, even some of the amendments that came up, the ones that he brought himself and also the 21 that we brought, which maybe weren't quite as successful as the government's.

Last week I was very fortunate to have the Minister of Energy come out to Vulcan and have a good discussion about Bill 2 with about 50 of my constituents, and we had a couple from other constituencies there. It was a very open and candid forum to sit and talk back and forth. We had the Member for Rimbey-Rocky Mountain House-Sundre and the hon. Member for Strathmore-Brooks, who's also our Energy critic. I think there was some good debate, some lively debate. The Member for Lethbridge-East was also there. I think we had a pretty well-balanced group of people on all sides of it.

In saying that, I think the intent of the bill was good. I know that our caucus, when we first started talking about it, were actually quite excited about the concept of less red tape, a single regulator, and that process. But as a lot of members in this House always say, the devil is in the details. Unfortunately, that's where we got hung up a little bit. Thinking that democracy still works fairly well, we tried some amendments. Now, my colleague from Strathmore-Brooks, I know, spent countless hours on this. I mean, the House leader talked about the 30 hours of debate alone that we've had on this bill, which I think shows that it's a pretty big issue in this province and shouldn't be taken lightly.

I guess that when we sit and look at that, the concept of back and forth, where everything got hung up is when we started talking about public interest and property rights. Now, the conversation always goes off – you know, some members in this House always talk about how, I guess, we could compare a new breed of mosquito versus property rights. I know there was some sarcasm to that, but it worries me that that's the kind of disregard we have for property rights in this province. I think that's why you see a fairly large opposition of a conservative nature across the floor. We take property rights very seriously as do our constituents.

Mr. Dorward: So do we.

Mr. Donovan: It's great to have the Member for Edmonton-Gold Bar again add a couple of comments from the back row. It's always nice to have his two or three cents put in, and it's not an actual introduction of anybody that he's introducing to the House,

so I appreciate that from him. I always enjoy the conversations that we do have.

In this one, for instance, if those members do agree about property rights, I have a struggle with why everybody voted them down almost in disregard of the concept of them. I mean, to sit down and have some discussion on them, that's democracy. That's how you do it. To just have a piece of paper put in front of you and you look at it and then decide as a team that you're not doing it: I guess I always wonder if that's truly how democracy was supposed to work in this province, first off, and in our country.

I mean, probably the biggest thing – now, my riding has lots of oil industry and energy sector in it, and it's a very large tax base. As I said, when this bill first came forward, I was excited about the concept. Also, having been able to work a little bit in the oil patch, I know the regulation process is quite a burden to any of the industries that are trying to work with it. So I was excited about that. I guess I have to represent everybody on it. In saying that, I mean, the energy sector, of course, is great with the idea because it gives it the green light to do whatever it wants.

You know, as soon as you appoint a regulator from possibly a member of the family, that the cabinet ministers appoint, that's where the concern is. I guess as the MLA for my riding I'm concerned about arm's length, whether it's actually going to be a biased person in that position or not. I'd really hope that this government would take that seriously when they do appoint somebody for that, that it's not just somebody that's convenient to them and that's going to only work with one side of the industry on that.

With the current legislation the biggest concern is that it also removes the landowners' rights to appeal to the Environmental Appeals Board and gives the regulator the power to review its own decision. Now, that's much like me deciding to review my own decision after I've decided to buy something. I've got it. Why would I review it? I can look in the mirror and say: was that a good move? In my heart I'd probably say, "Maybe not, if I'm asking the question. But who else is better to review it than yourself?" That's the concern I have on that. You know, it takes away a very important opportunity to appeal from landowners.

Now, I know that side of the floor has always talked – I mean, we talk of landowners in bills 19 and 24 and 36 and 50. I agree that there are some members over there who think, you know, that these aren't concerns to Albertans, but I can guarantee that at least probably 15 people on this side of the floor were elected due to those bills. So, actually, I do thank you for those bills because that let me become the MLA for Little Bow. I truly appreciate that, and I'm sure everyone else in here appreciates also having some nice robust discussion on these things. But to sit here and to shoot landowners down, it just baffles me. We've spent hours talking about public interest and how public interest works. I mean, I brought it up last night and it got, you know, kind of tossed back up in the air. We have a bill, Bill 4. Public interest: that's the name of it, yet we won't put it in this bill. You know, it's too bad that we can't have that process and work through it, but that's democracy, I guess. That's why that side of the floor gets to veto vote what we're doing. That's fine.

I guess the other side of this, you know, is that I'd be a little worried on what could happen down the road with this as it is now. Like most bills the concept is good. You start off with good intentions. Then we leave it to the regulator and the regulations. "We'll figure that out in the regulations." That's a real challenge for me, I guess, because you put it back in, generally, a bureaucrat's hands or somebody that has a direction of where they want the bill to go anyway. You sit back and you wonder: is that really where we want to be going?

