

Legislative Assembly of Alberta

Title: **Thursday, June 25, 1992**

2:30 p.m.

Date: 92/06/25

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

O Lord, we give thanks for the bounty of our province: our land, our resources, and our people.

We pledge ourselves to act as good stewards on behalf of all Albertans.

Amen.

head: **Presenting Petitions**

MR. DAY: Mr. Speaker, I'm pleased to present a petition on behalf of several hundred sufferers of TMJ dysfunction; that's temporomandibular joint. They're a support group that now has a provincial association and are presenting their concerns to the minister.

head: **Tabling Returns and Reports**

MS BETKOWSKI: Mr. Speaker, I'm pleased to table with the Assembly the 1991-92 annual report of the Alberta Registered Dietitians Association.

As well, I'm tabling the University Hospitals Board consolidated financial statements for the year ended March 31, '92, and I'm pleased to file the actual payments to health units for the fiscal year 1991-92.

head: **Introduction of Special Guests**

MR. TRYNCHY: Mr. Speaker, it's my pleasure today to introduce to you and the members some 59 visitors from St. Mary school in Whitecourt. They're a group of grades 5 and 6 students accompanied by teachers and parents. They are seated in the members' gallery. I'd ask them to rise and receive our welcome.

MR. SPEAKER: The Member for Edmonton-Gold Bar.

MRS. HEWES: Thank you, Mr. Speaker. I'm privileged today to introduce to you and through you to members of the Assembly six third-year students in the medical lab science program at the University of Alberta. They are Janelle Hallgrimson, Brad Booth, Heather Gallant, Tracy McKay, Raeann Peden, and Susan Eben. They're sitting in the public gallery. I'd ask them to rise and receive the welcome of the House.

MR. OLDRING: Mr. Speaker, on behalf of the minister responsible for Technology, Research and Telecommunications it's a pleasure for me to introduce to you and through you to the Members of the Legislative Assembly a number of the members of the board of the Alberta Foundation for Nursing Research. The nursing foundation was established in 1982 and accordingly is celebrating its 10th anniversary this year. The foundation administers a funding program which supports nursing research for Alberta nurses. In its 10-year history the nursing foundation has funded significant research projects which have impacted the nursing practice and education in Alberta and beyond our borders.

Seated in the members' gallery are Chairman Sheila Embury from Calgary; Dr. Marilyn Wood and Dr. Pamela Brink from the University of Alberta; Dr. Janet Storch and Dr. Colleen Stainton

from the University of Calgary; Dean Una Ridley from the University of Lethbridge; Kathleen Oberle and Carole Estabrooks, representing the Alberta Association of Registered Nurses; Joyce Baird, representing the Alberta Healthcare Association; Hasana Birk, representing the Alberta Public Health Association; and Islay Arnold from Lethbridge and Nadia Clarke from Peace River, who, along with Sheila Embury, represent the public. I would ask them to rise and receive the warm reception of this Assembly.

MRS. B. LAING: Mr. Speaker, it gives me a great deal of pleasure to introduce to you and through you to the members of the Assembly Alderman Dale Hodges from ward 1 and Chief Commissioner Paul Dawson from the city of Calgary. I'd like to ask them to rise and receive the warm welcome of the House.

Thank you.

MR. NELSON: Mr. Speaker, it gives me a great deal of pleasure to introduce some special guests today. From July 7 to 11 Edmonton will be the site of a major international conference entitled Healing our Spirit Worldwide. It's the first of its kind. This conference will bring together over 25 indigenous peoples from around the world to share their stories and programs of healing and recovery from alcohol and drug abuse. Seated in the members' gallery are the key organizers of the conference, and they include Maggie Hodgson, executive director of the Nechi Institute on Alcohol and Drug Education, one of the sponsors of the conference; Wilfred Willier, chairman of the Nechi board; and Rod Jeffries, the conference planner. I'd like to ask our three special guests to rise and receive the special welcome of this Assembly.

MR. SPEAKER: Edmonton-Whitemud.

MR. WICKMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly two very special guests from Norway: Bjarne and Inger Eriksen. They're accompanied today by my neighbours in Whitemud: Lorraine Nylund and Henry and David Prenoslo. They're in the public gallery. If they would stand and receive the warm welcome of the House.

MR. DAY: Mr. Speaker, I'm pleased to introduce today two women visiting here from Red Deer. The first is a woman who's very significantly involved in the community life of Red Deer, not the least of which is in the operation and administration of the Red Deer-North constituency office, Mrs. Lynne Penney. Assisting her and learning all about that operation this summer is Corilyn Reinheimer. I'd ask if they would stand and receive the warm welcome of the Assembly.

MR. McFARLAND: Mr. Speaker, I'm pleased today to introduce maybe the youngest media reporter: Scott, the young son of Joan Crockatt with the media up there. I don't know if you've had as young a reporter in the media gallery before, but would you please welcome him.

head: **Oral Question Period**
Health Care Funding

MR. MARTIN: Mr. Speaker, Albertans will feel the hurt from the NovAtel fiasco for many years. Down the road there will be higher taxes and cutbacks in people services. Already we see Albertans faced with nearly impossible decisions about health care. Part of the reason of course is because this government thought it

could play in the U.S. cellular market. Health care providers in the Calgary area are now faced with decisions like whether they should close Grace hospital, Colonel Belcher hospital, scrap hospital plans at the Calgary General, or close Banff or Canmore or some other rural hospital near Calgary. No matter what choice they make, it's the health of Albertans that will suffer because of this government's mismanagement of NovAtel. Of course, we might mention a lot of other bamboozles; it's not only NovAtel. My question to the Minister of Health is simply this: how many Alberta hospitals are going to have to close to pay for this government's mismanagement of NovAtel?

MS BETKOWSKI: Mr. Speaker, first of all, one of the things that this government believes in very strongly is the sustainability of our health care system, and quite frankly, given the rate it has grown at, it can't sustain that rate of growth or else we won't be able to afford it. There are a couple of things the province could have done. We could have said, "Well, this is the way it's going to be in the future and that's it," or we could have said, as we are doing, "Let's go out and talk to Albertans and the health care sector itself and ask that sector: what are the things we need to do in order to ensure sustainability?" The purpose is to match the fiscal resolve with the future of our province and our health care system, and we believe it's a very important priority for this province and for the people of Alberta.

2:40

MR. MARTIN: Mr. Speaker, I notice she didn't talk about NovAtel, over half a billion dollars and growing, which was the question. Talk about sustainability.

My question to the minister is simply this: how can the minister not talk about the NovAtel fiasco? Isn't it true that she could use that half billion dollars to do something about the sustainability of the health system in this province?

MS BETKOWSKI: Mr. Speaker, the reason I don't speak about NovAtel is because at this point, at any rate, the Premier has not given the NovAtel responsibility to the Minister of Health. If the leader has some questions about NovAtel, presumably he'll continue to put them forward to the Minister of TRT.

With respect to the plan that we have and the statements which the Treasurer has made with respect to how the NovAtel losses will be dealt with by the province, they have nothing to do with the future of the health care system, which is what we are trying to deal with in this government. They have to do with losses being written off in previous years, which is regrettable, yes. But if we look at the history of health care support in this province and the number of dollars of support we are giving to health this year, I think Albertans can be very proud, as this government is, of the health system we have created.

MR. MARTIN: Is this what you're trying to tell us: that losing over a half billion dollars on NovAtel and all the other bamboozles adding up to \$2 billion has no implications for her in the health care scheme? That's ridiculous.

My question to the minister is simply this, Mr. Speaker: what other health services is the minister looking at cutting as she tries to pay for this government's waste and mismanagement?

MS BETKOWSKI: Mr. Speaker, I have never talked about cutting health. In fact, as the member knows from the several questions he has put to this Assembly and to me, what we are talking about is a scenario which is a possible scenario, certainly not a final one, of looking at flat dollars for health. In other

words, the dollars that we spend this year for health, some \$4 billion dedicated to health in Alberta, will continue at that level over the next five years. We know that pressures on utilization, pressures from many parts of the province for more services are important pressures and important concerns that have to be addressed. What we have to do as well is look at where we find the dollars to do that. That is the agenda we talked about. It's not about a cut; it is about looking at a better way to spend the dollars that we do dedicate to health.

As the hon. member may recall, although I will remind him, The Rainbow Report, which this government and our Premier commissioned, went out and talked to more Albertans about health than had ever been part of the history of the province. That group came back and supported the fact that the dollars we dedicate to health in this province are adequate. The question is: are we managing them in the way that we should? That is exactly the question we have put to our health providers. I know that the opposition believes that more money means more health in Alberta. Unfortunately, he won't find one of eight royal commissions across this country that agrees with him.

MR. SPEAKER: Second main question, Leader of the Opposition.

MR. MARTIN: What a beautiful phrase, Mr. Speaker, after losing money on NovAtel, MagCan, and all the rest of them.

Magnesium Plant

MR. MARTIN: My second question continues with this, Mr. Speaker. It's hard to outdo the incompetence of the government in the NovAtel fiasco, but let us not forget that this government has been totally incompetent in a number of their ventures. It's a contest to see who can lose the most money. Let's move from the NovAtel fiasco to MagCan. Since I raised the MagCan disaster created by this government 14 weeks ago, the government has had to make another \$3 million interest payment on its \$103 million MagCan loan guarantee. The Minister of Health could have used that \$3 million. The tax exposure is now \$118 million and growing. My question to the Treasurer: will the Treasurer explain why this government says that it cannot afford a public inquiry into the NovAtel mess, yet it can waste \$33,000 a day through inaction on MagCan?

MR. JOHNSTON: Mr. Speaker, we have had a fairly full update on MagCan over the course of the past few weeks. In particular, we have talked about the way in which we are securing the asset because at some point there may be a call upon the guarantee, although at this point the guarantee has not been called. Secondly, we are seeking legal advice as to how to ensure that the technology comes back to the province of Alberta. Finally, as others have said over the course of the past few months, we will begin to shop that company worldwide to ensure that we can maximize the value in that entity and therefore reduce the government's exposure.

At this point we have budgeted fully for the debt carrying costs. We have not been called upon to make any call on the guarantee at all, and we are now just securing the position. It's an unfortunate question. We've negotiated with Alberta Natural Gas in particular, who were the operators of the project, and they operated very professionally in ending their commitment to the project and in fact transferred to the province any rights which they may have had as residuals in that entity.

MR. MARTIN: Mr. Speaker, this is 14 weeks ago. You said last year that you would have this done in weeks. The point is that while you're dithering away, we're losing \$33,000 a day.

The Treasurer alluded to Alberta Natural Gas. They still own the MagCan facility, and they say that they're not holding up the transfer of ownership. We talked to them today, Mr. Speaker. They say that the government is to blame because the technology used in the plant is still owned by a company called MPLC Holdings, based in the Cayman Islands. My question to the Treasurer: will the Treasurer tell this House why it has taken so long to secure ownership of the technology used in the plant?

MR. JOHNSTON: Mr. Speaker, I just answered that question. I said that our legal advice is that we're now attempting to secure all the rights to both the technology and the plant. ANG have given up their position. The technology is still uncertain, but our legal people are working on it, and we expect to have a firm position in a very little while.

MR. MARTIN: They said that a year ago, Mr. Speaker. That firm position will probably be in about five years from now.

The Treasurer should be aware that six weeks before the shutdown, Alberta Environment issued a control order against MagCan for exceeding emission standards for chlorine and carbon monoxide despite the fact that the plant was operating well below capacity. So even if we get this technology, it's probably useless. My question to the Treasurer: will the Treasurer now finally admit the truth to Albertans instead of hiding as he did with NovAtel and the rest of it, that most of the \$118 million will be lost to the taxpayers of Alberta?

