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The Honourable Kenneth R. Kowalski, Speaker

Legislative Assembly of Alberta

The 27th Legislature

Third Session

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Legislative Assembly of Alberta

7:30 p.m.

Monday, November 15, 2010

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated. We'll start our first evening session of this week.

Government Bills and Orders

Second Reading

Bill 25

Freehold Mineral Rights Tax Amendment Act, 2010

[Adjourned debate November 3: Mr. Liepert]

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Swann: Thank you very much, Mr. Speaker. My first opportunity to rise and speak to Bill 25, the Freehold Mineral Rights Tax Amendment Act, 2010. The bill changes the administrative rules for freehold mineral rights. It specifies the appeals process, times and procedures are changed, and it changes the punitive structures for nonpayment, increasing the potential fines. Really, this is an administrative bill and very little to take issue with.

The freehold mineral tax is an annual tax on non provincial government owned petroleum and natural gas mineral rights within Alberta. It's assessed on revenue derived from production from freehold oil and gas properties. It's assessed annually based on calendar year production, and it's levied on each owner of a petroleum or natural gas mineral right as shown on the estate fee simple certificate of title.

I won't go into details about how it's calculated, but I did want to get on the record saying that we support this. It's a reasonable amendment. It clarifies a number of administrative issues relating to freehold tax, and we will be supporting this.

Thank you very much, Mr. Speaker.

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

Mr. Chase: Thank you very much, Mr. Speaker. Again, I'll be brief. The Liberal Party has long supported the mineral rights of individual property owners. This is a bill that possibly we could look at as having 110 years of work preceding it to get it to this stage. I think Bill 25, the Freehold Mineral Rights Tax Amendment Act, 2010, recognizes ownership but also recognizes the importance of contributing to the well-being of the entire province. The 4 per cent figure that is being suggested seems extremely fair, and therefore I lend my support and that of my party to this piece of legislation.

Thank you.

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

Seeing none, the chair shall now call for speakers on the bill. The hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Speaker. I'd like to just make a few comments with respect to this. This bill changes the appeal process for freehold mineral rights tax assessment. Previously objections to the tax were appealed to the minister, who could then go further and refer complaints to an appointed appeals board. Under our proposed amendments objections are made to the minister

or by appeals to the Court of Queen's Bench. Maximum penalties for noncompliance are raised from \$5,000 to \$100,000, and various regulations would allow for the transmission and storage of electronic records.

Mr. Speaker, there are restrictions here, stiffer fines and restricted access to appeal them, and that in conjunction with the Mines and Minerals (Coalbed Methane) Amendment Act, 2010, restricts the ability of freehold coal-bed methane rights holders to appeal taxation just after clarifying their ownership of these rights.

I just want to get on the record here and suggest that this is a bill which is . . . [interjection] Mr. Speaker, you know, someone is in the back there. I just want to indicate to the members that this is a bill which we have some objections to and will not support.

Thank you.

The Deputy Speaker: On Bill 25, five minutes for comments or questions.

The hon. Member for Calgary-Glenmore on the bill.

Mr. Hinman: Thank you, Mr. Speaker. I'd just like to stand up and speak in support of this bill and, I guess, the process that the government has gone through. Our understanding is that they actually consulted the freeholders and got the input and went in that direction rather than springing a bill on them that nobody was aware of. We think that that's important. It's amazing, as we can see in here this evening, that when the proper procedure and process are gone through, passing a bill can be quite simple and straightforward. We wish that this was a process that was taken on more bills. It won't be that way for the rest of the evening, I think, but on this one the freeholders are in support of this bill, and the Wildrose caucus is as well. We'll be voting in favour of this bill.

The Deputy Speaker: Under 29(2)(a) five minutes for comments, questions.

Seeing none, any other hon. member wish to speak on the bill? The hon. Member for Calgary-Bow.

Ms DeLong: Thank you very much, Mr. Speaker. I just wanted to put in my support on this bill. I was very proud to take through legislation which clarified gas and coal for the government, and I'm very glad that we have moved forward and clarified this when it comes to the freeholders. I'm very pleased to support this bill.

Thank you.

The Deputy Speaker: Any other hon. member wish to comment? Questions?

On the bill, any hon. member?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 25 read a second time]

Bill 26

Mines and Minerals (Coalbed Methane) Amendment Act, 2010

[Adjourned debate November 3: Ms Blakeman]

The Deputy Speaker: Hon. Member for Edmonton-Riverview, I see that you wish to speak on it.

Dr. Taft: Thank you, Mr. Speaker. I am pleased to rise to speak to Bill 26, which is the Mines and Minerals (Coalbed Methane) Amendment Act, 2010. This is a piece of legislation that has been discussed – or at least the ideas behind it have been discussed – and

argued over and debated for years, and it's good to see something come out of all that sound and fury. Sometimes sound and fury signify more than nothing, and in this case that would be the case.

I think that probably the history of this issue has been laid out by previous speakers. You know, depending on how you want to look at it, it's something you could trace back probably a hundred million years, to when coal was formed and when it began producing methane gas. Essentially, it's an issue of clarifying the definitions and who owns the coal and who owns the coal-bed methane that the coal produces. I think it's important to separate those two, and I think this moves very much in the right direction.

It doesn't address all the issues. There are issues, you know, such as water and saline production, which so far, luckily, in Alberta hasn't been a big issue, but in some of the coal-bed formations that will probably be tapped in the future, we will have to expect a lot of concern around the production of saline and toxic water out of those wells. That's not the main concern of this piece of legislation, and I guess we'll have to wait for the future to deal with that issue. Let's hope we don't leave it too long because they've discovered in other jurisdictions, I think most famously Wyoming, that these things need to be thought about in advance.

7:40

I think this is probably an issue that's going to attain broader national and international attention as we look at jurisdictions that have historically not been gas producers suddenly discovering that perhaps they will become gas producers. But we won't worry about that tonight. I think tonight there are bigger discussions to be had, so I will leave my comments like that.

Thank you, Mr. Speaker.

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

Mr. Chase: Thank you very much. It's interesting that we're talking about Bill 26, mines and minerals and, specifically, coal-bed methane gas. Tonight gas seems to be a reoccurring theme. I don't want to add too much to that gas discussion, but I do want to get on the record the importance of principles that we have long espoused, and that's the need for isotopic testing and creating records prior to fracking. When water is intruded upon, whether by a natural process, as is often the case, or by the inappropriate chemicals used in the fracking process, we need to have that historical record so that we can determine whether or not compensation is due to the individual whose land and water are interfered with.

There's been a terrific amount of controversy with regard to how we can potentially interfere with aquifers, and Bill 26 recognizes the fact that coal and gas are separate entities. It does not talk to the degree I would like to see about the importance of water and the effects that coal-bed methane could potentially have on it. Coal-bed methane is one of those gift horses. You don't want to look into its mouth because while it can provide benefits, it can also provide a very detrimental circumstance to our underground aquifers, whether they're in the Horseshoe basin formations, as is the case from central Alberta down, or as we get closer to Fort McMurray and find that the gas is that much farther below the surface and less likely to interfere in the water table.

This is an important recognition that coal and coal-bed methane are separate entities, and for that clarification I appreciate Bill 26 and its intentions. Thank you, Mr. Speaker.

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

See none, the chair shall now recognize the hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Speaker. This is certainly one of those bills that I have to speak against. It's sad when the government says one thing and then jumps and changes direction. I mean, just in 2009 the consensus was that they weren't going to do anything on this. There are court cases going through. The precedent of this government in the past has always been that when something is in the courts, we'll wait, that we'll see where it's coming from and where it goes. [interjection] Yes, it's going to come up the 1st of March of '11. This has been going on two years, lots of consultation going forward, and here we are stepping in to pass legislation to pre-empt a judgment.

But probably the most concerning thing when it comes to Bill 26 is that this is an extremely complex question and problem. There are two jurisdictions, to my understanding, in the world right now that have made legislation. B.C. was leading. I don't know that they've got it right. It concerns me. To bring a bill like this and announce it, you know, on the 27th of October and then put it in front of the Legislature saying, "Oh, this is the way we need to go" – I've had too many people contact me saying: look, this is too complex to debate and push through in short order with night sittings and saying that this is the direction to go.

It's interesting the take on the government saying that, you know, this is going to open up these areas and allow us to develop these resources. But it's an extremely complex issue, and to just say that it doesn't have any domino effect down the road is very inadequate. I would say that it's just naive to think that we should be able to put this out there and say, "Oh, we've solved the problem," when in fact we could be creating a much bigger problem as we look forward to how we're going to develop the coal in this province. There's lots of talk, you know, about clean coal, the liquification of coal and using that for gas. I mean, they've been doing it since the 1800s. If you go in and actually start fracking and drilling in these areas, we could be compromising in situ processing down the road.

I just think that this is the wrong time to be passing this legislation. We should be looking at it in the spring. At the very most it should be one of these bills that's presented in the spring; then you have a year to look at it and the consequences. Like I say, the biggest and most concerning thing is that we don't have the expertise here in this Legislature to say: "Oh, this is the way to go. We see the future, here. It's crystal clear. Let's jump on it."

It's interesting because, again, this really is a question and a case of ownership, the ownership of property. Who actually owns that property? In my own mind, when I look at that, you know, we know that if a person owns the surface rights, they own that top 12 inches or wherever that organic matter in the soil is, and they can do this. For someone to come in and say: "Well, you know what? All we really want out of the surface is the organic matter, less than 5 per cent. We're just going to take it out of the soil, and we'll leave you with sterile soil. No problem. But we have this great use for this organic matter." That's what we're looking at.

There's a very small amount of energy in comparison with the methane that's trapped inside the coal versus the total reservoir. I think we need to be very careful and let the experts, the EUB or someone else, have a much better presentation, go through and make an expert decision. But for us to ram this through here in the next two weeks with the consequences that we could be facing over the next hundred years as we continue to use carbon fuels could be extremely detrimental.

Like I say, on the first reading of this bill and in discussion on the second one, I have to speak against it. We're not in a position to pass this. We're making a knee-jerk reaction to a complex problem. I would hope that as we go forward and discuss this a little bit more – if there are some expertise reports that the government has, I

would sure like to see them. Like I say, the biggest and most disappointing thing is how blindsided the industry was on this and the precedent that it's going to set when, in fact, there's been two years of preparation going into a court case to try and settle this. Everything up until the 27th of October showed that what we're going to do is that we'll let the experts and the courts settle this and then go forward because this is a property rights issue. Anyway, I just feel that this is the wrong direction to go. [interjection] A light just went on with my colleague here.

It is about property rights and the fact that we need to respect them and not just pass legislation to annex out or allow people to go in and trespass into another area. This is about zone development. It's interesting, too, when different developments go forward to the EUB. If you've got gas over top of an oil reservoir, they'll allow the oil to come out first. There's always a proper process to extract our energy, and I don't know that going in and allowing this is going to be the right order.

I would hope that we would let this bill die this fall, that they wouldn't pass it through, and do a lot more research and let the experts do it rather than rush a bill through for I'm not sure what purpose or intent.

I'll sit down, and perhaps there will be a few questions.

The Deputy Speaker: Standing Order 29(2)(a) allows five minutes for comments or questions. The hon. Member for Edmonton-Highlands-Norwood.

7:50

Mr. Mason: Thank you very much. I, indeed, do have a couple of questions for the hon. member. The first one is to be prefaced with just a comment that I attended the freehold property rights group in Red Deer about nine or 10 months ago. There were Conservatives there, your leader was there, one of the Liberals was there, and I was there. I heard your Liberal – sorry; your leader, not "your Liberal." I'll get used to the night sittings, Mr. Speaker. I heard your leader talk about the property rights of the freehold owners.

Now, it seems to me that what this bill does, simply, is to say that where there's natural gas occurring as a result of coal-bed methane, the freehold owners have the rights as if it was just regular, conventional natural gas. So it would seem to me to be to the disadvantage of the coal companies, the big, big companies, and in the interests of the small freehold people, who of course the NDP have always supported and I thought you supported. But by your comments it sounds to me like the Wildrose Alliance is taking the position of supporting the big coal interests over the small freehold owners' interests. That would be my first question.

The second one is with reference to your comments about waiting for the courts to make the decision. I always thought that it was a conservative position that the courts should not be making legislation, that the people's elected representatives should be making the legislation. So why, then, do you want to have the courts lead this decision?

Mr. Hinman: Those are two excellent questions that I'm happy to answer. The first one is that the freehold rights were very much proponents, as you are of the freehold owners and wanting to protect that. But the way you protect that is by following the precedent of rule of law, not arbitrarily, where you jump one area or the other area. It's just critical that we get it right on who actually owns it, not necessarily just going politically and saying: oh, there are a lot more votes here or there. It's always about the rule of law and ensuring that we're setting a proper precedent and not something that's a trap that we're going to go back to fall into several times going forward.

[interjection] Well, because it's setting a precedent by not actually following the rule of law.

Again, he says that we set legislation. We do, and that's my whole point. There is legislation in place now, and it needs clarification by the courts. Then if there's a problem, that's where we as legislators would come back in and say: "You know what? We see that we've made a mistake here. The courts have misinterpreted it or it's wrong, and therefore we need to pass new legislation." You don't pre-empt the courts when there's a case going forward. The legislation is in place. It needs to be clarified in the courts, and then if there is a problem, that's where we would step back in as legislators and say that this needs to be addressed.

Absolutely we're a huge supporter of the freehold mineral rights. Our leader has spoken to them many times. But this is about precedent. It's about rule of law. It's about property rights. You can't infringe on one area and say, "Oh, a big owner owns this; therefore, it's okay to go after it," and then not go after a small owner later. It's about following the rule of law, not arbitrary political decisions that are just about votes.

I hope that answers your questions.

The Deputy Speaker: The hon. Member for Edmonton-Riverview, five minutes.

Dr. Taft: Thank you. Under 29(2)(a) just to the Member for Calgary-Glenmore, you've mentioned property rights quite a number of times, but this is surely an issue where two parties are claiming the same property rights. Why are you saying that this is an issue? You're stating the obvious. This legislation moves to resolve that issue. What's your problem?

