

Legislative Assembly of Alberta

Title: **Monday, May 9, 1994**

1:30 p.m.

Date: 94/05/09

[Mr. Speaker in the Chair]

head: **Prayers**

MR. SPEAKER: Let us pray.

At the beginning of this week we ask You, Father, to renew and strengthen in us the awareness of our duty and privileges as members of this Legislature.

We ask You also in Your divine providence to bless and protect the Assembly and the province we are elected to serve.

Amen.

head: **Presenting Petitions**

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I beg leave this afternoon to introduce a petition signed by 162 residents of Sherwood Park, the county of Strathcona, Edmonton, and area requesting the government "to maintain the Grey Nuns hospital in Mill Woods as a full-service, active," acute care facility.

Thank you, sir.

MR. SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. I have the pleasure today to present on behalf of 277 residents of the St. Albert and Morinville area a petition asking that the Sturgeon general hospital be moved into the medical district north of Edmonton and that the town of St. Albert also be moved into the same district. This brings the total to 8,548.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you, Mr. Speaker. I beg your leave to present a petition signed by 221 Albertans inviting the Legislative Assembly to move into the 20th century by amending the Individual's Rights Protection Act to include the category of sexual orientation as a prohibition for discrimination.

Thank you.

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

MRS. HEWES: Thank you, Mr. Speaker. I beg your leave to submit a petition from concerned citizens that attended a town hall meeting urging the government "not to implement the plan to restructure the educational system in Alberta."

head: **Reading and Receiving Petitions**

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I would ask that the petition I tabled in the Assembly on April 19 relating to the Grey Nuns hospital now be read and received.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the government to maintain the Grey Nuns hospital in Mill Woods as a full-service, active hospital and continue to serve the south-east end of Edmonton and surrounding area.

DR. PERCY: Mr. Speaker, I request leave that the petition I tabled April 20 on seniors' benefits now be read and received in the Legislature.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

MRS. HEWES: Mr. Speaker, may I request that the petition I presented on April 21 regarding the Grey Nuns hospital be now read and received.

CLERK:

We the undersigned petition the Legislative Assembly of Alberta to urge the Government to maintain the Grey Nuns Hospital in Mill Woods as a Full-Service, Active Hospital and continue to serve the south-east end of Edmonton and surrounding area.

MR. SPEAKER: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. I, also, request that the petition I submitted on April 20 with regards to seniors' benefits be now read and received.

CLERK:

We, the undersigned, petition the Legislative Assembly of Alberta to urge the Government not to alter the level of support for all benefits for Alberta's seniors until seniors have been consulted and have agreed to any revisions.

head: **Notices of Motions**

MR. SPEAKER: The hon. Member for Edmonton-Avonmore.

MR. ZWOZDESKY: Thank you, Mr. Speaker. I wish to give notice now that I will rise at the appropriate time under Standing Order 40 to present a motion seeking unanimous consent of this House to in fact congratulate Team Canada on its gold medal performance, beating Team Finland over the weekend at the 1994 world hockey championships in Milan, Italy. I will now table the motion.

Thank you.

head: **Introduction of Bills**

MR. SPEAKER: The hon. Member for Calgary-Bow.

Bill 34 Alberta Housing Act

MRS. LAING: Thank you, Mr. Speaker. I request leave to introduce Bill 34, the Alberta Housing Act.

The new Alberta Housing Act replaces the Alberta Mortgage and Housing Corporation Act and the Senior Citizens Housing Act. The Act assists those who deliver social housing in providing an acceptable standard of housing for persons in need. It also allows for more decision-making at the community level on what social housing is needed and how it should be provided. The province supports housing management bodies with facilitation and advice. The result is a more flexible and efficient framework for delivery of social housing in Alberta.

Thank you.

[Leave granted; Bill 34 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 34 as just introduced be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

Bill 33
Fatal Accidents Amendment Act, 1994

MR. BRASSARD: Mr. Speaker, I request leave to introduce a Bill being the Fatal Accidents Amendment Act, 1994.

This Bill concerns two important matters: the first is to increase the compensation to surviving family members for emotional suffering caused by the wrongful death of close family members, and the second is to expand the compensation to family members for out-of-pocket expenditures.

[Leave granted; Bill 33 read a first time]

MR. DAY: Mr. Speaker, I move that Bill 33 as just introduced be moved onto the Order Paper under Government Bills and Order.

[Motion carried]

head: **Tabling Returns and Reports**

MR. DECORE: Mr. Speaker, I wish to table a number of documents today: the first being marked as exhibit 487 in the examination for discovery of Jake Thiessen; the second being marked as exhibit 476 in the examination of Mr. Thiessen on the Opron, Paddle River scam matter, sir; the third being a set of minutes, Paddle River implementation committee minutes, dated the 5th of May, 1981; the next being exhibit 504 in the examination of Bruce Nicolson, a civil servant in Alberta, on the Paddle River; the next being a letter dated November 4, 1983, from the department of the environment to Opron; and finally, a document entitled exhibit D-111 which is the examination of Jake Thiessen on the Paddle River matter.

Thank you.

MR. SPEAKER: The hon. Member for Lac La Biche-St. Paul.

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure to table today in the House 20 letters from parents from the Buffalo Lake Metis settlement. They're requesting that the junior high school in Caslan be retained.

Thank you.

MR. SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'm tabling this afternoon four copies of an Alberta environment memorandum from the assistant deputy minister to the minister dated June 7, 1984, relating to the Paddle River dam matter and also an Alberta environment memorandum dated July 19, 1984, from the assistant deputy minister to the minister.

1:40

MR. SPEAKER: The hon. Opposition House Leader.

MR. MITCHELL: Thank you, Mr. Speaker. I'm tabling four copies of a letter dated May 2, 1994, from the Deputy Minister of Health to our own Parliamentary Counsel, in which the deputy minister outlines very serious concerns with the Gimbel Foundation Bill and in fact concludes that Alberta Health does not support the Gimbel Foundation Bill.

head: **Introduction of Guests**

MR. MITCHELL: Mr. Speaker, it's with great pleasure that I rise to introduce to you and through you to Members of the Legislative Assembly a young man named Vaughn Asher Sapers. He is the third child of the Member for Edmonton-Glenora and his wife, Shannon Sapers. I would ask that he stand in the gallery, but he's not here today because he was just born last Thursday, May 5. He and his mother are doing extremely well, and I would ask that the Members of the Legislative Assembly in our traditional way congratulate the Member for Edmonton-Glenora, his wife, Shannon Sapers, and their other two children on the arrival of a new son and brother.

MR. SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. I would like to introduce to you and through you two constituents of mine who work daily providing local governance to one of my favourite municipalities: Mr. Bob Jenkins, town manager for the town of Lacombe, and Mr. Ken Kendall, assistant town manager, town of Lacombe. They are seated in the members' gallery. I would ask them to rise and receive the warm traditional welcome of this House.

MR. SPEAKER: The hon. Leader of the Opposition.

MR. DECORE: Thank you, Mr. Speaker. I would like to take this opportunity to introduce to members of the Assembly a young man, a grade 11 student from Mayerthorpe, Murray Walter, who's visiting the Liberal caucus, spending the day with us, a keen, interested student in politics with a mother and father in the Mayerthorpe area who have been extremely active in community matters. If he would stand . . .

MR. TRYNCHY: And the Liberal Party.

MR. DECORE: And the Liberal Party. You're right, Mr. Trynchy. I should mention that too. Would you welcome Mr. Murray Walter, sir.

MR. SPEAKER: The hon. minister without portfolio.

MRS. MIROSH: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly two entrepreneurs who drove here from Calgary to watch their government members perform. They're seated in the members' gallery. Mr. Vinay Bharadwa and Mr. Tulsi Bharadwa, would you please rise and receive a warm welcome from the Assembly.

MR. SPEAKER: The hon. Member for Edmonton-Ellerslie.

MS CARLSON: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to the Members of the Legislative Assembly 16 students who are here visiting us from Dan Knott junior high school in Edmonton-Ellerslie. They are accompanied today by their teachers Ms Miriam Tuazon and Mrs. Jane Walker. I ask that they all stand and receive the traditional warm welcome of this Assembly.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

MR. COUTTS: Thank you very much, Mr. Speaker. It gives me great pleasure to introduce to you and through you to members

of the Assembly a gentleman who will be spending the summer working in my constituency office. His name is Douglas Mills. He comes from the University of Calgary. He's seated in the members' gallery, and I ask him to please rise and receive the traditional warm welcome of this Assembly.

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

MRS. HEWES: Thank you, Mr. Speaker. I'm pleased today to introduce to you and through you to members of the House 16 visitors: 15 students from Austin O'Brien high school in Edmonton-Gold Bar accompanied by their teacher Colleen Stepney. I understand that they're in the members' gallery, and I'd ask them to rise so that the House may welcome them.

MR. SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I'd like to introduce to you and through you two parents who are concerned about the future of their children's education, and they're here today to watch the proceedings of this Assembly. They're seated in the public gallery. I'd ask that they rise and receive the traditional warm welcome of this Assembly. The two parents are Carol Dearden and Cathy Staring Parrish.

MR. SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. I'd like to introduce to you and through you to the Assembly 47 students and three adults from Concordia College. They're in the public gallery. They're accompanied by their teachers Mr. Lloyd Grosfield, Mr. Aaron Heinemann, and Mrs. Butler. Would the students please rise and receive the warm welcome of the Assembly.

MR. SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly the latest addition to the constituency office courtesy of the student temporary employment program, Shona Webster, who's in the public gallery. If she would stand and receive the warm welcome of the House.

MR. SPEAKER: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Speaker. I'd like to introduce to you and through you to Members of the Legislative Assembly a student that is a graduate of the University of Calgary. Ms Anita Vandenberg is spending the summer months prior to going to Queen's University to further her studies as a STEP student in my office. It's a pleasure having her here and in my office.

head:

Oral Question Period

Paddle River Dam

MR. DECORE: Mr. Speaker, in a letter from one senior civil servant to another in the department of the environment that civil servant stated that tendering work on the Paddle River dam project for earthwork would be cheaper and that it would provide Albertans with equal opportunity. That's exhibit 504 in the documents I filed today. When the Paddle River project was just starting, the minister made it clear that it was his preference to go to public tendering, but it didn't go that way. Albertans now

know that a major portion of the earthwork at the Paddle River dam was never tendered. Mr. Premier, is it now – that is, this day – your government's policy to have ministers abandon the public tendering process when civil servants clearly say that tendering is cheaper and more equitable for all Albertans, as they did in the Paddle River project?

MR. KLEIN: The Paddle River project was some – what? – 13 years ago. I don't know what the government's policy was at that particular time, but certainly the government's policy today – and I assume it's been that way pretty well all along – has been to tender and to accept the best bid and to get the most value for our dollar. I will ask the hon. Minister of Public Works, Supply and Services to supplement relative to the procedures that are indeed used today.

MR. SPEAKER: The hon. Minister for Public Works, Supply and Services.

MR. THURBER: Thank you, Mr. Speaker. The Premier is very correct on that. That is the general process accepted in today's world in that we send pretty near everything to tender, although on some smaller projects we have the option of asking for local people who have standing offers to become involved in that. We do that in a very forthright way so that everybody's involved in it as much as possible.

MR. DECORE: If this is such a big part of your government policy now, Mr. Premier, what has the Premier done to ensure that ministers are held responsible when they scrap the tendering process and it ends up costing Albertans more money, as it did in the Paddle River scam?

MR. KLEIN: Well, I don't know anything about a Paddle River scam. I know that there was a dispute, Mr. Speaker, and I know that there was a trial. Obviously they've been doing their research in the court records, because all the documents to which the hon. leader of the Liberal opposition alludes are from the records of the trial. The hon. Minister of Public Works, Supply and Services has just outlined for the hon. Leader of the Opposition the tendering process we use today.