5:00

Once the bill is made, that gives you the footprint of where you're going with the bill. The regulator is the person that's going to, you know, sit and decide what's right or what's wrong. The regulations are what he's going off. But if he's going to write his own regulations and the regulations are made that way, it would be nice to have those at least come to the floor of this Assembly so we could see what the regulations are and have a good debate on them. I'd hope the Energy minister would take that into consideration while he does that.

Now, in 30 hours' worth of amendments and conversation and debate over this bill, along with thanking the Energy minister for his time and effort in this, I mean, we've definitely worked the staff over well in this Assembly. The Parliamentary Counsel, I think, deserve quite a bit of credit for all the amendments they've had to put through and deal with in a very short fashion. I want to definitely acknowledge the time they've spent on this because they've put in a ton of time also.

Now, we spoke earlier today as we sat here within a half hour of being a 24-hour session. This was a prime example of what I felt as an MLA when a bill is laid out. How do you have an actual debate in your constituency and try to get a voice from your constituency of what they would like? You don't have the time. It was tabled to us. We started doing amendments in good faith, thinking that there would be something that we could come together on with the governing party, because we want to do what's right for Albertans and, first and foremost, what's right for our constituents. As we try doing that, the bill gets looked at, stuffed at us fairly quickly.

I was very lucky to be able to have the minister come out to my constituency after one of my constituents told me that it would be a good idea to have a Bill 2 meeting and sit and actually talk to people about it. So on a Tuesday it was just a quick Facebook message of: hey, I think we'll have a quick meeting in Vulcan. On the Thursday night the hon. Minister of Energy asked if he could come, which was greatly appreciated. We had 60 people out on three days' notice, which I thought was pretty good because of short time, and we really didn't advertise it. We were just trying to get some points from people. It's very hard to represent a riding and a constituency when you have that short notice to be able to try to talk to people and get some valid points of what does and doesn't work in a bill.

It leads back to: you just talk to your contacts that you have. You end up calling people, I mean, from both sides of these parties. Obviously, my contact list and your contact list might differ a little bit because my contact list would have quite a few land-use owner groups and advocacy groups like that. That is generally where our support was in my riding. Now, your list might not have that. It does make a challenge when you're trying to represent your constituency when you don't have the ability to really, truly get out there and talk with everybody. You have some time to call. I think we all know in here as members how busy this job is. You see by the hours we put in and everything we do that it's definitely a challenge.

But I think the challenge is for us to be able to represent to our constituencies what these bills are when they come out. As I say, the Member for Strathmore-Brooks put in an abundance of hours. I know the Member for Rimbey-Rocky Mountain House-Sundre and also our leader and lots of people also helped him. There was definitely a team effort on this side of going over amendments that we thought would help this bill along to make it so we could support it. In saying that, you don't want to get the dome disease, where you get in here and you truly think that you're smarter than

all your constituents and you don't give the opportunity to talk to them about it. I guess that's what worries me.

This is a general conversation of how we've been pushing bills through here. Just being new at this, we're always up for the challenge. That's what I signed up for. But the fact that we're putting bills through this House as fast as we are, working through the night debating them, which, hey, that's part of the game – I farm; I know what it's like going all night in a combine. That's what we signed up for. But is it really, truly the way we want to lead this province, by doing bills in such a fast manner when there really isn't a lot of conversation back and forth with our constituents?

Now, I get that CAPP had their input to it. I get the Energy minister. Obviously, for two years previously – as I've heard from the Minister of Finance, this just didn't happen overnight. I appreciate that, but in my constituency it somewhat did happen overnight because we didn't have the ability, or I sure didn't have the ability, to be able to get out and get all the feedback from all the players in the game for it. So it's sad. I think if one had that, it'd be a lot easier to stand here and make a right or wrong decision on it. I think we're here trying to do the right thing. I think there are 87 of us in here who are trying to do the right thing and do what's right for our constituents.

Now, when we're doing that, I think there's the process of this. I just caution it towards what we're going to do from here on. I personally would appreciate more time on these things so you can actually have some time. If it took two years to come up with it to where this point is and then the Energy minister pulled out – were there about 10 amendments?

Mr. Hughes: Seven words.

Mr. Donovan: How many amendments were on it, though?

Mr. Hughes: About 15.

Mr. Donovan: Fifteen amendments? So 15 amendments with only seven words that were changed. I understand that, but it took two years to get up to. I appreciate that the hon. Energy minister noticed that this was obviously an issue and did 15 amendments with seven words, but in all honesty was it going to kill anybody if we brought this bill forward and actually had time to go out and have dialogue with our constituents on it? Not a rushed dialogue, not put a Facebook message on it on a Tuesday and have a meeting on a Friday night, which, again, I was very happy to have the minister at.

These are the concerns we have. Some people consider it bullying. I don't go that far. I don't bully. I see that the Member for Edmonton-Gold Bar feels sensitive about that word. I'm not a bully, so don't feel bad. I don't think you guys were truly bullying on it. [interjection] I know. Lawyers are here to save all the bullies, and I thank you for that. But I really think the process could have slowed down, and I think we could have had a lot better conversation and probably would have made everybody a lot less stressed around the House as we spoke about it.

