

Legislative Assembly of Alberta

Title: **Monday, November 24, 2003**

8:00 p.m.

Date: 2003/11/24

[The Deputy Speaker in the chair]

The Deputy Speaker: Please be seated.

head: **Motions Other than Government Motions**

Association for Former MLAs

511. Mr. Johnson moved:

Be it resolved that the Legislative Assembly institute an all-party former members' association of the Legislative Assembly to focus on the interests of the membership and the good of parliamentary precinct, history, and process.

[Debate adjourned May 12: Mr. Maskell speaking]

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

Mr. Maskell: Thank you very much, Mr. Speaker, for allowing me the opportunity to rise today and offer some of my comments with regard to Motion 511, sponsored by the hon. Member for Wetaskiwin-Camrose. The purpose of Motion 511 is to create an all-party former members' association whose purpose would be to promote and provide support for the parliamentary system of governance here in Alberta and also in the rest of Canada. I believe that creating an association made up of former Members of the Legislative Assembly would be a highly important and valuable development which would not only benefit former members but all Albertans as well.

[Ms Graham in the chair]

I say this for two reasons. My primary motivation behind supporting this motion has to do with the fact that a former members' association would be a perfect organization for encouraging and educating the general public and especially our young people about our parliamentary system and how it works in real life. Former Members of the Legislative Assembly are in an ideal position to share this kind of knowledge because unlike active MLAs they have more time to dedicate to this cause and they have the luxury of space to properly analyze and reflect on our system of governance. As a result, former members would be able to visit high schools and various university campuses and share their experiences with the students and especially those who are interested in pursuing a career in politics. I believe that it is imperative that our youth have access to this kind of information because whereas a textbook can teach them about the basic principles of our parliamentary system of government, a former parliamentarian can offer them invaluable insight into how the system really operates when you add the human factor into the equation.

My second motivation for supporting Motion 511, Madam Speaker, is because I believe that many Albertans are truly disengaged and detached from the political developments occurring in our province and from the folks who make these developments happen. Some Albertans become detached to the point where their lack of understanding of our system of governance and the way important political decisions are made translates into a lack of trust in elected officials. This is a worrisome trend. An organization such as the one proposed in Motion 511 could act as a remedy to this problem. By having more time than active MLAs, former members would be

in a position to visit our province's communities, hold public meetings and information sessions, all of which would be designed to offer firsthand insight into how our political system works and how the decisions affecting Albertans are made.

I sincerely believe that by being proactive and going into our communities and neighbourhoods, former MLAs would be providing Albertans with a service that active members are unable to do. By sharing their knowledge and experiences as representatives of the public, former members would not only be helping many Albertans understand the process of political decision-making, but they would also be encouraging them to get involved and become a part of the system and the solution. I'm sure that everyone in this House would agree that serving the public is a privilege, an honour, and a very rewarding experience. The former members' association would permit us to serve and work directly with the public in a different and equally rewarding setting after our careers as members of this House are completed.

As I've said earlier, Madam Speaker, creating an association made up of former Members of this Legislative Assembly would be highly beneficial to our province's high school and university students. One of the main functions of the association could be to give former MLAs the opportunity to visit and hold sessions with students regarding matters relating to our system of government. Such conferences would give former members the opportunity to share with students, especially those interested in political matters, their life stories, experiences, and their view of how our government works and how political decisions are made in Alberta. Since the members who would take part in these visits would have undoubtedly come from different political parties, they would be able to present the future leaders of our province with diverse points of view and differing outlooks on how the parliamentary system operates and what are some of the leading issues that affect it every day.

As I have said before, books provide students with only a certain degree of understanding when it comes to the matters relating to governance. By this, Madam Speaker, I am referring to the difference between the theory and application. By having former MLAs come to their schools and their campuses, students will have an opportunity to see a human side to politics, which books sometimes cannot effectively portray.

The human factor is an important aspect of any system of government, especially a parliamentary democracy. Knowing how to relate to and interact with people is one of the most important skills for any person to have, especially one that serves as a representative of the general public. In most cases some of the best politicians are those who understand people and human nature and who are able to utilize this skill in order to benefit their province and their country.

By having former MLAs speak at their school or on their campus grounds, our students could be getting an unbiased and a well-rounded understanding of how their provincial representatives come together to govern effectively and in the interests of their constituents and the province as a whole. Seeing how the chain of communication between the constituency and the House, the Premier, and various departmental offices works would be invaluable knowledge to our younger generation, who we will rely on as the future leaders of Alberta. Equipped with a true and candid understanding of how our parliamentary system of government works in real life, our young people will not only be equipped with the necessary tools that they need to lead our province into the future but also to continue to improve upon our current system.

Apart from offering important insight into some of the vital mechanisms of our democratic institutions, the visits of former Members of the Legislative Assembly to high school and university

campuses will be important because such visits could inspire students, especially those interested in subjects such as political science, to pursue related government and public service careers. By having taken the long road to public office, former parliamentarians would have the intimate knowledge of what skills, credentials, and kind of knowledge and determination is required in order for one to attain a position within the public service. Madam Speaker, the Alberta government is always in need of young, intelligent, and outgoing individuals. I believe that having former MLAs visit schools and universities and sharing their experiences as representatives would inspire many ambitious young men and women to pursue rewarding careers in the public service sector.

Campus visits of this nature, Madam Speaker, are not a newly developed idea. Such organized visits by former public representatives take place in a number of jurisdictions, most commonly in the United States. The United States Association of Former Members of Congress was created in 1970 in order to foster public understanding of the function and the role that Congress plays within the American system of government. The association has a very effective program in place called the Congress to campus program. Congress to campus is designed to engage and educate young American students about the various aspects of the U.S. political system and how they can participate in making a difference. Over the years the program has received some excellent reviews, and the campus visits by former members of Congress continue to take place all around the country.

I believe that by having an organization such as the former members' association institute a similar program here in Alberta, we would be making sure that our youth become more educated about the role of this Legislature and some of the other branches of our government. Apart from giving our youth invaluable insight into our parliamentary system of governance and providing them with the incentive and inspiration to pursue a career in public service, an organization such as the former members' association would also serve to foster further understanding of our parliamentary system of government among the general population. Having former MLAs visit our province's communities and interact with ordinary Albertans, especially those who don't quite understand how the system works, would help many of them overcome the sense of isolation and disconnectedness from the issues and decisions that are made in this House.

By helping Albertans understand the various aspects of parliamentary democracy and encouraging them to utilize and become part of the process, we would not only be guaranteeing the inclusive nature of our political system, but we'd also be addressing some important issues such as low voter turnout and voter apathy. History, Madam Speaker, has proven time and time again that a politically active and educated and vibrant electorate produces skilled, responsible, and competent public servants. I believe that by creating a former members' association, we would be making sure that this trend continues in Alberta well into the future.

I, therefore, urge all of my colleagues to support our parliamentary system and all of its democratic institutions by voting in favour of Motion 511. Thank you.

8:10

The Acting Speaker: Thank you, member.

The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Madam Speaker. I am anxious to participate in the debate this evening on Motion 511 to establish a former MLA association, and the motion reads:

Be it resolved that the Legislative Assembly institute an all-party former members' association of the Legislative Assembly to focus on the interests of the membership and the good of parliamentary precinct, history, and process.

Now, as I understand it, there's nothing new or startling or hidden in this particular motion which should concern us. The province of British Columbia, for instance, has established an association. The B.C. act lays out that the association, which was once under the Society Act of that province, now be a stand-alone entity.

It's interesting that we would be debating this particular motion in this particular Assembly when, in my view, we have not been particularly interested to date, Madam Speaker, in promoting good parliamentary practices. For instance, there are some committees of the sitting members of this Assembly that have not met in the time I've been in this Assembly. The hon. Member for Edmonton-Centre is more of a historian on these committees than I, but certainly there are some committees, it has been reported, that have not sat for close to 10 years, if not 12 years. Then sometimes committees, if there are too many cobwebs surrounding their structure, are abolished.

We have a motion coming up later on this evening to discuss an all-party committee of this Legislative Assembly to look at the entire insurance industry in this province, and hopefully that one will be passed. We could certainly have an all-party committee of this Assembly to look at electricity deregulation and the consequences of that electricity deregulation and natural gas deregulation as well, but I'm not holding my breath waiting for that to happen. If I did, I might turn Tory blue, and then I would have the same policy void as this Conservative government has with electricity deregulation. Certainly, whenever one looks at electricity deregulation, it's obvious there has been oxygen deprivation in the committee rooms where they have discussed this.

There are many retired members, Madam Speaker, from this Legislative Assembly that have been very, very distinguished not only in their careers here but after they have left. [interjection] Someone over there said that there would be seven more, but my greatest insurance, if you want to talk about insurance against political defeat, is keep up with those good electricity deregulation policies, keep up with this insurance policy that does not solve any of the problems of the consumers. I'm not going to get into Spiro Agnew and Richard Nixon here, but certainly the policies that have been articulated by this government recently are not going over very well with the voters of this province.

Dr. Taft: Would Spiro Agnew be an honorary member of this club?

Mr. MacDonald: Spiro Agnew, perhaps, could be an honorary member of this club. Maybe we could have honorary members of this club.

There have been some members of this Assembly, Madam Speaker, that have been very distinguished in their careers in this Assembly and certainly after they have left this Assembly. I don't think that at this time, when you consider the parliamentary practices, the erosion of democracy as we see it in Alberta, this is a necessary motion, and I would urge all hon. members to just say no to this.

Thank you.

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

Mrs. Fritz: Thank you, Madam Speaker. I, too, am very pleased to join this debate on Motion 511, which was put forward by my friend and colleague from Wetaskiwin-Camrose. I can understand why my colleague did put forward this motion to the Legislature. It's a very

worthwhile motion. I couldn't disagree more with the former speaker.

I know that this past July the Member for Wetaskiwin-Camrose and myself had the privilege of attending the Canadian Parliamentary Association conference in Victoria, British Columbia. We attended that conference on behalf of our hon. Speaker, the Member for Barrhead-Westlock, along with my colleagues in the Legislature here this evening: the members for Drayton Valley-Calmar, Edmonton-Manning, as well as Edmonton-Norwood and also, yes, a member that is from the opposition, Madam Speaker, the Member for Edmonton-Ellerslie. It was all just members from the Legislature attending a conference with other members from Legislatures across this country, and we learned a great deal from one another. [interjection] I did. I mentioned my colleagues, yes, and that we attended along with you, hon. member.

Madam Speaker, what I did learn at this conference is that parliamentary associations across the country approach issues in a much different way than we do here in Alberta, yet we have many similarities. As I said, there were members from all areas, like from the opposition and from the ruling government.