Mr. Hinman: The whole problem is the technicality of it. Is this just political? What's the expertise? Why did they come up with this decision? With this government I'm always very concerned when they pass a law that there's someone to benefit or something else rather than rule of law and making sure that we're following, you know, the actual law and the property rights issue. Here they're just coming in and saying: this is who it belongs to. It's a very technical question. It's about zone and infringement. Like I say, if you were to say to the surface owners, "Well, now we want to come in and mine the organic matter from the soil; you can have your 12 inches, but we're going to take that 3 per cent organic matter," what does that do to what you own? I think there's some jeopardy here on what we could possibly do.

My point is that this is extremely technical. I don't think we've thought about what the repercussions are in the next 10 to 20 years.

The Deputy Speaker: The hon. Member for Airdrie-Chestermere.

Mr. Anderson: Very good. Well, it's interesting that this would come up. In my previous life as a lawyer I actually worked on the decision that the EUB made on this case in 2007, and it was very interesting. It is very highly technical, over the heads of probably, maybe, everybody in this Assembly, frankly, which is why this obviously needs more time and thought.

Obviously, we can see that Bill 26 clarifies the ownership of the coal-bed methane. What it's saying is that it's the gas owners, the freehold owners, not the coal owners.

You know, I had a gentleman in my office just to talk a little bit about who this is affecting. This is not just an issue of big coal. I had a man in my office last week actually who was just beside himself over this legislation because he was part of the consultation that this government did in 2006, I believe he said. The outcome of

that, the recommendation, was to leave things how they were and then see how it would play out in the courts before coming back to it with more consultation. So he was beside himself because this broadsided him.

He's just a landowner. He's got a very accessible coal deposit on his land, and he wants to make the most of it. Of course, coal-bed methane could obviously be a very lucrative product that he could gain a lot of money from. As a landowner he's furious because he feels like he's been – without any consultation the government comes in and arbitrarily decides: "You know what? You're out of luck. The gas belongs to the freehold owners, and that's just the way it's gonna be. Sorry. No compensation for you." I think he has a very legitimate claim.

I do understand completely the precedents in this area. There's no doubt that there have been court cases from the United States as well as from Canada, including our own EUB, although that was a very, very fact-specific case. I don't think you can say it's a precedent for the whole area. But there is case law out there that this bill does conform to. That doesn't necessarily make it right. It's certainly not well-spread case law.

I can remember hours and hours researching this area and finding almost nothing on it, with a few minor exceptions. So it's a very new area of law, and it's something that is extremely technical. I'm glad I'm not doing that anymore because it makes your head spin. In all honesty, I don't think I can say that I fully understood it when I was going over it. I mean, we had experts in on both sides of the issue that made very compelling cases for why the coal owners should have the rights to it, why the freehold owners should have the rights to it.

That's the whole point here, that as a Legislature and as lawmakers we have to understand that our decisions affect people a lot. Sometimes we can devalue their land and do things to them that will cause major heartache and major missed opportunities. We have to understand that when we come in and we decide or a bureaucrat decides or a set of individuals decide that they're going to make a change this substantive, there are consequences. I'm not convinced that the proper protocol, the proper consultation has been done to make sure that the coal owners, whose rights are going to be essentially extinguished under this legislation, are being adequately heard, and I think that that's wrong.

I think that there is no doubt that there does eventually need to be clarification around this issue, but we should do a proper consultation process and make sure that – you know, there could be ways that we could make sure that the coal owners are compensated in some way for essentially extinguishing their claimed right to the coal-bed methane and also arrive at more certainty. We can do that, but it takes consultation. It takes some hard work to find a way to make sure that all people's property rights are respected.

8:00

It goes back to what the Member for Calgary-Glenmore was saying. This isn't about, you know, clarifying who owns what. Yeah, that's what this legislation does, but that's not the argument he was making, and it's certainly not what I was making. We all understand the need for clarity, but we also have to understand that this is a new area of law, and this decision is going to have effects on people's existing property rights, so let's take some time. Let's talk it through, maybe not even in this Legislature. Maybe we go back and do a proper consultation first with all partners involved, all stakeholders involved, to make sure that everybody comes out at least with some compensation – yeah, I guess the best word is compensation – for the property rights that they hold. I think that's a very fair point that the hon. member made.

Again, we can do both. It's not mutually exclusive, what I'm talking about here. It's not like we're saying that we can either have clarity on this issue or we cannot have clarity on this issue; the coal guys win or the gas guys win. It's not about picking winners and losers. It's about trying to make sure we arrive at a fair decision, where everyone is compensated.

Just a few years ago or a decade ago coal-bed methane wasn't even on the radar screen to these guys, so to just come in and arbitrarily make a decision like this, I think, is certainly beyond the expertise of this House currently. Certainly, that's not to say that we shouldn't eventually debate and pass a law on it, but to ram this through in a week or a week and a half or whatever we're going to do without having the proper technical explanations of what this matter is about is really doing a disservice to this House, hon. members.

You know what? This is a perfect place if you want to keep this purely in the Legislature, if you don't want to go back and do a proper consultation with all the stakeholders before bringing it forward, to at least punt this out – punt is the wrong word – send this to a committee of the House, of the Legislature, and allow that policy committee to sit down and invite stakeholders in to hear their different arguments and to get some technical analysis from some experts and scientists on this subject. You're going to find, as you peel back the layers of the onion, that there is a ton to learn about this subject. That would be a much better process. You know, perhaps we should bring in an amendment in Committee of the Whole to that effect. That would be a much better process than simply just ramming this through: oh, we've got to have clarity; we've got to have clarity. This isn't the way to do it.

Although I applaud that we want to try to bring clarity to this issue – that's the final goal – you want to make sure you do it in the right way. You don't just want to jump to a conclusion and then look stupid and affect people's property rights down the road. You know, some of the issues that haven't been resolved here are things around deep coal deposits and the gasification of coal. As one coal owner said, if you go and frac the whole thing up down there, it brings some unsettled new legal issues into play that maybe you haven't accounted for. Maybe there will be a lot of legal disputes that come into play because we jump ahead without thinking.

That's basically all I had to say on that. I just hope that as we go into Committee of the Whole that we'll think about it. You know, I'm not going to support the bill at this time because I don't think the proper consultation process has been done, but in Committee of the Whole I sure would like to see a little bit more sober second thought and move this over to an SPC, at the very least, if not just delaying the bill until a proper consultation is done.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes. The hon. Member for Edmonton-Norwood-Northlands.

Mr. Mason: Well, Mr. Speaker, I've listened to two Wildrose speakers on this bill so far, and I still am really struggling to find out why the position is as it is. It surprises me. Maybe we could take the fellow that the hon. Member for Airdrie-Chestermere referred to, that's very upset. If this person has some land and on the land is some coal and on the land is some natural gas and on the land is some coal-bed methane, how does this change what his rights are with respect to those things? Does he have freehold mineral rights? I assume not. That means that he doesn't control the mineral rights, so a coal company could come and dig up his coal, and a natural gas company could come and drill for gas. If this bill was passed, then the gas company could come and take the gas because he doesn't own the mineral rights. Are you proposing something that would

actually give mineral rights to the people who own the surface land? Is that what you're proposing? I don't understand how this fellow is negatively affected by the bill. I don't think you made that clear enough.

Mr. Anderson: Fair enough. You can own coal rights without owning the gas rights. That was the case with this fellow. He doesn't own the gas rights, but he owns the coal rights to this certain parcel of land. If he wants to develop the coal, he's going to get an awful lot of money for that coal. If some company who already owns the natural gas that he doesn't own wants to drill for it, he's not going to get compensated even a fraction of what he would get compensated if he actually owned the gas rights. You know, that's the difference. You do have separate rights to these commodities. It does make a huge difference with regard to the amount of compensation that the landowner will receive depending on what rights he holds.

Again, this is about property rights. This isn't about picking winners or losers or favouring the little guy over the big guy or the big guy over the little guy. It's about doing the right thing, making sure that people's property rights and their expected property rights are compensated and respected. I don't think that this House has done the adequate due diligence necessary to say that we actually have made a just and well-thought-out decision.

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

Mr. Hinman: Thank you. Two quick questions. One, how does this affect in situ development of coal in the future? We have in situ development of bitumen. Well, maybe I'll just let you do that because there are lots of people that want to ask some questions here. Does this affect the in situ development? If, in fact, you own the coal, who has precedence to go in? If someone wants to take out the coal-bed methane yet you want to mine your coal, does that mean you don't have access to your coal? Is that clarified?

Mr. Anderson: It's not clear. That's one of the points where we need to do more consultation because that issue in itself could raise a whole whack-load of legal issues that this legislation clearly does not address. The problem is that when you pass legislation that isn't well thought out on every issue – for example, this in situ development of coal – you have a situation develop where in order to solve one legal problem or clarify one legal area, you end up opening up Pandora's box in another area.

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

Ms Blakeman: Thank you so much. I'm still wondering who it is that the member is hoping to consult. I'm wondering if he's been talking to, for example, EnCana or if that's who he thinks we should be consulting. There we have a situation where CP Rail had the coal rights on either side of the tracks. That's what they got to be able to develop the coal and use it on the trains. That company, CP Rail, eventually goes and becomes PanCanadian. It merges with Alberta Energy, becomes EnCana. Now EnCana has all the coal rights on either side of the tracks. [Ms Blakeman's speaking time expired]

8:10

The Deputy Speaker: Hon. member, we still have the opportunity to talk about it later.

On the bill, the hon. Member for Calgary-Fish Creek.

Mrs. Forsyth: Well, thank you, Mr Speaker. You learn a great deal

on this side of the House. Sometimes it's good and sometimes it's bad, but I tell you, you sure . . . [interjections] Do you guys want to take that argument outside?

The Deputy Speaker: The hon. Member for Calgary-Fish Creek has the floor.

Mrs. Forsyth: Mr. Speaker, anyhow, I'm pleased to stand up and debate Bill 26, the Mines and Minerals (Coalbed Methane) Amendment Act, 2010. There's no question here that when you become a member of the opposition, you go through a steep learning curve. That steep learning curve takes you from, you know, having two or three things that you're interested in, and all of a sudden you're learning about legislation.

I always have to say how when I was on the side of the government, I admired the opposition and wondered how the heck they were able to stand up and debate every piece of legislation and, for that matter, some of them for 20 minutes at a time with a bill in their hand. Well, guess what? We've got the Wildrose caucus. We've got a limited budget. Like I said to the leader, it's like going from the castle to the outhouse and hoping you have some toilet paper with you because that's exactly what we have. We have two researchers. We've got I forget how many ministries over on the government side, I think 23, that we have to try and keep up on. So it's been an interesting challenge.

I find it interesting, and I'm looking forward to the Member for West Yellowhead standing up and debating this piece of legislation because it's the coal companies in his area that, in their words, feel that they are getting screwed. They feel that there's no recollection of their claim to the byproduct of their coal. Again, it emphasizes, I think, what my two colleagues said, the lack of the industry consultation. In fact, a lot of them were totally blindsided by the announcement on October 27.

This hearkens me back to the times when I was on the government side and the royalty framework. I don't have to remind anybody in this Legislature about the royalty framework. I see the former Minister of Energy watching and listening to what I have to say. At that period of time, when we brought the royalty framework forward, we heard a lot of the oil and gas companies talking about their lack of consultation. We saw what the lack of consultation did on the royalty framework. I think we've got – what? – seven changes we've gone through so far. I've lost track of exactly how many changes.

You know, the government is rushing the legislation on this bill. I think the in situ gasification from coal is not clarified, and I think that when my colleague from Airdrie-Chestermere was questioned, my colleague from Calgary-Glenmore asked him that. The natural gas may belong to a gas tenure; however, the value-added from the coal gasification is not recognized. Without clarification of this value-added process and rushing this bill through legislation, we just feel that Albertans will be losing a great opportunity, similar to the oil sands, and we will be caught in litigation seeking assets which we know must be defined.

The Premier has said that the clean coal has a big role in Alberta's energy future. He's made that one of his priorities. I'm just very, very concerned about what we're hearing from Albertans and what we're hearing from those in the coal bed about how they feel that there has been no consultation. They feel blindsided. They feel the lack of industry consultation and yet another case of ramming through legislation, and they feel that two weeks is not enough for legislators, us as MLAs, to be able to make a fair analysis of what's happening.

This is second reading. I'm going to be listening to what some of

the colleagues from the government have to say on this particular piece of legislation. I'll be particularly interested in those colleagues that have some of the coal companies within their constituencies because I think that'll be interesting to hear what they have to say. I can't imagine the coal companies coming to us and explaining their displeasure, then going to the government member if the company is in there and saying how much they like the legislation. I always find it fascinating when there are things going on that the MLA supposedly representing the constituents in their riding is not speaking up. That sends a very, very bad message, to me. But I guess it's not surprising, when we haven't heard any of the government MLAs talk about the crisis that we're in in health care.

With those remarks, I'm going to sit down. I look forward to again speaking in committee. I imagine that we'll be continuing to meet with the coal companies that have expressed their displeasure in this piece of legislation as they take the time to educate us through the process. There's nothing like going back to school and getting energy 101. Now we're going into coal 101 and all of those others.

Mr. Speaker, I will sit down after those remarks, and I look forward to hearing what the government has to say during the committee process.

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

Dr. Brown: Thank you, Mr. Speaker. I just wanted to clarify for the benefit of members. Some of the members in the House are under the impression that this bill affects in some way all freehold lands. It does not. There are somewhere around – the estimates are around 30,000 freehold titles in the province of Alberta, and the only ones that are affected by this bill are the ones in which coal is designated separately; in other words, there's a split title of coal. If your great-grandfather got a piece of land and homesteaded it, this is not going to affect that piece of land because he got the whole title. If he bought the land from the Canadian Pacific Railway, as the Member for Edmonton-Centre said, for a dollar an acre probably, as my grandfather did, you might have an issue with the split title.

My information is that there are about 4,200 freehold owners that have titles in the Horseshoe Canyon zone of Alberta, and of those 4,200 approximately 3,100 have a split title. That's what we're talking about here: about 3,100 titles that are going to be affected by the bill.

I hope that clarifies a little bit.

The Deputy Speaker: The hon. Member for Airdrie-Chestermere on 29(2)(a).