I mean, I talked about Parliamentary Counsel. The poor people were working through the nights trying to do all these amendments. We were putting amendments on. We were back and forth trying to get the wording right on that, making sure that the Minister of Energy had seen the amendments, finding out later, I guess, that it wasn't that warm and fuzzy on the amendments we had. But I guess you've got to start somewhere, and you still hope that everybody listens on both sides.

Thank you.

The Speaker: Hon. members, Standing Order 29(2)(a) is available. The President of Treasury Board.

Mr. Horner: Thank you, Mr. Speaker. I do take a little exception to some of the comments that I may not be representing my landowners appropriately or my property rights because, as I said earlier, I am a landowner, and I represent a number of landowners, and I'm related to a lot of landowners.

But you did tweak one question, hon. member, that I want to ask you about and that related to the membership of the board. It twiggged the question around judges on courts. Is it the party's position that judges should be elected and not appointed?

Mr. Donovan: Not to sound like a lawyer, but I don't know if that's really relevant. I'm not going to speak for all my party members on this, but my personal opinion is that I think there are lots of pros and cons to it. Again, I'd like to be able to have the time to look at that and think about it before I come out with an answer on it rather than sit there and bounce back and forth on it.

It was not my choice or plan, and I hope I didn't hurt anybody's feeling on that side by saying that they weren't representing their landowners or property owners because that is not where I was going with that. I was representing what my owners are telling me and my property rights. For me, that's what I want to sit and talk about, what my constituents want. I'm not the person to sit here and throw as much mud as I can at the other side. As an MLA I have to sit and try to represent my riding. In doing that, I have to try to be able to work with the ministers on that side to get something for my constituents because that's what they're here for. I think what they sent me here for, anyways, to represent them.

Now, in saying that – I can see the Speaker would like me to stop on this.

5:10

The Speaker: There's another person with a question. That's all.

Mr. Donovan: Okay. Well, just one second. I'd like to finish this out. It means a lot in my heart.

An Hon. Member: You have a heart?

Mr. Donovan: Yes. It must be very weird for a lawyer to hear the word "heart," but they are out there.

In saying that, I think we're all here to represent our constituents. You know, the debate – the hon. Member for Vermilion-Lloydminster had brought it up yesterday when we talked about it, and I know the Member for Peace River brought it up also – was about property rights and about whether a renter actually has property rights or not. I guess if you've ever tried to evict a renter, it does seem like they have a lot of property rights in that conversation. Landowners are landowners. I mean, I think it does vary across the province of what people consider what bothers them and goes from there.

My personal thoughts on it: we're all here to represent our landowners, our constituents, our retailers, our oil patch people, our industry people because that's where they're going in life. What makes this province roll along is energy, and I don't think too many people in this room don't understand that that's definitely one of the economic drivers in this province.

Now, in saying that, you've got to balance it out. I had the opportunity to be able to work for an oil field company in the winters, and then it turned into a bit of a full-time job for a couple of years. I think that was the key to why they did well. They got along well with the landowners. They didn't need the regulations

to tell them how to do it. They figured out it was business. There are regulations sitting there, but they got along. We have a vast knowledge of people in this House that have oil field experience and have run large companies. That's one of those things that to me is what we've got to pull on, the knowledge that people have in this House. Have the respect to listen to them. Maybe not always mumble back and forth, whether you think they have the respect or they don't. That's one of the things to me, I guess, of what we should be doing in this House.

To sit there and to say that one party represents landowners better than the other I don't think is probably right to do. In saying that, I wouldn't want to have offended anybody's feelings over there, especially any of my lawyer friends because I know they have big hearts. [interjection] Close enough, though. To me I think the whole purpose is that we're here to represent the people. You see oil companies do well and gas companies do well. If they don't do well, if they go out of business fairly quickly or they're sitting in front of the board doing appeals all the time . . . [Mr. Donovan's speaking time expired] Sorry. I would have liked to have answered more questions.

The Speaker: Thank you.

Speaker's Ruling Question-and-Comment Period

The Speaker: Again, hon. members, this is just a request to review the purpose of 29(2)(a), with no reflection on the answer just given or the previous question. One person stands up and asks a question. It takes 20, 30 seconds maybe, and then the person answering gets up and consumes the rest of the time, and that's okay. You're within your rights so far to do that, but it prevented two other people from getting up and engaging in a little exchange with you.

I want to tell you that we've been down this road before, and I've personally been down it because I was the Deputy Government House Leader for almost 14 years. When we created this rule, it was to allow for a little bit more of an exchange back and forth, which you can't do during second reading and you can't do at all during third reading. That's why 29(2)(a) exists during second and third readings, so you can get a little bit of that interchange going across the bow, as it were.