MR. JOHNSTON: Well, Mr. Speaker, again you hear this rhetoric of despair from the Member for Edmonton-Norwood. There's no doubt that the opposition party is putting the worst face on the MagCan situation and is trying to deny what in fact is happening here in Alberta.

Let me say that this government has had to make some investments. We've had to encourage and participate with the private sector to get the diversification of this economy going. Why do you think that happened, Mr. Speaker? Why do you think we're the only province in Canada that's had real economic growth over the course of the past year? It's because we have had a diversified economy, and it's because we have been generating new jobs here in Alberta, some 200,000 new jobs in this province. That's why this economy is better than any other economy in Canada and growing strong. [interjections]

Speaker's Ruling Decorum

MR. SPEAKER: Hon. Member for Edmonton-Kingsway, you were called to order yesterday in the course of the debate. Please don't complicate things today. [interjection] Order.

Edmonton-Glengarry, on behalf of the Liberal Party.

NovAtel Communications Ltd.

MR. DECORE: Mr. Speaker, Albertans have been told by the Conservative government for many weeks now that NovAtel was involved in systems financing only. We know that the wizards in the financial department of NovAtel went way beyond systems financing when they gave moneys for shareholders' bonuses, moneys to purchase non-NovAtel equipment, pay wages, and so on and so forth. Through question period yesterday we've discovered that the Treasurer confirms that NovAtel financial officials

have been hired by North West Trust – and I understand there are six people in particular – to do and help in the collection of the NovAtel portfolio. I'd like to ask the Treasurer: why, Mr. Treasurer, would the government agree to put the same people that created the problem in a position of collecting these moneys? Why would you do that?

2:50

MR. JOHNSTON: Well, the Member for Edmonton-Glengarry is just wrong again, Mr. Speaker. You see, in most businesses there's a separation between the sales force and the collection force. What North West Trust has brought on contract has been the collectors. Now, everyone who's been involved in the banking business knows that over a period of time through the economy you'll find that one bank manager is the guy who puts the money out and pretty soon another bank manager comes along and starts to collect. Well, in the case of NovAtel loans, we now have the collectors in place.

MR. DECORE: Mr. Speaker, that's weird. That is weird.

Let me put the second question to the Treasurer. If North West Trust will not be carrying the loan portfolio of NovAtel and North West Trust needs to take financial personnel from NovAtel, why use North West Trust at all, Mr. Treasurer?

MR. JOHNSTON: Mr. Speaker, we did use North West Trust. This is probably one of the few financial institutions which is head-officed in Alberta, which is owned by Albertans, which employs Albertans, where the economic spin goes to Albertans. You talk about that simple equation. I guess the Member for Edmonton-Glengarry would rather that we hired somebody whose head office is in Toronto, because Toronto and Ottawa are calling the political shots for that party.

MR. DECORE: Mr. Speaker, all Albertans want is fairness and a lack of negligence in solving these problems, and they're getting a continuance of negligence from the government.

My last question to the Treasurer is this. Mr. Speaker, it's clear that the Treasurer didn't hear my question yesterday, and I want to put it in simple terms to make sure he understands it. I want to know, Mr. Treasurer, why the government did not tender this portfolio collection package.

MR. JOHNSTON: Mr. Speaker, we've had the rhetoric of despair from the Member for Edmonton-Norwood; now we have the Disciple of Doom across the way. Again, what we have said is that we want to maximize the economic impact for Alberta. The Liberal Party, the sales tax party of Alberta, has had two suggestions. One, Mr. Bruseker said that he would charge \$180 million for the fees; \$180 million is his suggestion. Then we heard the Member for Edmonton-Glengarry across the way. The Leader of the Liberal Party who represents sales tax in this province has also suggested that it be 13 percent. Let me make it clear, Mr. Speaker.

MR. DECORE: What's the answer?

MR. JOHNSTON: The answer is that the collection fees for North West Trust are quite reasonable in this case. It'd be around 2 percent, which is quite reasonable for the economy, and it's because North West Trust is willing to do it for 2 percent or so. It's the lowest possible rate, and it's going to maximize the benefit for Albertans in terms of collection costs, economic benefit, and the facility itself is in place. It just makes common sense, and of

course common sense is unknown to the Member for Edmonton-Glengarry.

MR. SPEAKER: Calgary-Fish Creek.

Health Care System

MR. PAYNE: Thank you, Mr. Speaker. In her reply to the Leader of the Opposition's first question today the Minister of Health used the phrase "the sustainability of our health care system." As you may be aware, the minister recently returned from a meeting of federal and provincial ministers of health and finance. I'm wondering: can the minister indicate to the Assembly what information, plans, or agreements she obtained in that national forum that would be relevant to us here in Alberta concerned with the affordability and the sustainability of our health care system?

MS BETKOWSKI: Mr. Speaker, first of all, it's nice to be home in Alberta. I can say that the health and finance ministers met at the instruction of the first ministers to ensure that reform was accelerated across Canada and that in fact we were able to pass on a sustainable health care system to the next generation. It was in that framework that health and finance ministers came together in Hull, Quebec, last Wednesday and Thursday. I believe it was a very important meeting, because what it provided was an opportunity for mutual learning between both the provincial finance ministers and the health ministers to understand the effort of reform that's going on right across this country in all the provinces to ensure sustainability and as well to recognize the reality that the federal government by the year 2005 is moving out of the total cash transfer plan to the provinces to help support health care. We thought it was important to recognize that each of the groups has an agenda with which we must work, but it was also important to recognize the interconnectedness of those agendas.

Perhaps the Provincial Treasurer may wish to supplement my response.

MR. PAYNE: Well, Mr. Speaker, if I could just pick up on the minister's reference to the interconnectedness of what we're doing in the provinces, I presume that the minister was provided considerable information as to how the other provinces are dealing with their funding problems. Could the minister make a comparative statement as to the relative strength of our health care system and whether any of their funding initiatives could be considered here in Alberta?

MS BETKOWSKI: As health ministers I think we're certainly looking to each other to try and identify the things that we're all doing on the major cost drivers in health. Those major cost drivers, as I've indicated before, are technology, capital infrastructure and equipment, and health resource planning. In fact we now have a national plan on health resource planning for physicians. I think others will come as we look to how we might link the issue of utilization of our health care system with better health outcomes. The whole purpose of the meeting was to ensure that we have a health care system that we can afford, that we can pass on to the next generation. I think there is a lot of learning that can go on.

One of the important things that Alberta is doing I think differently than the other provinces is that we have opted in our province to do a collaborative process where we've attempted to broaden out the decision-making with respect to the change that must occur if we are to keep the process sustainable. Interest-

ingly, virtually all of the other provinces have given up on a collaborative effort where they're going out to ask and are simply going out and saying: this is the way it shall be. We believe it's an important part of the practice of democracy. We've always recognized in this province that we do it in our own Alberta way.

Supports for Independence Program

MS MJOLSNESS: Mr. Speaker, people on social assistance who are lucky enough to find a job immediately lose financial assistance for such things as prescription drugs, dental and optical care, and they must pay their own health care premiums. As many of these jobs are very low paying, many groups, including the Alberta Advisory Council on Women's Issues, are concerned because a loss of these benefits is a primary disincentive to accepting employment and forces many families to remain on social assistance. My questions are to the Minister of Family and Social Services. Given that this minister promised to introduce a transitional health benefit program by March of 1992 and has failed to do so, I would like him to please explain when he plans on implementing this very badly needed program.

MR. OLDRING: Mr. Speaker, I'm not sure where the member got her date from, but certainly we indicated as a part of our social reforms in the province, as part of the supports for independence program that we recognized there was a need to be able to extend transitional benefits as it relates to health and dental in particular. We're in the process of implementing those reforms. That continues to be a part of our agenda, and hopefully it won't be too, too much further.

MS MJOLSNESS: Mr. Speaker, the promise was made in the material from the minister, and it stated very clearly that this minister would implement this particular program by March of 1992.

My supplementary. The minister made the promise two years ago when he introduced the supports for independence program. I'd like the minister to now please give these families a specific date when he plans to implement this program instead of just being vague and saying: we're looking at it; we may implement it in the future.

MR. OLDRING: Mr. Speaker, we're not being vague at all. We made it very clear that that was a part of our social reforms. The member knows that the changes we're making are pretty substantive, that we're going through some major steps, some major changes. That's a part of it, and as we said all along, we had hoped to have the full program implemented within a two-year time frame. We're still striving for that.

MR. SPEAKER: Edmonton-Gold Bar.

Health Disciplines Training

MRS. HEWES: Thank you, Mr. Speaker. The Minister of Health has explained the discontinuation of the medical stipend program, that it's due to the present fiscal situation we're in. What's not understood is why some students who had signed an agreement, a contract stating that they'd be paid the full amount of their stipend up to May 1993 have now been told that effective July 1 of this year that stipend's cut in half. I'd like to table the documents that attest to this. My question is to the Minister of Health. What are these students, some of whom are in the gallery today, supposed to do?

3:00

MS BETKOWSKI: Mr. Speaker, I'll go over it a third time for the House, because the questions haven't changed. If we look at the stipend program that has been in place in the province over the last several years, we find that of about 35 health disciplines in Alberta only 16 were receiving a stipend. So we came to the point of making a choice as we attempted to make our system fairer, and the choice was: do we extend the stipend to all 35 health disciplines, or do we make the difficult decision and say that in fact a stipend is really support during the education of an individual in health disciplines and therefore more appropriately should be funded under our student bursary and student grant programs. We opted for the latter. I acknowledge that it is a difficult reality to take, but I think that given the choice, I still would opt for and recommend the way we went in this fiscal year.

MRS. HEWES: Mr. Speaker, many of these students cannot get student loans. This is not an option for them.

Mr. Speaker, this is a written contract. This is a contract between the department, the hospital, and the students. I need to ask the minister: will the government not honour its part of the contract?

MS BETKOWSKI: Mr. Speaker, we are in the process of doing this over this full fiscal year. We believe we've been as fair as possible to students and to the good of the health care system. The issue with respect to receiving stipends from the Students Finance Board is one where an individual must show that they have financial need in order to qualify for the stipend. I don't believe that's an inappropriate question to be asked of a student in this kind of fiscal situation in the province, particularly when half of the health disciplines weren't receiving any. So it is an issue of fairness. They will not be cut off altogether except over the phasing in of this fiscal year. We gave them a warning, and I believe it's an appropriate way to proceed.

MR. SPEAKER: Cypress-Redcliff, followed by Edmonton-Avonmore.

Agricultural Processing Support

MR. HYLAND: Thank you, Mr. Speaker. My question is to the Minister of Agriculture. On a tour in my constituency in February the minister was asked questions related to the old Alberta/Canada nutritive processing agreement, which had come to an end. I asked him a question in early April about the effective date of the new agreement. I believe he said that he thought the agreement would be signed somewhere in mid May. We are now in the third week of June. I wonder if the minister can inform the Assembly if we are any closer to the signing of that document than we were in early April.

MR. ISLEY: Mr. Speaker, yes, we are slowing moving closer to the signing of an agreement. As of last week it cleared the federal Treasury. There were some changes made at that level which will necessitate discussion at our priorities committee, which I'm hoping can be accomplished early in July.

MR. HYLAND: My supplementary, Mr. Speaker, would be to the minister. With the time that it's taken to get the federal agreement onside and now that we have to go back through the decision system, is he making arrangements through his department so that people who have been waiting – and we're probably a year now without an agreement, putting off secondary process-

ing, which is so important in our agricultural industry. Will they be ready momentarily to start accepting applications once the agreement is signed?

MR. ISLEY: Once the agreement is signed, Mr. Speaker, everything is in place to start accepting applications. I might also add that a number of people and companies proposing projects have already initiated discussions with the Ag Development Corporation.

MR. SPEAKER: Edmonton-Avonmore.