1:50

MR. DECORE: Not only was there a dispute, there was fraud and deceit and negligence . . .

MR. SPEAKER: Supplemental question.

MR. DECORE: Will the Premier provide a list to this Assembly of government work that's been split, as it was in the Paddle River scam project, whereby work was allocated between two constituencies on a 75-25 basis?

MR. KLEIN: Mr. Speaker, again this goes back to 1982. I have no idea what the government's policy was at that particular time, but I do know that indeed there have been other occasions when local contractors have been given preference. I refer again to the Oldman River dam, where in fact it was clearly stated in the various contracts and so on that 50 percent of the work would have to go to local contractors, and that was done quite deliberately. That was done to alleviate a very serious unemployment problem in the Pincher Creek-Crowsnest area.

MR. DECORE: Mr. Speaker, the Premier has stated publicly to Albertans and Canadians that the first file that he was briefed on

was Opron, the Paddle River scam. We know that he was briefed when he was minister of the environment, and we now know from the evidence of people in Opron that they came to him not many times but once, and they gave him documents. So the Premier has a very clear understanding of this case. Contracts of \$6.50 per load for gravel on the Paddle River dam were increased on the say of a government minister to \$9 per load. You'd know that, Mr. Premier, from those briefing notes. Court documents clearly show that one trucker was told to invoice for gravel work that he never did on the Paddle River scam. Now, Mr. Premier, you know these things because you were talking and being briefed. First question: is the present policy of the government, Mr. Premier, to allow for invoices to be submitted on government projects for work that was never done?

MR. KLEIN: I wonder aloud, and perhaps I will ask the hon. member not to answer in this Legislature but maybe to ponder the question: is he trying to convene another trial? It seems to me that we went through a very lengthy trial when a lot of these issues, if they weren't brought out, should have been brought out. I'm sure that they were because the documents to which the hon. Leader of the Opposition alludes were all documents that were filed with the court.

Relative to my briefings, Mr. Speaker, what the hon. member doesn't have, or maybe he does have, is my letter in response to that particular letter, and that was a letter to the Justice department saying: look; I'm turning this file over to you in light of this situation being before the courts.

MR. DECORE: No, Mr. Premier, we're trying to find out the truth, and we're trying . . .

MR. SPEAKER: Supplemental question.

MR. DECORE: Mr. Premier, is it the present policy of your government to allow for payment to be made, as was done in the Paddle River scam to truckers, for nonexistent work? For nonexistent work. Is that your policy?

MR. KLEIN: Again, I refer to a very, very lengthy litigation which involved an examination for discovery, a trial. An award was made, Mr. Speaker. The hon. Minister of Public Works, Supply and Services has outlined clearly what the tendering policies are today. I'm not going to get into what happened in 1982. That has all come out in the court action. Relative to the allegations of fraudulent and deceitful behaviour, that matter has been referred to the Justice department in Saskatchewan for an independent review of the situation.

MR. DECORE: Is it the policy, Mr. Premier, of your government today to allow ministers to unilaterally bump up, to jack up rates for payment to be made to contractors, as the minister of transportation did in the Paddle River project scam? Is that the policy of the government today?

MR. KLEIN: Well, Mr. Speaker, I think that we have to be very, very careful here. First of all, two ministers have now risen on a point of personal privilege, a very serious situation relative to these kinds of allegations as they relate to the 1982 incident.

As to the tendering procedures as they exist today, once more, just so this fellow can have the opportunity of paying attention, I will have the hon. minister supplement.

MR. THURBER: Well, Mr. Speaker, we've dealt with this for two or three days in question period, and it seems impossible for

the opposition to understand that there is a fair process of tendering that goes out on all jobs in Alberta. We try and maintain the policy that if there is local unemployment in the area, we try and advertise and try and have people come forward in that area to maintain that policy of trying to employ people in the local area that are involved in that local trade. We will continue to do that.

MR. SPEAKER: The hon. Member for Sherwood Park.

MLAs' Role in Government Contracts

MR. COLLINGWOOD: Thank you, Mr. Speaker. The June 7, 1984, memorandum that I tabled earlier today outlines the performance of various equipment used on the Paddle River dam and specifically points out that a Komatsu bulldozer owned by Mijay contracting was in such poor condition that the loss of productivity exceeded 10 percent. Despite this report the local MLA for Whitecourt-St. Anne directed that this same piece of equipment be used . . .

Speaker's Ruling Anticipation

MR. SPEAKER: Order please. [interjections] Order please. The hon. Member for Sherwood Park is pursuing the same question that led to the question of privilege, and the Chair would urge the hon. member not to pursue that line of questioning until that question of privilege has been determined.

MR. COLLINGWOOD: Mr. Speaker, the question will be in respect to the government's policy today. The background information is just due to the fact that the report directed that the piece of equipment be used on the next phase of the dam even though the department said that it was not required.

MR. SPEAKER: The Chair will allow a question, but the Chair would urge hon. members not to be rehashing the question of privilege facts in their preambles.

MLAs' Role in Government Contracts

(continued)

MR. COLLINGWOOD: Mr. Speaker, thank you. My question to the Premier is this: is it still the government's policy to allow local MLAs to interfere with the work of government departments?

MR. KLEIN: "To interfere." Well, interference is a very, very broad question. I would say that if indeed there were instances of absolute negligence or someone was causing danger and not doing things that would be in the public interest, then I would think it would be the MLA's responsibility to interfere, any MLA, opposition MLAs and government MLAs. I would think if they saw something being done that was wrong, it would be their duty to interfere and to report, but I'll have the hon. minister supplement.

MR. THURBER: Mr. Speaker, again, I made mention the other day of the fact that we receive recommendations and pleas from members from both sides of the House, but I would just like to indicate that that's kind of an example right there of some 51 I won't say interferences but recommendations by members of the opposition over the last few years as to what should be done in a great group of different processes that the government was involved in, contracts, hiring contracts, and a whole bunch of things. I still say, as I did the other day, that they would be remiss in their duty if they didn't represent their constituents on

a local basis wherever there's a contract and construction going on. These types of disputes with construction outfits are often solved in the courts if there's a difference of opinion, and I think we're trying to preclude the decisions of the courts here.

MR. MITCHELL: Point of order, Mr. Speaker.

2:00

MR. SPEAKER: Supplemental question.

MR. COLLINGWOOD: Yes. Thank you, Mr. Speaker. My supplemental question to the Premier: is it still the government's policy to use heavy equipment as directed by a local MLA even when the equipment is broken?

MR. KLEIN: I think that we're - what? - on day 49 now of the Legislative Assembly, Mr. Speaker. I'm of the firm belief now that we have reached the height of the silly season. Really, it is. I am not going to answer questions as to what did or did not happen in 1981 or 1982 or 1983. All of that information was provided to the courts. Obviously they got their information from the court records. It's all public information. The hon. Minister of Public Works, Supply and Services has indicated what the situation is today. I don't know what could be any clearer.

MR. SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. My second supplemental is to the Premier as well. Is the Premier prepared to review the recent appointment of the Member for Whitecourt-Ste. Anne to his Treasury Board in light of the concerns about direct involvement by this member with the department of the environment?

MR. KLEIN: Mr. Speaker, no, I'm not. But if we really want to get into this, I guess all of us in this Legislative Assembly can point at one time or another to situations where politicians for the sake of their own constituents have wanted to do things for their constituents. I note that the former mayor of Bonnyville, now the Member for Bonnyville, at one time about three or four years ago, as I understand it, refused to give tender documents to those from outside his particular area to bid on a fire hall. So there's another good example of favouritism in someone wanting to represent his constituency. [interjections]

MR. SPEAKER: Order. The hon. Member for Innisfail-Sylvan Lake. [interjections] Order. [interjections] Order. For the advice of all members of the Assembly, we've now moved on to the next questions.

The hon. Member for Innisfail-Sylvan Lake.

Physiotherapy

MR. SEVERTSON: Thank you, Mr. Speaker. My question is to the Minister of Health. In the three-year business plan and strategy it states that a community rehabilitation program will be established to replace physical therapy service now provided on a fee-for-service basis. My question to the minister is: when does she expect this program will come into effect?

MRS. McCLELLAN: Mr. Speaker, in the three-year business plan for Health we do outline a community rehabilitation program. I have asked the Independent Physical Therapists Association, the Alberta association of physical therapists, and other associations

that are involved in rehabilitation to come together, work with the Department of Health to develop a program that would provide a continuum of care in rehabilitation. Certainly if that can be achieved, we would like to have such a program in place by April 1, 1995.

MR. SPEAKER: Supplemental question.

MR. SEVERTSON: Thank you, Mr. Speaker. My supplemental is to the same minister. Will the funding from Alberta Health for independent physical therapists end when the community rehabilitation program begins?

MRS. McCLELLAN: Mr. Speaker, I would say that the funding from Alberta Health for physical therapy would change, not disappear. It would very likely not be included in the health insurance program but be included in dollars that are allocated to the individual health regions to ensure that those services are available in their communities.

MR. SEVERTSON: My final supplemental, Mr. Speaker, is to the same minister. Will the minister give consideration to granting direct access to physiotherapists?

MRS. McCLELLAN: Mr. Speaker, we have certainly been working with the physical therapists' associations on direct access. We have asked the associations to respond to about four items. My understanding is that they met in late March to review those, and I am waiting to hear from them before we pursue this further.

MR. SPEAKER: The hon. Member for Edmonton-Whitemud.

Paddle River Dam

(continued)

DR. PERCY: Thank you, Mr. Speaker. The memo from Peter Melnychuk to Fred Bradley that was tabled by the Leader of the Opposition on May 4 shows that the MLA for Whitecourt-Ste. Anne had an important say in what firms from his riding got what untendered work on the Paddle River dam, that in fact he'd specified that a company called Kidd brothers should receive work. I am now tabling four copies of documents that show Mr. Ron Kidd was the official agent for the Member for Whitecourt-Ste. Anne in the 1982, 1986, and 1989 elections. My question is to the hon. Premier. Does the Premier condone that Conservative MLAs should dole out government business without tenders to their political friends?

MR. KLEIN: Mr. Speaker, again I'm going to repeat that I am not going to comment at this particular time on what might or might not have happened in 1983. Again, there was a court action relative to this particular situation. All the documents were public documents, were filed with the court authorities. The situation relative to any instances of wrongdoing have been referred to the Justice minister in Saskatchewan. Let's see how it unfolds from there.

MR. DAY: A point of order, Mr. Speaker.

DR. PERCY: Mr. Speaker, my question is to the Premier. What criteria other than political association were used by the MLA for Whitecourt-Ste. Anne to determine which firms would get business and which would not?

MR. KLEIN: Mr. Speaker, I don't know what criteria were used. You know, I would ask what criteria were used by the federal Liberal government to give the hon. Member for Edmonton-Gold Bar a nice appointment as chairman of the CNR.

MR. SPEAKER: Final supplemental.

DR. PERCY: Thank you, Mr. Speaker. Well, my final question is to the Premier. Where was it advertised that firms would have to approach their Conservative MLA in order to be sure that it would get untendered business on this project?

MR. KLEIN: Mr. Speaker, you know, again, court documents have been filed. There's been a civil court proceeding. It all relates to something that happened in 1982, 1983. I was the mayor of Calgary in 1983, and at that time quite frankly I didn't even know there was a Paddle River in Alberta.

MR. SPEAKER: The hon. Member for Lethbridge-West.

Job Creation

MR. DUNFORD: Thank you, Mr. Speaker. Some members in this House might find this confusing or difficult to believe, but the number one issue in Lethbridge-West continues to be the matter of jobs and unemployment. Now, my question is to the Minister of Advanced Education and Career Development. With the restructuring that is currently going on in Alberta, can this minister, who is responsible for labour force development, advise us how Alberta is doing in terms of employment growth?