I found it very interesting about the different processes that were in place. For example, in the province of Alberta we have the privilege as backbenchers of putting forward bills before the Assembly. Previous to our current Premier backbenchers never did have a bill pass second reading in the Assembly. Now we have a number of bills. We had one today, Madam Speaker, that was passed in the Legislature, by my colleague from Calgary-Buffalo. It went through all readings of the Assembly, received third reading today, and was passed unanimously. That did not happen 12 years ago in the Assembly, for example.

So, yes, Alberta is much different than other areas of our nation, but also we would have that privilege through this motion. I don't mean to sound redundant as to what was put forward by my colleague from Edmonton-Meadowlark, but just as he had mentioned in his debate, we would have the privilege of sharing our experiences with our young people in our schools and in our universities.

I think that is a very important concept that this motion is putting forward. It's a vision that my colleague has in putting forward this motion: that we have a former members' association. Just to read the motion once again to the Assembly, it's resolving that

the Legislative Assembly institute an all-party former members' association of the Legislative Assembly to focus on the interests of the membership and the good of parliamentary precinct, history, and process.

I think, quite frankly, that's wonderful. Hon. member, I do hope that this motion that you've put before the Assembly passes this evening. I hope that we all support this motion.

Thank you, Madam Speaker.

The Acting Speaker: The hon. member.

Mr. Masyk: Thank you, Madam Speaker. It is a privilege to address you as Madam Speaker with the last few seconds here.

The Acting Speaker: Go ahead, hon. Member for Edmonton-Norwood.

Mr. Masyk: Thank you. I'd like to shed some light and speak this evening in favour of this motion to establish an association made up of former members of this Assembly. Madam Speaker, one of the biggest challenges the government faces is how to maintain and improve communication between itself and the general public. In many instances this communication link has been poor because the

average voter tends to know very little about the political system practised by this country, province, and city.

[The Deputy Speaker in the chair]

This lack of understanding has been particularly responsible for the lack of political involvement practised by the majority of constituents. As a result, most of the electorate gets politically involved only during the times of general elections. However, in many cases the turnout is so poor that a good third of the populace can be considered to be completely politically inactive.

8:20

In Alberta, Mr. Speaker, the situation could not be more critical, but it can definitely be improved. Voter apathy and low turnout are potential problems in Alberta that have to be redeemed. I believe that this problem can be fixed if this House commits itself to ensure that the average Albertan understands his or her role within our parliamentary system of government and how it works and how to use the system in order to voice their concerns and express their political will.

We can take a step forward toward effective accomplishments in this task, Mr. Speaker, by establishing an all-party former members' association which would assist Albertans by providing them with knowledge and understanding of how Alberta's parliamentary system is structured and of the avenues they could pursue in order to access it in an easy and effective manner. As my colleagues have previously mentioned, such an association would be made up of former members of this Assembly, and one of the roles would be to provide a nonpartisan support for our system by having former members travel to the communities and schools, universities.

Mr. Speaker, I think this would foster a good understanding, offering invaluable insight into how our system operates in the real-world setting. Visits to various urban and rural communities would undoubtedly help bridge some of the gaps between the average citizen and their elected representatives. Such events would also help Albertans gain insight into all the components that power the engine of our democracy. Visits to schools would be extremely beneficial to our students because having former members give lectures at their schools, colleges, and universities would offer them the insight that no Alberta political textbook can hope to accomplish.

Having that firsthand contact with a person who has served the people in our province will hopefully encourage our young people to further their interest in politics and even pursue a political career in this field. Our students, Mr. Speaker, will one day take over the reins from us and become the leaders of this province. I believe that it is our responsibility to ensure that we equip them with all the necessary resources and tools so they can steer Alberta down the road to success.

Mr. Speaker, as I've previously said, it's imperative that Albertans feel that they're a part of a system of governance and that without their input and involvement the system cannot operate effectively. It is important that we try to eliminate some of the negative general perceptions associated with government regardless of what political party is in power. One way of accomplishing this task is to encourage former members to educate Albertans about how demanding and rewarding the job of an MLA really is. Constituents may be interested to know that our political system is people-driven by those who express their problems and desires to do their parliamentary duties.

On the other hand, former members of the Assembly could also help explain that not all government actions and legislation are decided by elected members of the House. One such example that

comes to mind is the process concerning electoral boundaries. I'm sure that many of my colleagues are aware of the fact that there is a perception among Albertans that electoral boundary adjustments and alterations are a result of government policy rather than the findings of the Electoral Boundaries Commission, even though it's stacked.

Mr. Speaker, many Albertans are still not aware of the fact that the commission is a body that conducts its business independently of government. It is a body which looks at trends such as changes in population distribution, interest of communities, and placement of geographical boundaries rather than government policy to draft its final recommendations. These recommendations are scrutinized by the government, but the legislation which emerges, by and large, is reflective of the commission's findings and recommendations. Having Albertans understand how this particular process operates may encourage them to get involved and become part of electoral boundaries decisions.

On a different note, Mr. Speaker, I'm not quite certain that many Albertans are clear on the role that our Lieutenant Governor plays within our parliamentary system of government. Some Albertans may think that her role is purely ceremonial, a part of our British heritage. Others might think that her major function is to offer greetings at special events and luncheons. However, she enjoys a far larger spectrum of responsibilities. She enjoys extraordinary powers which allow her to act and uphold the Constitution. This means that bills passed by this House do not come into effect until her office proclaims them. In certain circumstances the Lieutenant Governor reserves the right not to proclaim a particular piece of legislation if she considers it to be unconstitutional. The last time that happened in Alberta was in 1936, when the Lieutenant Governor, Hon. J.J. Bowen, did not grant royal assent to three bills because he considered them to be in violation of the Constitution. Furthermore, the Lieutenant Governor also has the power to dismiss a government and call an election in times of political crisis.

Another interesting fact regarding our parliamentary system is that a member does not have to be a cabinet minister in order to bring forward a specific piece of legislation such as a bill or motion. The system allows all members of the Assembly to bring forward legislation that can potentially turn into law. This aspect of our political system gives the Alberta electorate an unprecedented degree of political power because if they can convince their MLA to pursue a particular bill or motion, it means that the constituents play a bigger role in the affairs of this House. Mr. Speaker, I can attest to that because constituents of mine urged me to bring in legislation that runs tandem with the Speech from the Throne. One example would be Bill 210.

The only concern, Mr. Speaker, is that a large number of Albertans are just not aware of the vast political power that they possess. A former members' association could not only help Albertans realize the use of this power; it would also bridge the gap between voters and their elected officials.

In closing, Mr. Speaker, I firmly believe that establishing a former members' association will not only ensure that our parliamentary system will continue to serve Albertans in a responsible and effective manner; it will ensure that Albertans will continue to take active roles in the political future of this province. I, therefore, urge all my colleagues to support Motion 511.

Mr. Speaker, thank you.

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

Ms Kryczka: Thank you, Mr. Speaker. It's a pleasure for me in the time remaining to rise and join the debate on Motion 511, sponsored by the hon. Member for Wetaskiwin-Camrose, urging the Assembly to establish a nonpartisan former members' association.

It is often said that when one travels a road taken by another, they can learn a great deal about where that road leads and what to expect from those that have preceded them. There has been a very successful association, the United States Association of Former Members of Congress, and it was created in 1970, so it has over 30 years of experience that we can possibly learn from.

I just wanted to quote for you in the few minutes that I have a number of things that this association of 550 members, I believe, has done in terms of specific projects. One of the things they did in 2001 was to publish a book entitled *Inside the House: Former Members Reveal How Congress Really Works*. Both teachers and students have requested this book, that incorporated information that members obtained along the way, and there have been many lectures and talks given across the country. The book is a collection of essays describing a full range of topics about life in Congress from an insider's point of view.

Also, another example is that they have formed a Congress to campus program, established in 1976, and it certainly addresses several aspects of civic learning, which, I think, is so important to the young public. Again, as I think another member mentioned earlier, either singly or in pairs these retired members visit colleges, universities, and communities and speak to students. So, all in all, we have educational objectives that are being satisfied.

Thank you, Mr. Speaker.

8:30

The Deputy Speaker: I regret the interruption, but, hon. member, Standing Order 8(4) provides for up to five minutes for the sponsor of a motion other than a government motion to close debate.

I would now invite the hon. Member for Wetaskiwin-Camrose to close debate.

Mr. Johnson: Thank you, Mr. Speaker. Motion 511 was introduced in the spring session, as most of you realize, so most of the debate took place some time ago. I was pleased at that time at the level of support, and of course I want to thank the speakers tonight for the support as well.

This motion is a little different than other pieces of legislation because it urges the Assembly into action rather than the Alberta government. In order to move the idea of a former members' association forward, this House will have to pass a private member's bill, which I would like to introduce in the next spring session of the Legislature. The details of how the former members' association would operate would of course be debated at that time.

I've been asked why we need this Assembly to create the association. Some have asked: what is preventing a former MLA from pursuing this on their own? Well, the simple answer is that other provinces have tried and learned that the legislating of the association adds legitimacy and direction for its members. One of the most important reasons to legislate the association is to ensure that the members and their mandate are non-partisan. I know from attending events around Alberta that there are many former MLAs who miss the honour of sitting in this House. I also know that many of them can effectively serve the public interest in advancing our parliamentary system. A former members' association would be a great opportunity for these men and women to share their experiences with Albertans, especially young Albertans in our schools and universities.

The provinces of Ontario, Quebec, B.C., and the federal Parliament have all passed legislation establishing a former members' association. It is the intent through this motion that Alberta would also benefit from such an association.

I would like to thank all members who rose in support of Motion 511, former members' association, and I hope that everyone in this House will vote in favour of Motion 511.

Thank you, Mr. Speaker.

[Motion Other than Government Motion 511 carried]

Automobile Insurance

512. Mr. MacDonald moved:

Be it resolved that the Legislative Assembly urge the government to strike an all-party committee to study the rising premium rates for automobile insurance, insurance companies handpicking clients, and increasing insurance claims in the province.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar.

Mr. MacDonald: Thank you very much, Mr. Speaker. It's a pleasure to rise this evening and present Motion 512 to the Legislative Assembly, and I would urge all members of the Assembly to consider supporting this motion, certainly, in light of the disasters that have occurred around the insurance consultation process and the fact that we now have to have not one but two bills before the Legislative Assembly to try to deal with this problem.