Sexual Abuse by Doctors

MS M. LAING: Thank you, Mr. Speaker. My questions are to the Minister of Health. A recent task force looking into sexual abuse by physicians has called for zero tolerance of this behaviour. This position requires vigilance on the part of physicians as well as the public. Will the minister now introduce legislation requiring all health care providers who have reasonable and probable grounds to believe another health care provider is abusing his or her position of authority and trust to report these concerns to the appropriate professional body?

MS BETKOWSKI: Mr. Speaker, I'm not sure that it requires legislative action on the part of the province. I certainly commend the College of Physicians and Surgeons for setting up its sexual abuse hot line. It obviously provides an avenue for registering complaints that is comfortable for patients.

MS M. LAING: Mr. Speaker, the Child Welfare Act certainly requires that it be reported if one believes the abuse of authority and trust is going on, and I think this kind of legislation would be helpful in this case.

This report also calls for changes in legislation to increase maximum penalties for misconduct by physicians. Will the minister now bring forward that legislation?

MS BETKOWSKI: Mr. Speaker, I think we must always keep in mind that a complaint of abuse is just that. It is not proof of abuse. However, if there are legislative steps that we need to do as we review the report of the college, certainly that will be something we will bring forward through our caucus and through the normal route. Certainly I don't want to leave the member with the impression that I don't think the report is of value. Now that we have the final report, we can get on with the review of the things we need to do in order to ensure that it operates effectively.

Prescription Drugs

MS BARRETT: Mr. Speaker, while the Minister of Health was away at conferences looking at the future of health care and the costs involved, the Minister of Technology, Research and Telecommunications, who already has a phenomenal background in extraordinary management with respect to the NovAtel fiasco, had the gall to issue a public letter stating that he was advocating that the drug patent legislation be extended to between 17 and 20 years, and he's asking the feds to do this knowing full well that it's going to cost Alberta taxpayers through the health care system some \$40 million or \$50 million a year. I'd like to ask the Minister of Health if she agrees with the TRT minister, and if she doesn't, will she do a counter letter to the feds saying, "Don't do anything worse to us on drug patent legislation?"

MS BETKOWSKI: Well, I think you did actually miss me. It's kind of nice to be back dealing with the questions.

I think it's fair to say that I don't enthusiastically welcome Bill C-22 onto the federal agenda. I think that the issue is that drug patent legislation is not just a tool of economic development and wealth creation in our country. It is also a tool of research and development, and it is also something that health care costs must absorb to a degree. My sense is that the federal government has basically opted for its role as an economic development tool, and I think the plea that health ministers made to the federal health minister when we met with him last week was: understand that this is a balance among several interests, not just one single interest.

One of the issues that I think we must look at in Alberta is the need for a national pharmaceutical strategy, which the federal minister has promised us as health ministers that he will implement, in order to ensure that the price of drugs as part of the health system is kept at a reasonable level. I have no reason to believe he won't do that.

MS BARRETT: I do, Mr. Speaker. He belongs to a Conservative government.

Mr. Speaker, let me remind the minister of the facts here. Western Canada, four provinces, gets only 8 percent of all pharmaceutical R and D in Canada, and it's a shrinking market, not growing. Will the minister now undertake to let her federal counterparts know that the pharmaceutical companies didn't run away when they only had seven-year patent protection and they're not going to run away now, that it's the health care of Albertans and Canadians that counts first, and ask them to drop the nonsense on Bill C-22?

3:10

MS BETKOWSKI: No, I won't do that, Mr. Speaker, and I'll tell you why. It's not just the issue of new patent drugs coming onto the market that is the contributing factor to the rising cost of drugs as part of the health care system. There are other factors at play too, including utilization of health care, demography, aging of the population: all those kinds of issues. It is also important – and perhaps New Democrat governments forget this as well – that the issue of research and development, the issue of creating a private sector that can promote new knowledge and creativity in drugs is an important part of dealing with healthier Canadians, which is hopefully our collective goal as governments.

Finally, I have in fact spoken to and will confirm in writing my concerns about the retroactivity effect of the legislation, because it does go back to December of '91. I think that is extraordinarily difficult for generic drugs that may have been in the system before the legislation was imposed, and I certainly will confirm that in writing, having spoken to the minister in that regard.

MR. SPEAKER: Edmonton-Whitemud.

Gaming Commission

MR. WICKMAN: Thank you, Mr. Speaker. Last year we saw the Premier appoint his friend and a former Tory candidate to the Alberta Gaming Commission at \$250 a meeting. Today we get a press release issued by the minister responsible for the Alberta Gaming Commission, and at first I thought somebody was pulling my leg, but it's the truth. He's been appointed as chairman at \$87,000 a year. To the Premier: when is this outrageous practice of putting pals in high-paid positions going to stop?

MR. GETTY: Mr. Speaker, we've certainly discussed this before in the House. What the government does is assess the candidates and make appointments of those who are most qualified.

MR. WICKMAN: Mr. Speaker, assess the candidate against whom?

If that's the case, my next question: is the Premier prepared to void this appointment and demonstrate integrity by posting the position so that the best candidate gets the job?

MR. GETTY: Mr. Speaker, I understand that the hon. member is against barbers for some reason. I guess it doesn't fit his ideal.

MR. WICKMAN: Point of order.

MR. GETTY: What has happened is that the minister responsible for the Gaming Commission has assessed the candidates. This candidate was vice-chairman of the commission and had been a commission member, performed very well in that job, and therefore has all the qualifications for chairman.

I'm very, very disappointed in the hon. member, who, in partnership with his leader, managed to get himself hired by the city of Edmonton when he thought he was a perfect candidate, I gather, to be hired into the mayor's office. Surely the then mayor of Edmonton must have thought that he was a qualified candidate.

MR. SPEAKER: Rocky Mountain House.

Municipal Taxation

MR. LUND: Thank you, Mr. Speaker. Once again we're at the time of year when municipalities are sending out their tax notices to property owners. In this province, because of the partnership between the municipal councillors and this government, the level of property taxes are the lowest in Canada. If one is to look at the vast array of services that are available for Albertans, provided by both the municipalities and the provincial government, few if any municipalities anywhere in Canada could truly compare. In the last few weeks a concern has been raised with me that deals with the question of property taxes that are levied against certain artistic groups who lease municipally owned property. It has been suggested that municipalities are only now levying taxes against these groups as a direct response to an amendment that was approved in this Legislature last year. My question is to the Minister of Municipal Affairs. Would the minister please advise me and the Assembly as to the real situation that exists?

MR. FOWLER: Thank you. Mr. Speaker, if in fact Alberta municipalities do issue the lowest tax notices to ratepayers in Canada, I am pleased to hear that, and I'm sure that to a considerable extent it's through the excellent partnership that exists between the provincial government and the municipal government.

In respect to the specific question, prior to 1988 municipally owned land which had improvements on it and was leased to either the private sector or third parties could not and was not in fact taxed. This was brought to our attention by one of our cities in the province because in comparison to provincially owned land, on which in fact improvements were taxed if it was leased, it was felt to be unfair. In response to that municipality and other cities in the province, we amended the Act in 1988, which brought about a situation where irrespective of the land being owned by the province or the municipality improvements that were leased to the third parties were in fact taxable. That was done at the time. Further to that, in 1991 it was realized that many of these artistic

groups or cultural groups were also caught up in this new legislation, and legislation was passed in 1991 which in fact permitted the municipalities to pass their own bylaws which would exempt the lessee from paying taxes on improvements on that. It is within the power of the municipalities to correct that if they so choose.

MR. SPEAKER: Supplementary.

MR. LUND: Well, thank you, Mr. Speaker. Given that it's over a year since these amendments were passed and given that the mayor of the second largest city in this province doesn't seem to be aware of these provisions, would the minister please advise if he has any innovative methods of letting the municipalities know about the amendments so that they can act on them?

MR. FOWLER: Again, Mr. Speaker, the former reeve of the municipal district of Clearwater No. 99, being a former municipal politician, is in all probability aware of the paper war that is conducted in municipal governments and exists in the provincial government. I believe it is not uncommon for legislation to be passed that affects municipalities that reeves and mayors and councillors do not become fully familiar with. I will be in a series of meetings this fall with municipal government people and will be discussing this and what is the best way to bring to them information which is important to the operation of the municipalities.

MR. SPEAKER: Edmonton-Strathcona, followed by Calgary-McKnight.

Corrections Facilities

MR. CHIVERS: Thank you, Mr. Speaker. On June 16, when I asked the Solicitor General about his denying me permission to tour the Fort Saskatchewan correctional institution, he stated to me that he was concerned with security and with the intent of certain persons. On June 19 he stated again that he was concerned with going into these facilities for other purposes. Since the Solicitor General has stated to the Speaker that he has now suspended all MLA visits to the facilities, will he tell the Assembly when and why he ordered the suspension of all MLA tours?

DR. WEST: Mr. Speaker, I have dealt with that, and it has been dealt with by this Assembly.

MR. CHIVERS: Mr. Speaker, I was hoping that the Solicitor General might now tell me that the reason he refused me was not that I'm a security risk, that it was not my ulterior motives, and it was not anything else but my safety. Will the Solicitor General now tell the Assembly precisely what concrete steps he has taken in connection with his purported review of the policy?

DR. WEST: Mr. Speaker, as I said, I've answered that question.

MR. SPEAKER: Calgary-McKnight.

MR. MITCHELL: He duped the Speaker.

Speaker's Ruling Criticizing the Speaker

MR. SPEAKER: Order please, hon. Member for Edmonton-Meadowlark. Stand up, please, and retract that statement.

MR. MITCHELL: I retract that statement, Mr. Speaker.

MR. SPEAKER: The Chair assumes that there was an apology attached to that, hon. member.

MR. MITCHELL: Yes.

MR. SPEAKER: For the record.

MR. MITCHELL: There is an apology attached to it.

MR. SPEAKER: Thank you very much.
Calgary-McKnight.

3:20 School Amendment Act, 1992

MRS. GAGNON: Thank you, Mr. Speaker. The Minister of Education has introduced Bill 41, which deals with a number of items very important to the education system in Alberta. With the exception of section 23 rights, and user fees, there's a growing protest about the lack of consultation with regards to the Bill. My question to the minister is this.

MS BARRETT: That's Stan's question.

MRS. GAGNON: No. Stan's questions were entirely different.

MR. SPEAKER: Calgary-McKnight, I'm sure you're well aware and perhaps even relieved to discover that you're answerable to the Chair, not to Edmonton-Highlands.

MRS. GAGNON: My question is: why did the minister not consult with affected parties regarding all those other items in the Bill?

MR. DINNING: Well, Mr. Speaker, the consultation process on Bill 41 really goes back, in some parts, over the last 10 years. I think about the Charter of Rights, which put in place section 23. The discussion over the last 10 years has resulted in a made-in-Alberta model of management and control of Francophone schools by Francophone parents.

The school trustees have been calling upon the government to establish an electoral boundaries commission for school boundaries, and rather than taking that top-down, more authoritative approach, what we did was put in place enabling legislation to respond to those needs. User fees were a matter that was before the courts, which places in jeopardy the collection of nearly \$50 million in instructional fees, material fees and which will have a serious repercussion on school boards. They requested that we make that change.

The matter of quorum, Mr. Speaker, was something that school trustees had come to the government on several times. It's a vexatious issue for several school boards. We are responding. We're responding to requests by a number of school superintendents, including the Conference of Alberta School Superintendents, and a number of school boards that they would prefer to get out of the home schooling business altogether. What we're doing is responding to those people as well as to many home schooling parents who have requested that they have the opportunity to go to accredited private schools to have their home education program overseen.

So, Mr. Speaker, virtually every single clause in that legislation is there in response to requests by school boards, by teachers, and by several other stakeholders in this province.

MRS. GAGNON: Mr. Speaker, superintendents and trustees who haven't even seen this Bill are calling me, and they are quite furious. They don't feel they've been consulted.