MR. ADY: Mr. Speaker, there are statistics that are compiled and published every month which give us direction on that. However, as I've noted in this House previously, as has the Premier, it's not always reliable to pin our hopes and expectations on one month's change. But I will say that last month the statistics that were just published for the month of April indicate a drop of .1 percent, moving down from 8.9 percent in March of unemployment in the adjusted rate to 8.8 for the month of April. I should also say that on a yearly basis – in other words, April 1993 to April 1994 – there has been an increase of 40,000 jobs in this province, which I believe is remarkable, and that percentage is among the highest in Canada.

2:10

MR. SPEAKER: Supplemental question.

MR. DUNFORD: Thank you, Mr. Speaker. Again to the same minister: with all of the cutbacks that are happening in public spending, where is this employment growth occurring?

MR. ADY: Well, Mr. Speaker, that's an important factor, because it's not necessarily of benefit to us if it grows in some of the sectors that don't create permanent positions. However, I'm pleased to report that primarily the growth in employment in the last month and in the last year has been in the private sector. Strong gains have occurred in agriculture, in the construction and retail trades, finance, and other services. It's interesting to note that all of the areas that we have experienced growth in would have been impacted negatively if we'd had a provincial sales tax, the way the members opposite would advocate.

MR. DUNFORD: Well, Mr. Speaker, again to the minister. While unemployment might be down, there are still over 100,000

Albertans, and many of these will be in Lethbridge-West, that are out of work. Doesn't the minister find these levels unacceptably high?

MR. ADY: Mr. Speaker, I think that anytime we have anyone unemployed who wants to work in the province, we have unacceptably high unemployment rates. Certainly the objective is that everyone who wants to work could have a job. Unfortunately, we don't have that circumstance, but there is a bright side to it. If you take into account that the labour force in this province actually increased by some 23,000 Albertans in the past year and our population is increasing as well, I find it encouraging that our private sector is demonstrating the capability of expanding and employing more Albertans despite some of the difficult times that we have. I'm confident that they will continue to send our job growth in the right directions. Obviously we must be doing some things right if we have an increase of some 40,000 employment spaces in this province.

MR. SPEAKER: The hon. Member for Edmonton-Roper.

MLAs' Role in Government Contracts

(continued)

MR. CHADI: Thank you, Mr. Speaker. I'd like to table four copies of excerpts from the 1982 diary of John Cameron. John Cameron was the site manager for Opron during the construction of the Paddle River scam. On October 22, 1982, just days before the provincial election, John Cameron, in speaking with the MLA for Whitecourt-Ste. Anne, tells of the MLA's involvement by him asking the minister to drag his heels on assistance regarding unions. A few days later the same MLA suggested bypassing unions by using subcontractors. My questions are to the Premier. Is it still the policy of the government to have local MLAs meddle in disputes between contractors and employees?

MR. KLEIN: Well, it is so typical of the Liberals to be living in the past, not only the recent past but the distant past, Mr. Speaker: 1982. I'll repeat to the hon. Member for Edmonton-Roper what I have said to the hon. Leader of the Opposition and the hon. Member for Sherwood Park, and that is simply that I am not going to comment on what might or might not have taken place in 1982 or 1983. I will repeat once more and perhaps I will have the hon. minister explain once more what the tendering policies of the hon. minister are today, because obviously they aren't listening or they simply can't hear.

MR. THURBER: Well, Mr. Speaker, I'm very reluctant to do it again, but at the request of the Premier I will do it again. We put everything out on public tender. It's up to the contractor. I'm talking about today. I'm not talking about 1982 because I can't vouch for that either, but today's policy is that it goes out to a proposal or a tender. The general contractor hires the people as he sees fit: the subtrades, the day labour, if you want to call it that, or the subcontractors on a machinery basis, on an hourly rate. It's all up to the contractor to do that.

Having said that, if the local MLA didn't go out and make a case for his constituents on a local job, he would be remiss in his duty.

MRS. MIROSH: How about she?

MR. THURBER: She too.

MR. SPEAKER: Supplemental question.

MR. CHADI: Thank you, Mr. Speaker. It's not past history when the MLA is still sitting right there.

Mr. Speaker, my question to the Premier again: is it still the policy of this government to conduct public business from campaign offices in the heat of an election campaign?

MR. KLEIN: I don't know. Is it opposition policy? It probably is, Mr. Speaker. I don't know. I don't go to every constituency office and supervise that activity. I would assume that all MLAs, be they government or opposition MLAs, would conduct themselves accordingly; in other words, as good, honest representatives of the public and the public interest.

MR. SPEAKER: Final supplemental.

MR. CHADI: Thank you. Mr. Speaker, would the Premier tell us, since he won't review the appointment to the Treasury Board of this MLA: then why is it, in light of the Paddle River scam and knowing full well that there was a scam, that you appointed him to the Treasury Board?

MR. KLEIN: First of all, Mr. Speaker, there is no Paddle River scam. There was a court action. There was a dispute. Yes, there were some comments made by the judge, that are now being investigated by the Justice department in Saskatchewan to advise this government on the course of action that should be taken.

Relative to the Paddle River dam, I understand that it is operating, it is operating very effectively, it has saved literally thousands and thousands of acres of productive farmland and really has allowed the producers in that particular area to be great producers of agricultural products. So, Mr. Speaker, notwithstanding the point the Liberals are trying very unsuccessfully to make, the simple fact is that this was a phenomenal project for the economic development of rural Alberta.

MR. SPEAKER: The hon. Member for Pincher Creek-Macleod.

Highway Cleanup Program

MR. COUTTS: Thank you very much, Mr. Speaker. Just last Saturday as I was driving the major highways in my constituency, many young Albertans and their leaders were walking the adjacent ditches picking up refuse. What a pleasure it was to return later that day and see our ditches clear of unsightly rubble. I also noted that government vehicles were assisting these groups by picking up the full bags from the side of the road. My question to the Minister of Transportation and Utilities: can you please advise what groups of Albertans and the total number of volunteers that were involved in this collection, and why were government vehicles used?

MR. TRYNCHY: Mr. Speaker, I'd be delighted to answer the question. It's been a very successful cleanup campaign. We had some 13,000-plus people on the roads. There were some 8,700 youngsters with adults. Over 54,400 bags of litter were collected, and some 8,670 kilometres of highway were cleaned up. Yes, the government trucks were there on Saturday to pick up the garbage as the supervisors and the students and the children picked up the garbage. It was, as I mentioned, a very successful weekend. We had no injuries, no difficulties, just a really super proposal, a really super job done by the young people of Alberta. I just want to congratulate them for a job well done.

2:20

MR. COUTTS: Would the minister then, given the results of this very successful initiative, consider a project called adopt-a-highway, similar to the Ontario model or what some U.S. states have now perfected?

MR. TRYNCHY: Mr. Speaker, I don't think anybody should be proud of having 55,000 some odd bags of garbage collected off our highways. I think it's important that we as travelers in the province take more care in keeping this garbage in our vehicles until we have a place to deposit it. Yes, I have looked at the proposal of adopting a highway, and I'm going to present this plan to the private sector. Hopefully we can get the private sector to become involved, take on this role, and ease the workload for the 4-H clubs next year.

MR. SPEAKER: Final supplemental?

The hon. Member for Edmonton-McClung.

Gimbel Foundation Act

MR. MITCHELL: Thank you, Mr. Speaker. The Premier has publicly supported the Gimbel Foundation Bill. Meanwhile, the government's own Deputy Minister of Health has written a letter raising very serious concerns about this foundation and stating that Alberta Health does not support the Bill. To the Premier: did the Premier think to talk to his senior Health officials before he expressed his support for this Bill, or did he just fail to think about it at all?

MR. KLEIN: Well, Mr. Speaker, I didn't fail to think about it at all. I like the philosophy of this particular Bill. The philosophy of this Bill is simply a doctor who wants to do something for society, a very talented doctor who has established just an impeccable, tremendous reputation not only in Alberta but worldwide and now wants to return something to medical research in terms of a magnificent research facility. I see absolutely nothing in principle wrong with that. As you know, that particular Bill is to go to committee tomorrow.

Relative to the Health department setting policy, I think I should set the record straight. The officials in the Health department do not set the policy for this government. The cabinet, the Executive Council, of this government sets the policy, and it is not only the job but the responsibility of the department to carry out that policy.

MR. MITCHELL: Will the Minister of Health please confirm that this letter drafted by her deputy minister was done with her full knowledge? No deputy minister would ever send a letter of this nature without the full knowledge of his minister.

MRS. McCLELLAN: No, Mr. Speaker, I will not confirm that.

MR. MITCHELL: Why would the Minister of Health not give the Private Bills Committee the benefit of her advice on a Bill which her own department says contravenes the Canada Health Act?

MRS. McCLELLAN: First of all, Mr. Speaker, I do not believe they stated that it did contravene the Canada Health Act. Secondly, I have stated in this Legislature that I fully respect the legislative process – this is a private Bill – and that when the Bill appears in the Legislature, I would speak to the Bill at that time. I think that is a process that all of us in this Legislature should

respect. Certainly it is this minister's intention to respect that legislative process.

MR. SPEAKER: The hon. Member for Lesser Slave Lake.

Aboriginal Child Welfare

MS CALAHASEN: Thank you, Mr. Speaker. A large percentage of children in the child welfare system are of aboriginal descent. In fact, over half of the children in foster care are of aboriginal descent. Treaty and Metis groups in my constituency have expressed interest in taking over the child welfare services on and off reserves and Metis settlements. The Minister of Family and Social Services has commented on many occasions on the need to improve services for aboriginal children. Would the minister outline what steps he is taking to ensure that aboriginal children receive services that are culturally appropriate and are provided by aboriginal people?

MR. SPEAKER: The hon. Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. First of all, I'd like to also advise the Assembly that that is exactly the reason why the welfare reforms were announced over a year ago: to make sure that the dollars are directed to the high-needs area. Of course, the programs we've put forward have worked very successfully. One of the major reforms is putting employables and trainables back into the work force.

The second phase of the reforms is dealing with child welfare. Of course, that deals with aboriginal children already. Part of the major activity of the Commissioner of Services for Children is to deal with aboriginal groups. In fact, in the past two years we've created additional positions. We've created a position for an associate director of child welfare with aboriginals. We've now signed agreements with 21 of 44 Indian bands in Alberta who have taken over the control of child welfare programs. In addition to that, just recently we announced a new chief executive officer reporting directly to me who deals with aboriginal communities in relation to child welfare and other issues.

MS CALAHASEN: Mr. Speaker, can the minister indicate what he is doing specifically dealing with culturally appropriate foster care, that has been mentioned many times over and over again?

MR. SPEAKER: The hon. minister.

MR. CARDINAL: Thank you, Mr. Speaker. Of course, the move to hire more aboriginal staff in a department is one way of addressing those particular issues mentioned by the Member for Lesser Slave Lake. In relation to aboriginal issues we've just recently released a video presentation about dealing with Metis children, aboriginal children. It's done in English. It's done in Cree. It's done in Blackfoot also. This is just one part of an overall strategy to involve aboriginal communities more in the future in relation to the care of aboriginal children.

MR. SPEAKER: Final supplemental.

MS CALAHASEN: Yes, Mr. Speaker. Then could the minister please indicate what results he is getting from this recruitment process he's outlined?

MR. CARDINAL: Mr. Speaker, you know, at this time it's not that easy to measure the results. One of the things the member

mentioned: close to 50 percent of children in child care were of aboriginal ancestry. Just less than a year ago only 12 percent of the homes caring for children were of aboriginal ancestry, and we've increased that already in the past eight months or so to over 21 percent, and it's working very well. We continue to change the economic status of aboriginal people both on the reserve and off the reserve and the Metis also, because that will have a positive impact in the long run.

MR. SPEAKER: The hon. Member for Edmonton-Avonmore.