Mr. Anderson: Yeah. Just to clarify as well, you know, there's this love affair that certain people have that aren't in our party. They're married to the idea that somehow there are big companies that are behind the motives of the Wildrose at every turn. It's very sweet, but it's very untrue. Honestly, the reason we're against this is because we feel that it improperly infringes upon people's property rights.

In fact, I can only speak for myself, but I've never had EnCana or any of the larger coal companies come to me on this piece of legislation. It has been smaller owners with split titles, that the hon. Member for Calgary-Nose Hill had talked about, that have come. The owner from my area is from a little place called Keoma, and he's very concerned about it. I've had several letters, and our energy critic I know has been receiving some letters on it as well. We have talked to a few people.

Certainly, in my case when I speak to it, it honestly is because I feel that, you know, we're rushing through the process. Maybe it's because I worked a little bit on the case and I saw first-hand how incredibly difficult and technical it was that I feel we need to do more work on this issue.

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

Any other member wishing to speak on the bill?

Seeing none, the chair shall now call the question.

[Motion carried; Bill 26 read a second time]

8:20

Bill 24

Carbon Capture and Storage Statutes Amendment Act, 2010

[Adjourned debate November 3: Mr. Liepert]

The Deputy Speaker: The hon. Leader of the Official Opposition.

Dr. Swann: Thank you very much, Mr. Speaker. I'm very pleased to rise and speak to Bill 24, Carbon Capture and Storage Statutes Amendment Act, 2010. This bill was created to set up a legislative framework to support an industry that doesn't yet exist but is in its early development in Alberta, generally paralleling the existing framework for exploration, extraction, and shipment of minerals. The bill covers clarification of ownership of pore space, and this means a fundamental change to fee simple title. The bill ascribes long-term liability for injected carbon dioxide to the government – in other words, the public – once the operator provides data showing that the stored CO₂ is contained. Thirdly, it establishes a fund financed by CCS operators for ongoing monitoring costs and remediation, and fourthly, it does not change ownership of mine and mineral resources.

To be clear, the government is not only funding here carbon capture and storage projects in Alberta, up to \$2 billion as announced; they're also assuming long-term liability for all CCS projects in Alberta. The government of Alberta has stated that they are accepting the long-term liability because of the nature of captured carbon, in effect forever. The proposed legislation ensures that carbon capture and storage will not change mineral ownership or mineral production, and the carbon capture and storage operator will be responsible for mitigation work during operation and up until a closure certificate, like the reclamation certificates in surface disturbances. The transfer of long-term liability remains undefined. That is a concern for us.

Carbon capture and storage operators will also pay into a postclosure stewardship fund, which will be managed by the Alberta government. In theory the fund will cover ongoing monitoring and remedial work that may be required in the future, but as we have seen with other security funds associated with upstream oil and gas, it may well not cover the full liability, another concern for us.

As a starting point the bill takes away landowner rights to or ownership of pore space. That surely needs to be discussed and proceeded with carefully. This is a retroactive decision vesting those rights in the Crown. In addition, it moves more issues regarding private land up to the level of the provincial government, leaving less space for municipalities to have decision-making powers.

With respect to the first issue, fee simple title, in the amendments this bill changes the definition of fee simple title and changes a fundamental principle of what title to land means in Alberta. Others have raised concerns in other opposition parties. It is retroactive. It is without compensation. Surely, this needs to be discussed and

carefully proceeded with. The change is that the government plans to define pore space and vest all rights in the Crown except that which is owned by the government of Canada. For example, even if one received one's land a hundred years ago, the government is now taking it away and saying that one never owned it, and the landowner will not receive compensation.

With respect to the Surface Rights Act, that's also being amended in this, there is a permit that grants the right-of-entry orders either for drilling or pipelines or collateral installations.

The second key issue, the assumption of liability by the Crown, I think also raises concerns that we should have a vigorous debate about. It includes, in addition to an assumption of liability, an indemnity of the company; that is, it releases them of all liability forever. Essentially, at this time the lessee washes its hands of all future issues and downstream an undefined risk is therefore assumed by us the public. The assumption of liability and indemnity is triggered by the issuance of a closure certificate similar to the reclamation certificate of upstream oil and gas. The preconditions to issuing a closure certificate are set in section 120. They, too, need to be carefully examined, and clearly the regulations relating to these need to be examined. We'll be suggesting some amendments that address questions around proper abandonment, proper reclamation, captured CO₂, and the period of time established by regulation. The devil is in the details as always, Mr. Speaker.

The third key issue is that it creates a postclosure stewardship fund, and we've seen something similar in the upstream orphaned well fund. The fund is intended to permit monitoring behaviour of captured carbon, fulfilling obligations that the private sector has not or that the Crown has assumed or paying costs in relation to the orphaned facilities. Of key interest is that contributors to the fund are only those who participate in carbon capture and not those who create the carbon in the first place, again, ultimately falling to the public purse.

Mr. Speaker, we are cautiously approaching this particular legislation. We feel that it's an important decision to make. It's one we have to move forward on. This is an opportunity for Alberta to lead in North America, perhaps elsewhere, in this important new technology, but we feel there are a number of amendments that would protect the public interest long term, prior to the approval of regulations.

We're supportive of carbon capture and storage as at least one component of a rational approach to climate change, but a small component, certainly not the silver bullet that this government seems to see it as. In addition, the bill is in line for the most part with the closest existing legislation, which is in Australia, and follows some of the similar principles identified here. We need to have this debate, especially regarding the postclosure security fund, and the timeline for government accepting liability needs to be part of this debate. I look forward to it.

Thank you, Mr. Speaker.

The Deputy Speaker: I don't think we have 29(2)(a). The hon. Member for Airdrie-Chestermere to speak on the bill.

Mr. Anderson: Thank you, Mr. Speaker. I hope to use my time tonight to provide a background of the legislation that this government has passed concerning property rights. It really has been one of the black eyes of this government. This is just the latest in a long list of pieces of legislation that show a total disrespect for the principle of property rights, a belief that the minister knows best and that Albertans should trust the good nature and good will of their government to look after them, a desire to pursue megaprojects that will earn them short-term PR points, without any thought as to the

long-term welfare of this province, and a willingness to cast aside long-standing traditional principles to make the implementation of these megaprojects easier for them to conduct.

The protection of property rights is one, if not the most, fundamental role of government. Disturbingly, property rights have been severely eroded in this province since December 2, 2006. I'm going to review some of the most egregious examples in the last four years to demonstrate this.

We had, of course, Bill 19, which turned into the Land Assembly Project Area Act. In this one the government granted itself authority to freeze large tracts of private land for public purposes without having to compensate landowners for relocation costs, losses incurred due to business interruption as well as other related damages. We were told to trust the minister, that the government knows best. We were told this bill wasn't about confiscating anything; it was only about putting restrictions on your land, encumbrances that might almost make it useless and for an indefinite period of time, but there's no need for compensation.

Oliver Wendell Holmes in the U.S. Supreme Court handed down a famous ruling 90 years ago, which made clear that overregulation was a form of government confiscation; that is, if the government implements restrictions that diminish the value of your land, then you deserve compensation. But this government knows that despite the Alberta Bill of Rights citizens of Alberta these days don't really have any meaningful property rights. That's why in bills like the land assembly act they only have to pay lip service to being fair and not worry about actually being held accountable to the principles that they talk about, like fully compensating landowners for government interference.

8:30

Who knows what megaproject this government might decide to approve in the province next? Whatever it is, they know best, and that's what's important, that there are no independent boards or individual rights that might get in the way. Over and over they've been passing laws that expand the prerogative of ministers. In fact, if you look at the Order Paper right now, there are many more of them than just the one we're debating right now.

Now, the most extreme example of this and one where I personally got burned, I feel, was Bill 36, the land-use framework. This was a bill that at the time was brought forward, and we were told in the caucus that there would be proper property rights protections involved, that there was nothing to fear from this piece of legislation, that everybody's local government autonomy would be respected. We were told this. I was told this, and naively I believed it, and I went ahead. That was my fault and something that I will use the next 16 months to try to undo.

Nonetheless, I actually spoke in favour of this bill. The problem was that it was the wrong thing to do at the time. It was wrong. It showed a naïveté of trust that I had that the bureaucracies and the government of the day would have their act together and would at the end of the day protect the property rights of its citizens. That's a lesson that I learned the hard way, that it's not, in fact, always the case.

This act, Bill 36, authorizes cabinet to implement regional plans for each area of the province. This means that central planners at the Legislature rather than locally elected and accountable municipal councils will specify what types of activities are going to be permitted or prohibited on private land. I saw this first-hand as we went from the legislation to implementation, seeing the discussions that were had between MLAs and ministers regarding MDs around my area, including the MD of Rocky View, seeing the discussions that went around about how we may have to impose upon these local

governments these regional plans that were being developed and that centres such as Calgary and others were going to be given essential veto power over where these compact urban nodes, as they're called, would go.

It was very disturbing, and at first I thought: well, surely the minister in charge wouldn't ever think about doing something like that. In fact, that wasn't the case. We don't know where that is right now. We will see what happens going forward. If the discussions that I had with the ministers involved when I was over on that side are any indication, I'm not hopeful. We'll be looking to see what they bring forward in that regard.

Obviously, the most infamous of all is Bill 50, the Electric Statutes Amendment Act, 2009, which mandates the construction of billions of dollars' worth of massive transmission lines criss-crossing private lands up and down Alberta. This bill's main objective is to bypass the requirement of an objective Alberta Utilities Commission needs-based assessment, which probably would have shown that the degree and the amount of build that was being contemplated was not, in fact, needed and that much of it could have been locally generated and that much of it could have been avoided and ratepayers wouldn't be on the hook.

It is also resulting in the government offering billions of dollars in untendered, uncompetitive transmission line building contracts to large companies, some of which have obvious ties to the sitting government. The cost of this boondoggle will be passed on to residential, farm, and industrial ratepayers for years. It is an absolute black eye on this government.

Then there's the other multibillion-dollar megaproject that this government decided was a good idea, which is its motivation for this latest piece of legislation, carbon capture and storage. Environmentalists, of course, have been attacking Alberta for the oil sands in light of the theory that environmentalists have that carbon emissions are the largest contributor to global warming. This government decided it would be cute and a good PR stunt if we stick this carbon dioxide into the ground, pump it right into the ground.

Mr. Mason: Stick it where the sun don't shine.

Mr. Anderson: Stick it where the sun don't shine; that's right.

When we were raking in record levels of royalties, they decided we could afford to devote the staggering amount of \$2 billion to establishing the infrastructure to capture, transport, and store this CO₂ underground in what are called pore spaces or – what are they called? – subterranean aquifers or whatever they are. Alberta has a geological makeup that makes it especially suited for this, they said.

Then they realized that while the Crown owns a lot of the resources under the ground in this province, these spaces, meaning the pore spaces, were never considered resources. In fact, pore spaces themselves hadn't really been considered at all. The gases in them had, but that's a resource, not a space.

Now, they could have said, "Well, let's focus on the pore spaces under the Crown land," but that's a limitation that this experiment probably can't handle. Then they could have said – well, they could have said a lot of things. What they did say was: what we'll do is that instead of assessing what property rights people have to this space under the ground, we're just going to come in and say that we own it.

So here we are today debating Bill 24 for a grand total of one or two or three days before the government declares that all pore space anywhere in the province belongs to the Crown and that ministers can inject whatever they want whenever they want and that there's nothing anyone can do about it. With this bill the government is

pretending that landowners never had a claim to pore spaces under their land.

We believe that if the government has not specified otherwise, people do own that space. We've heard from them. This is just a difference in philosophy between us. This is what one of the ministry's bureaucrats, which I will not name, said to our researcher twice in the briefing, "It's just a difference in philosophy between us," as if he meant that there is no right or wrong answer.

Well, it certainly is a different philosophy. We recognize that individual rights are not in place at the pleasure of government. If anything, they are actually there to make the government uncomfortable. When there is uncertainty between individual rights and government prerogative, we're inclined to respect the individual. These folks on the other side, we feel, have been in power for far too long and have forgotten that important fact.

Only recognizing rights when it's convenient for the government is not what rights are about. There's a Latin legal phrase that can be translated as follows: whoever owns the land owns it all the way to the heavens and to the centre of the Earth. It is a legal maxim in legal systems based on English common law that still stands today. As it does with all major projects that benefit the public interest, the government ultimately can confiscate or appropriate whatever land it needs to, but citizens have the right to the demonstration that it is necessary and the right to fair compensation.

Besides the dubious premise that carbon capture is in the public interest, which we won't talk about today, this bill ignores any claim by landowners to own their land. That is the core problem with this bill. Once again, the government views individual rights as a speed bump that they can steamroll with legislation. Their idea of accountability is putting up with complaints from the opposition for a couple of evenings and maybe a negative story or two in the papers the next day.

I've only provided the background of eroding rights and the disrespect for citizens that this government seems to show with virtually every bill they bring forward concerning property rights these days. I will leave the remainder of the time to my colleagues to raise specific concerns, and we will try to put forth some amendments in Committee of the Whole that, hopefully, will make this bill, if we cannot defeat it, at least more palatable and respectful of individuals' property rights.

Thank you, Mr. Speaker.

The Deputy Speaker: Standing Order 29(2)(a) allows for five minutes of comments or questions. The hon. Solicitor General and Minister of Public Security.

Mr. Oberle: Thank you. Just a quick question for the member regarding the Land Stewardship Act. The member makes the argument that his naïveté caused him to vote for that bill. That is probably a compelling argument, but I want to sort of carry on to the logical outcome of that. The member was so naive in his understanding that he was actually duped into speaking for the bill, not just voting for it. Carried to its logical conclusion, that would mean that either the member didn't read the bill or didn't understand it. He is a lawyer, is he not?

Mr. Anderson: Wow, we have a real sharp one there in the Solicitor General's office. Yes, I am legally trained, and, yes, I did look over the bill, Bill 36, but as anybody with a modicum of legal training will tell you, simply reading a bill is not enough in and of itself. You have to research its effects, what it will do in practice. Usually you see that in the legal realm, in the courts.

8:40

The other thing, too, is that a lot of Bill 36 left a lot of discretion to the ministers, and you should know that if you had read the bill or if you understood it. It leaves a lot of leeway to the minister in charge to make decisions. The problem with that is that you get people like yourself who don't understand jack squat about property rights and who don't have any respect for property rights, clearly. People like that, ministers like that, will use this legislation to trample on the property rights of individuals. That's why it was naive of me to always think that there were going to be people in government and in the ministerships that were going to be respectful of individual property rights.