I agree with the minister that the consultative process for article 23 parents and user fees produced consensus and widespread support, so why didn't the minister use the same process for the other items? My second question is: will the minister delete all items in the Bill except governance and user fees until he has consulted with other stakeholders?

MR. DINNING: Well, Mr. Speaker, I have to ask: what is the flip-flop of the hon. member? What will it be tomorrow? Yesterday at 3:45, before the media, she called for taking user fees out of the Bill altogether, and then at 4:30 she released a press release calling for legislation to deal solely with minority language rights and user fees. You know, I'll be interested to know the hon. member's and the Liberal Party's position when we meet again, because it changes from one hour or from one day to the next.

MR. SPEAKER: Now, the normal allotted time for question period has expired. However, the Chair has had communication from the Minister of Health wishing to respond to some questions raised by Edmonton-Highlands on a previous day.

The Minister of Health.

Nursing Care

MS BETKOWSKI: Mr. Speaker, I'd like to respond to a question raised on June 18 by the hon. Member for Edmonton-Highlands. The member referred to a letter written to me by a Mr. Marc Horton concerning the care of his late mother at an Edmonton acute care hospital. First of all, I would like to extend my sincere sympathies to Mr. Horton and his family for their recent loss. I have received Mr. Horton's letter, and I can assure the House and I will Mr. Horton that I will also be responding fully to him personally to the questions raised in his letter in view of the confidentiality provisions in the Health Act. I've been told that the board of the Grey Nuns hospital will also be in contact with Mr. Horton to answer his questions and concerns. It would be inappropriate for me to debate the case in the House.

The Member for Edmonton-Highlands also raised the question as to whether the Canada Health Act had been violated in this matter. The information that my department has received and which they passed onto me indicates that no such violation has occurred in this case.

MS BARRETT: Mr. Speaker, it is difficult to believe that there has not been a violation of the Canada Health Act when a Canadian citizen who pays taxes and health care premiums has been told to hire a private nurse to attend to his mother, who is wrongfully but nonetheless placed in an acute care hospital for almost all of the last six months of her life. My question to minister is: will she undertake now to find out how frequently people are being asked to subsidize the hospital system out of their own pockets by having to hire private nurses to attend to patients during the night shift?

MS BETKOWSKI: Mr. Speaker, I won't make that undertaking to the hon. member nor do I believe it is right to be provoked into discussing circumstances that the hon. member is not aware of in this particular case, and I will not be provoked into it because it would be a disservice to my portfolio and the oath that I took. Mr. Horton has raised some questions with me. If other Alber-

tans wish to raise questions with me, they can do so. I will be responding to him very fully, and I would give that undertaking to the House, but I will not breach the confidentiality provisions of the Hospitals Act and other Acts in health under which I must operate as well.

MR. SPEAKER: Thank you.

Are there any guests to be introduced?

Points of order. First, from a matter yesterday, the Minister of Forestry, Lands and Wildlife regarding some maps, in response to Edmonton-Jasper Place.

Point of Order Factual Accuracy

MR. FJORDBOTTEN: Yesterday, Mr. Speaker, in responding to the point of order raised by the hon. Member for Edmonton-Jasper Place, I said that I would review the map filed by the member and report back to the Assembly. Today I'm pleased to file with the Assembly a current, totally accurate map indicating the critical wildlife habitat areas that the government received in the Three Sisters/Crown land exchange.

Mr. Speaker, if I may make two brief comments with respect to the maps in question. First, I'd like to say that in comparing the map I'm filing today with the map the member filed yesterday, it's clear that the government secured all of the land identified as critical wildlife habitat area that was on the member's map with the exception of a very small amount that was designated as private land. Secondly, we obtained critical wildlife habitat from Three Sisters in addition to the land that was identified on the member's map.

So to sum it up, Mr. Speaker, the member's implication that we promote commercial development without giving very serious consideration to critical wildlife habitat is, as this map shows, totally inaccurate, and I stand by my statement of Tuesday.

MR. SPEAKER: Very briefly, because this is the second time that the member is speaking to the same point.

MR. McINNIS: I'm afraid that the minister has got himself in even deeper now. The map that he's tabled today shows the subject lands swapped: in yellow the land which was given to the Crown by Three Sisters, in pink the land that was given to Three Sisters by the Crown. I thought he said that they acquired the critical wildlife habitat except for a small portion. Well, I've just marked that portion green on my map. I don't know what he considers to be a small portion in his book, but it looks to me like at least three quarter sections of land and probably considerably more than that. So what the minister has done is in fact confirmed that there is proposed development on critical wildlife habitat, and that's that area shaded in green. So, you know, I think we haven't made very much progress with respect to his outrageous allegation that my question was totally inaccurate. In fact, it's proved to be deadly accurate and demands a response: herewith, forthwith, now.

3:30

MR. SPEAKER: Herewith, forthwith is not going to happen. It's obvious we have here a continuing disagreement between two members. The Chair certainly is not going to rule on it at this moment, herewith, forthwith, and certainly encourages both members to go out and compare maps together. Perhaps they may even want to compare maps of where they might go on holidays when the House rises about January 30 or something. I really don't believe it's up to the time of the House to be dealing

with this matter, certainly not at this moment. Perhaps the two could meet over a cup of coffee and make some arrangement.

**Point of Order
Privilege Ruling**

MR. SPEAKER: The Chair was given notice by note during question period that the Member for Edmonton-Strathcona wishes to raise a point of order.

MR. CHIVERS: Thank you, Mr. Speaker. I'll be very brief, because I think the point that I wish to raise, being a procedural point, is very simple and straightforward. I rely on Standing Order 15(6), the relevant portion of which reads:

Mr. Speaker may allow such debate as he thinks appropriate in order to satisfy himself whether a prima facie case of breach of privilege has taken place,

and Standing Order 11(1), with respect to the Speaker not being part of a debate before the Assembly.

My point is a question of procedure. I'm not challenging the ruling that you gave yesterday regarding the Solicitor General's denial of my access to the Fort Saskatchewan correctional institution. What I am questioning, however, is the procedure with respect to the matter. My concern is in relation to, as I've notified you, Mr. Speaker, the portion of your ruling wherein it states the Solicitor General's decision to put in abeyance all visits while he reviews the existing policy. My concern is that I was never advised of this by the Solicitor General or in any other manner with respect to this being a position that he had adopted. Indeed, contrary to the statements that he'd made in correspondence and in the Assembly, this was never suggested as a reason.

I realize that the Speaker has to on occasion when dealing with these matters obtain information from outside of the House, but my concern is that prior to the ruling I was never given an opportunity to be aware of or to comment on the information apparently provided by the Solicitor General. It seems to me that in the circumstances, the Solicitor General had an obligation to make that information available to me so that I might have had an opportunity to comment on it and point out the inconsistencies with respect to the Solicitor General's previous statements regarding his reasons for denying my access.

MR. SPEAKER: Well, thank you, hon. member, but if you say that's not challenging the decision, it comes precious close to it. The matter is simply this, which has occurred in previous instances of purported points of privilege: that the Chair does indeed have the right to request further documents. As a matter of fact, in this case I requested of yourself, and you were kind enough to provide, a copy of a letter. In this case also the Chair requested documentation from the Solicitor General in an attempt to be absolutely fair in making the decision. Not only that, the Chair took an extra amount of time to be certain that we could handle all aspects of the issue. Therefore, this is not a point of order, and the whole matter rests.

**Point of Order
Imputing Motives**

MR. SPEAKER: During question period today, Edmonton-Whitemud, a point of order.

MR. WICKMAN: Thank you, Mr. Speaker. Citations: Standing Order 23(i) and *Beauchesne* section 417. Of course, 23(i) refers to imputing false motives, and *Beauchesne* 417 makes reference to answers "should not provoke debate."

There are two points that I want to raise on this matter, Mr. Speaker. First of all, the Premier made reference that I was putting down barbers. I don't know where that came from, because not once, and the Blues will show it very clearly, did I refer to barbers. I don't know where barbers came out of it. I referred to a former candidate of the Tory party, never once referring to a barber. I referred to "candidate"; I referred to "person." The second point that I would raise is that he made reference to an appointment for a period of time in the mayor's office in the city of Edmonton, which is like apples and oranges. [interjections] Again, it's imputing false motives.

MR. SPEAKER: Order. [interjections] Order.

MR. WICKMAN: We're talking in terms of a political office. What the Premier does in his office is his business as far as I'm concerned; what I do in my office is my business. We're talking here about a commission paid for by taxpayers' dollars, and it's totally different. Mr. Speaker, I would ask that you rule and you ask the Premier to strike those references.

MR. GETTY: Mr. Speaker, if you'll check the Blues, I said that I gather the hon. member doesn't like barbers. I can gather what I want from his questions. Frankly, I thought I was extremely fair to the hon. member. I never even pointed out about his colleague sitting beside him who popped in as chairman of the CNR suddenly without any particular qualifications. So I think the hon. member doesn't mind complaining, but he's got thin skin when somebody comes back at him. I mean, this is a place for grown-up people. If you can't handle it, get out of it.

MR. SPEAKER: On this point of order, I'd be very interested.

MR. McINNIS: A number of notes are being passed about these green arm bands. I'd just like to file a statement explaining what it is. [interjections]

MR. SPEAKER: Order please. The Chair is in the midst of deep contemplation trying to figure out the exchange that took place and therefore will have to take a look at the Blues. At the moment it seems to be quite an interesting interpretation of what a point of order is, but the Chair will check with the Blues.

head: **Orders of the Day**

head: **Written Questions**

MR. GOGO: Mr. Speaker, I move that the written questions on today's Order Paper stand and retain their places.

MR. SPEAKER: Thank you.

On the motion, Calgary-North West.

MR. BRUSEKER: Just a few comments on this motion, Mr. Speaker. The hon. Minister of Advanced Education has moved that we let the written questions stand on the Order Paper. There are 16 questions on the Order Paper today, all of them presented by the Liberal caucus. Many of them have been on the Order Paper since this Legislature came back in in late March; in other words, better than three months ago. I would suggest that certainly in that time span the government can decide whether or not they are . . .

Point of Order**Debate on Procedural Motion**

MR. McINNIS: Point of order. I was just curious when we started to allow this as a debatable motion again. Last year and then earlier this year there was a memorandum from the Chair stating that this procedural motion was no longer debatable. Is it debatable today?

MR. SPEAKER: Thank you, hon. member. If we could pause for a few moments. The Chair apologizes to the House, but there are at the moment only about six different issues floating through here in terms of motions and so forth. Some of them are of extremely sensitive procedural matters, so perhaps we could just take a three-minute break. I ask the apology of the House.

HON. MEMBERS: Agreed.

MR. SPEAKER: Thank you.

[The Assembly adjourned from 3:40 p.m. to 3:55 p.m.]

MR. SPEAKER: Thank you, hon. members. The Chair apologizes for the inconvenience to all members. It's one of those ongoing challenges of trying sometimes to interpret Standing Orders. With the establishment of the committee dealing with legislative matters, one of the things put forward to all members by the Chair on behalf of the Chair and Table officers was that it would be very helpful to have a rewrite consolidation of Standing Orders so that we have all the things occurring in one place that really relate to each other.

What we have been able to glean is that our procedure has been, and the date of the memo to all members actually was – I see here, though, that it was directed to the House leaders. The Chair will cure this by reissuing this memo, and it will be sent to all members. Our understanding basically is this: a procedural motion, as moved today by the Deputy Government House Leader that all written questions stand and retain their places, is a motion which is not debatable. When we have a motion which is similar for motions for returns, that all stand and retain their places, that is procedural and that is not debatable. But when you have a motion of a procedural nature that says that some stand and some are taken up, the interpretation is that that will be debatable. So again that then means, after consultation with all three parties, that the procedure we had commenced is invalid for today.

head:

Written Questions

(continued)

MR. SPEAKER: Therefore, the Chair should just put the question as moved by the Deputy Government House Leader before the House: that all written questions stand and retain their places on the Order Paper.