Violent Crime

MR. ZWOZDESKY: Thank you, Mr. Speaker. Yesterday I took part in a justice day rally along with thousands of other Albertans to urge action now on crime prevention and on the Young Offenders Act in particular. Canada's Minister of Justice recently indicated some of his initiatives such as lengthening sentences for violent offenders, creating a dangerous young offenders category, broadening instances when the names of young offenders can be published, and expanding treatment and rehabilitation programs, as well as adjustments regarding the transfer of young offender cases to adult court. My questions are to the Minister of Justice. Will the Minister of Justice for Alberta tell us that he agrees with these federal initiatives?

MR. ROSTAD: Mr. Speaker, as I mentioned in the House earlier, at a former provincial/federal justice ministers' meeting the Hon. Allan Rock did bring forward some proposals. These proposals as a result of that meeting have come out, and they are much stronger and stringent. We have implemented in this province a task force that will travel around and listen to Albertans' views on this as well as having an educative component, because there will be a pamphlet put out that will in layman's language explain what the Young Offenders Act is meant to do, and from that we'll find our response.

2:30

MR. ZWOZDESKY: I'm happy that he seems favourably disposed to the federal initiatives, Mr. Speaker.

Can the Minister of Justice explain how he hopes to decrease youth crime in Alberta when he's eliminating rehab programs for young offenders throughout the province?

MR. ROSTAD: Mr. Speaker, I think, frankly, that an exercise as happened yesterday is a step in the right direction, because I don't think you can eliminate youth crime without having the community involved.

MR. ZWOZDESKY: Mr. Speaker, I wonder how Alberta families are supposed to feel safer here when this government is cutting back funding to the police assistance grant by 50 percent over the next three years? Why the cut there?

MR. ROSTAD: Mr. Speaker, more money does not necessarily make better service. In fact, the cutback in that municipal police grant amounts to a maximum 5.8 percent effect on budgets over the three years. As with anybody else, and especially a paramilitary organization which is usually stacked a little bit at the top with senior officers that earn more money rather than, as the recently retired superintendent referred to them, the grunts that are on the front line, I think that the police forces have worked this through. I think that they give exemplary service, and they'll continue to work with less money.

School Taxes

MR. TANNAS: My questions today are for the Minister of Education. Mr. Speaker, municipalities in Highwood thought that school requisitions in 1994 would remain at approximately the 1993 rates. However, you can imagine their surprise when they received the recent statement of intent notices indicating significant rates of increase. I'd like to ask the Minister of Education to help me explain a 14.27 percent increase to High River, a 12.47 percent increase to Okotoks, or indeed to the MD of Foothills a 23.98 percent increase.

MR. JONSON: The process that we are involved in, as indicated earlier and as has been outlined several times over the last number of weeks, is that the province, as it has for years under the school foundation program, deals with the equalized assessment per student and per jurisdiction across the province. We apply to that a net mill rate to get our level of funding for the school foundation program. We are going ahead with that same approach to funding for the Alberta school foundation program, subject of course to it being placed in law through Bill 19. The net mill rate, Mr. Speaker, for the province has not been increased jurisdiction by jurisdiction, but, yes, there has been an increase in assessment, and that assessment, as we've said all along, will be taxed by the province for the purposes of paying equity during this transition year.

MR. TANNAS: Mr. Speaker, I'd like to ask the minister if he realizes that in this district alone it'll result in a total increase of approximately \$3 million in school taxes. If this is so, would he be prepared to review the proposed school requisitions?

MR. JONSON: First of all, where you have a significant growth in assessment, Mr. Speaker, particularly when we're talking about the expansion of buildings and industries and so on, it could very well be \$3 million or \$2 million or \$1 million. However, I think the important thing here is that we will be capping the increase for any particular jurisdiction in this province at 5 percent so that extreme changes will not take place this year in what they have to pay.

MR. TANNAS: Mr. Speaker, I would ask if the minister would explain how the stated goal, then, of a lower rate by 1997 could be reconciled with the 1994 increased requisition for a school division that is currently well above the average provincial mill rate.

MR. JONSON: Mr. Speaker, we have stated that there will be over the next two- or three-year period a phasing up of low mill rates in the province and a phasing down of those above the provincial average. That process will be in place starting with the application of our new provincial grant system, or fiscal framework, for the province in the fall of 1995. The year that we are currently planning for, '94-95, as far as the school year is concerned, is one where we are admittedly in transition. I've outlined in my first answer this afternoon the system that we're going to use to provide additional equity funding and deal with the mill rates in this particular year.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

School Act Amendments

MR. HENRY: Thank you, Mr. Speaker. This government has decided that 10 hours of debate are enough for the most aggressive changes our education system has ever seen. The supposedly

open government thinks it's more important to ensure that their members don't miss any of their summer holidays than it is to ensure that Albertans have their say. I'd like to ask the Minister of Education: if you're not going to listen to rallies, if you're not going to listen to petitions, if you're not going to listen to letters, if you're not going to listen to reasoned debate, what will make you consider changes to Bill 19?

MR. JONSON: Well, Mr. Speaker, I welcome the interest of the hon. members opposite in this very progressive legislation, legislation which will provide fair and equitable funding for all students in the province, legislation which will provide for site-based management, parental involvement, community involvement in support of the education system. We want to get on with the job of moving that legislation through so that the education system in the province can benefit from that.

MR. HENRY: I'd ask the minister: does this government intend to limit debate on all stages of the Bill, or is he going to let democracy run its fair course?

MR. JONSON: Mr. Speaker, I'd like to go on to comment about the decision to move debate and decisions along on this particular Bill. I also noticed across the way – and I have had the debate on those occasions that I was not present, and I will say that, but I was also here for a good part of it, and I noted the repetition, the continual repeating of certain themes: where they were opposing local school councils, where they were opposing site-based management, and raising all sorts of things over and over again. I think that's the important thing with respect to this piece of legislation. They've obviously presented all of their particular arguments several times in great detail, and it's time to move on with the Bill.

MR. HENRY: This government is repeatedly not listening to Albertans, Mr. Speaker.

I'd like to ask the minister if he is personally willing to table amendments to Bill 19 when we're in committee stage so that it becomes acceptable to supporters of separate and public boards and the boards themselves.

MR. JONSON: Well, Mr. Speaker, I certainly would like to comment, first of all, that it is interesting that the members opposite have gone on at great length about very specific concerns and inciting various discussions and so on with respect to the Catholic side of the school issue. Now I notice they've flipped over to concern about the public side of the issue. Yes, Mr. Speaker, properly constituted government amendments will be considered whenever a Bill goes into committee study.

MR. SPEAKER: The time for question period has expired.

The hon. Government House Leader has indicated that he has several points of order to raise.

The hon. Member for Bonnyville.

MR. VASSEUR: I'd like to raise a point of order, Mr. Speaker.

MR. SPEAKER: Okay; in the proper order.

The hon. Government House Leader.

Point of Order Provocative Language

MR. DAY: There were numerous occasions today, Mr. Speaker, for points of order, but I'll distill them down to just two.

The first one. The Member for Sherwood Park and a number of other members using a particular little phrase – obviously the comic strip writer for the Liberals didn't have much time on his hands this weekend, because he kept writing this little line about: was the government going to still interfere; is the government going to still maintain a policy of political interference? A number of questions like these came up in clear violation of Standing Orders 23(i), (h), and (j), which were avowing motives, which were introducing debate which was designed to create disorder. I would ask, Mr. Speaker, for a ruling on a preamble to a question which is clearly something that is in violation of the Standing Orders. I would ask for a ruling on that.

2:40

MR. MITCHELL: Mr. Speaker, our questions, phrased as they were, about the government going to still allow MLAs to split work 75-25 between two ridings, the government going to still allow an MLA to determine what companies will get business and what companies won't get business are perfectly within the rules of this Legislature. We have found it very, very difficult, of course, given the very closed nature of this government, to find out information about how tendering or lack of tendering is undertaken by this government. So when we find out the kinds of procedures that were undertaken by a then cabinet minister and now an even more senior cabinet minister in this government and note that having done that, that cabinet minister has been promoted to the Treasury Board, a very senior position, it is perfectly within the realms of reasonableness for us to ask whether that kind of promotion was an acknowledgment of success in that kind of process, making decisions about how government money would be allocated to specific companies and perhaps not allocated to other companies. We would therefore be perfectly within our rights to say, "Is that continuing?" reflecting that the Premier must think it's okay. He just promoted the guy who's done it.

MR. SPEAKER: Order please. The Chair would suggest that the use of the word "still" is a word that can be used in debate. The Chair would suggest that it's quite open to somebody answering that question to say that that is not current government policy and it hasn't been current government policy for such and such a period of time within the knowledge of the person answering the question, and that this is a part of the cut and thrust of debate.

The hon. Government House Leader.

MR. DAY: Thanks for your wise ruling, Mr. Speaker.

Point of Order

Factual Accuracy

MR. DAY: I wonder, too, if we can get a ruling. The opposition Member for Edmonton-Centre still continues to violate the procedures of the Assembly by suggesting allegations which are not only misleading but in fact have no basis. He stood today and made reference to the fact that the government wants to stifle debate on Bill 19 when it was an amendment of the opposing party that wanted to end the debate, and this government in order to continue the debate, in order to continue to be able to make amendments in response to the people of Alberta has asked that this be moved into committee. The members opposite introduced a ruling to finish all debate on the education Bill. I wonder if we could have a ruling on the terrible habit of the Member for Edmonton-Centre, who keeps getting high centred, in terms of still ignoring the rules of this Assembly and Standing Orders.

MR. SPEAKER: The hon. Member for Edmonton-Centre.

MR. HENRY: Thank you very much, Mr. Speaker. The purported points of order by the hon. Government House Leader are becoming repetitive and quite frankly ridiculous from this point of view.

Mr. Speaker, very clearly there is an amendment on the table that has only had two speakers on it, and if the government feels that only two speakers on a major amendment that deals with the integrity and the accountability of a public education system is adequate, then I feel sorry for Albertans for having to be stuck with this government for four more years. It is very, very clear that the members on this side of the House wish to improve the Bill and in fact repeatedly asked the government to send this Bill back for redrafting and for reconsideration. If the government were to table a Bill, a new amendment to the School Act, that had the support of all the school boards in the province and the major players in education, believe me, this side of the House would give overwhelming support and you would see a Bill move faster than you've ever seen one before.

Thank you.

MR. SPEAKER: The Chair believes that what has been said today is an opinion portraying a Bill in a certain light. Obviously, a large part of the Assembly doesn't agree with that portrayal, and no doubt they will be portraying the Bill in the light that they feel it should be received in when we get to debate, which is going to be in a very few minutes.

The hon. Opposition House Leader had a point of order.

Point of Order

Tabling a Cited Document

MR. MITCHELL: Thank you, Mr. Speaker. I rise under *Beauchesne* 495(5), which indicates that documents cited must be tabled in the Legislature when those documents are used specifically to influence debate. Earlier today the minister of public works referred to 51 documents indicating that opposition MLAs had somehow influenced the government's decision on certain capital projects or the allocation of certain kinds of work. Certainly opposition MLAs in this Liberal caucus work extremely hard and often very, very effectively to represent the interests of their constituents. It is, however, a far cry from making a representation to a minister on where it would be best to build a school or where it might be best to allocate a certain kind of decision. It is a far cry from that to determining behind closed doors in some kind of meeting what amount of construction work will go to residents of what constituency and what amount will go to residents of another constituency and to specify on letters which companies will receive business and by omission which companies won't receive business. They are trying to say that the two are the same, and they categorically are not the same.

We would very much like to see, consistent with *Beauchesne* 495(5), the public works minister table those documents so everybody can see exactly how different it is what a responsible, hardworking MLA does to represent his or her constituency properly and what MLAs do behind closed doors by scrawling across letters that this company should be recognized and given business when that company's owner happens to have been the official agent of the MLA's election campaigns for three consecutive elections.