Alberta drivers are fed up with skyrocketing auto insurance premiums, and they realize that freezing rates after we've allowed rates to increase for three years isn't a solution. In fact, Mr. Speaker, from February 2002 to February 2003 premiums increased in this province, according to Statistics Canada, by 59 percent. The insurance industry is getting rich, and it is at the expense of the insurance consumers, and the Alberta government, as we said in the Assembly here the other day, is involved in this hit and run: hit consumers with skyrocketing premiums and run away with the insurance industry insiders and have a consultation process that does not involve the public.

Now, in the second quarter of 2003 the insurance industry reported \$644 million in profits, and that was up from \$110 million at the same time last year. The insurance industry's watchdog in this province is toothless. Last year the Automobile Insurance Board rubber-stamped a hundred and fifty-five of a hundred and fifty-seven proposals for rate increases. Drivers are paying higher premiums, and the insurance industry is getting more and more profit.

Certainly, we had some very good alternative solutions to make this Automobile Insurance Board more consumer friendly, so to speak. They were, again, good ideas, but they were ignored by that side of the House. Now, every time there is a rate increase, we could have a public consultation process. We could have consumers educated so that they could access a web site with the Alberta Automobile Insurance Board's proceedings on that web site, and they could be made public.

Last year the Alberta Liberal opposition proposed that an all-party committee be struck to seek out solutions to the crisis in the automobile insurance business. We did this in a letter addressed to the Premier on November 12, 2002, and this was long before other governments across the country ran into problems with private insurance and skyrocketing premiums. We certainly were ahead of the trend. We suggested that there would be some hon. members in this Assembly very capable of chairing that particular committee, but again our advice was ignored, and we see the problem that has come about.

It's a serious problem. This government has to have two bills on the Order Paper at the same time trying to deal with it. But since our request for an all-party committee was virtually ignored, the

government struck the Automobile Insurance Reform Implementation Team, consisting of government MLAs and industry representatives. In fact, some of those industry representatives, it's been acknowledged, are members of Conservative constituency associations in this city.

Mr. Strang: No.

Mr. MacDonald: Yes, it's true. It certainly is.

The committee at the start, including the hon. Member for Drayton Valley-Calmor, dismissed the concept of moving to a public system of insurance before it even began to have any investigations. So you're eliminating a concept that has worked well in British Columbia. It has worked well in Saskatchewan. It has worked well in Manitoba. There are all different forms of public automobile insurance, but, Mr. Speaker, they're all cheaper for consumers than what we are paying in this province.

Now, a recent survey of more than 1,300 eligible Alberta voters showed that 80 percent of them believe that the actions by the provincial government would place the interests of the citizens after the interests of the insurance industry. There would be a better chance for the interests of consumers to be put first if we had an all-party committee looking at this issue with public hearings across the province. If you were to put an opposition member or maybe two or maybe even three opposition members on this committee, I think that consumers would get a much fairer shake. An all-party committee may not have to throw its hands in the air and resort to a one-year freeze on insurance premiums, but there could be viable solutions to this consumer crisis in this province because there would be consultations with everyone, not just the insurance industry.

An all-party committee certainly wouldn't have given unanimous approval to a cap on pain and suffering awards for so-called minor injuries. A telephone survey of 500 Alberta auto insurance policyholders conducted last month found that 67 percent of Albertans support the government committee's proposal to tie premium costs to driving record rather than factors such as age, gender, or marital status, but 85 percent of Albertans oppose a proposal to cap compensation for people who suffer nonpermanent injuries in motor vehicle accidents.

Decisions made by members of just one party and representatives of just one side of an issue may well have been made by just one person. Opposition MLAs were democratically elected by their constituents and represent those who may or may not have voted for them just as government MLAs are supposed to do as well. So why are the voices of some Albertans listened to while others are not? The formation of the Automobile Insurance Reform Implementation Team was so flawed that it didn't even include a consumers' advocate at the table. An all-party committee was badly needed to study the automobile insurance crisis in this province when I wrote the Premier a letter over a year ago; an all-party committee is desperately needed today still.

Even the Member for Edmonton-Calder has raised some very valid concerns, and I'm sure he's not alone in that caucus, that huge caucus.

8:40

Mr. Snelgrove: Yeah. It's a big bunch over here.

Mr. MacDonald: Yes. If it gets any larger, Mr. Speaker, it's going to be the size of an elementary classroom in this province.

I don't care who comes up with the solution to stabilize automobile insurance rates just as long as someone does. I think we need to work with the consumers of this province. We can't be just asking

them to dig into their pockets for more money for insurance premiums, because they're already digging into their pockets to try to pay their energy bills as a result of electricity and natural gas deregulation. They've got very little left at the end of the month as it is. We need to work to come up with a solution, and just consulting with the industry stakeholders is no longer any good.

There's a whole list of issues we could look at. There's the issue of cell phones and how that's affecting our accident rates. We could look at headrests and educate the drivers so that everyone adjusts their headrests properly. We could look at the whole issue of reinsurance costs. How is this affecting Alberta insurance consumers? We could look at the cost of privatizing our health care system and what that has done to rehabilitation costs for accident victims. There are many, many statistics available from Ontario but very few from Alberta as to what these costs are. A decade ago rehabilitation costs for accident victims were \$300 million; now they're \$1.5 billion.

Please vote for Motion 512. Thank you.

The Deputy Speaker: The hon. Member for Calgary-West, followed by the hon. Member for Edmonton-Strathcona.

Ms Kryczka: Thank you, Mr. Speaker. It is a pleasure to be able to speak to this motion brought forward by the Member for Edmonton-Gold Bar. Not that I agree with the motion, but I do like the fact that it gives me the opportunity to talk about some of the good things that the government is doing in this area.

The government has been taking on this problem for more than a year now and is entering into a phase in which we'll be able to promote solutions that benefit all drivers but especially those who operate safely and have a clean record. Later in my remarks I'll talk about our process, but first I want to make clear that nobody denies that rising auto insurance rates are a major problem, and certainly nobody in this House is blind to the negative consequences that rising rates are having for individual Albertans as well as for the province as a whole. The member does well to raise this point in his motion, but I'd like to remind the sponsoring member that it isn't fair to say that the government is lax on this issue.

For example, let's look at what this government is doing about rising premiums. Alberta Finance has proposed a benchmark entry-level premium, taking age, sex, and marital status out of the equation. Alberta Finance is putting forward a premium grid to help standardize rates. The purpose of this grid is to reward safe drivers and punish bad drivers. The differentiation between rates in Edmonton and Calgary will disappear over a three-year period. All in all, these changes indicate the government's seriousness in tackling this issue, and it certainly isn't fair to suggest, as the member across the way has suggested, that the government's process for solving the problem is tainted because it hasn't included the Official Opposition or the third party in the process.

In fact, contrary to what the member across the way would have you believe, the government's approach to automobile insurance is responsible, methodical, and fair. The conscientious way that the government under the direction of the Minister of Finance and the Member for Medicine Hat are dealing with this issue shows the people of this province that they have a government that they can trust and a government that is going to look at all different angles before coming to a conclusion. It also shows that every member in the government caucus has put forward challenging positions and questions and has had their say in shaping the policy, including 11 total hours, I believe, of debate in a standing policy committee. The conclusion members come to in this House will be the right one for all Albertans.

To illustrate this point, let me digress a little bit into the context of the motion. We have seen over the summer many provincial elections where auto insurance has become a major issue. Citizens are concerned over rising premiums; they have been for a while now. In recent elections they've shown their dissatisfaction with governments for not being able to get a handle on the issue. The outcomes of elections in other provinces, however, have not caused this government to rush willy-nilly into providing stopgap solutions that will only cause problems down the road. In fact, this government has stuck to our original plan of hammering out a good long-term solution.

The government, regardless of what the member across the way tells average Albertans, has been on top of this issue for quite a while. The Minister of Finance is engaged in a three-part process that will ensure that our auto insurance system is one that is fair, accessible, and not prohibitive in terms of cost. These steps have been taken in an apolitical environment, one in which the government can accurately assess the needs of consumers and collision victims.

In a first step Alberta Finance asked Albertans what their thoughts on the auto insurance system were in our province. The Department of Finance wanted to know where Albertans thought improvements could be made and the suggestions they had for how to change the system to make it more responsive to Albertans and more affordable for consumers, and Albertans responded. They said that there was no room for profiting from an injury. They said that they wanted the focus to be on rehabilitation from an injury, getting the claimant physically well again. They said that insurance companies – the hon. member from across the way wants to be on the committee, but he doesn't want to even listen to advice that's being shared in the House this evening.

Albertans also said that insurance companies were acting in an excessively unfair way towards consumers, especially younger consumers with clean records. Finally, they said that they wanted rates to come down, and they wanted good drivers rewarded for their good driving, not penalized with rate increases.

I might also add that under this process the Member for Edmonton-Gold Bar was more than welcome to send in his suggestions to the Minister of Finance for her review. That being said, the member across the way seems upset – well, actually I'm not sure he looks upset; he looks pretty relaxed. But he has said that he does want to be involved in this process in a formal way and he hasn't been invited to take part. I, frankly, don't see how his inclusion or any other opposition inclusion is going to help the situation given that he already has all the answers and given that his answers don't come from years of studying the issue and instead come from some sort of electoral expediency. Politicizing the issue doesn't help. His actions put politics ahead of good solutions for Albertans. Forgive the government if it is above that type of petty politics, Mr. Speaker.

What the government has decided to do is to pursue a strategy for long-lasting satisfaction amongst insurance consumers and providers as well as accident victims. In the meantime, rates are in the process of being frozen. The government put together a big-picture committee to study the input that Albertans gave us. Their task is to make comprehensive recommendations for changes that are inclusive of the suggestions that Albertans have made. Finally, it is this caucus's job to implement those changes.

I know that the Member for Edmonton-Gold Bar would love to have his fingers in the decision-making process, but I guess that's the difference between winning and losing elections. The people of Alberta returned a Progressive Conservative government to this House. In turn, they returned seven Liberals and two New Democrats. That to me is a great honour. It says that Albertans have great

trust in this government. It also shows Albertans' ambivalence for the two opposition parties. From that ambivalence comes the demands from that opposition for more inclusion, for the government to implement their ideas, which voters soundly rejected in the last election.

8:50

If you ask me, the government is doing it the right way. We've gone directly to Albertans through a fair and open consultation process and are using their suggestions to find a solution. This is especially satisfying for me, Mr. Speaker, because it always gets me when the opposition argues that the government operates in secret. This is their fallback when they don't have anything of substance to say. They haven't thought the problem out. You see, unlike our opposition, who whenever there's a problem, screams for government intervention, we'd much rather take positions that are well thought out, sensible, and mindful of the big picture. The opposition has given the easy, short-term solution, but any sensible person knows that the easy, short-term solution just causes long-term problems. So I'll reiterate it once again. This government will look out for the long-term benefit of Albertans, not short-term political interest.