[Motion carried]

head:

Motions for Returns

MR. SPEAKER: The Deputy Government House Leader.

MR. GOGO: Thank you, Mr. Speaker. I move that the motions for returns on today's Order Paper stand and retain their places with the exception of the following: motions for returns 193, 194, 197, 232, and 304.

MR. SPEAKER: Thank you.

Call for the question?

HON. MEMBERS: Question.

[Motion carried]

Gainers Inc.

193. Mr. Hawkesworth moved that an order of the Assembly do issue for a return showing copies of all agreements between the government, 369413 Alberta Ltd., and Gainers Inc. with respect to the payment or nonpayment of any debts or advances owing by Gainers or its subsidiaries.

MR. SPEAKER: The Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. This motion is an attempt to get an accounting from the government as to who's paying for what debts in regard to these publicly owned enterprises, or I should say publicly controlled enterprises. It's all part of the freedom of information and access to information expectations that have been created by this government with the Speech from the Throne, that there's, you know, a new way of doing business and an openness about doing business. So in regards to that, given that these are entities for which the taxpayers have a liability and an interrelated liability, this information would help us to understand who owes what to whom.

Thank you.

MR. SPEAKER: On behalf of the government, the Treasurer.

4:00

MR. JOHNSTON: Mr. Speaker, I have said before in this House, in those matters which pertain to Gainers certainly, that the government is in the midst of several legal actions surrounding the Gainers subsidiaries, the government, the government and Mr. Pocklington, Mr. Pocklington and Gainers. Suffice to say that there is an extensive amount of litigation currently under way on the matters pertaining to Gainers.

Mr. Speaker, we are guided in this House by the authorities, authorities which are far reaching in their understanding as to what may or may not be provided to the Assembly. Despite our willingness to provide all information to the opposition parties so that they can attempt to be informed in the matters, we nonetheless are still guided by some fairly important and over-arching considerations which deal with, and we are guided by, the work cited in *Beauchesne*. Accordingly, because *Beauchesne* is quite clear on this issue, in particular is quite clear in section 446(m) wherein the guidance is given to the government determining whether or not certain documents should be exempt from production, it indicates that those matters which are "before a court of justice or a judicial inquiry of any sort" shall not be provided in the Assembly.

[Mr. Deputy Speaker in the Chair]

That makes good sense, Mr. Speaker, to the extent that it would prejudice our position in a court of law. We're not too sure just what strategy is being used by our lawyers to ensure that the information is provided through the court process, but it is, after all, the final arbitration of our case. We'll be in the court system, and from time to time we'll be appearing. Hearings for discoveries have been held, and the court is now proceeding to hear some of these arguments on a wide range of issues, a wide number of

actions which constitute a considerable amount of money which will benefit, if we're successful, the taxpayers of Alberta.

Accordingly, because our own standing orders with respect to the sub judice convention can be found I think in a general way under Standing Order 23(g), certainly, where the sub judice privilege is provided, and also in 446(m), as I've noted, it would be in contravention both of *Beauchesne* and the way in which this Legislature operates – its history, its traditions, and its rules – and also would be foolish on a simple, logical basis, because we do not want to prejudice our position in front of the courts, in particular in this action surrounding Gainers.

Accordingly, Mr. Speaker, on those matters which deal with anything surrounding Gainers – and I deal at this point with 193, but I know that in abbreviated form I'll make the same arguments very soon – we will be refusing those motions for returns.

MR. HAWKESWORTH: Well, Mr. Speaker, this has to do with entities now owned by the government. They belong to the taxpayers. Presumably the minister is saying that if a suit with somebody else is before the courts, somehow that's justification for hiding from the people of Alberta what their position is. You know, I can't believe that a board of directors of a private company would keep from their shareholders this kind of information. That's really all it is. The Alberta taxpayers, because of the actions of this government, have now found themselves to be the shareholders of various companies, many of which owe debts to one another.

We know that at one point the government provided a \$6 million direct loan to Gainers. There was a \$55 million loan guarantee. We can find in the public accounts and in the Budget Address their lines of credit here, but now a whole interlocking network of companies and relationships has been established that acts somewhat as a veil of secrecy that has fallen over all of these affairs. We know now, for example, that it's the government and not Gainers that's paying the interest on the \$55 million loan guarantee. Why is that the case? How would that harm the interests of the government in a civil suit? How would that harm the interests of Mr. Pocklington? It's simply a matter between the government and a company that it now owns.

Really, Mr. Speaker, this Provincial Treasurer is hiding behind the coattails of the courts in order to fail to provide elementary and basic information that ought not to be denied to the people of Alberta. It's quite simple, straightforward. There is no reference to Mr. Pocklington, and Mr. Pocklington already has this information anyway. You know, it doesn't harm Mr. Pocklington's suit; it doesn't harm the government's suit. It's just a convenient excuse to prevent the government from providing basic information and accounting to the people of Alberta. That's all that the Provincial Treasurer is. Let the record show that when it comes to this government, there is no such thing as freedom of information or access to information; there is no such thing as willingness to provide information about the business affairs of the government. What there is is a willingness to hide their mismanagement, hide their business dealings from the people of Alberta.

That's all they're willing to do: quite willing to hide behind the courts or whomever is convenient at the moment; the Auditor General in the case of NovAtel. They're just willing to use any excuse, anybody that they can find to hide behind. In fact, the way that they've structured 369413 Alberta Ltd., by not having a hundred percent of the shares of that company in the ownership of the government, now it effectively removes that from the Auditor General. So in some cases, in terms of being the Auditor General and reporting some of this information to the public – you know, on one hand when they want to hide, they'll use the

Auditor General, and on the other hand when they want to hide, they'll deny things to the Auditor General. It's just a government that uses whatever is convenient to keep the public from knowing what's in the best interests of the public even if it may not be in the best interests of this government and its accountability to the public.

HON. MEMBERS: Question.

[Motion lost]

Gainers Inc.

194. Mr. Hawkesworth moved that an order of the Assembly do issue for a return showing copies of the audited financial statements of Gainers Inc. for the fiscal years 1989, 1990, and 1991, including the statements of nonconsolidated subsidiary companies.

MR. DEPUTY SPEAKER: The hon. Member for Calgary-Mountain View.

MR. HAWKESWORTH: Thank you, Mr. Speaker. This would seem to me to be fairly straightforward information. I look forward to it being provided by the minister.

MR. JOHNSTON: Mr. Speaker, the government will be rejecting this motion. I have already cited fairly specific references in our own code of conduct here in the Assembly. *Beauchesne* in particular and our own Standing Orders make it very clear that in those matters which are before the court, we would prejudice our position if we were to provide any information outside of the court process. Accordingly, we will not be providing that information to the Legislative Assembly. I'm sure at some point in due course it will be coming.

I remember the Member for Edmonton-Kingsway actually had some financial statements. He couldn't add them up in any event, so as a consequence it's unlikely that any of those people from the socialist parties are going to understand financial statements when they have them in their own hands anyway.

Accordingly, we reject this.

MR. DEPUTY SPEAKER: The hon. Member for Edmonton-Jasper Place.

MR. McINNIS: Thank you. Mr. Speaker, I've heard spurious logic before and spurious argument in debate, but I think we're close to setting a record here. Surely the Provincial Treasurer understands that if he's citing *Beauchesne* as a reason that he ought not to provide this information, he should be asking the Speaker to rule it out of order. I mean, if it's improper to ask for this information, then the Chair would have no choice but to rule the motion out of order and it couldn't come to a vote in the Assembly, but clearly the Chair has not ruled that. Therefore, the *Beauchesne* citation has no relevance to whether the government chooses to make this information available to the Assembly or not. If he wants to hide behind *Beauchesne*, then he should take the honourable course and raise a point of order.

The issue that's before us today is whether the people who are in the end liable for any financial losses arising out of the sordid Gainers' mess – the loan guarantees and the loan – have any right to know what kind of agreements the government signed on their behalf.

4:10

My late colleague the former Member for Edmonton-Strathcona, Gordon Wright, observed once in this Assembly that it ought not to be proper to pay out funds under an agreement which is secret, because the funds are public. In fact, it ought not to be legal, and perhaps it isn't legal; I don't know. I'm not here to make a legal argument, simply to force the government to admit that they and they alone are politically responsible for the decision to withhold this information from the elected members of this Assembly, who represent the people of the province, and by denying us are also denying those people who sent us here. They have some right to know what's being done with their money, particularly as it involves one Peter Pocklington, a person with close though fading political ties with the government. It's probably the case that there isn't an elected Tory around who would allow himself to be photographed with Peter Pocklington, but it must be said that there were days when that was not the case, and clearly those days preceded this loan situation. [interjection]

The Treasurer shouted across the floor a reference to the mayor of the city of Edmonton. The mayor and the council of Edmonton are in the process of attempting to negotiate with this Mr. Peter Pocklington about the construction of a new stadium. We can appreciate what a difficult thing that is because of who Mr. Pocklington is and the fact that all the deals that he makes end up in court and in litigation. Nobody in this day and age wants to put taxpayers' money behind something that's going to end up in this kind of a mess. We know for sure that this particular deal didn't perform the way it was supposed to. We know that assets were seized; we know that there are lawsuits and counterlawsuits; there have been allegations made that the loans were given as a result of a political commitment made at the time that the Gainers' strike was settled: all very serious matters before the public. I think the public does need to know the factual basis for these deals being made and the unravelling of them. I think that's a very simple proposition.

If the Treasurer has some reason why he doesn't trust Albertans with that information, he should say so. But to raise the good book *Beauchesne* in these contexts is clearly a smoke and mirrors act by the Treasurer. I don't believe he should be allowed to get away with it.

MR. HAWKESWORTH: Mr. Speaker, Motion 194 asks for nothing else than audited financial statements of a company owned and controlled by the people of Alberta. Now, what kind of a government is it that takes over a company on behalf of the people of Alberta and is unable and unwilling to provide them with audited financial statements?

MR. JOHNSTON: How do you know they're audited, Bob?

MR. HAWKESWORTH: How do I know they're audited? If they're not audited, that's even – I can't believe an accountant in this place, a member of a professional association of accountants in Alberta, would tolerate the people of Alberta owning and controlling a company that doesn't have audited financial statements. That's how I know that they're audited. I would think that if the Provincial Treasurer is unable in his capacity as Provincial Treasurer to also uphold the standards of the accounting profession, then I would think it would be all the more reason for him to remove himself from his current responsibilities. Of course, if he would like to give us unaudited financial statements, if that's what he wanted to do, he could, I suppose, come in and try and move an amendment to the motion. You know, the record

clearly is that the people of Alberta, who are the owners of this company, are being denied the opportunity to review the financial affairs of that company. The audited financial statements are pretty straightforward.

Now, you go back to the Speech from the Throne, Mr. Speaker, just three months ago. Here it is highlighted:

My government is determined to respond to changing needs. Here's the opportunity for this government to do that. The Speech from the Throne goes on:

New access to information legislation will be introduced to ensure my government's policy of full disclosure of information is protected in law.

That's the commitment, Mr. Speaker. I'd like to know who wrote it and whether the government believed it when they asked His Honour the Honourable the Lieutenant Governor to read it on March 19, 1992. Was it an idle promise, an empty promise that they had no intention of fulfilling?

You know, there couldn't be a weaker standard for them to try and meet in this newfound intention to disclose information than to simply ask for audited financial statements of a company owned by the government of Alberta. Nothing could be less innocuous in order to test the government's commitment to this promise, yet here it is, Motion for a Return 194, and the Provincial Treasurer says for some reason, because some court case somewhere is going on, that somehow covers these financial statements and therefore they can't be tabled in this Assembly.