MR. DAY: Once again, Mr. Speaker, the Opposition House Leader is hopelessly selective in his analysis. Whatever he analyzes, that seems to be the case. Because under 495 in *Beauchesne*, referring to documents, he referred briefly and

erroneously and in a very oblique way to 495(5), when in fact 495(2) says:

It has been admitted that a document which has been cited ought to be laid upon the Table of the House, if it can be done without injury to the public interest. The same rule, however, cannot be held to apply to private letters or memoranda.

It goes on in 495(7), where it says that when a letter . . .

MR. MITCHELL: It's not private. We're happy to have them submitted.

MR. DAY: You know, I listened to you. You've got to listen to me now. That's basic politeness. Thank you.

When a letter, even though it may have been written originally . . . becomes part of a record of a department, it becomes a public document, and if quoted by a Minister in debate, must be tabled on request.

Clearly, the information used by the Opposition House Leader was oblique. It was misleading, and it was not on point at all.

MR. MITCHELL: Mr. Speaker, he cannot say that it was misleading. The fact of the matter is that he didn't read sub (5) properly or completely. "To be cited, a document must be quoted or" - and I emphasize "or," which he forgot to mention - "specifically used to influence debate." As near as I can remember, the public works minister was definitely trying to influence debate with his reference to 51 documents. I think it would behoove him and the Government House Leader to understand that when that happens, he should put it before us. They're not private to us. We're happy to have them presented. They were apparently documents that relate to us. We're happy to have them presented.

2:50

MR. SPEAKER: Order please. The Chair is not clear exactly what the hon. Minister of Public Works, Supply and Services said, and the Chair would like to review what he said before making a ruling on this point of order. So that will come tomorrow.

The hon. Member for Bonnyville.

Point of Order Clarification

MR. VASSEUR: Thank you, Mr. Speaker. Standing Order 22. I'd just like to have the opportunity to clarify some possible allegations that were made here this afternoon. The tendering process in the town of Bonnyville probably remains the same. When I was there, we chose to go to invitational tendering because of the local concerns, and that's right across the province, that they like to keep the work locally. So we tendered it through the tendering process. I will gladly bring the invitational letters that went out to all the local contractors. I believe on that particular job that was mentioned here this afternoon, there were probably 12 or 15 contractors that were invited. So that's a lot different than appointing somebody to do some gravel hauling or hiring an individual contractor. This is a public tendering process with local invited contractors, which many communities do. [interjection] I wasn't finished yet. You kill two birds with one stone in this fashion. You answer the concerns of the local people. You put it out in a tendering process, and when you invite 12, 15 contractors to give you a price, you're certainly going to get a competitive bid.

Thank you very much.

MR. DAY: Well, I've diligently searched the point of order, which is section 22 that the member refers to. He's obviously

panicked and overreacted, because his own House leader and others really get upset when an MLA speaks up for his constituents. I just want to assure him: you don't have to panic; you don't have to backpedal in terms of helping your constituents.

Mr. Speaker, on both sides of the House, myself included, it's obvious that points of order are stretched from time to time in order to clarify, and it's difficult for you to make the judgment when we stand up. But when a member like the one opposite stands up and prefaces his remarks by saying, "I would like to clarify something," then I would encourage you to use the full reign of your power upon us and immediately request that we do not pursue that particular point.

MR. VASSEUR: Mr. Speaker, I chose to go on a point of order instead of a point of privilege because I think the issue only needs clarification. I'll gladly provide whatever the House needs as far as the tendering process, and even on this specific case that was referred to this afternoon, I'll gladly supply you with all the contractors that were invited and even the contractor that got the contract after.

MR. SPEAKER: The Chair feels that the hon. Government House Leader is pointing out to the hon. member that points of order are certainly used for clarification, but hon. members don't generally say that they are going to clarify by means of a point of order. It's up to the hon. members to fit themselves into the rules and not vice versa. There really isn't a right to stand up saying, "I'm going to clarify something." There's another method to work within the rules to get to the same result.

Orders of the Day. Oh, sorry. I apologize. The points of order have thrown the Chair off the track of Standing Order 40.

hand: Motions under Standing Order 40

MR. SPEAKER: The hon. Member for Edmonton-Avonmore has an application to make with regards to the urgency of a motion under Standing Order 40.

World Hockey Championship

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise under that Standing Order 40 now to ask for consent from the Assembly to in fact deal with the motion that has already been distributed to everyone. I want to simply say that it would be very timely to deal with it now since it just took place this weekend.

MR. SPEAKER: Is the Assembly in agreement with this request?

HON. MEMBERS: Agreed.

MR. SPEAKER: Opposed? Carried.

The hon. Member for Edmonton-Avonmore may now propose his motion.

Moved by Mr. Zwozdesky:

Be it resolved that the Legislative Assembly of Alberta send its congratulations to Team Canada for its gold medal performance, beating Team Finland in the final game 2-1, at the 1994 world hockey championships in Milan, Italy, yesterday.

MR. ZWOZDESKY: Thank you, Mr. Speaker. Just a few brief comments for the record here to ensure that we get unanimous consent for this motion to congratulate Team Canada on this outstanding victory. This past weekend once again our country struck gold, and once again it was able therefore to focus the

international spotlight on Canada, on our achievements, and on our great sense of team play. Hockey, of course, has become Canada's unofficial national sport, and the tremendous amount of effort put forward by this team should go quickly recognized by this Assembly as well as by everyone throughout our great nation. We have a number of tremendous programs across Canada as well as right here in our own province which culminate in this kind of success, and we should take opportunities such as this to flag them, because right now in particular we could all use some good news.

What a crowning glory this was for all of our members from Team Canada. After having waited 33 years as a country to celebrate the return to world hockey championship status, we really do have cause for celebration. This game against Finland in Italy brought back all the emotion and the tremendous rushes that occurred back when I think we had something similar take place in the Canada/Russia hockey series.

Now, the primary reason for this tremendous team effort, I believe, is because of the great calibre of players that we had on our national team. Nonetheless, at the heart of that effort were a number of current Edmontonians who comprised that team. They included Jason Arnott, who is currently with the Edmonton Oilers; Kelly Buchberger, who is also with the Oilers; Shayne Corson, another Edmonton Oiler; Luke Richardson, also an Edmonton Oiler; and an Edmontonian or at least an individual who calls Edmonton his home but is now playing with Los Angeles, Darryl Sydor. To round out that list, of course, is none other than Bill Ranford, our home goalie for the Edmonton Oilers.

MR. DAY: He's from Red Deer. Come on; get that in there.

MR. ZWOZDESKY: You'll get your chance, hon. member. Mr. Ranford led the National Hockey League netminders by appearing in 71 games over this last season, and he registered 22 of Edmonton's 25 victories this season alone, Mr. Speaker. In 1993 at the world championships in Munich, Germany, he was named the tournament's outstanding goaltender, and yesterday we saw one of the reasons why. In that final minute of sudden death overtime, when we were all held spellbound, he successfully shut out an onrusher in order to clinch this victory for us.

I just want to point out briefly, Mr. Speaker, that this victory follows on the heels of two other great Canadian hockey victories of international stature, those being the world junior crown for hockey won earlier this year in the Czech republic and the women's world championship at Lake Placid, New York. Our Canadian teams won those prizes, and yesterday's achievement rounds out our hockey accomplishments for this year to three. We all know that three is a very lucky number for all of, and I'm happy we achieved that.

I would be remiss if I didn't briefly comment on the coach and general manager for Team Canada, who was Glen Sather. He's been an Edmontonian most of his life, and 15 years as general manager of the Oilers should be cited here. He's, of course, a native of High River, Alberta, Mr. Speaker. He's been the NHL coach of the year, and he's coached several all-star teams, and this time he took us to gold with this recent accomplishment this weekend.

Having said that, I would simply conclude by saying that this accomplishment yesterday was in a sort of small way sweet justice for the sudden death shoot-out that we lost at the Lillehammer Olympics not long ago. So it's indeed fitting that we recognize this, and I would seek unanimously the approval for this motion to go through such that we can send a positive message to Team Canada on this great accomplishment.

Thank you.

MR. SPEAKER: Is the Assembly ready for the question?

HON. MEMBERS: Question.

MR. SPEAKER: All those in favour of the motion proposed by the hon. Member for Edmonton-Avonmore, please say aye.

HON. MEMBERS: Aye.

MR. SPEAKER: Opposed, please say no.

Let the record show the motion carries unanimously.

head:

Orders of the Day

head:

Government Bills and Orders

head:

Second Reading

3:00

Bill 31

Municipal Government Act

MR. SPEAKER: The hon. Member for Lacombe-Stettler.

MRS. GORDON: Thank you, Mr. Speaker. Times change and needs change, so over time legislation must change as well. The first rewrite of the municipal legislation dates back to 1912, the year Alberta Municipal Affairs was created. Alberta had about 357,000 people. Fewer than 120,000 lived in Calgary and Edmonton. In 1912 the government of the day repealed a number of old Ordinances and replaced them with the Town Act, the Village Act, the Rural Municipalities Act, and an amendment to the Local Improvement Act. You'd probably be interested to know that in 1912 legislation stated that elected officials were required to be male and owners of freehold estate of over \$500, although Edmonton's charter did allow women to be elected to the school board.

The last rewrite of the department's legislation was completed in 1968. It repealed six Acts but did not include jurisdiction over assessment and taxation. This was quite a time of rapid growth in our province. Alberta had almost 1.5 million people. Calgary and Edmonton had almost 800,000 between them. This new Act gave all local municipal governments the same powers regardless of size or status. This is the legislation with its countless amendments that we operate under today. But this is a new era, a new reality. This province, its municipalities and local governments have matured. We have more than 2.5 million people, 1.3 million living in Edmonton and Calgary. Municipal associations and governments repeatedly told us that the legislation needed to be revised. The government responded some time ago by beginning the process of rewriting our legislation one more time. This time legislation would be written from a different perspective to give more flexibility to local governments. It would be enabling rather than restricting.

From the bigger picture the Alberta government today has taken a new approach with the following priorities: consultation, simplifying legislation, deregulating, searching for efficiency, and delegating responsibility. We want to ensure public involvement in decision-making, and we want the process of government to be open and accessible. We needed input from our stakeholders, and we consulted with them at every opportunity. We held months of public meetings and received submissions from Albertans across this province. Government is asking stakeholders to help eliminate restrictive laws, rules, and regulations.

Bill 31 consolidates 21 Acts and their attendant regulations into one, simplifying and streamlining. This legislation is more user friendly. It is written in plain language, making it understandable

not only to municipalities but for the public as well. Government is eliminating duplication and overlap, improving financial efficiencies, and streamlining systems. Local governments and other stakeholders will assume greater responsibility. People are best served by the level of government closest to them. The aim is to achieve open and responsible government in the best interests of the public.

Legislation is rewritten from a new perspective. Traditionally legislation lists what you can do. This legislation places limitations on what you cannot do. That list is much shorter. Flexibility and innovation are key. Alberta Municipal Affairs becomes a facilitator, not a regulator. The department will play a leadership role by helping municipalities set their strategic directions and then letting them get on with the job.

The nature of provincial/municipal relations is changing. Provincial governments are reducing both staff and budgets. Municipal governments are asking for more autonomy and at the same time are being asked to take on more responsibility. In order to make this happen, this government must put the legislative and regulatory framework in place that will allow local governments greater flexibility in managing their own affairs. The new Municipal Government Act, Bill 31, is part of the driving force for this kind of change. It reflects the changes that our local governments are saying they need. This government has recognized the need, and now it is time to move forward.

In 1991 the Municipal Statutes Review Committee issued its report. In 1992 Bill 51, based on that report, was tabled for first reading and then went back out to the public for more input. Since then that input has been analyzed and the issues raised dealt with. As I said earlier, this new legislation, which is enabling and less restrictive, changes the rules of the game. I will give you a sense of these changes by discussing a few of the more innovative issues.