Just keep that in mind. That's all that I'm asking you to do, and if necessary I am prepared to make a ruling to that effect. Today I'm going to make a recommendation only, and that is that questions during 29(2)(a) shouldn't take more than 30 seconds, and an answer shouldn't take more than one minute. That would allow at least three sets of questions and answers, perhaps more depending on how it goes. Just consider that.

That having been said, let's move on to Calgary-Buffalo, please.

Debate Continued

Mr. Hehr: Well, thank you for recognizing me, Mr. Speaker. I have talked quite extensively on this bill so I don't know if I will go on at great length. Needless to say, I won't be voting in favour of this bill. I think it falls short of what the bill's goals were and, actually, the hopes and aspirations of many people in the community: business interests, environmental interests, some landowner issues. People's right to be heard is the thing that I'm most concerned about, which appears to be absent from the bill.

Now, there's no doubt that this has been a tremendously difficult undertaking to put together. This Bill 2, the Responsible

Energy Development Act, is trying to replace 10 other regulatory bodies that are currently in existence that deal with our oil and gas issues as well as our environmental concerns surrounding that. No doubt that this is an arduous attempt.

What I thought would be tried to be accomplished through this bill would be an overarching framework where energy and the economy are two sides of the same coin. We often throw that out there as to what the new world order should look like, a recognition that without environmental concern for the future we can't really go ahead with developing haphazardly or without thought to future generations, without thought to how what we do today has implications not only for this generation but several generations after.

In that vein I don't believe this bill goes far enough to recognize that principle, that our environmental stewardship is very much tied into what we do not only today but tomorrow. It also ties in very closely to Alberta's social licence to continue to develop our oil and gas industry, to continue to develop our oil sands, hopefully in an environmentally sustainable way, to the message that we are sending to not only our citizens and other provinces but the rest of the world about how we're doing on the environmental front. As we've seen over the course of the last number of years, the world's eyes are on us. I believe this act doesn't necessarily make a strong statement that we are truly taking our environmental responsibilities as close to heart as we can and allowing all views to be heard at the table.

Some of my concerns around the bill consider the vagueness of the direction we are giving the regulator. Much of this bill that we have seen in front of us and much of what it will actually be deemed to be trying to achieve is left to the regulations. If you look at the commentary by other organizations, the University of Calgary Faculty of Law blog, if you look at other commentators from the Environmental Law Society and just conversations with people who are currently working in the current environmental structures of our province, they are not sure what this act is going to mean. They're not sure of the prescribed rules, what the direction is for this new body, and the like.

In other acts, as I said, the 10 other acts that this act tries to replace, there's often clear direction in those acts as to the goals, the mandates, the broader principles, what the act and what the people working under the act are supposed to achieve. That's where we get into my first real concern with the bill, the removal of the public interest test.

5:20

Everyone knows what's in the public interest, but it's difficult to define. I think that was the beauty of the test. It allowed for people to take a broad view of what was in the public interest. I would say that that was looking at our environmental concerns, our economic concerns, our concerns about land use, water use, and the like, all those things. Removing that public interest test and narrowing it down in the way that we have done and leaving, I guess, this to be defined in regulation concerns me because we have no idea what considerations are going to now make up a public interest test. Or, in fact, is there going to be some component of a public interest test?

I guess I could assume that in regulations there is going to be some reference to cumulative effects, some reference to water, some reference to what the regulator should look for on emissions, but in no sense do I have any sense that that is in fact going to happen. I'm simply left here as a legislator hoping to trust the minister that this will all be encompassed. Frankly, I think that leaves me in a frightened state that some of this may not get into

regulation or that if it does make it into regulation, it will be subject to changes in ministers, changes in government directions, changes in pressures put to bear on ministers from time to time to deal with various complaints.

I guess, you know, I'd be less concerned about not having a public interest thing if there was a preamble to the act that actually stated some broad-ranging goals and principles of what the bill is supposed to achieve because then we could get a sense from at least the preamble. The people who work in this new responsible energy development regulator would have a series of principles or guidelines that would guide their daily decisions. But as this bill is written, we don't have any sense from the government as to what the overarching goals are, how they're going to achieve those goals, how they are going to balance those responsibilities. To me, that leaves, I guess, some who are less trusting than I believing that this is just basically a way to speed up development, to not allow people to be heard, not allow people whose rights have been affected and/or just general groups who have concerns about the scale, size, scope of our development practices in Alberta to be able to be heard.

I'm also concerned that this bill does not seem to appreciate the fact that governments are increasingly expected to or required to – and even if they're not, they should – take into account their duty to consult with our aboriginal peoples. There appears to be no recognition of that in this bill, and that gives me high concern. Who is to decide whether the Crown has met its duty to consult and accommodate? We have no indication of how that is going to be implemented, if it's going to be implemented, or whether, in fact, there is going to be much of an onus on the new regulator to do that work and due diligence in the manner that we should be. That, to me, is highly concerning. Yes, I can be hopeful it's in regulation, but, you know, I'm skeptical. I am skeptical. So that's another concern.