That is unprofessional conduct and is certainly not conduct in keeping with the so-called intention, the determination to respond to changing needs which we got from the Speech from the Throne and the promise to implement a policy of full disclosure of information. Not only is that promise not fulfilled by any legislation being introduced on the Order Paper; even an innocuous request such as represented by Motion for a Return 194 is denied as well, Mr. Speaker. The Provincial Treasurer should be ashamed of himself.

HON. MEMBERS: Question.

MR. DEPUTY SPEAKER: The question having been called on Motion 194, all those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: The motion fails.

[Several members rose calling for a division. The division bell was rung]

4:20

[Mr. Speaker in the Chair]

[Eight minutes having elapsed, the Assembly divided]

For the motion:

Barrett	Gibeault	Mitchell
Bruseker	Hawkesworth	Mjolsness
Chivers	Hewes	Pashak
Doyle	Laing, M.	Sigurdson
Ewasiuk	McInnis	Woloshyn

Against the motion:

Ady	Fjordbotten	Musgrove
Black	Gogo	Nelson
Bogle	Horsman	Oldring
Bradley	Hyland	Orman
Brassard	Isley	Paszkowski
Cardinal	Johnston	Payne
Cherry	Jonson	Schumacher
Dinning	Kowalski	Severtson
Drobot	McClellan	Sparrow
Elliott	McFarland	Weiss
Evans	Mirosh	Zarusky
Fischer	Moore	
Totals:	For - 15	Against - 35

[Motion lost]

head: **Public Bills and Orders Other than
Government Bills and Orders**
head: **Second Reading**

**4:30 Bill 212
Endangered Species and Endangered Spaces Act**

MR. SPEAKER: Edmonton-Jasper Place.

MR. McINNIS: Thank you, Mr. Speaker. It gives me a great deal of pleasure to be able to move second reading of Bill 212, an Act to protect Alberta's endangered spaces and endangered species.

[Mr. Deputy Speaker in the Chair]

This legislation resulted from some research that I began a little over two years ago looking at how various countries around the world address this problem of how to protect and preserve the biodiversity of our planet. As I think all members by now must be aware, the environment is a complex web of interaction between various living organisms with the presence of nutrients and sunlight. That fabric of biodiversity has been described by some as like a spider web: you can pull away bits and pieces of it and the structure will stay intact for a while, but it gets to a point where the whole thing collapses because supports have been removed.

The world as we know it is a very rich place when it comes to different life forms. I recently reviewed a paper prepared by the Worldwatch Institute, Worldwatch Paper 78 entitled *On the Brink of Extinction: Conserving the Diversity of Life*. They estimate that perhaps on our planet there's somewhere between 10 million and 30 million different species of plants and animals. The vast majority of those are insects. We have categorized and named, if you like, some 875,000 species of insects, but there are probably between 10 million and 30 million species that exist, most of them in tropical countries.

In the case of the province of Alberta we are blessed with a reasonable amount of biodiversity, although it's nothing like the tropics. Within the province of Alberta there are probably about 90 species of mammals, 250 species of breeding birds, 50 species of fish, 10 species of amphibians, and eight reptile species, and something in the neighbourhood of 2,000 different plant specimens. So while we do enjoy a rich and diverse ecological structure, with 17 different bioregions in the province, the diversity of our plants and animals is nowhere near as great as it is in many parts of the world. You know, the grand total of the species in

the province of Alberta is probably under 2,500 different species. When a species of plant or animal approaches extinction, I think that's a very serious matter in the province of Alberta and clearly something that every member in this Assembly ought to be concerned with.

The Worldwatch paper quotes some research by a British environmental consultant named Norman Myers trying to extrapolate from some research that he's done the fact that in our world today there are probably 50 to 150 species that become extinct every day of the week. Nobody knows for sure because we don't know about all of them. From some research that he's done, he estimates that

two-thirds to three-quarters of a million species are at risk in the tropical forests alone. Pressures on other species-rich habitats such as coral reefs and wetlands raise the ante. One million species - out of a total of 5 million - [known in the tropics] are at risk of extinction by the end of this century.

That corresponds to a loss of one-fifth of the earth's diversity, which is a very serious problem. If we lose one-fifth of the biological diversity of our planet, that portends a great deal of danger into the next century and beyond. I don't think it takes too much imagination or too much argument to make the point that this is an issue that needs to be addressed and addressed in a fairly direct way.

In the United States of America there are presently 617 species which are on the federal government's official list of endangered or threatened species. In Canada we have a similar list which is put out by the Committee on the Status of Endangered Wildlife in Canada, which operates under the auspices of the Canadian Wildlife Service. They report every year. The 1992 report was just issued in the month of May. Canada has at present 227 species of plants and animals on the endangered list; 18 were added in the last year. What I think is of greater concern is that the number has been expanding as time goes on. So we do have a problem; we have a problem right here in Canada. Some of these endangered species are here in the province of Alberta as well, and that's what this Bill attempts to deal with.

The Bill is modeled to a fair extent on the American legislation passed in 1973 called the Endangered Species Act, and it has had some success. Since that time there have been seven species removed from the endangered list because they became extinct, but six species were removed from the list because they had recovered from the status of being endangered. So it is possible, with concerted action on the part of a number of people, agencies, and programs, to do something, to make a difference. That's what we're elected for in this Assembly, to try to do something and make a difference on behalf of things that we believe in. I'm certain that every member of the province believes that our wildlife is a very precious natural resource. I don't mean that in the commodity sense. I mean it in the sense of being a very important part of the world that we live in, and we, as good stewards of our planet, ought to do what we can to preserve and to protect that biodiversity.

Now, turning directly to the province of Alberta, the Alberta fish and wildlife branch publishes periodic reports on the status of Alberta wildlife. The most recent I have is March 1991. Now, they use a different terminology than is commonly used. Commonly the term "extinct" is used to mean it no longer exists anywhere. "Extirpated" means no longer known to exist in the wild but exists perhaps in zoos or other places like that. "Endangered" means facing the threat of imminent extirpation or extinction through all or a significant portion of the natural range. "Threatened" means likely to become endangered if the factors affecting the situation don't become reversed. "Vulnerable"

means not a threatened species but particularly at risk because of lower, declining numbers, occurrence in restricted areas, or at the fringe of its range for some other reason. That's the commonly used terminology.

But in the Alberta government that common terminology isn't used. They use a colour-coding system where red is the most at risk. I guess that would correspond in most people's judgment to endangered species. The other codes are blue, which means they're also at risk but the threats they face are less immediate, and then there's yellow, which are sensitive species that are not at risk; green, species not at risk; and then they have an undetermined category as well. I don't know the reason for the difference in terminology, but I do know that the fish and wildlife branch has identified a number of important species which are in the red category, which means that they're very seriously at risk, in serious trouble. Their populations are nonviable or at immediate risk of declining to nonviable levels in Alberta. They have or will be considered for designation as endangered species. Now, in that category we have a number of mammals, which again we don't have a great many species of to begin with.

Humanity of course is one of them, but we have only about 90 species of mammals in the province of Alberta, and we find that in the red category there are a number of species of mammals which are recognized as being endangered. They include – I'll just find my list here, Mr. Speaker. [interjection] Well, of course the woodland caribou is one of them. Thank you to Edmonton-Meadowlark. This is a very confusing report to sort through, to be sure. Here we have it. Mammals on the red list: the black-footed ferret, the swift fox, the wood bison, the woodland caribou, and the yellow-cheeked vole. So it's five species out of 90. That's a fairly large number. There's a much longer list of birds: Baird's sparrow, the burrowing owl, the ferruginous hawk, the greater prairie chicken, the loggerhead shrike, the long-billed curlew, the mountain plover, the peregrine falcon, the piping plover – which, by the way, is a species threatened by the Buffalo Lake project – the trumpeter swan, the upland sandpiper, and the whooping crane. That's quite a large number in that category, about a dozen which are considered to be endangered in the province of Alberta.

4:40

Of the very small number of reptiles, a remarkable number, two out of eight, are in the endangered category: the short-horned lizard and the western hog-nose snake. Among amphibians, again we have only 10 species in the province of Alberta; three are in the endangered category.

I don't believe we can consider ourselves a great success story when it comes to the protection of our wildlife resources in the province of Alberta, so I think we have to do something. Doing something does not necessarily mean designating more lands for wildlife, although goodness knows we have enough of those. We have in Alberta forest land use zones, wildlife sanctuaries, ecological reserves, natural areas. These are all different types of land use designations where quite different rules apply. We have provincial parks, prime protection zones. We have national parks. The government for propaganda purposes likes to include Indian reserves, military reserves, and Metis settlements among protected lands. I think it's a bit of a stretch to say that those are there for the purpose of wildlife protection. It's a kind of crazy quilt, a patchwork of concepts used for protecting lands for environmental purposes or some other purpose.

When an Albertan wrote to me, I was a little surprised to learn about cattle that were grazing in a wildlife sanctuary – you know, commercially raised cattle – and forcing some of the ungulate population out of the way. So I wrote to the Minister of Forestry,

Lands and Wildlife. He wrote back to me saying that the wildlife sanctuary was “established to prevent hunting from the road. No animals are allowed to be shot.” He said – and this is a direct quote from a letter written to me by the minister – “Wildlife sanctuaries are established only to control hunting, not other activities.” Well, Mr. Speaker, there are a lot of activities that can have the effect of threatening our endangered wildlife that don't involve hunting, lots and lots of them, so I really think we need a different approach than the one that's been taken so far.

I also think we have to recognize that wildlife habitat must be found on private land as well as public land. We simply can't allow all the wildlife supporting activity to take place on Crown land and throw away all the habitat that's on private land. Many groups are involved in private-land conservancy at the moment. A number of them enter into agreements with private land owners and pay them money in return for an easement and a commitment to maintain portions of their land in a natural state. I think that's a very good approach, and I'm very supportive of what's being done. The Environmental Law Centre has done a lot of work promoting private-land conservancy and trusts and so forth. They made a number of excellent suggestions for amendments to Bill 23 currently before the House, which regrettably the government didn't act upon. This Bill, Bill 212, does provide for the use of incentives to private land owners to maintain wildlife habitat on their property and suggests that it be done through a system of assessment relief and property taxation relief.

There are other concepts: an idea put forward by Edmonton-Meadowlark in debate on Bill 23, that the government should purchase development rights from some private land owners in order to prevent them from subdividing and try to arrest the trend toward urban sprawl. That's another approach as well. This Bill embraces the idea of providing incentive to private land owners and, occasionally, if there's a necessity, acquiring land into the public sector for the purpose of making sure our wildlife resources are protected.

I would like to acknowledge a number of studies that were done on this general problem by public advisory committees to the Environment Council of Alberta as part of their conservation strategy project, an incredible, amazing series of studies about the province of Alberta from an environmental point of view. One in particular which caught my attention, entitled *A Place for Wildlife*, was published in November 1989. It lays out a lot of the considerations in a very readable fashion. It points out among other things the tremendous commercial value of our wildlife resources, the amount of money spent by people who simply go out to observe nature: photographers, bird-watchers, hunters. The wildlife industry in North America is estimated to be a \$63 billion industry. That's a staggering sum of money, and that's just in North America itself. So we face a very substantial economic loss quite apart from the environmental, spiritual, and emotional values we attach to wildlife.

[Mr. Jonson in the Chair]

The point this Bill makes is that wildlife need a place. *A Place for Wildlife* is the title of the study. You cannot protect endangered species without protecting the endangered spaces they inhabit. That relationship is basically what the pith and substance of this legislation is all about. It's based on the idea that you need first of all an independent monitoring agency to determine when in fact a species is threatened and when it reaches the endangered category. That really is a fairly simple, straightforward, scientific endeavour. That advisory committee then advises the government, of course, and it's able to trigger a certain mechanism, a

formal mechanism, one which is legally defined and which in its essence is nonpolitical. It's not a political decision when to initiate a proceeding toward a rescue plan for a species which is in the endangered category.