As I said earlier, Mr. Speaker, the cost of insurance has angered a lot of Albertans. It has angered our caucus. Albertans have expressed discontent to us, and Canadians have expressed discontent to governments across this country. But what would anger Albertans more would be if we stopped our whole process to start a new one just to appease the Member for Edmonton-Gold Bar. I'm not willing to do that, so I will not support this motion. I urge all of my colleagues to do the same.

Thank you.

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

Dr. Pannu: Thank you, Mr. Speaker. I'd like to speak briefly to Motion 512, which is calling on this Assembly to

urge the government to strike an all-party committee to study the rising premium rates for automobile insurance, insurance companies handpicking clients, and increasing insurance claims in the province.

The motion, Mr. Speaker, is I think asking for the right thing insofar as it goes; that is, to call for an all-party committee which should hold public hearings and study the matter. It falls short because it doesn't really talk about public auto insurance as a clear alternative that must be studied and Albertans must be consulted on as part of the hearings that such a committee would hold. The public auto insurance alternative is a real choice that must be put before Albertans. They must be consulted on it. Three provinces over the last almost 40 years have implemented public auto insurance, and experience based on this long-term practice demonstrates without doubt that public auto insurance is the cheapest, the fairest way to provide auto insurance to all drivers regardless of region, gender, class, age, and so on and so forth.

Based on their careful study of the advantages of public insurance, the Consumers' Association of Canada came out earlier this summer clearly in favour of public auto insurance. On August 27 the New Democrat opposition called on the Alberta government to put this choice of auto insurance among other choices before Albertans. The best way, of course, to put this choice before Albertans is to hold public consultations, and there's no better vehicle to do that than the all-party committee that should be struck by this Legislature, representing this Legislature and going out to Albertans and seeking as broad-based an input from Albertans as we can possibly get.

I don't know what the problem with striking an all-party committee is. It would be most representative of this Assembly, and it would certainly be welcomed by Albertans. The experience that Albertans had in my six years in this House with one all-party committee that went around this province and held public hearings has been very, very good. They welcomed this all-party committee on justice, and this all-party committee on justice took that job very seriously.

All of us worked together in a very collaborative manner regardless of our party labels and came up with a report as a result of that extensive public hearing experience that I think we are finding very useful. The government is using it now to make changes in our justice system in order to make our justice system more accessible, more sensitive to the needs of Albertans who need to seek justice and need to use the court system and the justice system in order to have their matters addressed.

Based on that alone, I don't see why this Assembly in its wisdom should not in fact proceed with the establishment of an all-party committee on an issue as important as this one. Auto insurance affects everyone in this province. Whether we are a business, whether we are individuals, whether we are families, whether we are students, whether we are seniors: everyone is affected by this. The massive rate increases in the auto insurance premiums that Albertans have been burdened with over the past couple of years call for an effective action that will prove the test of time.

We know that auto insurance has proved the test of time in three other provinces. It is true that when each of the three other provinces brought in auto insurance, it was brought in by an NDP government. No doubt about this. That alone, just because it was brought in by an NDP government, is no reason to reject it out of hand when we have an opportunity in this province to consider that as a serious choice.

There is a convergence growing in this province. Recently I took the lead in calling for auto insurance in this province. Our Liberal colleagues joined with us in this call. I think that if we held public hearings now, it's very likely that many of my colleagues sitting on the other side would also join in with us on this side of the House, and hopefully Albertans would be able to get the best possible deal on auto insurance, which is public insurance, as a result of these hearings.

Public opinion surveys indicate that more than half of drivers in the public auto insurance provinces like that particular choice whereas in private auto insurance provinces 25 percent or less of the drivers like what they are offered. So, clearly, regardless of the province in which they live, regardless of the region they are part of, when Canadians are given choices, they make right decisions. Here, I think, not to have a broad-based public hearing process organized by an all-party committee would deprive Albertans from making such a choice if they so choose.

Mr. Speaker, you think my time is up. I think I made my point. I would like to take my seat. Thank you.

The Deputy Speaker: Actually, I'm interrupting the hon. Member for Edmonton-Strathcona because the time limit for consideration of this item of business on this day has concluded.

9:00head: **Government Bills and Orders**
head: **Second Reading**

Bill 47

Tobacco Tax Amendment Act, 2003 (No. 2)

The Deputy Speaker: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Speaker. I am pleased to move

second reading of Bill 47, the Tobacco Tax Amendment Act, 2003 (No. 2).

The amendments in this bill reduce the cigar tax rate from 183 percent of the taxable price to 95 percent of the taxable price with a minimum tax of 15 cents and a maximum tax of \$5 per cigar. The cigar rate even with this reduction still represents an increase from the 2002 levels. All tobacco taxes were increased in Budget 2002. While other provinces followed suit with cigarette and loose tobacco tax rate increases, they did not do the same with cigar taxes. This amendment will better align Alberta's cigar tax rate with those in neighbouring provinces and improve the competitiveness of Alberta retailers.

In addition to decreasing the cigar tax rate, we have also addressed some administrative concerns, including the changing of definitions of tobacco products to harmonize with other provinces. Included is a specific trust account for the collection of tobacco taxes as an alternative to surety, licensing of tear tape manufacturers to assist in guarding against counterfeit marking, and provisions to extend liability for tax collected to corporate representatives where they have drained their tax funds from business.

These administrative concerns have all been discussed with the tobacco tax industry, and I urge all members to give their full support to Bill 47. Thank you, Mr. Speaker.

[Two members rose]

The Deputy Speaker: The hon. Member for Edmonton-Riverview was first up.

Mr. MacDonald: A point of order, Mr. Speaker.

The Deputy Speaker: The hon. Member for Edmonton-Gold Bar then.

Point of Order

Bills Containing Similar Provisions

Mr. MacDonald: Thank you very much, Mr. Speaker. I'm rising under *Beauchesne* 319 and 321 in regard to *Beauchesne* 653. If you could clarify for me, please, I would be very grateful. I'm speaking in reference to Bill 33, the Insurance Amendment Act, 2003, which has been on the Order Paper for some time under the name of the hon. Member for Drayton Valley-Calmar, and also the bill introduced today, Bill 53, the Insurance Amendment Act, 2003 (No. 2).

I was discussing briefly these legislative initiatives in my remarks on Motion 512, and I thought I would have a look at them, and in light of *Beauchesne* 653, if it could be clarified for me, I would be very grateful as to what is the status of Bill 33 now that we have Bill 53 before the Assembly, because Bill 33 really is amendments to section 626 of the Insurance Act.

The Deputy Speaker: The chair is greatly perplexed by the question that is being asked and the continuous reference to a bill that is not in front of the Assembly. We have in the Assembly at this moment Bill 47, and you're talking about Bill 53.

Mr. MacDonald: Bills 53 and 33, Mr. Speaker. Yes.

The Deputy Speaker: Neither of those bills appears to be under debate at this moment, so perhaps if you wanted to raise a point, you might when those bills are called, but they're not called at this point. The debate is on the motion for second reading of Bill 47, the Tobacco Tax Amendment Act, 2003 (No. 2).

Mr. MacDonald: But, Mr. Speaker, I rose under *Beauchesne* 319, which states, "Any Member is entitled, even bound, to bring to the Speaker's immediate notice any instance of a breach of order." Also 321 would apply to this matter because after I was speaking during the debate on Motion 512, I thought I would have a closer look at bills 33 and 53. At some point in the future if I could have a clarification on this, I would be very grateful.

Beauchesne's 653 indicates that "if the bill has been given or refused a second reading, the other is not proceeded with if it contains substantially the same provisions." Now, Bill 33 contains many of the same provisions, all of the same provisions, as a matter of fact, that are in Bill 53, and that is the amendments to the current Insurance Act in section 626. If we could have a clarification of that, I would be grateful.

The Deputy Speaker: The hon. Deputy Government House Leader on these points of order that the hon. Member for Edmonton-Gold Bar has raised.

Mr. Zwodzesky: Well, on the purported point of order, Mr. Speaker, it's quite clear in 319 that a member is entitled at any time to bring to the Speaker's immediate attention any instance of a breach of order. However, there is no breach of order. We are simply debating Bill 47. If the hon. member does not recall, perhaps he should just be reminded that the government has at its prerogative to call whichever bill it wants in order to move that particular bill along, and right now we're trying to move along with the bill that has just been moved at second. If the member wishes to meet with me outside the Assembly and review that proceeding, I'd be happy to review that proceeding with him and bring him up to speed on it. Thank you.

The Deputy Speaker: Thank you. The two bills that the hon. Member for Edmonton-Gold Bar has referred to, 33 and 53, have not been decided at this stage. Neither of them has received approval at second reading, so I think that if you read more carefully on 653, it does say: where a decision has already been taken. A decision has not been taken on those two bills, which really doesn't relate, then, to what we're talking about now. The premise on which you're raising this question, which is presumably *Beauchesne's* 653, talks about: the second one can't come on if the first one has had a decision taken on it. That may be very well true, but we have not as an Assembly made a decision on either of those bills. So that doesn't trigger. In addition to that, we're actually on Bill 47, so I think that in either case, hon. member, your point of order should await at least one of those two bills that you refer to as receiving second reading before the next one goes.

I did recognize the hon. Member for Edmonton-Riverview, who wishes to debate Bill 47.

Debate Continued

Dr. Taft: Thank you, Mr. Speaker. That was a very interesting discussion we just witnessed.

So Bill 47. The minister has encouraged every member of this Assembly to support it. That's not going to happen. I hate to disappoint him, but I just find that this is a troubling bill.

Last night I found time to go to a movie with my family, and in the previews to the movie – in fact, the very first preview was paid for by this government. The entire screen was simply filled with the face of Barb Tarbox, Barb Tarbox speaking about the impact of tobacco on her life and on her death, and in those 30 or maybe 45 seconds she delivered a very, very powerful message paid for by this government, and I commend this government for doing that.

So when I come to Bill 47, one of the first things I do is ask myself: what would Barb Tarbox do? We've all admired Barb Tarbox. In fact, I did a recognition for her husband and daughter last year just before she died, which I frankly struggled with because I found it so emotional. I think we need to remember that woman's message for all of us and for this government, and the irony that this government has paid for those messages to be broadcast all over and then brings forward a bill like this is amazing. What advice would she give? Well, it's pretty clear. She would tell us to vote this bill down.