Absolutely, I should not have spoken to that bill because it wasn't the right thing to do. I know that it's difficult for certain people that haven't spoken against the government their entire careers because they don't know what it's like to be able to actually say what they're thinking or what their constituents want them to say. They just kind of chirp the party line. I know that's difficult for some members to understand.

Mrs. Forsyth: He was the whip, Rob.

Mr. Anderson: Well, that's right. He was the whip. You've got to give him that.

The fact is, Mr. Speaker, that the Wildrose Alliance does understand property rights. We do understand that government is beholden to the property rights of individuals and that they must respect them. Even when they do have to take them, expropriate them for whatever reason, there needs to be fair compensation, and there needs to be proper consultation. Bill 36 does not do that. Bill 50 certainly does not do that. Bill 24 certainly does not do that. It's been a pattern. Bill 19 does not do that.

It's a pattern with this government to continue to pass legislation over and over and over again that shows absolutely no respect for individual property rights. Some of them think it's almost like some kind of game. I think some of them don't. I think some of them genuinely probably do at least understand the importance of protecting property rights. The fact of the matter is that actions speak louder than words, and this government has just failed repeatedly on this file. I don't understand for the life of me why a government who claims to be conservative or claims to believe in the concept that the rights of individuals need to be respected continues bill after bill to pass legislation that does the opposite.

This issue is going to cream them in the rural constituencies over the next year and a half – and it should – because people are tired of it. They're tired of a party who's conservative in name only acting like a bunch of, you know, big-government progressives, running around taking people's property rights without fair compensation. That's not fair. All for the public good. It's always for the public good, whatever the heck that's supposed to mean. They don't seem to understand the concept that the rights of individuals need to be respected and properly compensated.

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

Ms Blakeman: Sorry; I wanted to speak to the act itself, not under 29(2)(a).

The Deputy Speaker: The hon. Minister of Employment and Immigration.

Mr. Lukaszuk: This conversation is getting interesting. In the vein

of the question asked by the Solicitor General, I would ask whether this naïveté was selective to this bill, or was it across all bills?

The Deputy Speaker: Thank you, hon. member.

Hon. members, on the bill. The hon. Member for Edmonton-Centre.

Ms Blakeman: Thank you very much, Mr. Speaker, for the opportunity to speak in second reading to Bill 24, the Carbon Capture and Storage Statutes Amendment Act, 2010. Where do I start on this bill? I listened carefully to what the minister said as he introduced the bill, and I disagree with him on a couple of things, but I'll come back to that.

To begin with, what we have here is the concept of carbon capture and storage that's brought forward in the bill. I'm responsible for the environment policy put forward by the Official Opposition, and we do have it in our environmental policy under what we call Powering Long-term Growth. We talk about an energy sector, that Alberta needs an energy sector that includes petroleum and renewable energy, and it names some of those sources. That sector talks about the need to diversify Alberta's investment in carbon solutions by supporting renewable energy, energy efficiency technology, and conservation and that we would look to grow our dependence on solar wind and geothermal by a number of different incentives that could be taken, including using that technology fund to create clean energy jobs. We certainly recognize this. It's in our own policy.

I'm going to differ a little bit with some of my colleagues. I'm not quite ready to get on this horse and ride it into the sunset because I think there are some issues around it. Let me talk first about one tool in the tool box. I'm just going to sort of go off on a small tangent here, sir, but it does relate, so bear with me. My father was a welder, so he never had the zen of wood, and he didn't teach me how to use those kinds of tools. Welding I know. How to work with metal I know. With all of that stuff, acetylene torches, yeah, I'm good, but he failed me as a father because he never taught me how to use the rest of the tools in the tool box.

I'm reminded constantly when I look at this concept of carbon capture and storage that it's one tool in a tool box. I can't think of anybody that would have one tool in their tool box, that you'd open it up, and there would be a wrench, and that's it. That's their whole tool box. I can't imagine that because I'm sure that if any of you have ever tried to take the only tool you had – let's call it a wrench – and hammer a nail into a wall: not very effective, not the tool that you needed to do that. If anybody else was around that really did use tools, you were in big trouble for using a wrench to try and whack a nail into a wall. You're supposed to use – well, it's true, isn't it? – the proper tools.

I can't imagine having just one tool in the tool box, and persistently I see that as the approach from this government: no hammer in your tool box, no screwdriver in your tool box, no lever, no pliers or wire strippers or tinsnips, just a wrench. I don't think that's the way to have a good tool box to be able to deal with all the complexities of life and/or of our province.

My issue here is that carbon capture and storage is about getting rid of greenhouse gas after it's been produced. What I see is this government – it hasn't actually said this; let me be fair about it. But I'm concerned from what we're seeing here that carbon capture and storage must not be used as an excuse to continue business as usual, to continue, you know, using and encouraging more and more and more use of petroleum-based products, more cars on the road, more transport. You know, you can see the backlash against this, where people are trying to grow local and eat local food and buy locally produced items. Part of that is to cut down on transit. Why?

Because we've got all these honkin' trucks out there on the highway driving back and forth, burning petroleum products, which does what? Yes, indeed. It puts greenhouse gases into the air, and then we've got to deal with them.

The other thing is that a lot of people seem to assume wrongly that carbon capture and storage is somehow going to fix the oil sands. No. Wrong. It has very little to do with the oil sands. If we are really going to direct carbon capture and storage in this province, then it probably has to be directed towards coal-fired electricity plants because that's where most of it comes from in this province, not the oil sands. That's why there are no projects taking place up in the oil sands and why nobody bid on it. It really just doesn't affect them very much. I'm just trying to put in the context of what I'm saying by placing it around that.

We do have the ownership of the pore spaces, which the members of the Wildrose are clearly not happy about because of the property rights issues involved in that. I see it as creating certainty, and perhaps that ownership would flow to all Albertans if there's a way to make it pay for all Albertans. That to me goes hand in glove with this issue of long-term liability, and that's where I start to have a bigger problem with what's going on here.

8:50

Usually when you have an entrepreneurial spirit, the entrepreneur is putting risk out there, but they gain the benefit from the risk. If it goes right, they make a ton of money. If it goes wrong, they lose their money. But that's the deal. They take the risk. They get the benefit from it or occasionally the downside of it. I'm not seeing that in play with what's being proposed here. In assuming the long-term liability, what I see is that someone else gets the payoff from this. The taxpayers and the citizens of Alberta assume the short-term risk – they're paying out the \$2 billion to help industry develop this technology – and they're assuming the long-term risk here. Where exactly is the super payoff for the citizens of Alberta here?

Let me go back. Maybe that ownership of the pore space is the payoff. Nobody has talked about it in that way, so I've got to assume that that's not really what's happening here, but I'm happy to have someone explain that or put it on the record. I have concerns about the acceptance of that long-term liability because it's a long-term risk and because the government has now made it Albertans' long-term risk. Where is our payoff? What are we going to get for this?

Is our payoff that we can continue to drive cars and use electricity from coal-fired electricity-generating plants and pollute as much as we want? Is that the payoff that we're getting from carbon capture and storage? That doesn't seem like a very good idea in this day and age. I can't believe that's what you want us to accept. I'm getting that sort of slightly raised eyebrow from the previous Minister of Energy and current Minister of Sustainable Resource Development, so I know he's going to have something to say to me, which is great. That's one of the issues for me. What's the payoff there? Is it to be able to continue to pollute as usual, or are we somehow gaining a positive payoff for Albertans through this?

The other thing is that mediation fund that's being created, which is being sold to us like the orphan well fund. Well, that one hasn't quite worked out the way it was supposed to either. I am sorry that I did not come with the stats that I was looking for, but I will find them and either table them or bring them up in a later debate. I know that there is a really nice comparison between the amount that is collected from those companies that pay into the orphan well fund sort of per acre of reclamation and the amount that Syncrude spent on its one acre of officially reclaimed, re-remediated ground, and they are vastly different amounts of money. I think: "Well, okay.

This is what the government did before. What are they likely to do?" Pretty much the same thing.

There's a second concern that I have around this idea, that if we're going to collect money from the operators that is such a minor amount in comparison to how much it would cost us to actually clean this up if something went wrong, again I see the government putting Albertans in a place of great risk without the commensurate payoff. But I'll allow the government to get up and correct me on that one.

How many of you remember the Wimpy character in the *Popeye* cartoons? He always wanted to pay you Tuesday for a hamburger today. That's a bit of what I'm seeing here.

Mr. Snelgrove: Two hamburgers on Tuesday.

Ms Blakeman: Oh, he would pay two hamburgers on Tuesday for a hamburger today. See, I knew someone on that side would get it right. There you go. Thank you very much, President of the Treasury Board, for that correction.

Thank you for that because here's what we get. We've got the minister telling us with great pride that by 2015 5 million megatonnes would be sequestered yearly, but when I looked it up, in the year 2005 we produced 240 megatonnes of the very thing we're trying to stuff underground.

An Hon. Member: Two hundred and forty million?

Ms Blakeman: Two hundred and forty megatonnes compared to five megatonnes yearly that we'd be able to stuff underground by 2015.

I'm thinking: how many years is it going to take us just to deal with what we produced in 2005 at the rate of five megatonnes a year when we're trying to deal with 240 megatonnes from 2005? Are you starting to get a sense of how this is not adding up?

A connected issue to that. I've seen it in health care, and I'm seeing it around energy development and around carbon capture and storage. It's two things: the horizon that we get from the government on how far out they promise something will happen by. Here we have 2015. That's not a far horizon when we're sitting almost at the end of 2010, but when you look at a number of the other targets that the government is trying to hit here that are around environmental targets, protection targets, that kind of thing, we're looking at horizons of 2030 and 2050. Well, given how fast things are going here, I'm sure these government members three years ago had no idea that they would be facing a four-member Wildrose opposition party a short time later.

You see how fast the world moves today, yet the government wants me to believe that they're in control of something that's going to happen on a 30-year horizon out or a 50-year horizon out. I'm having trouble believing that. We heard this same thing happen around health care, so it's not only in this particular field that that happens. The minister of health is promising us that, you know, there are going to be enough long-term care beds and all kinds of stuff. What the heck was it where they had three different rates, and by the time you actually added it up, it was 30 years? It was a 30-year horizon to get all of this stuff done.

Then the part that goes hand in hand with that is how much the government puts for later, not right now, not the target of what we're going to do in 2011, 2012, 2013. We get: well, that's all going to move really slowly, but then it's going to pick up speed, and it's going to move a lot faster the closer we get to 2030 or 2015. And you think: I'm not believing you.

I also really have a concern. I know this is the enabling bill for carbon capture and storage. It's got some detail in it, but it also

leaves a lot to regulation. In my definition this creates another shell bill, in which a very loose definition or a very loose outline is in the bill of what's supposed to happen and everything else is put onto the Lieutenant Governor in Council to make decisions during those meetings. Of course, having just come off that FOIP review committee, I can tell you that none of us get to look at that stuff possibly ever but certainly not before 10 or 15 years from now, so trying to find out how decisions were made or what was going on when that all happened is a long, long, long way away from us. I'm not keen on stuff being made by regulation or ministerial order, and there's a lot of that in this bill.

As I listened to the minister, he referred to an International Energy Agency review of 16 countries and how glowingly they spoke of ours. [Ms Blakeman's speaking time expired] I'll get to come back to this in Committee of the Whole, but there's a story behind that one. Oh, maybe somebody will ask me what it is.

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

Mr. Snelgrove: Could she elaborate on that story?

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

Ms Blakeman: Thank you so much. I did actually ask the minister for a copy of that International Energy Agency review, and it really didn't do what the minister had led me to believe it was going to do. I got a copy of it, and I actually read it. In fact, all it does is very briefly refer to the fact that we have a framework, and that's all it says. It doesn't comment on whether it's an effective framework, whether it's a complete framework, about the timelines around the framework, nothing. It just says that there's a framework. Not quite what the minister had led me to believe was a complete blue-ribbon, gold star with a stamp in the middle of it blessing from the IEA. Not quite. That was just a bit of a slip.

9:00

You know, I can believe, as I heard the minister bring all of this forward, that he was in communications in his pre-elected life because he sold it very well. I'm used to the more sort of pugilistic form that he tends to take with me. [interjection] Yeah. Exactly. So I was a little surprised due to his tone. But then when I went back and looked, I thought: oh, he was just smoothing that one through. At the very end then he talked about how we should all be overjoyed because we could use CCS as enhanced or deep-well oil recovery and wasn't that the bee's knees. Again, not quite what I had expected to get out of this bill.

Just to put it all in context, Mr. Speaker, my caucus is in favour of this. We recognize carbon capture and storage is one tool in a very large tool box. There are a number of hesitations around it. I'm very cautious about the risk and the long-term risk and liability the government is asking Albertans to assume on behalf of this decision especially when it's unclear to me where the payoff from that risk actually comes. We can certainly see the downside. Where's the upside for Albertans in that? Also, where is the rest of the encouragement around conservation, energy efficiency, and alternative forms of energy?

Thanks very much, Mr. Speaker. I think this is going to be a really interesting discussion. I can see the engagement on the faces of my colleagues opposite, so I'm really looking forward to the rest of the debate.

The Deputy Speaker: Hon. Member for Calgary-Glenmore, you stood up before. Under Standing Order 29(2)(a)?

Mr. Hinman: Under 29(2)(a)? No. She was able to elaborate on the question I had.

The Deputy Speaker: Any other hon. members under 29(2)(a)?

Seeing none, the chair shall now recognize the hon. Member for Edmonton-Highlands-Norwood on the bill.

Mr. Mason: Perfect, Mr. Speaker. You got it perfectly. Thank you very much.

Ms Blakeman: It's the time.

Mr. Mason: No. I wrote him a note.

Thank you very much. It's my pleasure to stand and speak to Bill 24, the Carbon Capture and Storage Statutes Amendment Act, 2010. Mr. Speaker, this is a bill we've been waiting for because this gives us a chance to debate the stupidest idea that this government has had in a long time. I'm telling you that there's a big, long list right there, and for this to top it out I think is a real accomplishment on the part of the government.