If you look at this bill, it appears that we have a regulator who will grant a decision, and then if that decision is not perceived to be fair to certain members who are directly or adversely affected by this legislation, then the regulator will then get to decide again whether its decision has been fair. Now, just think about that for a second, Mr. Speaker. How many times do you think that a reasonable person thinks that a regulator will think that the first decision they made is unfair if they're asked to review the decision they made?

It doesn't seem like a logical process we've set up to have a new, fair, and objective last resort that people can go to and say: "Look, in my view, this has been wrongly decided. Here are the reasons and concerns I have. Can you look at this objectively and tell me whether or not I am right?" That provision is not here in this bill, and that is highly concerning. I guess the argument you could always say is: well, you can take it to court. But we all know that with the structure of these things the court is only allowed to look so far as the government lets it. The privative clauses that are contained in this bill would be on very narrow circumstances where anything of substance would be allowed to be brought to our courts of law. That is very concerning to me.

It appears that we are eliminating the ability of groups to attend to add their commentary to the goings-on. In fact, there seems to be a limiting of this. Formerly there was a practice of paying the costs for people to attend to give their commentary, to give their views on the bill, and this no longer seems to be present.

Also, like we're talking about here, we can go back to some of the work done, and I guess that in the lead-up, the consultation for this bill there was a piece in there that said that there was going to be a policy management office set up. I don't see that referred to

in the bill. I am concerned that a policy management office is no longer in the works. I am concerned that this policy management office would have taken all sides into consideration, would have set policy for this new, wide-sweeping organization with vast amounts of power, set policy direction on a continual and ongoing basis that would allow us to keep up with the best practices throughout the world and protect our social licence to operate and protect people's interest and ability to be heard. I don't see that component referenced anywhere, and that was highly consulted on. I don't see that recognized here. There's no indication that it's going to be forthcoming, and I thought that one of the good things that came out of the consultation process was that public policy piece and that that was going to be implemented. The policy management office was an excellent idea that is nowhere to be found.

Those are my concerns. I guess I hope and pray that many of these concerns are not to be worried about and that they will be covered in regulation, but I doubt it. Thank you, Mr. Speaker.

The Speaker: Hon. members, 29(2)(a) is available, and I'll just stress what I've stressed before. Its purpose is to "allow Members to ask questions and comment briefly," and it goes on. Are there any brief questions or comments with respect to the previous comments just made?

Seeing none, we'll move on from Calgary-Buffalo to Cardston-Taber-Warner, please.

Mr. Bikman: Thank you, Mr. Speaker. I appreciate the opportunity to rise and speak today, but it gives me no pleasure. I want to talk about Bill 2, and I also want to talk about a couple of basic human needs that seem, to me at least, to perhaps not have been addressed as fully as I would have liked or as the situation called for.

One of them is that people have a need to have a say in decisions that affect them – at least, that's what I keep telling my wife and this House – and I'm not sure that I have a complete sense that that has happened. They also need to be listened to until they feel understood. One of my professors, Dr. Stephen Covey, developed the seven habits of highly effective people, actually identified them and codified them. Habit number 5 was "seek first to understand, then to be understood," which is another way of suggesting that it's important to diagnose before we prescribe. One thing I know for sure is that everyone acts rationally from their own point of view.

Therefore, I won't judge or presume to know the motives of individual MLAs. Perhaps you'll be as kind in return. It's hard, though, isn't it? At least, it's my nature to be critical and judgmental and to jump to conclusions about why people are behaving the way they are, but people that I care about in my life have tried to help me overcome this tendency.

5:30

I'm troubled by the collective conclusions I see that have led to Bill 2 and the ignoring of some of the things that I think would have made what we all hoped would be a great piece of legislation into something that I fear may be less. I know that everybody has good intentions and wants to do a good job. I know all of you do. I know all of the people that I associate with over here do. We want to do a good job for our constituents. We want to do a good job for industry and for businesses in general and for the environment. I know you believe your Bill 2 will achieve its stated goals. I hope you're right. I want you to be right for my own constituents and

for the industry, my own industry, the oil field service industry, and for our province.

I'm normally an optimistic and pretty cheerful kind of guy, but my study of history and my experience with regulations, et cetera, in my business life here in Alberta does not make me feel warm and fuzzy. I hope I'm wrong.

Thank you.

The Speaker: Hon. members, 29(2)(a) is available.

Seeing no one under 29(2)(a), let us move on to Calgary-Shaw.

Mr. Wilson: Thank you, Mr. Speaker. I do appreciate the opportunity to stand in third reading and speak to Bill 2. I didn't take the opportunity to do that during second reading. I think that, you know, we've had a pretty good process here over the past couple of weeks. I mean, we have talked about the amount of time that the bill was debated, roughly 30 hours. A lot has been said today about the unfortunate nature of how a lot of those amendments weren't accepted, and I would tend to agree because the reality is that when the Government House Leader stands and says that we've had 30 hours of debate, that sort of insinuates that there's a two-way conversation going on here.