There is, as I mentioned, the possibility of acquiring land if needed. It also commits the government to participate in the Canadian heritage rivers program. Often repairing an ecosystem is forgotten when we think about wildlife and wildlife habitat. It commits the government to the very straightforward completion of our system of ecological reserves so that we manage to set aside one viable area of an adequate size in each of the 17 biological regions of the province. It creates penalties for anyone who wilfully destroys animals that are in the endangered species category. That's basically the essence of it. It says that when we get to a point where it's this serious, everyone has a responsibility to pitch in towards a solution; it's not just government that can do it and not just a particular agency within the government. It relates to people who undertake any activity in the endangered space of an endangered species refraining from those activities and working together with others to find a plan to get the numbers back up. I think what this really says to us is that when species numbers reach those critical levels, there's a message for humanity, because we're the ones who control the institutions and most of the destructive activity that takes place out there in nature.

It's sort of like the canary in the coal mine: when the canary keels over, miners don't go deeper into the mine shaft; they get out into the fresh air. When our animals and plants and other species keel over, that's a warning to us that there's something wrong. If we heed that warning, we'll do something about it in a positive way and make sure everyone's involved. That's why I think we need this type of legislation, so people know where they stand and the procedure is clear. As it is now, you've got, as I said, all these different kinds of land use designations, some which operate effectively to protect wildlife and some which don't. You've got all these agencies, some of which are doing a terrific job, some a so-so job, and some not very much at all. This kind of transcends all that and says we've got a job to do and everybody has to be part of it.

I commend this Bill to the members. I hope we have an opportunity to go through the details in Committee of the Whole.

4:50

MR. ACTING DEPUTY SPEAKER: The Member for Banff-Cochrane.

MR. EVANS: Thanks very much, Mr. Speaker. I'm very pleased to rise to participate in the debate this afternoon. Certainly the two concepts enunciated in this Bill go hand in hand. Species cannot be preserved without protection for their habitat, and spaces can't be preserved or reclaimed without consideration for the living creatures that contribute to the overall ecosystem in any given area in our province. The protection and re-establishment of endangered species and spaces is an issue that all Albertans, Canadians, and, I daresay, human beings must be concerned about. We must also be concerned to prevent additional species or spaces from becoming endangered in the future.

I would suggest, Mr. Speaker, that the entire government caucus is cognizant of the importance of protecting of wildlife and our wildlands, and we do accept that responsibility from Albertans. We recognize society's collective responsibility to future generations.

MR. McINNIS: Thanks for your support.

MR. EVANS: The hon. Member for Edmonton-Jasper Place has just thanked me for my support, and certainly I do support the concept, Mr. Speaker, of recognition and protection of endangered spaces and endangered species. What I hope to do in some comments I will be making is point out some of the very proactive approaches and reactions to this important issue and these important issues that the government of Alberta has taken in the past and confirmed as recently as spring of this year.

Mr. Speaker, just for clarification, within our government these matters fall within the jurisdictions of the ministers of Forestry, Lands and Wildlife; Tourism, Parks, and Recreation; and Environment. Bill 212, in my humble opinion, offers little or no advice as to how to further the protection of our plants and our trees and our wildlife and, I daresay, even our insects, which I'm sure the hon. Member for Edmonton-Jasper Place will recognize are in their own way an important part of ecosystems. I would suggest to the hon. member that Bill 212 is behind the times because it proposes initiatives which either were made public this spring by the government or have long been in place and in force.

I want to focus on some of the realities that I'm certain the member is aware of. Now, let's talk about what happened in Alberta on March 11 of 1992. On that day, Mr. Speaker, Alberta's ministers of the Environment and Tourism, Parks and Recreation met publicly with the international president of the World Wildlife Fund, His Royal Highness the Duke of Edinburgh, and in a joint news conference the Alberta representatives confirmed this government's substantial commitment to endangered species and spaces. One example is the ongoing protection of representative examples of Alberta's 17 designated natural landscapes. They also made a number of new commitments on behalf of the Premier and this government.

There's a commitment to the establishment of 21 new natural areas within the next year. I'm very pleased to report to the Assembly that I think two of those, and perhaps even a third, will be in Banff-Cochrane constituency, all in the Bow corridor. There's also a commitment to create the Alberta prairie conservation award. This award recognizes major contributions toward the conservation of Alberta's natural prairie and parkland areas by private individuals, groups, or organizations.

I would also like to restate the Minister of the Environment's comments at the news conference where he committed to the concept of the Canadian heritage rivers program and undertook to bring that to cabinet and caucus and work toward making the heritage rivers program a part of government policy. Again, I think that the Bill as proposed by Edmonton-Jasper Place is somewhat behind the times for those reasons alone.

Now, I'm also aware that the member circulated a March 18 media release that ignored the March 11, 1992, news release and the statement of facts from the hon. ministers. Now, these were facts that were publicly distributed fully seven days prior by the government. The news release on Bill 212, the Bill we're talking about today, was made public by the Official Opposition in conjunction with the Alberta Wilderness Association, and there were a number of what I would suggest were uninformed suggestions.

Number one, according to the release, Bill 212 was for the first time mandating "the protection of the habitat of endangered species through a formal, legal and non-political mechanism." Well, Mr. Speaker, Alberta has long protected endangered species and spaces, specifically, for example, under the Provincial Parks Act, which creates our parks and establishes the protection of species and spaces within the parks; the Wilderness Areas, Ecological Reserves, and Natural Areas Act, which aims to protect representative examples of the province's natural environ-

ments and the preservation of rare or unique species and features; and the Wildlife Act, which aims to regulate the access, use, control, and management of wildlife sanctuaries, habitat development areas, migratory bird lure sites, and wildlife control areas. Also directly related to the topics in Bill 212 are the Willmore Wilderness Park Act, the Public Lands Act, the Forests Act, and certainly the soon to be proclaimed Environmental Protection and Enhancement Act. The Recreation, Parks and Wildlife Foundation Act, the Historical Resources Act, the Planning Act, and the Recreation Development Act all have general aspects in them that relate to Bill 212. Each of these Acts contributes to a comprehensive legislative framework that currently protects endangered species and spaces within Alberta.

Now, if the member is suggesting that we combine all this existing legislation under one new title, he might want to make that specific recommendation and bring it forward to the ministers who are involved. Certainly, being familiar with the Environmental Protection and Enhancement Act, I understand the logic of bringing all these things together to try to give a one-window approach, but I'm not sure that's practical given the breadth of lands that are involved and the number of portfolios that have some control to a greater or larger extent over these protected lands. Certainly I think it's food for thought, and I'd be prepared to consider it more fully.

The member also indicates in his release that Bill 212 "establishes an Advisory Committee on Endangered Species and Spaces whose members would include wildlife biologists as well as land managers (private and public)." This, Mr. Speaker, may be just reinventing the wheel. The Alberta government established the very credible Advisory Committee on Wilderness Areas and Ecological Reserves in 1981, and the government also created the Recreation, Parks and Wildlife Foundation advisory board in 1976. These groups conduct the business the member is recommending. If the member is suggesting making a change to a committee forum that is nonpolitical and totally scientific based, I think that view would not be shared by most members of this Assembly. While professional scientists on advisory agencies are of benefit, I certainly wouldn't ever suggest or recommend that such agencies would be limited by a legislated majority of scientists. There are many park specialists who aren't scientists, but they may be of infinite value nonetheless. In fact, their practical knowledge oftentimes is as valuable as their technical educational knowledge. Instead, committee members need to be representative of a broad cross section of Alberta stakeholders, as they are now under those boards and committees I've just mentioned.

5:00

Committee members must also come together as representatives of broad mandates of these various committees. The important thing is that group members must be objective enough to be able to accurately assess the evidence before them or as solicited by them, and from this they have to make intelligent recommendations to the minister involved. Now, the current selection process allows for the appointment of the best people for the job whether they be scientists or nonscientists alike. If the member has specific names he'd like to see appointed, I'm sure the ministers would welcome those suggestions.

The news release on Bill 212 also indicates that this Bill "commits the government to completing a system of protected areas, representing at least 12% of Alberta by 1997, including at least two large areas." Now, the member has made some comments about some of the areas that are protected, and he's talked about federal lands. For the record, Mr. Speaker, I would like to point out that almost 14 percent of Alberta's total of 164

million acres is protected today. This is, of course, greater than the 12 percent and greater than the 1997 expectation. In fact, there are currently 24 million acres of land under protection in Alberta, and I'm going to break that down so the hon. member will have that. As I understand it, there's approximately 10.62 percent protected by federal or provincial legislation, 2.4 percent nonlegislative protective zoning in the Eastern Slopes, and .66 percent under protective notation for ecological reserves and natural areas. That comes to a grand total, if my arithmetic is correct, of 13.67 percent.

Now, the total area of Alberta is some 66 million hectares, and about 62 percent of this is under provincial control as public land. More than 60 percent of all land largely in our forested area, our green area, is not settled. The government has also set aside two large parcels of land for protection, and the dedication of both protected areas was complete before the submission date for nongovernment Bills. I'm sure the hon. member is aware of that. Four hundred and forty-three square kilometres of the Lakeland in Athabasca-Lac La Biche is a provincial recreation area, and another 147 square kilometres of Lakeland is dedicated as a provincial park. The establishment of this provincially protected land has increased the provincially protected land by 22 percent.

Kananaskis Country, much of which is in the Banff-Cochrane constituency, is 3,653 square kilometres, and 501 square kilometres of that is Peter Lougheed provincial park. The Member for Edmonton-Jasper Place's release indicates that Bill 212 "commits the government to having ecological reserves of adequate size designated in each of the 17 sub-regions of Alberta." Now, the government has and maintains a long-standing commitment to protecting representative examples of these rare, unusual, or uniquely special ecological, biological, or geological features.

In fact, 4,340 square miles of Alberta land is set aside for ecological reserves, natural areas, provincial parks, and recreation areas. In addition to that, Mr. Speaker, 2.4 percent of Alberta, or 15,880 square kilometres, is a nonlegislated prime protection and critical wildlife protection zone in the Eastern Slopes, and there are now 13 established ecological reserves in Alberta, including Kootenay Plains, Athabasca Dunes, Crow Lake, Goose Mountain, Hand Hills, Kennedy Coulee, Marshybank, Plateau Mountain, Rumsey, Silver Valley, Upper Bob Creek, Wainwright Dunes, and the Whitemud Falls.

In addition, 35,585 hectares of land are under protective notation for natural area purposes, and those natural areas total 118. The natural area designation protects sensitive or scenic public lands from disturbance, and the notations ensure that public land is available in its natural state for use by the public for recreation, education, and natural heritage appreciation activities. Canmore Flats, Mr. Speaker, in my own constituency of Banff-Cochrane is one of those natural areas that I was very pleased to support. It was declared a natural area since my election in 1989, so I will take some credit for that along with a number of other people, visionary constituents of mine, who were also very supportive of this. Others I would like to include for the member's information: Caribou River, Fourth Creek, La Saline, McGregor Lake, and the White Earth Valley natural areas.

Now, the Member for Edmonton-Jasper Place and the Alberta Wilderness Association representative suggest that incentives for private landowners should be established to protect wildlife habitat. This is an interesting concept. It's a concept, quite frankly, that I have a great deal of interest in. There are some areas in the Banff-Cochrane constituency where I think this could very well be utilized. In fact, there's one half-section of lower foothills land in our constituency donated by the Perrenoud estate for the establishment of a wildlife park through this very program. There are a number of others as well that I think can take

advantage of this program. I'm sorry; I should have mentioned the venture fund which is managed by the Recreation, Parks and Wildlife Foundation.