Part 1 of the legislation states:

The purposes of a municipality are

- (a) to provide good government,
- (b) to provide services, facilities or other things that, in the opinion of council, are necessary or desirable for all or a part of the municipality, and
- (c) to develop and maintain safe and viable communities.

This statement is intended as a tool for interpretation, a yardstick against which we can ask: does this action of council fulfill the purpose? Does this bylaw meet the purpose? The purpose section was not intended to stand alone. Together with natural person powers and bylaw-making authority, it forms the framework upon which this legislation is created.

Under the umbrella of the purpose of a municipality the relationship between municipality policymakers and administrators is set out clearly. Under the proposed legislation a municipality will have the powers of an individual; that is, the rights, powers, and privileges of a natural person except as they are limited by legislation. Although this is common for business corporations, this is a new concept for public corporations; in other words, it gives the municipality the necessary administrative and business authority. It is not intended to expand powers. Because a municipality is a public corporation, limitations are placed on borrowing, investment, public utilities, and relations with other municipalities. Safeguards are added to encourage public involvement in decision-making. This concept eliminates the need to detail administrative practices and gives the council flexibility to tailor its action to the needs of its own individual municipality.

The current Municipal Government Act contains a detailed listing of the types of contracts and other business-type activities a municipality may undertake. The listing of such functions is

somewhat haphazard and disorganized and has left gaps which have resulted in successful court challenges. There is no requirement for this type of detail in the new legislation because of the concept of natural person powers.

The new legislation sets a general framework within which a council can make laws and regulate with greater flexibility. This new concept will limit the number of amendments that will be required every time a local government wants to do something that has not been specifically stated in the legislation. Traditional legislation enumerates the specific powers of the local government. The proposed legislation sets out the general subject areas under which the local government can make their bylaws so that unanticipated situations will fall under one of the subject areas. The main objectives are: to minimize the incidence of successful court challenges on the grounds that no substantive power existed to support a municipality's action, to enable councils to respond to unforeseen conditions without the need for amending legislation, and to reduce the size and complexity of our existing legislation. For example, a municipal council may pass bylaws for the safety, health, and welfare of people as well as for protecting people and property. A council may pass bylaws respecting services provided for or on behalf of the municipality.

Bylaw-making authority is limited in two ways. First, councils cannot pass bylaws that are inconsistent with or contrary to provincial law. Second, councils cannot pass a bylaw under these general provisions if there is another law that sets out requirements they must abide by. These other Acts will take precedence. As one might expect, the municipal associations and the majority of urban and rural municipalities are very much in favour of this method of defining bylaw-making authority.

The cities are pleased with the increased autonomy and flexibility and feel that they are ready to operate under this model. This Bill is premised on the belief that the local governments have the maturity to operate more autonomously under this new framework. It gives municipalities more flexibility to handle the jurisdiction they already have.

The Municipal Taxation Act and other assessment-related legislation is consolidated in Bill 31. The white paper for the property assessment Act proposed that all property other than farmland, linear property, and railway be assessed on the basis of market value. The issue of market value received a lot of attention both in the negative and in the positive.

3:10

Municipalities experience equity problems with assessments primarily because of the infrequency of general reassessments. Previously municipalities could adopt assessments for seven years. When a reassessment was conducted, eight years of property appreciation and depreciation caused major shifts in property values and taxes. Bill 31 allows councils to adopt assessments for one year only. So the maximum assessment cycle is two years. With Bill 31 the value standards are established by regulation. Farmland will continue to be assessed at productive value. Regulations will provide flexibility so that municipalities who wish to adopt a market value standard for other types of property can do so.

Government has made a commitment to Albertans: no new taxes. This commitment is reflected in Bill 31. The concept of a provincially authorized tax was considered as the legislation was being drafted; however, it has been removed. In the proposed legislation special tax has been limited to the taxes for a special purpose that are already listed in the Municipal Taxation Act and the now existing Municipal Government Act. Some examples of

these taxes are: waterworks tax, sewer tax, dust treatment tax, and ambulance service tax.

Mobile home taxes have changed in the sense that the former mobile home licence fee becomes part of the property tax which it approximated in the first place. Previously mobile homes, other than those owned and occupied by the owner of the land, were subject to a licence fee paid by the occupant. Some municipalities experience great difficulty in collecting these fees. In the proposed legislation mobile homes are defined as an improvement to the land and are subject to property tax.

The Alberta Assessment Appeal Board and the Local Authorities Board are being consolidated into the new municipal government board. The mandate of this board is to facilitate local resolution of disputes and hear assessment appeals. Municipalities are encouraged to resolve disputes through negotiation rather than relying on a process of board hearings and recommendations. A request for incorporation, change of status, amalgamation, dissolution will continue to be made with the minister, who can use an appropriate method to facilitate resolution. Opportunity for public participation is built into the process. Municipalities are required to consult before bringing their request to the minister.

A request for annexation goes directly to the municipal government board. Municipalities are required to submit a report of their negotiations to the board in support of their request. The board will hold hearings to allow the presentation of objections. The recommendation of the board is referred for final decision by the Lieutenant Governor in Council.

The administrative functions of the board are eliminated or delegated appropriately to municipalities, the Department of Municipal Affairs, or other government departments. For example, irrigation district appeals are delegated to the department of agriculture. These changes reflect government policy to eliminate duplication and overlap and to streamline for increased efficiency and reduced cost. The administration of these boards and the Alberta Planning Board have already been amalgamated. It is proposed through the Planning Act review to also merge the Planning Board with the municipal government board.

The proposed legislation increases the opportunity for public participation in the municipal government process. This is done in three ways: access to information, the right to be heard at a public hearing, and petitioning provisions.

The principle set out in the legislation is: every person has a right to obtain information in the possession of a municipality unless there is a legislated reason why the information should not be disclosed. A detailed list of information that must be withheld is provided. This is in sharp contrast to the existing Municipal Government Act, which is virtually silent on access to information. The intent is to limit the municipality and to open up public access. This provision will guide municipalities until they are subject to the provisions of Bill 18, the Freedom of Information and Protection of Privacy Act.

Public input through formal hearings or informal methods is seen throughout this legislation. The intent is to achieve a comfortable balance between the appropriate public accountability and unnecessary administrative restrictions. Electors can petition for a new bylaw or to amend or repeal an existing one. The minimum number of required signatures has been standardized at 10 percent of the population for all municipalities other than summer villages. The minimum number of signatures required in a summer village is 10 percent of the electors.

When a petition results in a vote, council must set a date for the vote within 90 days of giving first reading to the bylaw rather than within 30 days as required currently. This increase of time will provide both the municipality and the public with more

opportunity to become informed on the issue. Public access and involvement in the municipal government decision-making process are very important aspects of the proposed new legislation.

As a limitation on council activities legislation requires council and committee meetings to be conducted in public. Council may only carry on discussion in private if the information being discussed is listed as information that must be withheld.

The proposed legislation sets parameters on financial administration for municipalities and provides more freedom and flexibility for municipalities to act within those parameters. Financial controls and the relationship to taxation and financial reporting are more clearly outlined.

Bill 31 tightens controls on deficits. Under the existing legislation a municipality was required to balance revenues with expenditures, but there was no stated requirement to make up a deficiency. In the proposed legislation a municipality must still balance its revenues and expenditures; however, if it does not do so within a three-year period, it must make up the deficiency in the following year. A municipality requesting a longer period to make up this deficiency must obtain approval from the minister.

Existing legislation limits municipal investments to government debentures or securities, municipal debentures, bank term deposits, and some investments authorized under the Canadian and British Insurance Companies Act. This new legislation clearly outlines the types of allowable investments. It also permits municipal investment in for-profit corporations with the minister's approval if the municipality will have less than controlling interest.

General rules applying to all borrowing are stated. The rules are not significantly different from existing legislation, but their presentation is simplified. Municipal debt limits will be set by the minister using a formula for calculation. A municipality will require ministerial approval only to borrow beyond that set debt limit. The debt limits will be a measure of creditworthiness and must be disclosed in the financial statements.

It is a natural person power to sue and be sued. Consequently, the new legislation limits the extent to which a municipality can be held liable. In the past the court has swung the pendulum to increase municipal liability to a level that many thought was unacceptable. This legislation tries to change the swing of the pendulum back to a level that will be more acceptable. The intent is to achieve a fair and equitable balance between the reasonable duty of a municipality to function while giving individuals an ability to claim for damages or loss as a result of municipal action.

Mr. Speaker, taking a new approach to the legislation – enabling rather than restricting, delegating rather than controlling, giving the kind of flexibility that is inherent in natural person powers and bylaw-making authorities – is difficult at best, but it's worth that extra effort. As I said at the outset, times change, needs change, and government is responding by designing the kind of legislation that will serve both municipal and provincial levels of government well into the 21st century.

Thank you.

3:20

MR. SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. I'd like to thank the hon. Member for Lacombe-Stettler for bringing the Bill forth. Her introduction of the Bill certainly helps clarify a lot of areas. It is without doubt a very large and significant piece of legislation. In addressing it, I will point out some concerns that initially surfaced within the Liberal caucus. As we go through the debate, certainly I would suggest that we probably can cover those small differences without great difficulty. I would suggest to all

members of the House that they certainly canvass their administrators and their elected officials to ensure that their wishes are brought forth in this House in regards to this Municipal Government Act.

The minister on past occasions has gone to great length to express and explain the consultation process that has taken place with this piece of legislation. As a former city councillor in Leduc I was part of that early review process. I am aware that there is a general acceptance throughout the administration and the municipal politicians. I would suggest that our preliminary review of the Bill itself will find support in the Liberal caucus as well. However, there is one party that has not been consulted extensively, and that is the taxpayer. We've heard it stated in this House before that there is only one taxpayer in this community, and the implications of the Act undoubtedly will impact on that taxpayer. When we look at the provincial downloading of the financial and decision-making processes to the municipal level, there can be no doubt that it will necessitate the municipal governments to broaden their revenue-generating sources. That being the case, it will impact on the taxpayer in Alberta, and I think it's incumbent on us to educate the taxpayer as to the implications of this Bill.

As I saw the Bill, the statement that I extracted from the Bill itself was that the provincial government, though they broaden the responsibilities of municipal government – I would also suggest that they're off-loading some of their traditional responsibilities to the municipal authorities. I've often heard the comment in this House from the side opposite that "We have confidence in our municipal government officials." I also would express that confidence, but I think as we go through the Bill, one of the concerns that bothered me – and I'll state it in the context of that statement that we have confidence in our municipal councillors. Throughout the Bill time and time again it becomes evident that the minister retains the hammer, if I could use that term. They retain the override. We end up with a situation in many instances throughout the Bill of municipal government by regulation. We've got health care by regulation, education by regulation. I'm a little concerned about municipal government by regulation. We have to give clear direction to municipal councillors as to how we will proceed or how they can proceed with it.

So though the Bill initially looks very positive and though it will be received well by the administrators, that is a large concern in my mind: that the collection of the power by the minister belies the confidence that we have often heard spoken of in this House. I suggest that we should give the municipal councils the freedom to work without being under the ministerial or the bureaucratic yoke that is being applied. For example, when I was reviewing the Bill, we indicate that for something as simple as a BRZ – and I could use the city of Leduc as an example – the minister in this case may make regulations to actually establish a BRZ, to set the bylaws, to appoint the individuals there and also the number of members sitting on that board and the power and the duties of the BRZ. Yet the BRZ powers are clearly outlined, and their responsibility is to the local council. So I have a concern that there is really no need for the minister to be involved in that particular element. It does not reflect the confidence that we often state that we have.