9:10

So with that as a sort of context for my comments, I have to tell you that I'm not going to be supporting this bill, and I hope a majority of members are equally strong on this. I suspect the minister himself, from the reports I hear, is a bit uneasy with this bill.

The kind of information that we're gleaning about this bill is that it is, in fact, a result of the efforts of a rather well-connected lobbying effort by a group called the Small Guys Tobacco Group, a classic kind of deceptive name, a name that conceals the fact that big tobacco was behind that lobbying. If it was an accurate name, it would be the big tobacco lobbying group, and big tobacco is exactly who's behind this bill. Big tobacco, operating under this misleading name of the Small Guys Tobacco Group, has hired a former executive assistant to I think, in fact, more than one cabinet minister here and has set that fellow to work. I guess from his point of view he's done his job well, but from the point of view of the people of Alberta, who in the long run are going to pay and pay and pay for this through their failing health and through their tax dollars going into the health care system, this is a shameful effort. Frankly, the lobbyists behind this should hang their heads in shame as well.

This government in the last budget actually took a far-sighted stance on tobacco taxes and raised them I think, as we all know, very significantly and raised them across the board on all tobacco products: cigarettes, loose tobacco, pipe tobacco, cigars. It was all covered there, and the effects were dramatic and they were immediate. As a result, within weeks we saw tobacco consumption in this province begin to decline dramatically, and that is of great benefit to everybody. It's of great benefit to the people who smoke and start to recover their health. It's of great benefit to the families and friends of those people who won't be faced with mourning and grieving their untimely deaths, and it's of great benefit to all Albertans who will be living in a healthier society.

So now we have an exemption brought forward for cigars, and it makes me wonder if this isn't the sort of foot in the door for a full-scale rollback or a much more substantial rollback of the tobacco tax program that was brought in last year. I mean, after all, if we can do it for the cigar industry, well, why not for the cigarette industry? Why not for all tobacco? If we're taking one step, are we going to see those amendment acts brought in next and see the great progress that was made in the last year entirely reversed? I certainly hope not.

This bill will cost the provincial government about \$8 million in lost revenue, \$8 million that we're giving up so that the cigar sellers of Alberta can have an easier time of it in selling their dangerous products to people and perhaps focusing specifically on children. Frankly, I've gone to many a gas station and seen small cigars deliberately marketed to children, and now we'll be able to market those more effectively and appeal to more children by lowering the price. This is, again I say, shameful. Eight million dollars that we're giving up in this could have instead funded, for example, 80 new long-term care beds, could have funded a whole raft – I couldn't count how many MRI procedures but certainly in the hundreds if not in the thousands. It could have offset a whole further anti-smoking

campaign by this government, but oh, no, we'd rather have that \$8 million go to the cigar industry.

Why are we doing that? Well, the minister in introducing this bill mentioned the struggles of the cigar stores close to the Saskatchewan and B.C. boundaries. Well, frankly, my heart doesn't bleed at all for those particular stores.

Mr. Snelgrove: They'll remember that.

Dr. Taft: I don't mind if they remember it. They're welcome to remember that. They'll know where I stand, and I hope you'll stand up and let them know where you stand as well.

But beyond that, I mean, the minister himself is on record here from just six or seven months ago, in fact, and I quote from the *Calgary Herald*. In reference to the small cigar stores near the Saskatchewan and B.C. borders he said, "We were concerned about whether we were really destroying this industry, but they don't seem to have been largely impacted." Again, I suspect that what this is really about is effective lobbying by big tobacco, and that, of course, raises an issue which I won't dwell on but I do need to mention, which is the desperate need in this province for an effective lobbyist registry.

Thirty percent of all cancer deaths in this province can be attributed to tobacco use. Thirty percent. We took a huge step forward in addressing that problem in this Assembly last spring. We're now backtracking, and we should be ashamed of this. Because of the step we took last spring, ultimately over 36,000 Albertans are expected to quit smoking because we made the obstacles to obtaining tobacco higher. We raised the price. We made it tougher for people to buy tobacco, especially for the people who are most likely to get hooked on tobacco, teenagers. So because of the step that this government took last spring, 36,000 Albertans are expected to quit smoking. Again I ask you: why are we backtracking on that?

So, Mr. Speaker, I think my comments are pretty clear. I think everybody here knows where I stand. I hope that the Small Guys Tobacco Group, which is a front for big tobacco, has the guts to contact me and try to lobby me and see what my reaction is. I hope that they have the guts to make public who's paying their bills. I'd love to know how much they paid the former executive assistant to the cabinet minister so that he could arrange the meetings with cabinet. I hope that they have the courage for that. I know where I stand. I have the courage to say: there's no damned way I'm voting for this bill.

Thanks.

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

Dr. Pannu: Thank you, Mr. Speaker. I'd like to speak to Bill 47, the Tobacco Tax Amendment Act, 2003 (No. 2). As I read through this bill, I noticed that the government is proposing by way of this bill to reduce the tax it would collect on users of tobacco albeit in the form of cigars.

I was somewhat spooked. We know that tobacco is a harmful substance. We know that its use can be discouraged through education, through taxation, and through counseling for people who are addicted to it. We know that it has serious health consequences. We know that users of tobacco face severe, almost lifelong health problems, and we know that the health system has to bear the costs of this entirely avoidable set of illnesses or diseases or disabilities that results from chronic smoking of tobacco products including cigars.

9:20

It was I guess driven by that knowledge about the relationship between smoking of tobacco and the illnesses that it produces not only in the users, the smokers of tobacco, but also those who sit next to the smokers – the secondhand smoke produces its own victims – so the government I thought did the right thing when last year it decided to increase tobacco taxes as one means of sending out a clear signal to everybody in this province that it's a product that should not be used and those who will use it will find it a very costly habit for themselves. Because of the social costs of the illnesses and disabilities that it produces, I think it entirely appropriate to use taxation as a means of discouraging, if not punishing, those who hurt themselves when they smoke and hurt others who sit next to them when they smoke.

So when this amendment to Bill 41 returned to the House with proposed rollbacks in the application of those tax hikes, thereby making exemptions in the case of smokers of cigars, I was frankly quite surprised. Eight million dollars in lost revenues is a large sum: \$8 million is \$8 million. We could find lots of uses for that revenue, and in addition we would of course benefit as a province, as communities, as individuals if we maintained the originally legislated rate of tax on cigars because it will certainly help reduce illnesses that are induced or caused by use of tobacco.

That's how people get tongue cancer and throat cancer: from smoking cigars, Mr. Speaker. Everyone who gets unfortunately stricken by this terrible disease because they smoke or smoked then has to end up in the hospital for treatment. Costs go up there. So we are losing \$8 million, if this bill passes, in revenues that are badly needed that you could use in education, health, seniors, the homeless, you name it. And on the other hand, we'll also be losing because the cost of providing health care for those who get these unnecessary, altogether preventable illnesses that result from smoking is another cost. So when you add up the costs both in terms of forgone revenues as proposed in this bill and the increased costs that are related to illness and health and hospital use and use of medical facilities, the costs are quite a bit higher than the \$8 million that are directly lost.

I cannot see the logic behind this other than to argue that a few stores near the borders of this province, east and west, need to be saved before lives in this province can be saved, before health care dollars can be saved, and before revenues that are generated by it can be used to save young lives by giving young children nutrition or early childhood education or providing them with good day care facilities. There are all kinds of good causes, good places where the public revenues that are properly generated both to prevent illness and to protect those who otherwise wouldn't have stopped smoking can be used.

So in light of these arguments, I fail to see any compelling reason why Albertans who have a preference for cigars as distinct from cigarettes should be offered very preferential treatment and an exception to the general logic and its operation which lie behind the increase in tobacco taxes and cigarette taxes and cigar taxes, those increases that were introduced last year. Because of that, Mr. Speaker, I will find it absolutely necessary to oppose this very unreasonable bill, Bill 47.

Thank you.

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

Ms Blakeman: Thanks, Mr. Speaker. As a fairly recently reformed smoker I'm having to make sure that I don't become one of those nonsmokers who is more antismoking than the nonsmokers ever were. I don't think I'm doing that.

A couple of things come to mind to me around this whole issue on what's being brought forward in this bill. First, my interest that

we're in fact really just passing a bill that's far after the fact because it appears that the tax reduction has already been granted and came into effect on the 1st of August. So here we are on November 24 actually getting around to the legislation on that. Well, it's always interesting being in the Legislative Assembly in Alberta. Here we are to ratify, in fact, what's already come into effect some time before.

It strikes me around this whole issue of trying to discourage people from smoking that politicians at various levels of government are trying to put restrictions in place to encourage people to stop. As a matter of fact, I heard the federal Minister of Health talking on the radio this afternoon. She was questioned about why politicians couldn't just make it all illegal, just make smoking illegal. That would be it. Her response was that in fact there was a lack of political will. I think we're seeing that reflected here.

We've certainly seen that struggle played out in my own city of Edmonton, where we had city council go back and forth on a no-smoking bylaw that ended up banning children rather than banning smoking, because anyplace where smoking was allowed, then children were banned. We seem to have come to grips with that for the most part, and there is a total ban on smoking in public buildings, I think, and in restaurants and bars that is coming into effect, phased in.

But it does seem to be really difficult for politicians to take this strong stand. I appreciate the comments – actually, declarations is probably a better description – of my colleague the Member for Edmonton-Riverview because he felt strongly enough on this to come out swinging and put his statements on the record and challenge anyone that wanted to try and lobby him otherwise to get in touch with him. This is a matter of political will.

So we have a decision that was made. It was supported by government at the time. Then they were subjected to very clever marketing – very clever marketing – because what we had was cigar smokers presented as charming and kind of roguish and the small guys, not connected to big business, not connected to anything sort of large or scary, no. The group is called – let me find them here – the Small Guys Tobacco Group. Very clever marketing to make people think that they were, you know, harmless and just kind of a couple of guys, a bunch of guys, couldn't really scare anybody, not going to amount to much of a lobby group, but boy were they ever effective because against the wishes of the Revenue minister they managed to get this through the government caucus. That's pretty darn good marketing. They were very effective, and they managed to turn themselves into exactly the opposite of what they were. They're not roguish, they're not charming, and they're certainly not representing small guys. They're representing a multibillion dollar industry. Very clever marketing.

9:30

So this is about political will. This is about the legislators that come to this Assembly every day going: "Okay; we look at all the studies. You can look at the insurance actuarial tables. You can look at the cost that we now know it costs the health care system. You can talk to educators. You can look at the legacy that Barb Tarbox left us and say that this is definitely what we should do. We should do everything in our power to discourage people from smoking." In fact, what happens here? A small move is made by the government during the budget in 2002, and a year later they're backing off on it in response to a very clever marketing campaign and saying: well, okay; we're going to let these guys have what they're lobbying for.