This carbon capture and storage is going to be, in my view, one of the biggest boondoggles ever facing the Alberta taxpayer, \$2 billion of taxpayers' money going into the ground to subsidize this government's friends who are the big producers of CO₂ so that they can bury their carbon instead of having to do something serious about reducing the actual emissions that are there. I want to just lay out that our objections to this legislation and to this approach go very deep and to the core. This is a piece of legislation and a program that is misguided and which I think is going to dog this government for whatever time it actually has left, Mr. Speaker, as a government.

First of all, the cost of this program. Because it is so uneconomic, the government, in order to get it moving, is forced to put in place \$2 billion in subsidies. The previous Auditor General warned about the high cost and the lack of clear objectives and the lack of clearly defined measurements of success, of results, and I certainly agree with the Auditor General.

You know, Mr. Speaker, it was really interesting. When this was first announced, the government talked about how this was a solution to the growth in emissions from our oil sands, which are the source of the greatest increase in CO₂ emissions in the country. But they didn't talk about the fact that the concentration of emissions that are released as a result of oil sands operations was insufficient for this technology to be effective.

We released, in fact, or someone released a briefing document to the government that showed that while it might be possible to gather and collect and concentrate and bury CO₂ emissions from coal-fired generation, it would be very difficult and certainly uneconomic to even try to do that in terms of the oil sands. Now, the government was embarrassed by that, Mr. Speaker, and well they might have been because they were touting this as a plan that was going to help us deal with the increase in emissions as a result of oil sands development going forward into the future, and their own briefing document put the lie to that.

Now, then, that leaves the question of whether or not it's going to be useful in a couple of other areas. One is the carbon capture and storage with respect to conventional oil recovery. The government again has played a game with people, confusing people. It's a kind of bait and switch. There's a difference between long-term storage of CO₂, for which geological formations in Alberta are well-suited, perhaps, and its use to replace water as a way of forcing out the last 10 or 20 per cent of oil in depleted fields, which is not the same as long-term storage. There might be, in fact, a use for CO₂ to replace

water, whether it's fresh water or brackish water, for the recovery of depleted oil fields, but that is not the same thing as a long-term strategy.

Mr. Speaker, the risks of this are unknown, but most people who have some knowledge in this area have identified potentially very serious risks of either long-term seepage or a catastrophic release. The risk is so great that these massive international oil and gas consortia, private corporations, are unwilling to undertake the liability. So the government, then, has generously—generously—on behalf of the people of Alberta undertaken the liability for any accidental release. Now, there have been historically releases of large amounts of CO₂ suddenly, which is one of the potential risks here that's been identified. These have occurred naturally, but of course the CO₂ is heavier than air, sticks to the ground, and asphyxiates all life in the area where it is present in large concentrations. Those are the kinds of liabilities that the government's not really talking about but is assuming on behalf of the people of Alberta, on behalf of the taxpayers.

Very little is known, Mr. Speaker, about the migration of CO₂ underground, its effect on groundwater, and so on, and a lot of research needs to be done in order to find out more about that sort of thing. I'm looking at a report now by the Pembina Institute, Carbon Capture and Storage. It identifies a number of areas where more work needs to be done: the way CO₂ migrates underground, the risk magnitude and time frame of leakage, and to clearly identify who is liable for cost and remediation if a leak occurs. They also talk about

- high costs and energy penalties of post-combustion capture and separation;
- high capital costs of converting coal-fired power plants . . . [and]
- limited experience with large-scale geological storage, including “proving” the estimates of storage capacity.

There is real doubt, according to the same report, as to whether or not CO₂ storage can really be made permanent.

The other concern that's raised here—and I think this is a good one—is a continuing dependence on fossil fuels going forward into the future. This is an attempt by the government and some of its friends in industry to postpone the day when we have to make adjustments and make changes in how we invest and do research in energy. It's a continuation of dependence on fossil fuels instead of shifting and investing money in renewable energy.

9:10

Mr. Speaker, this is really a question, from my point of view, aside from all of the other issues, of: where's the best place to invest your money? Where's the best place to put your resources with a view to the future? What we see is that the government is refusing to go down the road of investing in renewable energy. Alberta is falling farther and farther behind the rest of the world in developing renewable energy notwithstanding the fact that we're ideally suited in a number of areas—we certainly have a lot of untapped wind capacity—and the government's failure when a European consortium came calling wanting to invest in Lethbridge in actually manufacturing wind turbines. They sent them back to Europe. Of course, they're being built there, and we're paying to import them. There's just a lack of appetite on the part of the government to really embrace wind energy.

We are, of course, the sunniest place in Canada, Mr. Speaker, and that makes us ideal as a solar producer. We also have geothermal capacity in this province. So we're well suited for renewable energy. But, you know, just a few years ago it was just the European countries that were ahead of us, but now the United States is ahead of us, and certainly China is investing in renewable energy. This province has failed to grasp the real reins that it needs to lead this province in the direction that looks to the future. Two billion dollars

was also the amount that was allocated to Green TRIP, but that of course was cut almost immediately after the government announced it a number of years ago, and only a small amount has been put forward ever since.

It seems to me, Mr. Speaker, that what we have is a real lost opportunity. It's the opportunity cost that the government is ignoring. There are far greater dividends to be paid not from burying our carbon but from investing in renewable energy and energy reduction. So investing in public transit, investing in programs to reduce energy consumption for government, for business, for homeowners, and for farmers are real areas where the payoff is much greater in terms of reduction of overall CO₂.

I think that the real problem with respect to that is that the government is not forcing the industry in the oil sands and in power production to sort of face up to the reality internationally that we face. I suggest that this is a false direction, a dead end, if you will, with a potential to waste a massive amount of public money.

Mr. Speaker, I just want to conclude by saying that even if it were shown to be safe, even if we were able to demonstrate that it had some value, the wrong people are paying. If the government could be convinced and industry could convince us that this was a safe and responsible step to take, it still leaves the question of why the taxpayers of Alberta are subsidizing the people who are producing the CO₂ instead of asking those very, very profitable corporations to pay themselves. That would be an approach that we would find possibly more acceptable. But this is again the government getting involved in business, using taxpayers' money to subsidize private industry instead of making sure that private industry pays its own way to act in a responsible fashion.

Mr. Speaker, I can unequivocally say that we in the Alberta NDP will not be supporting this bill. Thank you.

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

Mr. Hinman: Yes. Thank you, Mr. Speaker. I guess I'd like a point of clarification from the hon. member. Is he for or against CO₂ sequestration? I know that you talk about public transportation, but I'm just not sure after that speech on sharing and all that with all of the liabilities, which I'm very concerned about and I have questions on. Are you wanting some CO₂ sequestration, or are the liabilities not there, and what you're really saying is that we can't use carbon fuels anymore and that we've got to go to wind and solar or geothermal? Could you clarify a little bit? I'm a little bit confused now.

Mr. Mason: I'm happy to do that, Mr. Speaker. I think we need to start the transition to an energy economy that's based on renewable energy. We're behind the rest of the world, and we need to catch up. I'm not saying that we are going to get rid of fossil fuels or that we should bring an end to development in the oil sands or other aspects of a fossil fuel economy in this province at the present time, but we must prepare for the day when that is necessary. The government is failing to do that. That's really what I'm saying.

I thought I clarified his first point at the end of my speech, which is to say that if we can solve some of the problems in terms of the effectiveness of this technology, the liability issues, and the cost issues and we're satisfied that it's safe to use and that industry wants to use it as part of its plan to meet targets that are set by government, then we wouldn't have an objection. But we do object to the massive use of taxpayers' dollars to subsidize private industry in this regard.

The Deputy Speaker: Standing Order 29(2)(a), hon. members?

The chair shall now recognize the hon. Member for Calgary-Varsity on the bill.

Mr. Chase: Thank you very much. Earlier in this fall session I spoke about my enjoyment of stories. I referenced during the debate on promoting entrepreneurial education how much I enjoyed Biblical stories from my grandparents, who were both Sunday school teachers. But there comes a time, Mr. Speaker, when you have to move beyond stories. I remember being nine years old and liking the idea of Never-Never Land and of Peter Pan and the lost boys. I remember as a child enjoying stories about magic beans, and now we're talking about magic bullet solutions.

The hon. Member for Edmonton-Centre talked about a single tool in a tool box, that while it may have some functional use, as she pointed out, using a wrench for a hammer often results in bruised walls and bruised knuckles. So the idea, as much as we'd like it to be the case, that carbon sequestration will be the ultimate answer to pollution and concerns in the oil sands is just too much for a grown person to believe. Another way of looking at it is: all eggs into one basket.

Now, the Beatles wrote a song, *Can't Buy Me Love*, and the government is banking that \$2 billion spent on carbon sequestration will buy international love. The government has previously spent \$23 million in a greenwashing effort, which included blond British children romping on a beach, and when that was pointed out, there was a terrific amount of embarrassment associated with that exercise. So if money can't buy me love, then the government is going to have to take real action, and it's going to have to take action beyond just carbon sequestration. As long as there are tailings ponds, whether they're the three-sided – oh, we missed a side – box variety, as we asked about in question period this afternoon with CNRL, or whether they're the large toxic lakes that can be viewed from space, until we clean up those tailings ponds, we're not going to get a whole lot of credit for carbon sequestration, as this bill is calling for, because it is only one tool, and we have to use a variety of tools.

9:20

Now, the idea of carbon sequestration, while it's been tried in other places in the world, closest to us it's the Weyburn, Saskatchewan, model where CCS is piped up from North Dakota. But this is such a small-potatoes circumstance. For us to say, "Well, we'll just increase the size; we'll use the same principle and make it a much larger project, a \$2 billion project," that's oversimplification.

One of the hopes I have is that because I represent the University of Calgary, which has very notable scientific research in the form of the ISEEE, Institute for Sustainable Energy, Environment and Economy – experiential learning is sometimes the third E. Now, at the U of C there's been a terrific amount of research done on, for example, in situ, on carbon sequestration. They've looked at the possibility of converting wind power into compressed air that can be then stored. I'll give the government credit for requiring the equivalent of an emissions credit being paid into the research fund. I think that's a very smart idea. But until we can come up with a methodology that guarantees that the sequestration works, then we've got a long way to go.

Now, a person who has scientific credentials and has been employed by the government for his research understanding and information, Dr. David Schindler, has spoken about minimal requirements in terms of scrubbers. It was his understanding that in Fort McMurray the minimal standards in terms of scrubbers that were required to be placed on coal-fired power plants weren't even

being deployed in the oil sands. So before we get to sequestration at a \$2 billion price tag, how about putting some scrubbers on those stacks belching out the CO₂ and a variety of other chemicals in the Fort McMurray area? Dr. Schindler showed slides of black snow, never mind the fish with the various deformities and so on, and showed the intensity of the chemical compounds, CO₂ being probably one of the least worrisome, that we're planning on sequestering and how it affected the wildlife in the area, the flora and the fauna.

A Liberal policy would go farther. Instead of intensity caps, what we're talking about is, within very few years of forming either part of a coalition government or forming government, the idea of going after complete caps. In order for those complete caps to take place, there would be a carrot-and-stick methodology where industries who were successful in their sequestration efforts would reap rewards and those that failed to live up to the expectations that Albertans have for industry development in order to be sustainable would be punished and would have to pay into the fund.

Now, the hon. Member for Edmonton-Centre pointed out the shortcomings of reclamation funds. She pointed out the shortcomings associated with orphan wells. My understanding is that what we require from industry is less than 10 cents on the dollar, so Alberta taxpayers are stuck with that 90 per cent liability.

The hon. Member for Edmonton-Centre also referenced how the government is basically using taxpayers' money to invest in private industry's sequestration efforts without a requirement that there be equal investment on the part of industry and then assuming the liability if the sequestration doesn't work.

Now, sequestration, in theory, could provide terrific benefits. It's going to have to be compressed, and it takes an awful lot of energy and power and fuel to do it. But if the idea of using that compressed CO₂ to pump out oil fields that had reached their mature date can actually be realized, then maybe we can start getting back some of our \$2 billion investment. Hopefully, with this \$2 billion gift come some expectations in terms of industry achievement, and if we can make industrial development and the extraction of bitumen or conventional oil and gas more efficient, then hopefully we're going to share in the profits of that improved efficiency.

The need for a solution is, no doubt, out there, but I question whether we couldn't have put a billion dollars, for example, to carbon sequestration and kept a billion dollars for what the government had talked about, and that was the Green TRIP. Now, originally the government was going to set aside \$2 billion for carbon sequestration, \$2 billion for Green TRIP.

Mr. Speaker, I would suggest that in terms of tangible improvements if we were to put that money into Green TRIP, which some municipalities are attempting to do – sort of a small version would be the buses from Airdrie that run into Calgary or the buses from Leduc – while we're taking more cars off the road and we're putting people on buses and we're reducing our carbon output and our carbon footprint, how much better would it be if we were to be using our rail lines, for example? We could transport considerably more people; for example, bringing people from High River to work in Calgary on already existing train lines.

As the hon. Member for Edmonton-Centre pointed out, carbon sequestration is just one of many tools that we need to explore. Hopefully, the Green TRIP will be brought up again.

Dr. Brown: This is about pore space, Harry.

Mr. Chase: Carbon sequestration is one of the solutions the government is offering. Hopefully, the Member for Calgary-Nose Hill can realize the importance of a variety of methodologies in

terms of achieving a healthier environment and a sustainable industry at the same time.

My conflict is the singular solution, Mr. Speaker. I think carbon sequestration has a role to play. But, as I began, all the eggs in one basket I don't think is worthy of a \$2 billion investment.

Thank you, Mr. Speaker.

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

9:30

Mr. Hinman: Yes. I guess, to the hon. member, my question is that there are some who believe that the sky is falling and that the CO₂ is going to be the end of us and that we're on a very short timeline. The government is following up on that, spending \$2 billion. Again, it's a long time out there, but where is your actual stand, then? Do you feel that government should just legislate and tell these people that are emitting through these stacks that they have to shut down in a certain time period? Where do you actually stand on this? And the fact that we have CO₂ coming out: do we want to eliminate that? Do we want to legislate it to go in the ground? What is your actual view? You've opened up some questions in different areas, but what about the immediate action on CO₂?