I would also take the hon. Member for Lacombe-Stettler's comments about being able to operate as a corporation and the ability for the municipalities to participate in that aspect. Again, if you read the Bill, the minister may make regulations pertaining to what information has to be supplied in regards to that corporation: who actually controls it; which corporations may be controlled by the municipality; the terms and the conditions that apply. That, I suggest one more time, does not echo the confidence that we often state is coming forth.

We examine amalgamation. The hon. Member for Lacombe-Stettler spoke of that. When two municipalities are into – and I will use the term – "friendly amalgamation," there is very clear direction and guidelines as to how that proceeding should be conducted to ensure a fair and complete dialogue. On the other hand, when the minister initiates an amalgamation, the direction is very permissive, and it is riddled with many "mays." May is the permissive word that is a concern: the minister may consult with the local authorities, or the minister may consult with the public, or he may appoint the official administrators. So I have a concern that if the municipalities themselves have the intellect and the integrity to carry on with an amalgamation with clear, defined rules and regulations, I think that the minister certainly should be bound by those same rules and regulations. It's an indication of the minister's overriding decision-making power. I do not believe that it's necessary. So we will look at that and attempt maybe to bring a more restrictive aspect so the minister does not have to wield the power in that case.

Similarly when we look at dissolution of a municipality. If the minister believes – and that's the word that's used in the Bill – it will lead to more effective or efficient municipal operations, again the minister may conduct at least one public hearing or may hold a vote on the proposed dissolution, but it is not mandatory. That permissiveness is not acceptable if we have confidence in our municipal politicians. It is too permissive, and it's open for abuse.

As I have expressed concerns about the minister's overriding powers and his final say in municipal government by regulation, I have a large concern about a term used throughout the Municipal Government Act, and that is "a specialized municipality." It is not well defined. It is created really at the whim of the minister. I would have to ask myself: "Is this a tool enabling counties to assume control of towns or villages? What is the intent here? Is the intent really to form a district government? Is that what we're moving to?" I find it ironic that that legislation is permissive again, and when we're looking at the transition from a town to a village to a city, we have again some permissiveness there. I would suggest that in Alberta we have been a province since 1905. Why is it that at this stage we cannot set clear terms and rules and regulations as to natural progression from one form of municipality to another? The "may" has caused some anomalies throughout the province, and I would suggest the time has arrived when in fact we can deal with that in a firm and clear direction.

When I look at Bill 31, one of the concerns also that I had – and I think it's a step in the right direction – is the formation of the municipal government board. It will deal primarily with annexations. Again the minister's power surfaces in this particular board by virtue of the fact that he can appoint these board members. I think it behooves this government, as they have promised in the elections and as the Auditor General has indicated in a report some time ago, that positions such as this certainly should be open to public competition and should be chosen and filled on the basis of merit as opposed to appointment of the minister. It brings that arm's-length operational status to the board which, I would suggest, will lead to far superior decision-making in regards to the best interests of Albertans.

3:30

The Member for Lacombe-Stettler indicated that the access to information clause in the Bill was quite open in what information the municipal councils had to provide. When I read the Bill, I did not see that there. I have been involved in the discussion with the freedom of information Bill at the provincial level, and I would suggest that the access to information or the MGA here is somewhat stifling. I'd like to think that both are in concert with

one another. Any government business that's worth doing certainly is worth doing in public. Again, we will end up with far better decisions when those decisions include and involve the public.

There was a mention also about the percentage as far as a petition is concerned. The number of 10 percent is identified within the Act. Ten percent may on initial examination not appear to be too onerous, but if we look at the city of Edmonton and someone is attempting to petition, such as was the case with the Municipal Airport, that 10 percent amounts to approximately 60,000 signatures before you can bring it to council's attention. I have a concern that that is too onerous. I believe it would eliminate public input. Public input is not an input that any politician should be concerned about or afraid of. The other side of that particular aspect: if a plebiscite is successful, there is a binding regulation that in fact it cannot be appealed for three years. I would suggest that we should visit that, look at two years. Two years certainly would give us ample opportunity to determine the impact of any plebiscite that has been in place. I think the council evaluating it after a two-year period certainly should have the option to go back and revisit it. It may have caused some detrimental impact. That detrimental impact has to be addressed or has to be reviewed.

One area that I attempted to speculate as to why it was not included in the Act was the County Act. I wondered why it was not repealed and included in this Act. I can think of some other debates in this House where we amalgamate boards, and we always leave one by itself for whatever reason. The County Act does cause me a concern in the sense that it's not included in this particular aspect.

When we looked at and reviewed the assessment of property – and I spoke to a regulation that so often is encountered in this particular Act – I read that in the assessment aspect for farm buildings, for example, it will be determined whether they'll be assessed by regulation and the farming operations also by regulation. I looked at the M and E tax, and that also pertains to and is tied into the government's regulation. Those certainly should be able to be defined at this particular point. I don't think we should leave them wide open to the whim, again, of a regulation. It will cause inconsistency throughout the province.

I heard the hon. Member for Lacombe-Stettler refer to the special taxes that are included. She identified some of them and indicated they had been in the old MGA. I think some are not included in there. They're worth examining in detail. One that I would bring to the Assembly's attention is a tax to enable a municipality to provide incentives to help professionals to reside and practise their profession in the municipalities. Now, this in fact may be a very good idea, and I think it has some potential. It may cause some concern with the new health regions. I see where we may have some inequities existing there depending on whether you have an affluent rural area or not. We have a new fire protection tax and a recreational services tax. Some of these taxes, of course, are taxes that may never come to be, depending on the decision of the day of the council of the day. It does open the door. It does broaden the opportunity for municipalities to increase their revenues. That's why I indicated that the taxpayer of this province is the one that has not been consulted and the one that surely must be informed that they may encounter some of these aspects.

The assessment review boards. I have sat on the court of revision in the city of Leduc. It would be my personal experience and my personal thought that when we look at courts of revision and we look at appeal boards, we certainly have to divorce them more so from the councils that initially are involved in the

taxation process in whatever municipality we live in in this province. It would put us in good stead to ensure again that we have a nonpartisan board reviewing appeals of taxation in the province itself.

The market value assessment I would suggest has some very positive implications as well. I'm fully aware of the long delay between assessments of communities that has caused some large swings in taxation within the province. Market value assessment would in fact eliminate that. I do have a concern that we must look very clearly at a grandfathering clause. When I say that, the example I would give would be the individual – and more often than not it's a senior on a limited income – that would live within the confines of downtown Edmonton in their original house. In fact, market value puts that house at some ludicrous amount. Certainly we will force that individual out because they cannot afford to pay their taxes in that case. We've seen some examples of that happen in Vancouver, and I think we have to explore some sort of avenue to ensure that those people do receive the protection of their home that they've lived in for so many years.

The other aspect. We will have to attempt to set a mechanism in place where there's a recession in a particular part of the province and property values fall rather rapidly. Municipal councils will be handicapped at that point because of the lack of revenue they can draw, and it will be moved over to the residential tax base at that point as well. So there are some concerns with market value assessment, and I think if we look at B.C. and some of the provinces that have embraced it, we should prosper from their experiences.

The Bill itself, as I indicated, Mr. Speaker, is generally acceptable to most of the councils and the administrators of the province of Alberta. You will find positive comments coming forth from the Liberal side on it as well. I give notice that we do have some concerns with it. I believe they're not concerns that are insurmountable. They're not concerns that everybody in this House will not have an opportunity to address and an opportunity to improve. I would encourage one and all to solicit very aggressively comments from your local administrators as to what they see as shortfalls or pitfalls in this Bill. It is an extensive piece of legislation, 266 pages. With all due respect to those that have drafted it, where a human element is involved, there is bound to be the odd error. Your local administrators would be good safety nets to determine whether something has been overlooked or something has been included that would cause them concern. If we're going to repeal this legislation that came into being in 1912, I think it's very important to do it correctly and make sure that we have covered all the bases so all the municipalities in this province certainly benefit from legislation that is long overdue for being changed.

With those comments, Mr. Speaker, I would conclude my comments. I would ask that many from both sides of this House speak, even if not briefly, to it. Spend a minute with the Bill. It has a large implication to your administration, your community, and it will impact for years to come. So don't miss the opportunity to input to it.

MR. SPEAKER: The hon. Member for Edmonton-Whitemud.

3:40

DR. PERCY: Thank you, Mr. Speaker. Certainly Bill 31 is a large undertaking. It has been long awaited, and I'd like to discuss some of the principles involved in this Bill.

The first point I should make is that certainly under the Constitution Act local government is the creature of the provincial government. So it's clear that when you look at the structure of

municipalities as set out under this Bill, it has to dovetail in some consistent fashion with other Bills that are presently making their way through the Legislature – the health boundaries Act, Bill 20; the school Act, Bill 19; and the like – because there is significant structural change presently being undertaken.

In an economy that is highly competitive, in an economy where we know that people can vote with their feet, are very mobile within the province, between provinces – and certainly now in light of the free trade agreement professionals in particular are highly mobile between Canada and the United States, between Alberta and Montana – the structure of municipal government that emerges then has to take into account the constraints imposed by harmonization. Certainly I think that when one as a general rule then sets out mechanisms to try and build accountability into legislation, if you can ensure that services are provided for by the level of government that is closest to the population at hand, it creates a significant degree of accountability, because people, you know, do keep their eyes on who picks up the garbage, who paves the roads in their municipality, who provides those local services that they can monitor and also for which they're assessed some type of user fee.

I would look at this Bill, then, in that context and ask: in terms of the principles imposed by an increasingly globally integrated economy, does this set out a structure by which we get a level of government that is most responsive and most accountable? I think it does. There are a number of features that I do like about it in general, dealing with the principles of the Bill, in that it tries to build in responsiveness, and it tries also to provide a structure of local government that allows for diversity as well. We know, Mr. Speaker, that there are significant differences across this province both in the richness of the tax base in terms of the constraints imposed by geography and the constraints or the windfalls imposed by deposits of natural resources or the location of industry.

Speaker's Ruling Decorum

MR. SPEAKER: Order. Would the hon. Member for Cypress-Medicine Hat cease and desist from sitting in other people's chairs. This is about the third or fourth time this has happened in the last number of weeks. The hon. member knows where his chair is. That is the only chair that he is entitled to sit in when the Speaker is in the Chair, and the Chair would be much obliged if he could pay attention to the rules of this Assembly.

The hon. Member for Edmonton-Whitemud.

Debate Continued

DR. PERCY: Thank you, Mr. Speaker. As I was saying, certainly when you look at this Bill and ask, "Does it provide for a diversity of structures of local government and a diversity that can take into account differences in resource windfalls, differences in the location of economic activity?" I think it does. Again, one touchstone for assessing whether or not the Bill makes good sense is whether or not it is consistent with the harmonization that we know is occurring globally, and I think it does. It provides, then, for that high degree of accountability, because the election cycle for local government is in most instances shorter than the election cycle that we observe for provincial governments, and that then allows those who receive the services and pay the taxes for those services to exercise their option to throw groups out that don't in fact meet the test of providing services at the least cost and in the most accountable fashion. So I like the effort, then, to introduce this high degree of shifting downward to local government decision-making.

On the other hand, I do have to echo the comments of my colleague from Leduc in that there appears in this Bill to be significant discretion allowed the minister. On one hand, that makes sense since local government is in fact the creature of the provincial government, but it would be much more reassuring if some of the intent of those regulations was set out more clearly, because in some divisions of this Bill all we have is basically the fact that the provincial government will set out the regulations, and it doesn't really tell us or provide us with the structure that would be reassuring. So I'd much prefer to see legislation as opposed to regulation that will be announced by a minister at some point subsequent to the passage of this Bill. That does concern me, and certainly I think when we come to Committee of the Whole, that's an issue that should be addressed.