The unfortunate reality is that that's not what we really saw or felt. So probably what gave rise to a lot of the frustrations from this side is that a debate is just that; it requires a back and forth. The only time we actually got the back and forth was when it was the hon. minister's amendments. As we discussed, that was about changing a whole seven words. Yes, granted, there were a handful of other government members who rose to speak at various points in time, but outside of maybe five or less it was a one-way conversation.

You know, we've also talked about how that debate impacts, I guess, the overall perception of what we do here. I know that this party likes to remind Albertans – I apologize for my lack of coherent thought at this juncture; it's been a long day, Mr. Speaker – and invoke Peter Lougheed and talk about how this is the party of Peter Lougheed. I beg to differ with you, and I say that for one reason. Peter Lougheed had the opportunity when he was first elected to sit in opposition, so he looked at this through a bit of a different lens than the members opposite tend to look at things today. I don't think you will ever have the opportunity to govern the way that he did because you've never experienced the same thing that we experience here. So I would just ask you moving forward to consider that. Part of the reason that he was so good at what he did was that he worked and he respected the opposition, and they created a mutual partnership to move the province forward. That's not what we see here today. So I just wanted to raise that point.

That being said, I understand that the idea of speaking in third reading is: what's going to happen now that this bill is going to be passed? You know, I think the concept of a single regulator, as we've all said, is something industry has been asking for. It's the right direction for this to go. Yes, we've had discussions about various issues with it, whether it be, you know, landowner rights or whatnot. I don't need to rehash all of this. It's not why I'm standing today.

I want to thank the minister for some of the responses he did give during the debates in Committee of the Whole. I want to believe that he's going to follow through on some of the things that he said he was going to in creating the regulations that are actually going to govern this act. It was a fruitful discussion at times, so I look forward to seeing that result actually translate into, you know, what this is actually going to do and what it's actually going to mean for those who it intends to impact. Obviously, you

know, there are issues around public interest. Perhaps there are issues with writing that in. Understandably, we have concerns around that. Again, I put my faith in the minister that these things are going to be considered.

Now, many of my constituents in Calgary-Shaw are heavily involved in the oil and gas industry and have identified to me that they would like me to support this particular bill. The single regulator will speed up the process. It will be of benefit to the industry. It may come as a surprise to those members sitting opposite that although I do proudly stand shoulder to shoulder with my Wildrose colleagues here, who have stood and advocated for their constituents and the concerns of their constituents as I would suggest every member in this House do on a daily basis because that is why we're here, I will be supporting this bill. That, my friends, is the beauty of a free vote.

Thank you, Mr. Speaker.

The Speaker: Hon. members, 29(2)(a) is available.

Mr. Dorward: I do have a question, Mr. Speaker. We get criticized here for our members perhaps having a lack of debate. I just should probably explain something. Although I'm a newbie, and I'm explaining to newbies, the truth of it is that we have ample opportunity to have debate. We debate within our caucus. We debate within our regional caucus. We have access to the individuals that have written the legislation. We have access to the ministers. We have access to researchers. We've likely been through the issues often. So we're interested to hear the amendments, but likely the amendments are already thought through and gone.

Finally, it's frustrating from our side of things to know that we have sat here – I sat, I think, between 1 a.m. and 3:30 a.m. – while three members of the opposition went around in a 20-minute circle of a continuation of comments. The comments were debated back from this side by saying: relevance. There was no relevance – *Hansard* is there; people can go and check it and read it if they're interested – to the amendment that was proposed by that side. So you ask us to debate an amendment. Perhaps they could debate the amendment as well.

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

Mr. Wilson: Thank you, Mr. Speaker. A couple of things. First off, thank you to the Solicitor General for motioning to his member to sit down and stop embarrassing himself.

I would like to simply point out, sir, through the chair, that part of the issue is that when you drop a bill on our desk here, it's the first time we're seeing it.

Mr. Dorward: No. Your researchers have seen it.

Mr. Wilson: Okay. Maybe they've had a week's notice. I appreciate that.

The reality is that, yes, this has been legislation that's been built for a while. [interjection] I have the floor now, sir, with all due respect. The reality is that we live in different worlds. You guys do have the opportunity to debate it in caucus. We don't necessarily see that. We don't understand your position on things, and none of you stand up to speak to them when we do ask. So, yes, what we see is a one-sided debate, and it's not necessarily that debate.

Anyway, I have nothing more to add, Mr. Speaker. Thank you.

The Speaker: Anyone else under 29(2)(a)?

If not, are there any other speakers? The hon. Member for Cypress-Medicine Hat.

5:40

Mr. Barnes: Thank you, Mr. Speaker. My constituency of Cypress-Medicine Hat is a great snapshot of many, many areas of our great province that are home to ranchers and farmers as well as being involved in the energy sector. These two areas of the economy do not have to be in conflict. In many ways they work well together, and in fact many Albertans are connected to both sectors.