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

Mr. Chase: Thank you very much, Mr. Speaker. I appreciate the hon. Member for Calgary-Glenmore's question. As a Liberal what we're looking for are sustainable solutions. The carbon sequestration, hopefully, is part of the solution for coal-based power plants, which are eventually being phased out, but while we wait for them to be phased out, eliminated, I would like to see that type of sequestration potentially being applied to it. We've talked about turning coal into liquefied gas, and in that process there still has to be sequestration involved in the production of the liquefied gas.

There is so much speculation associated with this, hon. Member for Calgary-Glenmore, that I cannot definitively say that I support a single solution, which is carbon sequestration. I hope, as the hon. Member for Edmonton-Centre pointed out, that this turns out to be a useful tool in a multifaceted tool box, but again I question the \$2 billion investment.

Mr. Hinman: Just to expand on that a little bit more, I think too often we look at knee-jerk reactions. You talk about these coal plants, the generation. I mean, we're talking billions of dollars to try and capture CO₂ put down as this government's plan. It would be far cheaper just to buy the coal plants and eliminate them than to put in the infrastructure and put the CO₂ in the ground when we don't have the technology. We don't know if it's going to stay there. There are all of these liabilities. Wouldn't it be cheaper just to buy the coal plants and move to a different energy than to go through this elaborate charade game?

Mr. Chase: Well, I agree that the faster we get rid of coal-fired power plants, the better off we'll be. This is part of the farce, hon. Member for Calgary-Glenmore, of the idea of having transmission lines running from Wabamun all the way down to Calgary.

Gary Holden, with his most recent faults of sort of entertainment excesses, has talked about local gas-operated plants that serve the area. So when we're talking investment, we should be looking, considering how cheap gas is and its availability through coal-bed methane, at alternative energy sources which aren't as heavy carbon dioxide producers.

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

Seeing none, the chair shall now recognize the hon. Member for Calgary-Glenmore.

Mr. Hinman: I give way.

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

Dr. Taft: On the bill, yes. Thank you, Mr. Speaker. I appreciate the gesture from the Member for Calgary-Glenmore. I will keep my comments fairly succinct in anticipation . . . [interjections] I'm getting heckled from my own colleagues here.

The Deputy Speaker: Hon. member, you have the floor.

Dr. Taft: I will start from the big picture, which I'm sure if I don't, the Member for Calgary-Glenmore will press me on anyway later, and that's my view on climate change. We differ fundamentally on this. I accept what most people would say is the mainstream science on this, represented by the UN Panel on Climate Change and lots of other people. I think there's a significant risk that the globe is warming and that that warming is driven by human activities, the most significant of which is burning fossil fuels that put carbon dioxide into the atmosphere, creating the greenhouse effect. I accept that science, and I think that if we don't act very quickly and very forcefully, we, and more specifically our children and grandchildren, will pay a heavy price. What does that mean? To me that means that as a society we need to aggressively adapt.

A few years ago I was giving a speech, and I did some background research and came across a comment from Charles Darwin, who may not be a source that the Member for Calgary-Glenmore reflects on. What struck me is that Darwin said that it is not the species that is fastest, strongest, or smartest that survives; it is the species that most readily adapts. I think we have to adapt, and we have to adapt quickly. That means, in my view, that we need to address issues of greenhouse gas emissions, particularly carbon emissions. So that's the background from which I approach Bill 24.

Now, the members for Edmonton-Centre and Calgary-Varsity and even the Member for Edmonton-Highlands-Norwood have made the point that there are lots of ways to address the issue. We've heard at length about supporting public transit and Green TRIP. There are many other ways to reduce, well, what would be called demand-side management, to reduce how much energy we consume in the first place. I actually wish we were much more aggressive on that file. I wish this government was much more aggressive on things like building codes and even supporting programs at NAIT, for example, around the construction of much more energy efficient housing.

There are so many ways we could be moving aggressively to reduce the amount of energy we consume. But is that going to be enough? No. Like it or not, we're going to keep using electricity. We're going to keep burning coal. We're going to keep putting the pollution, as it were, from fossil fuels into the atmosphere. So how are we going to deal with that end of it? How are we going to deal with what comes out of, as it were, the giant tailpipes of our electrical system, the ones that are pumping away out at Wabamun and Sheerness and Forestburg and so on?

How are we going to do that? Well, one proposed way is what this bill is helping to address, and that is carbon capture and storage. Are there a lot of issues and questions around this? Of course there are. It's a new technology. It's not brand new. It's not unproven. But on the scale that's being proposed in Alberta, there are lots of technical issues that have to be resolved. Is it expensive? It's

terrifically expensive, particularly at this stage, when we're having to invent everything new. This is, like it or not, the kind of thing that corporations and private investors will not undertake. That's not rocket science. That's not a new insight. It's a common approach to solving very complex problems.

Many of the most important inventions that underlie our modern world were actually invented with public investment, whether it's the World Wide Web and the Internet, whether it's all kinds of research into our electrical systems, whether it's GPS or all kinds of things. All of that was done exclusively or largely through public investment. So we're doing that again. It's a lot of money. Do I want to see \$2 billion going to this and not \$2 billion into Green TRIP or energy reduction? No. I'm frustrated with that balance, but I believe that as a province and as a society we need to take this step forward.

9:40

There are significant risks, but there are also significant risks – and I think they're more significant – in doing nothing. I happen to be of the view, informed from some of the reading I've done, that Alberta has an opportunity to become a real world leader in what is potentially a significant new technology. There are a handful of other places in the world also looking seriously at this, but we do have an opportunity, if it's managed well – and that's always vital – to see some benefits from this.

We also are in a very unusual position to actually enhance our oil recovery if we capture the carbon and inject it into our old oil reserves. There's a certain paradox to that in that we capture the carbon to reduce the greenhouse gas emissions, and then we use it to increase the production of fossil fuels, which will produce more greenhouse gas emissions. It is paradoxical. Can that paradox be resolved? We'll wait and see.

There are a lot of legal and financial obstacles to this work as well as technological ones. This bill, as I understand it right now – and I hope to learn more about it as the debate continues – addresses some of those, some things that have to be put in place before this technology can begin to be developed and implemented.

I don't want to give this a blank cheque. I've got concerns. We should all have concerns. But what worries me more is doing nothing, Mr. Speaker. So I expect that when we're done with this debate – and I will give myself the out here – pending a lot of what I'm going to learn, I suspect at this point that I'll support this legislation.

Thank you.

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

Mr. Hinman: Yes. I just want to thank the member for his succinctness. I've got a few questions, though, especially when it comes to Darwin and the fact that we need to adapt and that adaptation is the key to survival. If, in fact, we need to adapt because global cooling hasn't come in – and I'll say that the science is very controversial on whether we're still warming or entering into a cooling period. Sorry to make you have to tip your eyes so far. But if it's about adapting and we're going to spend \$2 billion, are there not so many more efficient ways?

I mean, look at the overall scope of this. If you add \$2 billion or \$4 billion or \$6 billion, would you seriously look at it and say, "You know what; we're going to put 5 or 10 per cent of CO₂ into the ground" versus actually addressing so many other areas in the world and ensuring that they have, you know, LED lights and hand cranks

in developing countries. There are so many areas where we can use renewable resources that would be so much better to get energy in those areas that can't afford the carbon. Wouldn't you say that that would be a better use and that we should be looking at that rather than burying \$2 billion, which might become a bottomless pit that continues on with CO₂ storage?

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

Dr. Taft: Well, thanks, Mr. Speaker. I'll take that in two parts. The first part is the so-called controversy, I think he said, about whether the planet is cooling or warming. I don't think that the credible scientists of this world would actually accept that position. There is a large consensus. If the members want to learn more, I'll invite them to come with me to my constituency. We'll spend some time at the university, and we'll sit down with some of the scientists, and you can actually go through the issues with them. So come on with me. Anyway, I'm going to dismiss that part of the position. I disagree. We'll just have to agree to disagree.

On the second part of it, I mean, I found your comments a bit confusing. I'm not in favour of spending \$2 billion giving LED white lights to underdeveloped countries or things like that. But I think more generally the spirit you were meaning is that if we have \$2 billion to spend, is this the best way to spend it to address the issue of global warming? I think that's a good, tough question. This is where I return to my frustration at the cancellation or the deferral of things like the Green TRIP fund. I'd love to see an increase in mandatory fuel standards for vehicles. I think, you know, much as the Wildrose people might see that as an intrusion into property rights, I see that as a cheap way to reduce emissions. I think we could improve building codes. I think there are all kinds of things we can do and should be doing. Does that mean we shouldn't be doing this? We are, in Alberta, in almost a unique position in the world to take on this particular challenge. Again, at this moment in this debate I am prepared to say, yeah, let's see if we can pull this off. Let's see if we can take advantage of our specific, unique circumstances of geology and technology to rise to this challenge.

The Deputy Speaker: The hon. Member for Edmonton-Highlands-Norwood under 29(2)(a).

Mr. Mason: Yes. Thank you, Mr. Speaker. You know, I don't know about the efficacy of trying to demonstrate climate change as human-caused by the Wildrose quoting Charles Darwin. I don't know if it's the right approach.

But I do ask this question. If you have only \$2 billion to invest, do you really believe that the best investment, the most bang for your buck, comes from carbon capture and storage, hon. member?

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

Dr. Taft: Thank you. The point I'd like to make to this government and to this member is that we don't only have \$2 billion to invest. We should be investing more, not in carbon capture but in other issues such as public transit, which this member supports, I'm sure. All kinds of other things. We do have the resources, and I think we should be investing them.

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

Mr. Hinman: Thank you, Mr. Speaker. I'd like to stand up and speak to Bill 24. I guess that right off the bat I'm against this bill.

I don't see it serving the best interests of the taxpayers of Alberta. I don't see it in the best interests of any pollutant problems that we might have. There are just so many areas here that really concern me.

If we were to go back 50 years, to 1960, we could have two options in the world. Do we want to fly to the moon, or do we want to journey to the centre of the Earth? The U.S. president said: well, we want to be the first ones on the moon. We know that that was an extraordinary outspending of taxpayers' money, but they achieved the dream.

But the question here is: are we going to drill to the centre of the Earth? Calgary-Varsity loves stories and knows I enjoy reading Jules Verne and his outlook from the 1800s on where he thought the world would end up. The only novel I believe he wrote that hasn't come about is *A Journey to the Centre of the Earth*. We've learned a lot more. We know the core temperature down there, and the bottom line is that we would be incinerated if we were to try to journey to the centre of the Earth.

The question that we've got to ask with Bill 24 is: is this achievable? What is it? I really regret that the hon. Member for Edmonton-Centre couldn't put forward some of her research dollars in showing the numbers that she's got. I'll look forward to when she presents some of those later on the percentage of CO₂ that we're going to actually put in the ground versus the amount that we're producing here in the province.

Ms Blakeman: I gave them to you.

Mr. Hinman: Oh. Then I got disturbed. I thought it was only 5 per cent. You had some other numbers, but anyway, you did refer to the 5 per cent.

Ms Blakeman: Five megatonnes.

Mr. Hinman: Five megatonnes. Yes. So that's not even 2 per cent of the 240 megatonnes.

Ms Blakeman: There you go.

Mr. Hinman: I remember now. We got going on so many things.

When you look at that, we're talking 5 megatons out of the 240 currently being produced, and we're going to ask now: by spending \$2 billion on that, what have we really achieved other than possibly a feel-good bill? We can supposedly go out to the rest of the world and say: "Oh, look at what we're doing. We've cleaned up 2 per cent of our CO₂, and we've spent a huge amount of our budget in order to achieve that." We've just got to step back and look at reality. Is this achievable? Are we going down the right road? Is this a dream that can be achieved, or is this a bad dream, where we're going to wake up in a cold sweat realizing that we're in trouble?

9:50

I would say that it's the second one, Mr. Speaker. We've got some real challenges ahead if, in fact, we're going to say that there is no question that CO₂ is the problem and spend all of our money saying what we have to achieve with CO₂. The first question asked should be: can we possibly capture 80 or 90 per cent of the CO₂ that we're producing and put it in the ground? When we ask that and look at that, if we're trying to be energy efficient, immediately that puts us on the side that we're not energy efficient because it takes 25 per cent more energy just to compress it, to put it down somewhere. We're going to actually increase our energy consumption by 25 to

30 per cent in order to put that CO₂ into a black hole in the ground.

This is where all the discussion is coming from. Once we put it in the ground, is it going to come back to haunt us? Are there going to be leaks? What are the liabilities? Again, the government is taking action here by saying: oh; we'll remove all liability from the companies. A little quote that the Energy minister said is that the government will take responsibility but only after the private-sector operator has delivered scientific evidence that the carbon it has stored underground is safe and stable.

Well, our tailings ponds, that are 40 years old, have finally been – one area has been given a reclamation certificate. One. I'd like to know: when is the reclamation certificate? After one year that it's been in storage? Oh, it's good; we've checked it. Is it going to be 10 years? Forty years? A hundred years?

Ms Blakeman: Regulations.

Mr. Hinman: But again the devil is in the details on regulations. To accept that liability is unacceptable for the taxpayers of Alberta. I do not believe it's an area that we want to go down.

Again, when we look at the big picture, this \$2 billion knee-jerk reaction is that they've realized all of sudden: "Oh, this isn't going to happen. We'll pump in \$2 billion because we want to capture this carbon and store it." So they're trying to have this happen, and again they're not looking at the big picture, the money transfer that's going to be accumulating and transferred as we try to capture CO₂ if they continue through on this bill. I hope that we'll see the light of day and realize that this is not what we want to have happen. We need to kill this bill and to have a long-term plan and say: "You know what? This can be done, and here are the prototypes, the first sections that we've done to show that it is viable." That isn't going to happen for a long time.

You know, we have no idea what the long-term consequences might be of jamming all this acidic gas into the ground. It's never been done, it's highly speculative, and it doesn't matter how deep those caverns are. It's interesting. At this point we might say that this is an area we're not ever going to use. We're not going to need to drill down there again. So we put all this in there, only perhaps we might find that – you know what? – another 5,000 metres below that is more gas again, more natural gas, the best carbon fuel that we have, the cleanest, best burning.