A couple of people have already raised the issue of the \$8 million in forgone revenue, and that, of course, is always an interest of mine. I'm wondering if the Revenue minister has been able, as he's certainly had the time, to do the cost analysis, to do a measurement

of whether we got value for our money on that \$8 million. What exactly is it that that \$8 million would have done had he had it, and what's the value of it if he's going to forgo it? What is he expecting out there? What's the performance measurement on this? How much tax are these Small Guys going to generate as small businesspeople that's going to come back into the government coffers? What kind of financial analysis has been done on this that we can now look at?

Perhaps we'd like to come back on this a year from now and review what the Revenue minister has been able to come up with and present his argument and go: "You know what? We looked at this, and we didn't get our money's worth out of that \$8 million of forgone revenue. This wasn't a good decision to make, and we should reverse it and go for a policy with some vigour, with some vigilance, with some commitment." But all we stand for provincially around tobacco use legislation is prevarication and a huge susceptibility to lobbying, and whether that's a Wednesday night host night or whether it's some other lobbying venture that has not been made public, certainly these Small Guys were successful. I just think it's interesting to see how all the wheels go round in this government and who manages to talk them out of things and who manages to be successful. In this case, they sure crumbled fast in front of the Small Guys lobbying group, and they folded very fast in front of that lobbying effort.

So a disappointment. I think others have spoken certainly more forcefully than I, and I'm sure others will continue to. I just wanted to get those observations on the record around the political will. I think that, overall, tobacco use reduction is about removing that band-aid. Are you going to take it off fast, or are you going to take it off slowly, ripping every little hair off your arm with excruciating slowness as you go? It seems that the government is opting for the slower and far more excruciating version of doing this. Personally, I'd recommend that you just take that band-aid and rip that sucker off and get some very strong leadership. How about we get some real leadership from this government on tobacco use and on reduction of tobacco use? There would be something that I could admire in this government if they could take leadership on that one. But, no. We're going to have this very slow, very painful, and for some people deathly slow response to reducing tobacco use in the province.

Thank you very much, Mr. Speaker.

The Deputy Speaker: The hon. minister to conclude debate?

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

[Several members rose calling for a division. The division bell was rung at 9:36 p.m.]

[Ten minutes having elapsed, the Assembly divided]

[The Deputy Speaker in the chair]

For the motion:

Cao	Jonson	Renner
Cardinal	Kryczka	Smith
Coutts	Lord	Snelgrove
Danyluk	Lukaszuk	Stelmach
Ducharme	Maskell	Strang
Friedel	Masyk	Tarchuk
Fritz	McFarland	VanderBurg
Graham	Melchin	Vandermeer
Graydon	Ouellette	Yankowsky
Jacobs	Pham	Zwozdesky

Against the motion:

Blakeman	Pannu	Taft
MacDonald		

Totals:	For – 30	Against – 4
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[Motion carried; Bill 47 read a second time]

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Tannas in the chair]

The Chair: I'd call the Committee of the Whole to order.

Bill 47

Tobacco Tax Amendment Act, 2003 (No. 2)

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Minister of Revenue.

Mr. Melchin: Mr. Chairman, thank you. It's been a long time since we've had an opportunity to talk about Bill 47, the Tobacco Tax Amendment Act, 2003 (No. 2). I hope all members can remember the topic of the discussion.

I just wanted to clarify. There are some things with respect to cigar tax versus cigarette, loose tobacco, raw leaf, and the like that are quite different in our calculation. It always has been different. Cigars are the only ones that are taxed as a percentage of the price, not as a flat calculation. Cigarettes are amount per cigarette. Regardless of price, the tax component is a specific amount per carton, per cigarette. Same with loose tobacco: it's per gram; it's a weight. The tax is a component of the weight and, therefore, the same with cigarettes. With cigars it's unrelated to weight and content, and it's a percentage of the price.

9:50

What you do find is that when we put up the cigar tax rates, we put them up the same as we did cigarettes, but that ignored – and I would say, by mistake – the formula, that they were different. Cigars have always captured an increase with inflation and so forth, so through the years when there's been no escalation in cigarette taxes, cigar taxes continued to escalate as the price of cigars went up. Right now, by reducing it to just 95 percent – I mean, at 95 percent close to half the cost of a cigar is still a tax component. That's close to what cigarettes are now: \$32 per carton is the tax component in Alberta. As such, that will equate to less than half the cost of a carton of cigarettes. So you find the tax component for the product is now actually a closer and fairer comparison. That's why we considered it regardless of who lobbied or what was said or what-ever.

The other component that is good to know is that we do try to keep within a range of taxes of all the other provinces for a lot of issues, smuggling being one of the biggest problems you have, actually, in this industry. You look at the cigar rates: B.C. is at 77 percent, Alberta is now going to be at 95 percent, Saskatchewan is at 95 percent, Manitoba is at 60 percent, Ontario is at 56 percent, and they may increase theirs in the near future. We still are at the highest end for cigar taxes of all the provinces in this country.

We are not backing off. This is in no way backing off the commitment to the substantial increases in taxes on tobacco products. They were designed to help reduce the consumption of tobacco, and they have proven to be just that. We changed the rate to ensure that we had a better, fairer comparison of tax content on

cigars to cigarettes and to ensure that there would be some comparability to the provinces around us to help reduce smuggling problems between borders.

Thank you, Mr. Chairman.

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

Mr. MacDonald: Thank you very much, Mr. Chairman. I didn't get an opportunity at second reading to participate in the debate on the Tobacco Tax Amendment Act, and I welcome the opportunity now to participate. As one sits here and reflects on this significant reduction in taxes on cigars, one could certainly come to the conclusion – and it's odd that a person could come to this conclusion in light of the stubborn, persistent, reluctant acceptance by this government of public insurance similar to what B.C. has. They say that it's socialist. I even heard some of them say that it was communist. Well, this legislation looks to me like this provincial government is pro Castro. That certainly astonishes me after how reluctant they are to accept a public insurance plan. Never mind that we own our own bank here or that we have gas and electricity provided to rural Albertans on a cost recovery basis.

But this bill is not about electricity or natural gas; it's about the price of cigars. Certainly, for some of the generators of electricity in this province, it wouldn't cost them any sleep if they were to pay a lot more for their cigars.

Certainly, this bill amends the existing act to reflect a reduction in the cigar tax rate. This tax reduction already came into effect as of August, this summer. All tobacco taxes were increased in the budget of 2002 and the new rate – the hon. minister is correct – still represents an increase in cigar taxes over the 2002 levels.

Now, this bill amends the existing act. We talk about having an amendment that will more closely align the rate with surrounding provinces, that the new rate in no way represents a backing off on the commitment of this government's high tax strategy to discourage tobacco use. Just the other day we gave significant tax reductions to small and medium-sized businesses and also big businesses. So perhaps those big businesses, if they need a refrigerator with a few cigars in it to entertain after a long day's work, could just take that huge corporate tax break they got and pay for their cigars that way.

Dr. Taft: They couldn't afford the power for the refrigerator.

Mr. MacDonald: That's a good point that the hon. Member for Edmonton-Riverview brings up, that perhaps they couldn't afford a refrigerated case for their expensive cigars because of the cost of electricity. That's a very good point, hon. member.

When we raise tobacco taxes, many things happen, including the hon. Member for Edmonton-Centre, who has become a nonsmoker after . . .

Ms Blakeman: Thirty-two years.

Mr. MacDonald: After 32 years. I know it's a very difficult thing to do, to quit smoking.

High prices reduce consumption, there's no doubt about that, Mr. Chairman. Taxes on cigars in the budget of 2002 certainly were increased from 80 percent to 183 percent of the retailer's cost plus markup and the minimum tax per cigar from \$2.50 to \$8. Due to the fact that higher tobacco taxes increase the incentive potentially to smuggle, I'm under the understanding that the government tightened its legislation and committed an additional \$3 million for enforcement. I didn't know that cigar smuggling was a problem, but I can accept that.

At the time of the original tax increases this government reasoned that studies proved that increased tobacco taxes encourage Albertans, especially young Albertans, to quit smoking or to never take up the habit. The hon. Member for Edmonton-Riverview reminded us of the last months of the late Barb Tarbox's life and her commitment to encourage as many junior high students in this province and, in fact, across the country to never, ever take up tobacco use.

The government's line now is that they are still committed to a high tax strategy to discourage tobacco use but that Alberta needs to align its tax rate with that of surrounding provinces. A person can go to B.C. or Saskatchewan and get a cigar for about half the price in Alberta. On the record the tax cut is intended to boost cigar retailers situated near Alberta's borders and at airports. Off the record, however, everyone, including this member – and that's why I cannot support this legislation – believes that the government's flip-flop is due to a well-organized lobbying effort by a small but vocal lobby group called the Small Guys Tobacco Group.

If we had a lobbyist registry in this province, which, again, the hon. Member for Edmonton-Riverview and the hon. Member for Edmonton-Centre are enthusiastic about, it could be alphabetically listed, and Small Guys, of course, would be about two-thirds of the way down the list. It would be a good idea, and I would encourage all members of this Assembly to support a lobbyist registry in this province.

A lot has happened after this lobby group caught on fire, so to speak. In March the government refused to roll back the tax, so we had a letter-writing campaign from this lobbyist group. Lo and behold, in July the Tory caucus – I hope it wasn't over cognac and cigars somewhere like the Royal Glenora – changed its mind, and the tax reduction has been in effect.

10:00

Ms Blakeman: At the Mayfair.

Mr. MacDonald: Not at the Mayfair. No. Golf costs too much there.

But the Small Guys Tobacco Group was successful, and here we are with this reduction in price.

Mr. Chairman, studies prove that increased tobacco taxes encourage people, especially the young, to quit smoking or, as we said earlier, never start at all. This is straight out of the government's public relations campaigns.

This backtracking of the 2002 tobacco tax increase undermines the government's commitment to a tobacco reduction strategy. There's no good reason for the tobacco tax cut. Firstly, the tax rate as it currently stands has not affected cigar smokers that greatly. Since 2002 cigarette sales have fallen by 24 percent in this province. In comparison, cigar sales have only fallen by a meagre 3.6 percent. Clearly, cigar smokers are not overly burdened by the current tax rate. Secondly, the province is set to lose around \$8 million from this cigar tax reduction. Last year the government raised over \$618 million from tobacco tax revenue. That was almost double what tobacco tax revenue brought in the year before.