The government introduced Bill 2 because of concerns our oil and gas industry has raised about Alberta's regulatory system, and I agree that changes to the current system are necessary. It is unacceptable for a province like ours that is so rich in resources and has so many Albertans employed in the energy sector to rank as one of the worst jurisdictions for energy development due to all the red tape within the system. Even with such an inefficient regulatory system Alberta is the economic engine of our country. Imagine how much better we could be with a more efficient system.

I fully support the intent of Bill 2, which is to cut red tape and make our regulatory system for oil and gas projects more efficient. This is important, Mr. Speaker, because if our system is made to be more efficient, there will be more economic growth in our province and in my constituency of Cypress-Medicine Hat. Cutting red tape and increasing economic growth for our province truly would benefit Albertans. Unfortunately, I have not been convinced during the course of debate on Bill 2 that this legislation will actually do the job of making our regulatory system more efficient. There is work to go there. There is certainly a place for government regulation, especially in efficiently maintaining a balance between environment, landowners, and industry, but I am not convinced Bill 2 will generate this efficiency, and I am not convinced it strikes the right balance between the environment, landowners, and industry.

In terms of efficiency Bill 2 essentially takes the failed bodies that were in place and stuffs them into a new single regulator, but I have not seen any evidence or heard anything from the government to indicate that the new single-window regulator being proposed will in practice streamline the regulations of the three government bodies being brought under one roof. I am not convinced that in merging these different entities, duplication will be taken out of the system. In short, if this is not done properly, what will happen is even more red tape, even more inefficiencies. Needless bureaucratic duplication does nothing but cost industry millions in lost time and productivity as well as the wages of workers. Inefficiency in the system sacrifices the economic growth of Alberta.

Mr. Speaker, I urge the government to listen to and consider the amendments the Wildrose has put forward. We have been receiving countless e-mails and phone calls from all Albertans who are concerned that in this rush to consolidate the regulatory system for oil and gas projects, the government will skip over the deficiencies in the current system. Our amendments would have ensured that Bill 2 would truly streamline the regulatory approvals for energy development and actually encourage development, protect landowners, and respect the environment.

Albertans do not want another law that tramples on landowners' rights, removes independent appeals, and gives the minister sweeping powers over development, similar to bills 19, 36, and 50. Bill 2 needs to enshrine the right to an independent environmental appeal to protect landowners from the destruction of the land and the water they rely on. Bill 2 also needs to mandate the proactive informing of affected landowners and guarantee the

right to a hearing as part of the licensing process as is currently the case with the ERCB.

I mentioned a week ago during one of the amendments that during constituency week I had approximately 10 to 15 phone calls from landowners very, very concerned about the removal of the appeal and very, very concerned about Bill 2's ineffectiveness and where it was going.

At an interesting meeting last night, Mr. Speaker, with a group of people from south Edmonton we spent a great amount of time talking about what the size of government should be – smaller, current size – and I think at the end of the day we decided that a government should be responsible and accountable. Our discussion immediately swung to Bill 2, which surprised me in an urban setting. I'm sad to report to the government that a number of people in south Edmonton feel that Bill 2 does not meet this responsibility and accountability guideline. They are concerned about what it does to landowners. They are concerned about the duplicate regulation. Again, I think, as some other members have mentioned, that with a full-blown, more consultative process this could have been outlined.

Thank you, Mr. Speaker.

The Speaker: Standing Order 29(2)(a) is available.

Seeing none, we'll move on to the hon. Member for Edmonton-Beverly-Clareview.

Mr. Bilous: Thank you, Mr. Speaker. I rise at this time to speak in opposition to Bill 2. I've had the privilege of speaking several times to this bill, so I will keep my opposition comments to this bill very, very terse. First and foremost, the fact that this bill takes out the public interest is quite a frustration for me and the New Democrat caucus. Again, when we look at public interest, we're looking at what's in the best interest of all Albertans, not just individuals directly affected by future projects but acknowledging the fact that our interest lies in weighing collectively our interests, whether we're talking about the environment, whether we're talking about the economy or the long-term future of Alberta.

It's with some frustration – you know, when I was canvassing for years before the last election, many constituents of mine had talked about wanting the government to develop a very reasonable, responsible pace for the development of our resources, taking into consideration our environment, looking at Alberta's long-term future. Many requests came up as far as doing more in the way of developing our resources, keeping quality jobs in this province, and ensuring that Alberta will be prosperous for the long term. It's unfortunate that that was not addressed in this bill whatsoever.

Another issue is the fact that the regulator, first of all, is not publicly selected or at arm's length from the government. It's going to be a regulator that's appointed. The number of individuals sitting on the regulator board is smaller than what was proposed or what has been with the ERCB. As well, concerns are only going to be addressed through the Ministry of Energy, not through the ministry of environment. I think that if we talk about balance, if we talk about wanting to ensure that different perspectives are acknowledged and weighed equally, that piece is really crucial, and it's unfortunate that it's missing.