I think the Member for Edmonton-Riverview talked about raising the fuel standards, saying that raising those standards would be a good way. Well, actually, the Wildrose program would be to switch over to a cleaner fuel, which is methane. We can have compressed methane. We can have liquefied methane. There are companies that are doing that. Europe has a high percentage of cars running on that. We shouldn't be looking at trying to change the gas or the diesel; we should be looking at what's an actual cleaner fuel. We have an abundance of it, and that is gas – natural gas, methane, or CH₄ – a one-carbon fuel as opposed to a multicarbon fuel, and it burns much cleaner and doesn't have all of the pollutants that actually come with these other fuels.

We need to be looking at the really big picture. That's where this government continues to fail. Where this bill fails is to think that we can and will capture all of the CO₂ that's being produced, whether that's in 20 years or 30 years or 40 years. Boy, nobody is taking a real look at it, crunching the numbers and realizing, as the Member for Edmonton-Centre pointed out, that there's a huge amount. If we actually wanted to spend taxpayers' money on anything, like I say, you could look at, you know: what's the cost of buying these old clunkers? What's the cost of buying some of these old pollutant plants and shutting them down and allowing for combined-cycle natural gas electrical production?

Again, we're off base. The vision of this government is to put up huge coal factories – I'm not sure what they're going to use – and huge power lines to transmit power, when in fact we have power lines, and those power lines are pipelines in the ground, where we move the cleanest carbon fuel that we have in abundance here in the province and are able to bring that forward.

One of the other problems is that this act provides an overriding provision for all other and previous laws, another area that is just very, very concerning. The minister has sweeping powers to evacuate areas without compensation in other emergency evacuations. The government is not compensating landowners for their property. Just like bills 19, 36, and 50, this is further erosion of property rights in Alberta without any recognition of landowners' rights and saying: "You know what? We own that underneath you. It's our obligation to capture this CO₂. The consequences really don't concern us at this point. We just want to move on this. We want to move on it fast."

So these are all areas, Mr. Speaker, that we seriously need to look at addressing before we pass this bill. We haven't adequately done that.

I would move to adjourn debate on this bill at this time.

[Motion to adjourn debate carried]

Government Bills and Orders Committee of the Whole

[Mr. Cao in the chair]

The Chair: The Committee of the Whole is now in order.

Bill 16 Traffic Safety (Distracted Driving) Amendment Act, 2010

The Chair: On amendment A3, the hon. Member for Airdrie-Chestermere.

Mr. Anderson: Okay. Well, to review, for those of you following at home, the amendment that I brought forward is that Bill 16, the Traffic Safety (Distracted Driving) Amendment Act, 2010, be amended in section 2 in the proposed section 115.5 "by striking out clause (b)." What that would mean is that it would strike out the ability of the minister to make regulations prescribing prohibited activities for the purposes of section 115.4. And 115.4 is the section where prohibited activities while you're driving are included. So included in there is reading or viewing printed material; writing, printing or sketching. I think the hon. Member for Calgary-Fish Creek said that she saw someone reading printed material, actually reading a book, on her way down the highway coming here. That was brutal.

An Hon. Member: Was it you?

Mr. Anderson: It wasn't me. But she saw it. She was distracted by it, by someone else reading.

The other one was engaging in personal grooming or hygiene and then any other activity that may be prescribed in the regulations.

10:00

The problem I have with this section is that it again goes back to what we talked a little bit about earlier. You know, ministers come and go. The Minister of Justice is a very reasonable person, but she won't always be the Minister of Justice. Who knows what minister

will come after? So I think it's disrespectful to the House to give this type of latitude to a minister, to allow something that's so intrusive. I mean, when you're talking about something someone cannot do in the privacy of their own vehicle, that's quite an intrusive law. It's not to say that we shouldn't have laws that govern things like that, but it is very intrusive when it happens. You're changing, you know, someone's ability, what they can and can't do in the privacy of their own vehicle, which is a piece of property that they own, while driving, of course.

I think that it would be wise – if you're going to change the rule surrounding something so intrusive, it should come back to this House and have a discussion on it and bring an amendment for it. Say: "Well, you know what? We want to add." I mean, it says that reading or viewing printed material is prohibited under these. What if the minister one day says: "You know what? Printed material is not good enough." You know, you have that Kindle. That's electronic, so really that doesn't fall under it. It's not written; it's electronic material. You can't read or view printed material, but you can read or view electronic material. Would that include a GPS system? What would that include? What wouldn't it include?

The point is that the minister could come at a later date and say, "We're not going to allow people to read their GPS because that's distracting" or "We're not going to allow people to turn their radio off and on because that's distracting" or whatever. The point is that if there's going to be something changed in the law like that, the minister should come before the Assembly and explain why she or he feels that that needs to be done. Otherwise, I think we shouldn't pass it. It shouldn't be allowed to be just thrown into a regulation. Why would we pass this?

You know, we talk about prohibiting reading or viewing printed material, writing, printing, or sketching, all these other things. Why do we even have them in here? Why don't we just say that we'll just leave it to regulation, let the minister decide what's prohibited or not? Essentially, that's what they're doing. You're naming some, and then you're saying: but the minister can add or subtract as many prohibited activities as he or she wants. I think that's an unreasonable amount, an excessive amount, of ministerial latitude and power, and I just don't think that it's right.

I guess I would say, you know, that the amendment we're talking about illustrates this, but this bill really is of an intrusive nature. I just wonder if this is really going to do anything to stop people from actually doing these prohibited activities anyway. I mean, honestly, what would really make more sense, you would think, is that instead of saying that you cannot do something and that we're going to slap a small ticket on you if you get caught doing it, what you should do is hammer them if they're weaving all over the road, if they cause an accident, or something like that. You just nail them with liability. You know, their insurance skyrockets. They lose their car for a period of time or their right to drive for a period of time if they actually are swerving on the road or if they're actually running stop signs while looking at their PDA or whatever. You hammer them if they actually do something wrong on the road because they're distracted, not just because they may have glanced – because I worry, too, Mr. Speaker.

Usually if you are making a phone call while you're driving, I know that when I do it – and obviously I can't do it here pretty quick – I'll usually do a quick 403, da, da, da, da, da, so I can keep my eyes on the road as much as possible. If I were to put that phone down here so that the police or the person viewing me couldn't see me, then I'm doing this; I'm starting to tap and stuff, and I'm even more distracted.

I don't think people are actually going to follow this law, predominantly. There will be a few who do, but I think, generally

speaking, that it's just going to be like any of the other traffic laws, unfortunately, that are ignored. I think that a lot of them wouldn't be ignored if it would be a stronger penalty if they do something wrong. For example, you can think of when someone's drinking and driving and they hit somebody or they get in an accident while they're drinking and driving. That's when you just have to absolutely hammer the individual, make sure that they're losing their licence, that they get in trouble. That, I think, would be more effective in keeping dangerous drunks off the road than any other activity.

I think that we've got to go more towards a system where we are punishing people who are actually being a menace on the road as opposed to somebody, in this example, who's driving and maybe looking at some printed material, maybe at some directions while they're driving. Maybe they're not sure what turn to make, so they take a look at the piece of paper so they can make the right turn at the right street, and then they're in violation of the law. That just doesn't make any sense. It's too intrusive. Now, if they're looking at something and they're swerving or they're talking on their phone and they're swerving around or they're in an accident, you can document when they were on the phone. You can document that, and you can punish them accordingly with a very serious penalty.

Again, I just don't see how this is really going to help anything. I mean, I think everyone agrees that we shouldn't be distracted while we're driving. I don't think anyone disagrees with that. We should be paying attention, but think of all the things that do distract us while we're driving. I mean, there are the passengers in the car next to you.

Dr. Brown: What about all those kids?

Mr. Anderson: Exactly. Those four kids in my SUV going crazy back there. I mean, you wonder why I'm a little tense in question period sometimes. It's because I've got four kids in the back of an SUV all the time. That's a lot of pressure.

There are lots of things that distract. Does that mean that we should ban kids from our cars, you know, that we shouldn't have kids in our cars? They're distracting. They're very distracting. You should hear my little guy, my two-year-old, when he drops his bottle or something. I'm driving, and he's just going nuts because he can't find his bottle. I mean, there's nothing more distracting on Planet Earth than that. Well, maybe a few things, but it sure doesn't feel like it at the time. [interjection] Yeah. Well, I don't have to watch them while I'm in my car. Thank goodness.

There are all kinds of distractions. We don't ban kids from our car. We don't ban the GPS from our car. We don't ban radios and CDs and audio books. We don't ban those things. We haven't banned eating a hamburger here. Is eating one of the prescribed things? I don't think it is. No, it's not. So you can still eat. What's the difference between holding a cellphone to your head and chewing down a Big Mac? Honestly, in some ways the Big Mac is far more distracting. It's slopping all over you. There are pieces of food going all – I mean, it can be very distracting. A milkshake, a Diet Coke: all these things are very distracting things.

We're banning a few things; we're not banning other things. I just don't see how this is really going to help safety. Even if you banned all that, even if you decided to ban the hamburgers and you ban your kids from vehicles – you're going to ban all those things so you have no distractions whatsoever – you take the radios out and the headsets out and everything out, you know, there are all kinds of studies out there that say that wireless phones and hands-free phones are just as distracting as the ones that you hold up to your ear. If we're not going to ban every possible distraction, then why even pass a law

about it, especially when people aren't going to listen to it? They're just not, by and large. A few will, but a lot won't.

10:10

I think education would be a much better thing to do. I mean, we don't ban cigarettes. Cigarettes are by far more harmful than distracted driving, but we don't ban them. We educate. [interjection] Well, that's right. We do ban them in public places for second-hand smoke, but we don't ban it in other ways. We do give public education. We do make sure that we educate the public about how bad smoking is for them, and because of that the smoking rate over time has gone down.

It's the same, I believe, with texting while driving and the use of cellphones and other things while driving. If you have good public education on it, over time people will make, generally speaking, rational decisions. Those who choose not to make rational decisions you can absolutely hammer with fines and all kinds of bad things when they actually do something that is illegal or dangerous on the road.

There was a member across the way, but I forget which one, who took exception to the fact that some people are very safe when they drive, that they can hold a phone up to their head and drive very safely compared to somebody who isn't a very good driver and has both hands on the wheel. I think we all know that. It's true. You know, not everyone has the same abilities. It's just like, you know, you've got some people who can skate and stickhandle the puck really well at the same time, and then you've got others that can't do that well, so they're not very good hockey players. Some people can do two things well at the same time; that's just kind of a gift. I'm sorry that not everyone has it in this Assembly, but that doesn't mean you have to take away the use and enjoyment of my gifts, hon. member. That's right: the use and enjoyment.

Anyway, I want to just make it clear that I don't think that it is proper for the minister to have such discretion because, frankly, she or a future minister could add kids into this legislation. Kids are distracting; you're not allowed to have kids in your car. Or dogs: dogs are distracting; can't allow dogs in your car. Hamburgers: can't have hamburgers. Radio: you've got to take the radio out. I think that that is too much discretion to give to a minister.

Mr. Hinman: What about doughnuts?

Mr. Anderson: Doughnuts are very distracting. You go by a Tim Hortons or something like that, just that in itself, you know, you have to turn your head and, "Man, I'd really like to have a doughnut and a coffee or hot chocolate." [interjection] Or a taco from Taco Bell, that's distracting: "Man, I could use one of those."

So we just have to make sure that we don't give the minister so much discretion. Again, it goes back to the larger problem. The reason I don't want to give the minister so much discretion is because this is an overly intrusive bill. Unfortunately, it's one that the public seems to want. I think what they want is more safety; they want less distracted driving. I don't think they want more intrusion. I don't think that this accomplishes what the public wants. The public might say: "Oh, good. They're passing something on distracted driving." But they have to realize that that's not going to solve the problem that the public is concerned about.

Hopefully, we'll talk about some clauses later that I think will address that issue, and we can maybe make this bill a trial bill to see if it works for a couple years. Then, hopefully, it will be proven. If it works, great. I mean, if it does decrease distracted driving, great, but if not, then we can put it on the shelf for the future and can remember it just as a history lesson about why big government solutions and intrusive government solutions don't work.

With that, I look forward to hearing any questions or comments on the amendment.

The Chair: On amendment A3, the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thank you very much, Mr. Chairman. I appreciate that. You know, I listened with interest to most of my hon. colleague's speech, and I guess that while I was prepared to consider his amendment, I am quite unconvinced by his arguments.

First of all, the attempt to liken this bill to an intrusion into property rights is most unconvincing. It's true that your vehicle is your personal property, Mr. Chairman, but it's a piece of your personal property that you load other human beings into, take out on public roads, and drive around with other people's private property all around you, in which if you are not driving carefully, you can kill people. So there have to be very strict limits on this. You know, to just call it a private property issue I think is vastly overstating it and ignoring the much more important aspects of ensuring safety. As our hon. Minister of Transportation loves to say in this House, safety is our first concern. We have to keep that in mind when we frame this bill.

I also recall, as I was a member of the standing committee that conducted public hearings on the original private member's bill that was brought forward, that we called the police to testify. We had the Alberta sheriffs, we had representatives of the chiefs of the Calgary city police and of the Edmonton city police, and they described some of the issues that they're dealing with. In terms of the hon. member's contention that we just wait till something really bad happens and then just hammer people, this flies in the face of what we heard, actually, from the police, which is that there is legislation that is very severe, and because it's so severe, it's rarely used. They were looking for something with some lesser penalties that they could impose.

That gets to my other point, which is the whole question about education. The hon. member suggests that it's education that has reduced the smoking, using that as an example. Well, you know, there's education and there are different degrees of enforcement, and I would submit that in addition to education a very significant component in the reduction of smoking is due to the fact that it's no longer legal to smoke in most public places. I think that's had a greater impact because, you know, there have been lots of studies to show that the extensive advertising that was being directed at young people to get them to not smoke has not been effective. You know, they just don't buy it.

What I've seen in my observation is that the increasing degree of restriction on where you can smoke has in fact had a very significant impact. When you have to go outside in the cold and huddle around the corner of a building, you know that it's not socially acceptable anymore to smoke, and you're smoking not because you want to, I don't think, in a lot of cases but because you have an addiction, and you'd really rather not be there. So I think to suggest that just education on its own is effective is not correct.