While \$8 million may seem like a drop in the tax revenue ocean, it would certainly, as other people have suggested, mean a new MRI machine. We could have used that money to reduce class sizes. We could hire a significant number of nonsmoking teachers for that amount of money. There are a lot of purposes for this money. It could be used also to fund long-term care beds. Maybe we wouldn't have had to put a 42 percent increase on long-term care beds in the middle of the summer. It could fund over 30 hospital beds for an entire year. AADAC, the government agency that does a very good job of fighting drug and alcohol addictions, could use the money to

defray the costs of its over \$10 million antismoking initiative. There are many, many uses for this money.

Another reason – and I’m going to get into this in a little bit more detail; we sort of discussed it earlier, Mr. Chairman. The government states that they must align Alberta’s cigar tax rate with that of our provincial neighbours. This is because they fear the current tax is hurting tobacco retail businesses on the border and in the airports. However, in early March 2003, as I understand it, the hon. Minister of Revenue said that cabinet examined whether the policy was hurting small businesses and found that no one was in grave danger of having to close their shop. In a March 2003 article from a Calgary paper the hon. minister stated: “We were concerned about whether we are really destroying this industry, but they don’t seem to have been largely impacted.”

In summary, at this time in committee, Mr. Chairman, I would urge all hon. members to reconsider their vote at second because this bill sends a very bad signal that the government is not serious about its tobacco reduction strategy. Cigars should not receive special treatment. They are just as harmful to people’s health as cigarettes and loose tobacco. Furthermore, this policy flip-flop is completely unnecessary. I know that there are people in here that are probably anxious to stand up and debate and say: well, George Burns smoked cigars, and he lived a very, very long time. I think I might stand corrected, but he enjoyed a century. All tobacco use reduces our life expectancy. There’s the odd exception, but it’s an odd exception, Mr. Chairman.

The 2002 tobacco tax increases did not cause a significant drop in cigar smoking. Cigar smokers can afford to keep smoking. Also, small tobacco retailers, again, were not significantly harmed. And we have many, many places across this province that could use this \$8 million in lost revenue.

With that, Mr. Chairman, I will conclude my remarks on this bill at this time. I would urge all members to have a second look at this and recognize that this is not in the interests of the majority of Albertans in this province at this time.

Thank you, Mr. Chairman.

The Chair: The hon. Member for Calgary-Currie.

Mr. Lord: Thank you, Mr. Chairman. I’d also like to make a few comments on this bill and ask a question of the minister, if I might, that he may be able to answer. I have heard a lot of debate about smoking over the years, and in fact I’ve done quite a bit of research on it out of curiosity more than anything else. Suffice it to say that I don’t smoke, myself, but I do have to say that I think much of the debate on this issue is overstated at best and especially by our opposition here. Epidemiological studies are much less conclusive and compelling than are generally believed on this subject, and while I don’t exactly use the term junk science, frankly there are similarities between the debate on smoking and the so-called toxic mold debate.

Having said that, I do have a question of the minister. I don’t want to get into this whole issue tonight, but I have a very persistent constituent who is really upset at what happened to the price of pipe tobacco when all of this first occurred last year. Apparently the price of pipe tobacco nearly tripled, according to him, and while pipe tobacco and pipe smoking is not something that may affect a lot of people, a lot of Albertans, those who do smoke a pipe are very loyal and eloquent and persistent in their pursuit of that particular vice. They want to know why cigar smokers are getting a break but not pipe smokers, and I’m wondering if perhaps a future amendment or some other thing might be done to address the concerns of pipe smokers and pipe tobacco.

Thank you.

The Chair: The hon. Minister of Revenue.

Mr. Melchin: Thank you, Mr. Chairman. There are no changes in rates with respect to loose tobacco, pipe tobacco, or otherwise. It is all priced the same, whether it’s loose tobacco, raw leaf, or otherwise, at \$32 per 200 grams. The price of the product is by weight content.

Clearly, some will object. The prices have gone up substantially because of substantial increases in taxes, but that was the specific design of the tax increase.

[The clauses of Bill 47 agreed to]

[Title and preamble agreed to]

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

Some Hon. Members: Agreed.

The Chair: Opposed?

Some Hon. Members: No.

The Chair: Carried.

10:10

Bill 49

Public Lands Amendment Act, 2003

The Chair: Are there any comments, questions, or amendments to be offered with respect to this bill? The hon. Member for Bonnyville-Cold Lake.

Mr. Ducharme: Thank you, Mr. Chairman. Today I’d like to speak to the major amendments that are being proposed under the Public Lands Amendment Act, 2003. As well, later on I will address any issues that were brought up in second reading debate. I just want to take this opportunity to briefly go over some of the major points about this piece of legislation.

Mr. Chairman, the intent of this bill is to strengthen and clarify the government’s role as the land manager of public lands. The changes in this piece of legislation will allow our government to deal swiftly and effectively with instances of noncompliance on public lands and respond to increased demand within the agricultural industry to allow some bison grazing on public land. Going through this piece of legislation, you will see that the first set of amendments deals with unauthorized use of closed roads or trailways on public lands. Section 54.01 deals with some of the offences that will now be clearly stated in the legislation as being unlawful. For instance, it clearly outlines that a person who travels on a closed road, destroys signage, or blocks access to a legitimate licence holder is guilty of an offence.

In order to understand where this is coming from, I must provide some background. There are presently no provisions in the Public Lands Act or its regulations that provide a quick or efficient remedy to prevent persons from traveling or being on a closed road. The only option that we have right now is to use a ministerial order and, if necessary, a subsequent court order. But now that it is clearly outlined as an offence, we can deal with these infractions efficiently and safely.

For instance, in the amendments under Bill 49 the steps for dealing with a blockade of a licence of occupation could be as follows: the amendment makes it clear that a police officer, upon knowing that there is a blockade, has clear authority to step in at the

outset and post a notice requiring removal of the blockade. Also, the police officer has immediate authority to step in and seize property to remove the blockade and to arrest people if there is noncompliance with the posted order. At the end of the day what Bill 49 does is to provide clarity around the issue and provide the police and the courts clear direction.

Also, under section 54.01(4) we have the amendment that deals with the unlawfulness surrounding access fees. It will strictly prohibit requesting or making payment of money or other goods in exchange for access to public lands unless the person requesting or receiving the payment is the holder of the disposition or authorization under the Public Lands Act and is entitled at law to request to receive payment for that purpose.

The hon. Member for Edmonton-Ellerslie indicated in second reading debate that she agreed with the access issues on the bill. In fact, she agreed that being able to manage our public lands and regulating misuse was a long-outstanding issue that needed to be dealt with. I'm glad to see that the hon. member understands the challenge that our government has in managing a hundred million acres of public lands. Unfortunately, there seems to be a level of nonunderstanding on some key aspects of the bill that deal with barricades and our ability to enforce the law. For some reason the member seems to be under the impression that this legislation will in some strange way incite violence, that it will in fact escalate disagreement between some aboriginal groups and contractors in northern Alberta.

To be honest, Mr. Chairman, this type of misrepresentation of the facts is not only misleading to Albertans but also quite irresponsible. The intent of this legislation is to be able to deal respectfully and legally with unlawful activities on our public land. It is not directed at any one group or individual, and to say that it is creating problems with our First Nations groups and contractors is completely inaccurate. We know that we have had conflict situations in the past. This act is intended to reduce conflict. I think that Albertans expect that government should take action on illegal activities in a safe and effective way.

Now, another point that the hon. member makes concerns the whole issue of access fees and barricades, which has gained quite a bit of media attention during the past year. I would like to respond to the member's questions about how the issue is tied into the changes that are being proposed in the Public Lands Amendment Act. These amendments will deal with a number of issues that are occurring on our public lands, which may include unlawfully blocking access or accepting or making payments for access where there is no legal obligation to do so. However, it also will strengthen our ability to deal with a number of long-standing issues that are occurring in our public lands. This piece of legislation does not place new restrictions on access. The department has had long-standing concerns that we needed greater clarity in our Public Lands Act to better deal with a range of issues from wildlife management to industrial access to streambed reclamation.

Now, the other question that the Member for Edmonton-Ellerslie brought up concerned the status of the consultation on resource issues that is being done throughout our province. It is my understanding that a government facilitator has met with First Nations contractors, industry, and municipal leaders to gather information and input. The facilitator has finished his report and has forwarded his recommendations to government. Amending the Public Lands Act is just one of his recommendations. The report is now going through the government approval process.

So again, Mr. Chairman, I want to repeat that this legislation is about better enforcement for unlawful activities on public land regardless of who commits these acts. I hope this clarifies what the

real intent of this legislation is and puts to rest some of the outlandish accusations that were brought forward earlier in debate.

Mr. Chairman, I would also like to take this opportunity to respond to some of the comments raised last week by the hon. Member for Edmonton-Gold Bar. For some reason this member seems to think that this bill will give some type of excessive force to a peace officer to deal with an unlawful activity on public land. This is completely inaccurate. You just need to read the legislation once to have it made clear. Then you would see that it only makes reference to a police officer. We are not giving excessive rights to deal with access issues randomly to people on the street. We are clearly outlining the roles for our police officers to follow the law. In fact, the legislation specifically limits police officers to having the authority to seize property or arrest people. This is so they can apply the existing provisions under the Criminal Code to deal with illegal activities.

Also, it is clearly stated that the minister has the authority to administer the Public Lands Act. It can't be delegated to ordinary citizens. It can only be delegated to employees of the government, only under ministerial order.

The other point that the hon. Member for Edmonton-Gold Bar brings up concerns consultation: how have we consulted on this piece of legislation? Well, Mr. Chairman, as can be realistically understood, government doesn't go out and consult on how we deal with a very small percentage of the population who are breaking the law. I'm pretty certain that law-abiding, tax-paying Albertans would just as soon we deal with these occurrences. That's certainly what we're doing with this piece of legislation. When it comes to consulting specifically on the access blockade issue that came up in northern Alberta, I believe I've explained to the Assembly just where we're at from a government perspective on consulting in that area. We are consulting. We're out there meeting face-to-face with the contractors, First Nations, and aboriginal groups, and we are working towards a solution.

Now, of course, the other amendments that are in this bill will accommodate bison grazing on public land. Since there were no questions raised in debate about these amendments and members seemed to be in agreement about them, I will just go over briefly what they will accomplish. The bison industry has been one of the fastest growing agricultural industries in Alberta. In fact, estimates indicate that approximately \$15 million was generated from the sale of bison meat last year. These new amendments will allow for some bison grazing on public lands' agricultural dispositions under certain conditions.