The other issue I have with Bill 2 is the fact that especially First Nation aboriginal groups are being put off through federal legislation, and they really do need to be considered, first and foremost, as stakeholders in all new projects and have an equal seat at the table as opposed to the regulator making decisions.

The appeals process leaves much to be desired. My colleagues from the Wildrose have pointed out numerous examples of how

this bill will actually infringe upon landowners' rights. I believe many Albertans have spoken out in opposition to this bill for a variety of reasons, whether they focus on the environment, whether they focus on their own rights. What we expect from government is that they have a process that involves a public inquiry, involves steps for remediation, a process to ensure that we are really balancing the needs and interests of all Albertans. Unfortunately, this bill seems to only acquiesce to one group, and that would be industry, to speed up and fast-track more development projects. Again, Albertans are asking for a sustained approach to a reasonable pace, a responsible pace of developing our oil sands.

For those reasons, a lack of appeal process and a lack of environmental monitoring that's truly unbiased, I cannot speak in favour of this bill, and I will be voting against this bill. Thank you, Mr. Speaker.

The Speaker: Hon. members, 29(2)(a) is available.

Just before we recognize the next speaker, hon. Minister of Justice and Solicitor General, do you wish to address the House?

Mr. Denis: Yes, Mr. Speaker. I understand that we're nearing the end of the bill here, and I would just make a motion that any standing votes for the duration of the proceedings today be held on a one-minute interval rather than a 10-minute interval.

The Speaker: Hon. members, the Minister of Justice has requested unanimous consent for the division bells to ring in the following manner: 30 seconds ringing, one minute of interval, followed by one minute of ringing. Does anyone object to the request for unanimous consent to that effect?

[Unanimous consent granted]

The Speaker: The next speaker. The hon. Minister of Energy to close debate, then.

5:50

Mr. Hughes: Thank you, sir. Well, Mr. Speaker, time is short, much has been said, and it's time for us to move on. I'd like to start by simply thanking the many Albertans, some physically here in this room and many elsewhere, for their feedback, for their advice over the course of the development of this legislation. I believe this is a historic bill. It's a once-in-a-generation opportunity to renew and move to the next generation of regulator of the energy sector in this province. It's important, and it will create a new entity that will become known as the Alberta energy regulator, the AER. That will be something that we will talk about for years.

I want to thank everybody for their engagement in this. I'd like to thank on the other side of the House the Member for Strathmore-Brooks, the Member for Rimbey-Rocky Mountain House-Sundre – and south Boston – and, in particular, the Member for Little Bow, who very generously worked with me and allowed me to improve my understanding and to also learn a lot in terms of the work that needs to be done in the wake of passing this legislation. There is much to be done, and it should reflect.

On this side of the House I'd like to pay particular tribute to our colleague the hon. Minister of Environment and Sustainable Resource Development, who has been a constant source of excellent

advice to me and a colleague-in-arms in working on this and for years of hard work on her part. I'd also like to thank all of our colleagues who stepped up in so many ways. So many offered advice. They offered to stand up and speak. They wanted to weigh in. They wanted to contribute to helping to create a better understanding of what we're doing here today amongst Albertans. So I thank our colleagues in that respect.

You know, we're building on history here. We're building on the original regulatory body, which was the Turner Valley Gas Conservation Board in 1938 – for a kid who grew up at the south end of the Turner Valley, this is important – and, of course, all the other predecessor organizations from the Turner Valley Gas Conservation Board right up to the ERCB and the regulatory processes within the environment department.

We found a balance here, Mr. Speaker, a balance where we create regulatory certainty for applicants. We've respected the importance of environmental interests and landowner interests, and now it's time to move on.

With that, I take the counsel of my colleagues here, and I call the question.

The Speaker: Hon. members, the Minister of Energy has requested a vote on Bill 2, the Responsible Energy Development Act, and 29(2)(a) is not available. He has risen and closed debate.

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

[Several members rose calling for a division. The division bell was rung at 5:55 p.m.]

[One minute having elapsed, the Assembly divided]

[The Speaker in the chair]

For the motion:

Bhardwaj	Horner	Pastoor
Calahasen	Hughes	Quest
Campbell	Jansen	Rodney
Cao	Jeneroux	Sandhu
DeLong	Johnson, L.	Scott
Denis	Kennedy-Glans	VanderBurg
Dorward	Kubinec	Weadick
Drysdale	Lemke	Webber
Fawcett	Oberle	Wilson
Fenske	Olesen	Woo-Paw
Goudreau		

Against the motion:

Barnes	McAllister	Saskiw
Bilous	Pedersen	Stier
Donovan	Rowe	Strankman

Totals:	For – 31	Against – 9
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[Motion carried; Bill 2 read a third time]

The Speaker: The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. Given the hour I'd move that we adjourn till 7:30.

[Motion carried; the Assembly adjourned at 5:59 p.m.]

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