I believe that the concept the hon. member was talking about is the concept of conservation easements. He's talked about protecting lands in their natural state. I would point out that it's not just lands in their natural state, because you can have lands that have been dedicated to agricultural production which have over a long, long period of time also served as habitat area for wildlife and can certainly be included in that description of conservation easement potential lands. I think that would increase our protected lands and also broaden the kinds of categories perhaps the hon. member is thinking of as areas that would fall within this kind of designation.

The Bill 212 news release suggests that the government should be able to acquire lands "for the protection or reintroduction of species, as well as for representation of natural ecosystems or unique natural features." I would suggest, Mr. Speaker, that the province is currently able to acquire property for the protection of species and spaces through whatever mechanism is necessary. We have the mechanisms in place; however, the government chooses to negotiate land for the purpose of habitat preservation rather than to force its way.

The member's release points out the need for fines for violations of the Act ranging from "\$500 for first offence for an individual and up to \$100,000 for subsequent offences by corporations." Regulations already exist in the Wildlife Act which refer to assessing fines to those who interfere with the protection of endangered species. The courts already can impose a fine well in excess of the \$100,000 suggested by the member, and there further exists a mechanism through which the public can report offences specifically against wildlife called the Report a Poacher program, which has been very, very successful in the province. The Minister of Forestry, Lands and Wildlife is with us in the Chamber today, and I want to make specific reference to him because he brought this program forward. It has received extremely good press and is recognized as a very novel, number one, and a very proactive approach to protecting our wildlife populations from poaching throughout the province.

Going back to fines, fines can also be imposed under the Provincial Parks Act or the Wilderness Areas, Ecological Reserves and Natural Areas Act against those who harm endangered or protected spaces. Unlawful acts against species or spaces may be reported through the RCMP or through government offices.

5:10

Finally, Mr. Speaker, in his March 18 release, the member has indicated that Bill 212 "commits the government to participating in the Canadian Heritage Rivers Program." This is a full week after the Minister of the Environment made a government commitment to this program, as indicated earlier, on March 11. Now, that information was in the papers, it was on radio and on television, so I'm sure the member is aware of the commitment that has been made by the Minister of the Environment. He's very supportive of the heritage rivers program, and he's undertaken to bring that support to cabinet and caucus to attempt to make that a government policy.

I've presented evidence, Mr. Speaker, that the mechanisms are in place or the commitments have already been made by the government for each and every recommendation the member has made in sponsoring Bill 212. Why the member has chosen to ignore the many good works of the government and the many new programs that the government's considering and in the process of implementing, I don't really know. However, I do know

Albertans are aware that their government is an environmental leader, one that will ensure that the protection and preservation of our spaces and species is a reality, and I would suggest that the facts speak for themselves.

As a representative of some of Alberta's most fundamental environmental advocates, the wildlife and spaces activists in Banff-Cochrane, I'm surprised at the lack of information utilized in the formation of this Bill and some of the follow-up that the member has taken. I do recognize that Bill 212 offers us many good ideas, but I would also recognize that they've all been acted upon by our government. Therefore, although I do not endorse Bill 212, I certainly endorse the concept of protecting our endangered spaces and our endangered species, and my hat is off to our government for taking the action it has taken to date and has committed to take in the future.

Thank you.

MR. ACTING DEPUTY SPEAKER: The Member for Edmonton-Meadowlark.

MR. MITCHELL: Thank you, Mr. Speaker. I really want to take two tacks in this debate. First of all, I would like to address this Bill specifically in two ways: one, to say that I think by and large it is very good, and two, to say that there are areas where it could even be strengthened. But before doing that, I feel I must address to some extent what the Member for Banff-Cochrane has said in his apology for government policy such as it is. He is, of course, an apologist frequently for what this government does and doesn't do.

[Mr. Deputy Speaker in the Chair]

I was struck by his statement in defense of this government's initiatives to set aside, I think he said, 14 percent of this province in some form of designated protection zone or another. How he arrives at that figure is, to say the least, Mr. Speaker, suspect. In order to build the figure to the height he is arguing, 14 percent, it is clear he has included in that figure such things as Suffield and the Primrose weapons ranges. It's interesting how the government could take credit for that being a designated protection zone. The species there are perhaps ironically protected to some extent, if only because average, normal people wouldn't venture on there to do the things that tend to ruin the species and because the army doesn't have enough people doing enough things to destroy those species all by themselves. These animals aren't stupid, I guess, and they know they can go in that area with relative protection most of the year as long as they stay out of the way of the guns and the firing certain times of the year and the tactical weapons at certain points in the year and in certain parts of the ranges.

For the member to glibly argue that somehow we have designated sufficiently broad reaches of this province for protection by including the Suffield and Primrose weapons ranges is, Mr. Speaker, I think you would agree, to erode the credibility of whatever argument he is attempting to make. But even if we accept for a moment that some of the area of this province is set aside in ways that might be construed as protection – certainly the national parks are something the province has had difficulty encroaching upon, although from time to time they have tried. Provincial parks seem to be relatively well protected, although there are incidents where we could question commitment to even protecting them. But there is a range of designations – prime protection zones, wilderness areas – that raises serious doubt about the quality of the protection the government would argue exists due to these designations.

Clearly, Mr. Speaker, when you learn of the possibility that the government would authorize the mining of age-old ice cubes that sink to the bottom of a Yuppie's drinking glass, that they would authorize that out of a wilderness protection zone or prime protection area, you probably have to consider that for that kind of designation to be correlated with protection is to stretch the imagination in ways that would create mental contortions. It is incomprehensible for this government to argue that areas they want to say are prime protection zones are in any way protected beyond the political whim of a given minister on a given day, and that is simply not protection.

The government will take a great deal of credit for setting aside acres and acres and acres of land in what is called the Kananaskis area, Mr. Speaker. But not even having to go beyond a superficial level of observation indicates that clearly only a relatively small portion of that area is provincial park that could be construed as truly protected. The rest of it is something called recreation area, which, beyond being designated a recreation area, brings almost no protection from the type of development or encroachment, within reason, that can be done in those areas. For this member to glibly argue that 14 percent of this province is protected and that is sufficient is for this member to raise serious questions about his credibility in making an argument of that nature.

I would like to point out that one of the strengths of this Bill is the manner in which it addresses the need to pursue the ecological reserves program much more dramatically and much more fully than this government has been inclined to do. I don't know what it is. I guess on the one hand they want to take credit for saying that they're committed to this ecological reserves program, and on the other hand they don't want to do whatever it is they have to do to demonstrate practically that commitment. We have only about three of the 17 ecological regions of this province properly preserved in ecological regions of sufficient size to be self-sustaining, and it is difficult to understand why in particular, Mr. Speaker, this government can't find the rest of them. In fact, I think the last one wasn't even initiated by the government. It was initiated by Husky, a corporation that was able to see an opportunity to set aside an ecological reserve and had to go to the government to beg the government to do it. This isn't government leadership; this is the government having to wait for the private sector to tell them that's okay.

One of the tremendous oversights, one of the great oversights in this program in this province is with respect to setting aside boreal forests. Mr. Speaker, we have two ecological reserves that set aside boreal forests, but they are very, very small. Given the vast tracts of this province that are old growth forest and given the vast tracts almost comparable in size that have been handed over to companies to log one way or another, it is very, very difficult to understand why the government can't simply set aside boreal forest ecological reserves of sufficient size to reflect their importance in this province, to ensure that they are not jeopardized in any way. I cannot comprehend what goes on in the collective mind, such as it is, of this government caucus that allows them simply to somehow accept this big lie that is promoted, this lie that we do not have environmental problems, this lie that we can somehow have sustainable no net loss over time of our old growth forest, this lie that seems to justify everything it is that they want to do, Mr. Speaker.

5:20

I would therefore like to emphasize that one of the strengths of this Bill is its reasoned and proper approach to the implementation of ecological reserves and of setting aside protected areas in this province. I think its strength, in addition, lies in the fact that it

does not want to be frivolous, to take chances with the biological diversity of this province, and the point has to be reiterated.

Mr. Speaker, whether or not there is an arrogance amongst us as human beings that we somehow are different and more special, that we are not in fact animals, the fact is that if those creatures out there are dying, there are reasons for that. The link between us and them and our need for an environment within which we can live is not separated. There is a link; it is not tenuous. If they're dying, then it is a progression, ultimately, for us. All the things that we attempt to preserve, all those materialistic things, in fact, that we attempt to preserve at any and all costs will ultimately pale by comparison with what we will be jeopardizing and could in fact lose if we cannot do the basic, the most simple, the most fundamental of steps, some of which are properly outlined in this Bill.

I would like to say that it is important to have an independent committee, a committee of experts who would supervise the process of administering endangered species/endangered spaces programs, who would have scientific expertise in part, and I can imagine there are other backgrounds that should be reflected on that committee as well. My concern is, of course, that there be the political will and the power behind that committee so that what it does doesn't amount to public relations, as would be the case with this government's efforts in many respects with quasi autonomous boards, that it would have the resources to do its job properly. This isn't by way of criticism; this is simply by way of emphasizing two important components for making that particular committee work properly.

If the Bill has weaknesses, they do not lie in what it does but perhaps in what it simply can't address, and that isn't a definitive or terminal criticism of this Bill. No Bill can do everything. I think it's important to note that fish, fish habitat, those issues are not addressed in this Bill as nearly as I can tell. Clearly they can be endangered. There are many incidents of overfishing in this province, in the northeast in particular, and there has been no effort on the part of this province, for example, to ban fishing during spawning seasons and so on, which would seem to be such a logical and easy thing to do that it's difficult to comprehend how it can be ignored by the government. The Act, I guess in a roundabout way by dealing with spaces, does address the issue of plant species, although it might be more specific on the designation of management policy or processes for dealing with rare plant species.

I think native participation in this process is important. Natives have rights now to hunt and fish in a way that isn't limited, and of course they have been guaranteed those rights, and those are important rights for them. I think that while no legislation should attempt to take those rights away, whether or not it could, it is important that there be a process whereby native peoples could be involved in joint management of endangered species so they can assist in protecting those species so unlimited hunting might not become a contributor to the demise of species. I can't imagine that native people wouldn't want to do that. I can imagine that there is a role for government to play in facilitating that. It isn't inconceivable that the committee contemplated by the member in this Bill could have native representation, and it isn't therefore inconceivable that that committee somehow could become at least part of the solution to this particular kind of problem.

I would say, Mr. Speaker, that this Bill deserves the support of the members of this Legislature. In fact, the Member for Banff-Cochrane has said explicitly that everything that's in it has been done, so it wouldn't hurt for them to support it once again. On that basis, I would call the question. Question, question, question.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Redcliff.

MR. HYLAND: Thank you, Mr. Speaker. The subject of ecological areas is one that I've been familiar with for a number of years in that of the first 19 or so ecological areas that were named, three were in my constituency. Two have since been dropped and one more has been added to the list. I can get more detailed into what happened in my area and how we desire to work with the people, not impose ecological areas upon the people, as suggested by the other parties. We want to work with the people to develop that area properly so that not only that area but the area that's owned around it can be preserved as well with their co-operation. If there's somebody there locally looking at it and watching it, it's going to survive, but if it's imposed from elsewhere, do we know if it's going to survive or not?

In view of the hour, Mr. Speaker, I beg leave to adjourn debate.

MR. DEPUTY SPEAKER: The hon. Member for Cypress-Redcliff has moved that debate be adjourned. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

MR. DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

MR. DEPUTY SPEAKER: Carried.

MR. GOGO: Mr. Speaker, by way of information, for the sitting this evening we'll be dealing with Government Bills and Orders on the Order Paper and hopefully at some hour will reach Committee of the Whole.

[The Assembly adjourned at 5:29 p.m.]