It's important to note that we have worked very closely with the Department of Agriculture, Food and Rural Development on these amendments. This change is being proposed after serious review. Since much has been said in debate on the need for consultation, I can tell you that much consultation has been done on these amendments. A multistakeholder committee was consulted which had representatives from the Alberta Bison Association, Alberta Beef Producers, Federation of Alberta Naturalists, Alberta Association of Municipal Districts and Counties, Alberta Chapter of the Wildlife Society, Peace Country Bison Association, Alberta Grazing Leaseholders Association, and the Alberta Fish and Game Association.

The committee was very concerned about disease transmission from wild to farmed bison. Sustainable Resource Development has worked with the Department of Agriculture, Food and Rural Development to develop disease-free testing, tracking, and marketing requirements for bison grazing on public land. These requirements and the establishment of a high-risk area, which is in the northern area of the province, will greatly reduce the risk of certain diseases spreading from wild bison herds to farmed bison. The new opportu-

nities for bison grazing on public land will not be in the high-risk area. Now, this is only the first step in allowing bison to graze on certain lands. Changes to the dispositions and fees regulation will also be required.

I would like to thank you, Mr. Chairman, for allowing me to explain to the Assembly and all the members here today what the true intention is with these amendments. I believe that this is good legislation for Albertans, and it will help us effectively manage our public lands now and in the future.

Once again, thank you, Mr. Chairman.

10:20

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

Ms Blakeman: Thank you very much, Mr. Chairman, for the opportunity to speak in committee to Bill 49, the Public Lands Amendment Act, 2003. Well, the government seems to have been stung by some words that must have happened in the earlier reading of this bill and some of the action in the media over the weekend around the issues that have arisen. Always interesting when that engenders discussion in the Assembly.

The member defending the bill felt that it was very clear in the legislation which people could be authorized, but in fact there's not much expansion on that in the actual bill, and since we are in Committee of the Whole, I will take the opportunity to spell it out.

Section 54.04 reads:

Where section 54.01(7) or an order under section 54.03 authorizes a police officer to remove or seize and remove property, the police officer may cause the property to be removed or seized and removed by another person under the police officer's direction and control.

So that's not very specific. That is not giving us the clarity that the member seems to feel is written into the legislation.

This says, "another person." It doesn't say another deputized person. It doesn't say another person that is in the employ of the provincial government. It doesn't say another person that's already a wildlife officer or another officer as designated by such and such legislation. It says, "another person." So that does seem to indicate that an officer could go and find someone they know or didn't know that was available to them and just say: you are under my direction and control, and I ask you to go and remove this barrier.

So if the member sponsoring this seems to feel so strongly that this is all spelled out, where is he reading the additional wording that clarifies this that is not available to me in the reading of this bill? It just says, "another person." It doesn't expand upon it in the way that the member seemed to be saying in his remarks. Since we're in committee, he has an opportunity to respond back to me.

Are there regulations that are coming that are going to spell this out some way or clarify it more? Great. Let's get it on the record now. Part of the issue is that as much as we'd like to think that everyone hangs on every word spoken in here, that doesn't happen, and once legislation is passed, people go back and read the legislation and where they can find it they read the regulations. So if they're trying to figure out what was intended by the Legislative Assembly when the legislation was written, that's often all that's available to them. As we get *Hansard* in electronic form, that problem may in fact be addressed, but right now people will tend to go back to the legislation, and there's nothing drawn out or clarified here that this is somehow an employee or a designated person, an already appointed wildlife officer, or holding some sort of provincial office or designation that's clear that they're under the control of the provincial government in some way.

The other issue that I wanted to raise is the member's apparent shock and surprise that the opposition would be questioning a consultation process, but, you know, the government has these

closed-door standing policy committees. They have these quiet stakeholder meetings that don't seem to be publicized very much. So it's not easily apparent to us in the opposition who, in fact, the government has chosen to meet with, usually behind closed doors. We don't know who they've met with. Then they stand up and huff and puff: oh, my goodness, we met with everybody, and we've consulted with everybody. Really? Well, how many of these were publicly documented? Were posted where? In how many places? Over what period of time had you this tremendous consultation with all of these people? Not that I am doubting the member's word that, in fact, there was consultation that took place, but please, you know, don't be so surprised that we're questioning this when so much of what the government does is behind closed doors. If it becomes habitual for members of the government, then they don't understand how the rest of the people would consider a public consultation to be run.

I did go over the initial comments that were raised by the Official Opposition critic on this. She was obviously fine with most parts of the bill, certainly with the section around the road closures and people using the roads and what can be done around that. She went over the grazing of the bison on the public lands, very clearly didn't have a problem with that. Where she had this problem seems to be with something that she didn't feel that she was particularly briefed on, and that's why she's raised the point. That's her job: to question all of that.

Now, I know that the member indicated that he would respond back to me, and I will take my seat and allow him the opportunity to do that. Thank you.

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

Mr. Ducharme: Thank you, Mr. Chairman. It certainly gives me great pleasure in terms of clarifying and giving answers in regard to the questions that came forward from the Member for Edmonton-Centre.

In regard to 54.04, where the officer has the authority in terms of gathering assistance from another ordinary citizen is in the instance – for example, it's fine if you've got a barricade that's basically a wooden barricade. An officer would be able to pick up the barricade and physically move it. But when you have, for instance, a D9 Caterpillar or a construction shack that has been used to blockade access to the road, certainly, you know, our RCMP are strong individuals but would not be able to go and physically manhandle a big piece of equipment or a construction shack. So in that case the officer has the authority in terms of being able to pass on, hire a winch truck operator with a trailer in terms of being to load these huge obstructions and have them removed from the blockade area.

In regard to the consultation, I believe that there was lots of media attention concerning this over the past year, into last fall and last winter, where a government facilitator was meeting with the First Nations contractors, industry, and municipal leaders in terms of coming up with some type of resolution in regard to the blockades that were taking place. So I believe that the government did their due diligence in terms of working together, and as I have mentioned in my opening remarks in second reading and again in committee, one of the recommendations that came forward from the facilitator was to make amendments to the Public Lands Act. That's what we're here debating today.

Thank you.

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

Ms Blakeman: Thanks very much. I appreciate the Member for

Bonnyville-Cold Lake being willing to engage in a debate, in the question and answer here.

I appreciate his clarification around section 54.04. Given what he's explained, then, about being able to direct, for example, an operator of heavy equipment to remove a piece of equipment that was there being used as a barricade or perhaps to operate the equipment to remove another kind of barricade, fine. Is there an anticipation by the government, then, as protection for the officer, to be able to prove that he didn't get himself into the situation that is being anticipated?

Let me take a step back and clarify that. Has the government anticipated that the officer may need to be proving that exactly what they did was direct someone to operate a piece of machinery to remove this barrier, some kind of written instruction that they are to keep a record of, or do they just use their normal note-taking procedure, which they all do? Is anything else being anticipated there? You can tell how quick people were to react to this concept or possibility that an officer is saying – well, it's the example I used last week: will no one rid me of this man? And other people, thinking that they are in fact obeying the wishes if not the explicit instructions, rush off and do what they think is the bidding.

In fact, it wasn't the bidding, and it was not an explicit instruction. Nonetheless, the damage gets done by people who are wholeheartedly believing they are doing the right thing. What has the government anticipated to protect the officer and to protect everybody else in these circumstances? We know that this can be a hot-button issue here. What's been done to make sure that the officer is protected and there's protection to make sure that the situation doesn't get out of control?

10:30

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

Mr. Ducharme: Thank you, Mr. Chairman. First of all, before any problem escalates to that type of level where ordinary citizens have to be involved, we certainly hope that discussions will take place between those that are setting up the barricade, whether it be the contractors, before it has to escalate in terms of having to bring the police in. In fact, if we do have to bring the police in in terms of them doing their job according to the legislation, all their actions will be duly recorded in their police report.

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

Dr. Taft: Thank you, Mr. Chairman. I also appreciate the Member for Bonnyville-Cold Lake's responses here, the fine gentleman across the way.

The first time I read this bill, I was struck with questions around why some of these issues aren't already covered under other legislation, and those questions still remain for me. For example, under section 54.01(2), "No person shall (a) travel on or enter on a closed road, (b) damage, destroy, remove or alter any posted notice or sign denoting a closed road" and so on and on, and there are other places where it prohibits setting up barriers and barricades on roads, that kind of thing. I would've thought that this was already covered under legislation, and I assume that it's already against the law for me to go out and put up a barricade on a highway or it's already against the law for me to take down a sign that says "road closed" and that kind of thing. So my question is essentially this: can the member assure me that there's been careful co-ordination in the drafting of this legislation with other pieces of legislation so that we're not duplicating ourselves here or perhaps creating conflicts among bills?

My second question is: has the preparation of this bill had any relation to the work of the committee that was struck last spring? I can't recall the name of the committee, but I think of it as the \$6 million committee because that's how much money it was given in the budget. I think it's jointly under the Minister of Aboriginal Affairs and Northern Development and the Minister of Sustainable Resource Development; anyway, the committee that came out of this crisis. Has it had any input into the drafting of Bill 49?

Those are my two sets of questions. Thank you

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

Mr. Ducharme: Thank you, Mr. Chairman. Again I'd like to emphasize, as I did in my earlier remarks, that the law is very clear. We're not making any changes to the law as to what an offence is. What the problem was with the present legislation was that it was not very clear as to what actions could be taken, if anything, on these occurrences of someone getting access where they shouldn't be on public lands or denying access. So, basically, the changes that are coming forward now are just to, certainly, highlight it, identify it, and make it clear as to what the repercussions are and what actions can be taken in terms of going after those that do not obey the law.

In regard to your second question, yes, the committee did have input in regard to the legislative changes that are coming forward, along with the government facilitator, who met with the different groups.

[The clauses of Bill 49 agreed to]

[Title and preamble agreed to]

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

Hon. Members: Agreed.

The Chair: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Zwodzesky: Thank you, Mr. Chairman. I would move that the committee now rise and report bills 47 and 49.

[Motion carried]

[The Deputy Speaker in the chair]

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

Ms Graham: Yes. Thank you, Mr. Speaker. The Committee of the Whole has had under consideration certain bills. The committee reports the following: Bill 47 and Bill 49.

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

Hon. Members: Agreed.

The Deputy Speaker: Opposed? Carried.

The hon. Deputy Government House Leader.

Mr. Zwodzesky: Thank you, Mr. Speaker. I would move that the Assembly stand adjourned until 1:30 tomorrow afternoon.

[Motion carried; at 10:36 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]