I do think that we need to have this bill. I accept that there are other distractions besides cellphone use. The original private member's bill was to talk about the use of cellphones alone, and the argument was put forward by government and transportation officials and others that, you know, it's not the only distraction; therefore, we can't legislate it. That's a logical fallacy. That's fundamentally bad logic to say that one thing is bad and because you can't get everything that's bad, you know, you shouldn't deal with the first thing. That's just nonsense. You should get the things you can deal with and try to deal with them, and if you don't get it

perfect, it's no reason not to start. It's no reason not to pass some legislation. I think the bill actually does that.

Now, I do admit to being somewhat tempted by the hon. member's proposition that you shouldn't allow a minister on their own to designate new categories of offence. I think that's an argument that is somewhat persuasive, but I'm not convinced that this is a massive government plot to take away the rights of our citizens. I'm not saying that I don't believe that the government does have some of those plots, but I don't think this is one.

So I am not persuaded in the end by the arguments. Of course, if the provision is abused, then I certainly think that we will need to revisit it in the Assembly.

Thank you, Mr. Chairman.

10:20

The Chair: The hon. Member for Calgary-Fish Creek on amendment A3.

Mrs. Forsyth: Thank you, Mr. Chair. I'm pleased to rise on the amendment that the hon. Member for Airdrie-Chestermere has brought forward because when I spoke on this bill previously, that's one of the things that I had brought in my speaking notes in regard to the prohibited activities in 115.4. I want to get it on the record that I do support this bill. The constituents of Calgary-Fish Creek have indicated very clearly by phone and by e-mail and on my web page that they want me to support Bill 16, and quite interestingly enough in the Twitter world they're also twittering us. We're finding it quite interesting because we obviously have some followers that are following some of the comments of my colleague from Airdrie-Chestermere and giving us some examples in regard to some of the things that they've seen.

As I indicated when I was speaking before on this particular section, you see a lot when you drive highway 2, or the Queen E. I spoke in support of this bill when the hon. Member for Calgary-Hays brought this forward in his first attempt, and I talked about some of the things that I had seen when I was driving. Then it was punted into committee, and now it's back. It's interesting how quickly the government can change because at that point in time there was no way at all that they were going to support this.

Things have been interesting, Mr. Chair, as I was telling my colleagues after we were coming back from the AAMD and C reception that we attended, hosted by the minister. We went to grab something to eat, and I was driving up early on Sunday. I had been watching, actually, because I indicated when I was speaking on this that I was one of those people trying to break my cellphone habit while I was driving down the highway and only using it if there was an emergency.

Anyhow, I'm driving, and I'm watching this individual in front of me as they're weaving on the highway, and I thought: ah, cellphone user. So I catch up, and I'm watching, and I honestly drove off the highway. She was reading a book. I thought I'd seen everything. She had her book on her steering wheel, open, and there she was reading and occasionally bringing her head up as she was reading the book. I know that's contained in the legislation that they've brought in, reading or viewing printed material, and I can certainly see why they've brought that forward.

What I'm finding under this section and why I would like to see it taken out as per the amendment is that I just think it's too prohibitive. I think if you let our police department and our sheriffs and the peace officers that are on the highways that do an incredible job make the decision and let them decide what they think should be prohibited – you know, it could be a host of things. I talked about the personal grooming, and I talked about the hygiene, but it could

also be – and it's not in here – that you attempt to drive down the highway with a coffee in one hand, and you might have an Egg McMuffin or a doughnut in the other hand. That can be dangerous on the highway.

What I'm finding quite interesting now is that newer cars have got movies in them. Now, I do realize – and I'm not a car girl – that most of the movies are contained for the passengers in the back, but I'm not sure if there are movies allowed if you're sitting in the front. You know, you have to be careful if somebody is listening attentively to this movie in the back and not paying attention to the road.

I will support my colleague's amendment in regard to striking out (b) under Regulations, but I will also again put on the record that I do support Bill 16, the Traffic Safety (Distracted Driving) Amendment Act, 2010. I just think that our police and our peace officers on the highway need to use the discretion.

My only other concern is that from driving that highway all the time, the majority of the time when I'm seeing peace officers, it's because they're pulling somebody over for whipping down the highway at 150 or 160 kilometres an hour, and I'm just trying to rationalize: if they're going to be taking a casual drive down highway 2, just look for somebody who will be talking on their cellphone or could be reading a book or, for that matter, reading a map. I mean, I don't have a GPS in my car. I carry Lucy, as I call her, in the car with me, and if I need to go somewhere, then I'll hit her, and she'll direct me all over the place.

Again, I support the amendment that's been brought forward, and I look forward to any discussion.

The Chair: On amendment A3, the hon. Member for Calgary-Glenmore.

Mr. Hinman: Thank you, Mr. Chair. I'm very concerned about safety on the roads. There is no question that Albertans are concerned. The frustration continues to grow, and the question is: are we going to address the problem, or are we going to pass feel-good legislation? At this point Bill 16 is still feel-good legislation. I don't believe it's going to decrease the amount of accidents on the road.

What this amendment is about is that under section 115.5 "The Minister may make regulations." That's what this amendment is about. Should the minister be able to just ad lib new regulations at will when he deems it in his best interest for whatever reasons, political, whatever the gain is?

The hon. Member for Edmonton-Norwood-Highlands – Highlands-Norwood. It's been so confusing this evening. I'm confused on that. Gosh, I've lost my train of thought on that now.

Dr. Taft: It means it's time to go home.

Mr. Hinman: It is.

Dr. Taft: Send us home.

Mr. Hinman: How do I do that?

Ms Blakeman: Stop talking and vote it.

Mr. Hinman: We can't do that on such a bill, to serve the interest of the people.

What we want is safety. The question is: is giving the minister the carte blanche ability to add something into the regulation going to solve the problem?

Again, I'm very disappointed that the government hasn't stood up

– it's got millions of dollars for research – to say: "This is why we should be doing this. Here are the answers. Here is the guidance. Here is what we've learned in other jurisdictions. This is what we need to do." In the research that we're finding, this isn't solving the problem. Traffic accidents have been in place. Since the first car was developed and the Model T, there have been accidents. We've got all kinds of safety devices, from seat belts to air bags to warning of a sudden manoeuvre, backup cameras so we don't run over things. We've got all kinds of safety devices, but the question is: are we addressing the real issue?

What is the number of cars that are on the road today versus 10 years ago, when we weren't using cellphones so heavily? What's the percentage of accidents that are happening that actually go back to cellphone use, and has that changed, or is the human factor in there that 80 per cent of accidents are caused by distracted driving and they're going to continue?

10:30

What's the new distraction? Right now it seems like the scapegoat is someone holding a cellphone in their hand while they're driving, and that is what's causing all the carnage on our highways. I don't believe that that is the sole problem here. We don't have the numbers to do it. I spoke earlier, you know, about some jurisdictions in the U.S. that have passed the cellphone ban, and now people are hiding it below the level where people can see it and actually increasing the number of accidents in some of those jurisdictions.

Is the bill adequate the way it is? No. Is it proper that the minister should be able to pass new regulations the week after the bill has been passed because something new has come to light and we're going to start going after it?

Oh, that's what it was, hon. member. What was the plot of the government on this bill? I would say that perhaps the backdoor plot on this is that they have a \$7 billion cash-to-revenue deficit, they need more money, and they're saying: "You know what? This is an easy target. All we need to do is empower our police officers and our sheriffs. If they see someone holding a cellphone, if they see someone holding a book, if they see someone doing one of these on the list of five things, we can ticket them, and then the world is going to be a better place." But it isn't. That is not going to solve the dilemma, what the policeman does or doesn't see.

Again, to me, the whole problem is that what I want those peace officers and sheriffs and policemen doing when they're out there patrolling the roads is to be looking for poor drivers. I don't want them to be focused on: "Oh, let's check every driver to see if they have a seat belt. Let's check every driver to see what they're holding." I want them to actually be observing and seeing people that are driving poorly. I want them to be going after people that are speeding up, slowing down, that aren't signalling their lane changes. It would increase safety if we actually penalize people who are driving poorly.

That isn't what this bill is about. This bill is about a cash cow, where we can start to look for people that are holding objects that the minister can automatically say that this is a new regulation. Like I say, it could be that they're holding Tim Hortons coffee cups, and now they start watching and boom, whatever they're holding, they go after that.

You know, it's interesting that perhaps what we should be doing, then, is saying that the ticket is going to be for anybody who takes their eyes off the road ahead. We've got mirrors, but we still need to do a shoulder check. It's always amazing when you're in the heat of three- or four-lane traffic and you're trying to merge and come everywhere together. You've got to be watching ahead. You've got to be doing your shoulder checks. You've got to be looking back

and forth. You've got to be very keen and observant on that. When you're travelling over the Glenmore Reservoir and merging, whether you're going to go Glenmore west or Crowchild north, it's a little bit chaotic there. Again, the lane changes and things are not well designed. That would help improve the safety if we looked at some of those areas.

The problem that we're looking at here with Bill 16 is that it's not really addressing safety. What it's addressing is the anger that people are having, the frustration people are having on the road when they want to drive. As the Member for Calgary-Fish Creek mentioned, I was passing this individual, I was sure that they were going to be texting, and, no, they were reading. And, yes, that is covered in this bill. Reading is wrong.

But my point is that the policeman shouldn't have to be driving up beside, getting a visual, and then saying: "Aha, it's a book. I can pull them over." She was driving poorly. The light should have gone on. That person should have been pulled over. They should have got a ticket. "You know what? You were driving erratically. You were lane changing, you were speeding up, slowing down, and that's not in the best interests of society. We need people that are paying attention." That, to me, makes sense. That tells you to be focused on the road. But this idea that you're holding something and therefore thou shalt be ticketed just is not addressing the safety on our roads.

I just want to go back again. I can't emphasize it enough. One of the problems that we see in this government on many of the bills that they bring forward is that they say: "You know what? The problem is that we just need to give the minister more power." Then we're going to all of a sudden create this perfect society where – I don't know – all-powerful Health Minister: no deaths. All-powerful Environment Minister: no problems. All-powerful Attorney General: no accidents on the road. It doesn't happen. Human nature is that we get distracted. We have accidents. It's happened from day one, since cars have been invented, that there have been accidents. We've got rules of the road.

Again, if it's the carnage and saying that we need to do that, reducing speed and saying that nobody could drive over 30 kilometres an hour would reduce the carnage. Is that what we need for efficiency and productivity? No. Again, this bill in this current state does not address the efficiency and the productivity of people. There are many people who can and are able to function, when you're not in heavy traffic, to carry on business.

I mean, one of the other problems in this bill even in its current state is: no writing, printing, or sketching or reading or viewing printed material. So what this really is is that in a car you're banned from having a map anymore. You can't look down. That's printed material. No maps are allowed. You have to pull over and stop or know, and I don't know that that's serving the public interest.

Mr. Chair, it's critical that we get this right. We need to address the hazards on the road, but let's address that actually in the bill and not focus on what somebody is holding. That's the problem with this bill, and I'll continue speaking on that as we go through more amendments.

The minister does not need the power to be able to make regulations at the whim of a bureaucrat, the whim of the minister, and say: oh, this is what we need; this is the new gadget that can't be held. Or, like I say, no more eating. It just seems like they're missing the big picture. What is the problem with the safety of our roads? We need more lanes in many areas. We need synchronized traffic lights so people aren't so frustrated with stopping and going. There are so many other areas that we could or should be addressing if we're after the safety in there.

Mr. Chair, I would urge people to vote in favour of this amend-

ment. It's important that we get it right. This is not right in its current state, so I would ask that we would consider this and remove the power of the minister to make regulations at the whim of his thoughts or whatever the complaint of the week is and add it to the details. It's not good legislation. It needs to be amended. I hope all will vote in favour of this amendment.

The Chair: On amendment A3 the hon. Member for Edmonton-Highlands-Norwood.

Mr. Mason: Thanks very much. I hesitate to stand again, realizing the hour, but I just think that, you know, the characterization of how the enforcement under this act would take place is not correct. It is the observation of an erratically driven vehicle or a poorly driven vehicle that will draw the officer's attention, and when the officer then finds the distracting evidence there, he is able to then issue a ticket where he or she might not otherwise have been able to. That's how it would actually be enforced. It's not like they're driving up and down looking for people reading or on their cellphones, but when they see a vehicle that's not properly driven, it gives them the basis on which to issue a ticket. That's all.

Mr. Hinman: I think the hon. member missed it totally. That's the problem. If the policeman observes that someone is driving erratically or there's a problem, that's when they pull them over. The lights go on, and they give them a ticket for driving erratically, lane changing. You have to stay in your lane. We actually have legislation, and we need to change it a little bit. That's the whole problem. If they're driving poorly, that's what we want to address. I can't believe it, that we'd see someone driving poorly and then need to drive up and see what they have. I mean, if I was driving poorly and all of a sudden I see the policeman and then I put it down, then he can say, "Oh, we're going to let you go." Or he pulls you over, and you say, "Oh, actually, it was because I was disciplining my children. I was talking to them." "Oh, okay. Well, just keep on going, then. There's nothing wrong with what you've done. It's okay because you didn't have a cellphone. You didn't have a book. You didn't have a hairbrush."

This is the problem with the bill, to say that we're just going to see someone driving poorly, drive up, and see what they're holding in their hand? It doesn't make any sense. We need to vote against this bill in the current state by putting in this amendment.

10:40

The Chair: Any other hon. members wish to speak on amendment A3?

Seeing none, the chair shall now call the question on amendment A3.

[Motion on amendment A3 lost]

The Chair: The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Chairman. There has been a lively debate this evening, and I would move that the committee rise and report progress.

[Motion carried]

[The Deputy Speaker in the chair]

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

Mr. Johnston: Thank you, Mr. Speaker. The Committee of the Whole has had under consideration a certain bill. The committee reports progress on the following bill: Bill 16. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

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

Hon. Members: Concur.

The Deputy Speaker: Opposed? So ordered.
The hon. Deputy Government House Leader.

Mr. Denis: Thank you very much, Mr. Speaker. Given the lateness of the hour I would move that this House stand adjourned until 1:30 tomorrow.

[Motion carried; the Assembly adjourned at 10:42 p.m. to Tuesday at 1:30 p.m.]

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