One area in specific that I have concerns with and that in a sense I think flies in the face of the efforts of the provincial government at the national level concerns the ability – and this is in section 8(c)(ii) of the Bill. This basically allows for, somewhat, balkanization across municipalities in the provinces. Here what you observe is that municipalities can charge higher licence, permit fees and the like for those individuals that live outside of the municipality in question. Again, on one hand one can understand why a government wants to do that, because what they're trying to do is ensure that those that live within the jurisdiction receive the benefits of expenditures by that jurisdiction or channel funds towards businesses that in fact are located within the jurisdiction in question. On the other hand, we know that when we go forward nationally, the Minister of Economic Development and Tourism and the former minister of federal and intergovernmental affairs, who is a consultant, are working vigorously to try and get a level playing field in place where we have some degree of harmonization. So one observes that there is certainly a potential here for balkanization within the province in terms of the discretion that is allowed municipalities to charge differential fees for permits, licences, and the like depending on whether or not the business or individual in question lives within or outside of the municipality in question. So that is a concern.

When you tie that together, Mr. Speaker, with the fact that the regional health boards that may emerge can also introduce specific types of user fees or taxes, you sort of get the perception that if you look at this Bill in conjunction with some of the other legislative initiatives, you're getting the ability for a real patchwork of licence and fee structures to emerge in this province. Now, I think you could argue that that may be a good thing, because to the extent that you want to promote competition among municipalities, it'll be the market test. Those municipalities that are high cost and have a higher level of taxes will naturally drive out businesses that otherwise would occur and individuals who would otherwise migrate to that particular region. So there is a market mechanism that deals with this, which is competition, and the fact that that scarce resource, the taxpayer, can be harvested but not harvested too often and too frequently and can't be skinned that often. Otherwise, they just move on. So implicit in this Bill is a real faith, then, of a competition among municipalities, and that will be the driving force that ensures some sanity as we see differential fees emerge across a variety of these Acts. So one has to be pretty clear that that's the approach being taken rather than the provincial government saying that there will be a consistent level of taxes or fees independent of whether or not you live in the region or outside of the region. I think we just have to acknowledge that, and we have ask Albertans: is that what they want? Certainly it appears from the consultation that was done with various municipal officials that they're willing to live

with that and they presume that the market will provide some array of constraints on their behaviour.

The other set of issues that concerns me is the link of this Bill with the response to the Tax Reform Commission. We know, for example, that the M and E is going to be done away with but in a manner that we don't yet know what is going to go in place. There's an uncertainty out there as to the nature of the tax regime that will emerge in response to the Alberta Tax Reform Commission and M and E, then, a significant element of uncertainty. Municipalities that heretofore had relied for a significant pool of revenues on the M and E quite understandably are concerned as to how, then, they are going to raise the funds that are required over and above those funds that now will go into the school requisition. That isn't obviously addressed within this Bill, but it's something that has to be considered part and parcel with this Bill when municipal government is looking at it.

A number of major structural shifts are occurring. When we look at this Bill and ask ourselves, "What is the type of congruence or overlap that will exist with the potential amalgamations, consolidations allowed under this Bill with the types of regional government we'll see in health care or in school districts?" it would be interesting to know if there is a perception that there's going to be a degree of integration across all three of these Bills, because they all allow for quite significant consolidations or groupings on the grounds of efficiency. Here it's down the road in terms of what officials may do, and in terms of the amalgamation process it certainly cleans up what previously had been a very high cost, very expensive undertaking, which generated a significant amount of work for lawyers but probably didn't aid and abet the efficient consolidation of local governments.

3:50

When I look at the Bill, I think there are a number of very positive elements to the Bill. It is long overdue. I think it allows us to be consistent in how we deal with the market forces that are imposed on us as a province and imposed on local government.

I do have my concerns in the sense that because the Bill allows for a lot of flexibility to the extent that the provincial government will continue to download onto local government responsibility for certain types of options, you're going to see that the richness of the local tax base is going to determine the array of services that are offered. We'll see the provincial government moving away from its role of sort of ensuring a level of service to a common standard, albeit perhaps a minimum standard, and the responsibility for that minimum standard may in fact now be borne more and more by local government. But again that appears to be a trend that's not only true here; it's true in British Columbia, it's true in Ontario, and it's true in a range of jurisdictions. This just seems to be the constraints imposed by harmonization.

So certainly in principle, Mr. Speaker, I can support this Bill, and with those comments I will conclude.

MR. SPEAKER: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Speaker. This particular piece of legislation has been long awaited by the municipalities of Alberta, because in the existing Municipal Government Act there are provisions that simply are afunctional. There are some many areas that do not now respect the independence of a lot of the municipalities, particularly the smaller municipalities that have come a considerable way in the last 20 years. The sophistication with which they are run, however small, is really quite remarkable, and the Act didn't really make provisions for those. There are certainly a number of sections that I can agree with without

difficulty and without hesitation and would wish that they were hurried along and were in fact law 10 years ago when I started at a municipal level. The accountability and responsibility vested with a municipality is really quite important. We don't see that displayed in the Bill quite as much.

There's one part that really, really concerns me, and it's the provisions in part 14, which are still patronizing in the way that they in fact deal with a municipality. There are provisions that can be, if enacted upon, draconian in effect. Any document in the possession of a municipality can be made to be produced before the minister. Now, if that is not Big Brother and Big Sister, I don't know what it is. Those kinds of provisions need not be required in today's world. No matter how big or how small the municipality is, you just cannot treat elected officials, who are elected by those same people that have elected these members in the House, with that kind of disdain. Tucked into the provisions there are some fees that could be charged. That seems to be at the whim or the will of the minister of the day. Those kinds of areas will have to be examined in detail at committee stage.

I wouldn't expect that it's the intent of the authors of the Bill and certainly not the intent of the members of the Legislature to impose those kinds of limits on fellow politicians, the municipal councillors in this province, which in fact we rely on collectively in this House to run a great deal of the province's business in the name of the people. We cannot and should not ignore the strength of their conviction to do what they are elected to do, and therefore the imposition of these kinds of measures is simply unacceptable, and at the proper time I suspect we'll have a great deal of time to discuss that matter.

There are some provisions that have been changed, have been cleaned up and modernized and brought into one Act. That's the provisions in division 4. What used to be in the local elections Act is now contained in the provisions of this Act, which makes it much, much simpler for the manner in which to run the affairs of a municipality. Knowing full well and spelled out what a pecuniary interest is is very, very important at that level, whether it be a very small municipality or a very large one. Those kinds of things are fundamental and spelled out clearly in one simple document – well, not so simple a document but one document that can be referred to that is indexed rather well.

There are sections that I agree with, again in the public utilities section. That section describes the utilities that (a) must be operated by the municipality for health and good government reasons, but also those provisions cover the money-making provisions of a public utility. The powers of the local municipality are governed rather well and set out rather well in this Act.

There are, however, some sections that puzzle me just a little. It's difficult to tell what the intent of this government is when it deals with an area like part 12, the municipal government board. The intent here, as I understand it, is to deal with intermunicipal jurisdictional disputes, things that cause some consternation in the way of taxation powers or in the way of provision of service in one municipality or another. There have been a number of well-documented and well-published disputes, border disputes if you will, of municipalities. There doesn't seem to be any general, philosophical statement in the Act – perhaps that'll come, or maybe the minister has to deliver that from time to time – on the reason for a municipality and how the taxation or the generation of income from that municipality, from that geographical area, is solely for the purpose of providing the municipal services in that area. That statement is not within this Act. In fact, some of the rulings that will now be made by this municipal government board will have to deal with that fundamental principle.

It has and continues to be violated. In some cases the dispute as to whether the property is in one municipality or another and annexed to another – the solution eventually was found by mutual agreement, although not agreement by the general populace but by those participating parties, that for a time they would share the revenue. Well, that fundamentally violates the principle. The taxation should be related to that property and that property only, for you're taxing here and delivering the service over there, across the border. Well, that to any great extent – and it happens mostly around the larger municipalities. When that kind of thing occurs, it fundamentally destroys the major intent of a municipality, and carried to any kind of extreme then, if those rulings were not limited and certainly if the intent of the Act is not itemized in the Act, there are some major abuses that could in fact occur.

4:00

There are some very, very interesting provisions that I'd draw to the attention of the members of the House entitled Access to Information, which is part 7. It is a very, very interesting section with a very, very good statement of principle on the access to information, which the members of this House, particularly those that will be dealing with Bill 20 at some point in the future, should review, because the principles set down here are those principles that should apply to all elected bodies. It doesn't seem to be the case at this point in this Legislature, certainly with the history that we've seen with some other Bills here. It seems to be that this government is setting out in this Act what we'd like others to do but we don't have to have those provisions.

This Bill has been in the works for quite some time, and this provision was brought about, as I understand it, by at least two, maybe three major municipalities that said: "Lookit; this is something that we've had to deal with in our municipalities. Perhaps it should be included." In fact, it was left at that, and the department decided, yes, it was one of the areas where the protection of the public should be included. If this piece of legislation is passed and the current provisions as they're laid out in another piece of legislation before this House are also passed, clearly the statement to all Albertans will be, "Do as we say, not as we do," because the provisions here and the principles here, if adhered to, will certainly be much, much more enforceable than those in the other Act.

Now, aside from clearing up the last five years of work on this particular piece of legislation by the municipalities, the AUMA, and others in the province, this piece of legislation does that as well as, it seems to us, although we can't tell for sure, that the intent is to add some fees which the Municipal Affairs department can apply to anyone that asks a simple question of the department – that's in a minor case – to a major case, which could mean applying the cost of the operation of the entire Department of Municipal Affairs to the municipalities. Now, that creates, in this member's mind, a great deal of difficulty.

We can already see in this Legislature the major changes that have occurred in the last budget which change the intent of taxation and deliverance of some cash to the provincial government away from the provisions that it currently has – the taxation of both personal and corporate income tax or a portion thereof and natural resources and the like – to fees and, most importantly, pushing down some of the responsibility of deliverance of service, of those same costs of service, to the municipality. It appears that is what is occurring here with the multiplicity of additional taxation powers that the municipality will now have. It's a virtual explosion in the areas that they're able to tax, and that provision concerns one in that every member of this House has been told time and time again that we as Members of this Legislative

Assembly should not increase taxation. We've also heard from members opposite and members that there is only one taxpayer. When you combine those two thoughts, it's painfully obvious that there is no need for new taxation at the municipal level or at the provincial level.

There are provisions within the Act that make specific mention of operating budgets and how they are to be reported and how they in fact are to be implemented. Well, if you applied the same rules in part 8, entitled Financial Administration, to the operation of this province and then graded the province on the history of the last two years of performance, it would reach a below F rating, because there is no disclosure of the contents of a capital budget, save a large one-line item. There isn't that same kind of responsibility that is seen in this piece of legislation. This piece of legislation, in fact, in most areas – budgets, investments, borrowing, and the like – does cover a fairly broad range of ground and covers it fairly well, I have to admit. Certainly the limits on loans and guarantees are very, very, very specific. In fact, once in a while it would be nice if this House lived by the same rules. Again, Mr. Speaker, it is the same thing. This piece of legislation is one of do as we say, not do as we do.

There are of course a number of other provisions in the Act that in some way or other touch upon the taxation of property. Property taxation should in fact be directly related to the deliverance of property-related services. Well, the Act skirts around a lot of these issues, never deals with it straight on, and in fact allows the provincial government to continually push these costs down upon the property tax payer. These in fact are not the ones that should be paying for a lot of these services. It's painfully obvious to all those that have had to deal with budgets at the municipal level who say, "Look; there isn't anything that can be attributed to social services, health care." Those kinds of softer services are supposed to be handled by the province and are now being pushed down, over and over and over again, to the property tax payer. These in fact are not services that should be delivered by a municipality. They should be commented upon, perhaps, but should not be a fundamental part of their service.

Mr. Speaker, there are a number of provisions in this Act that give me some concern, but by and large the overriding principles of this particular Act I can support. I believe that it should go forth with all possible haste to get to some meaty discussion on some smaller provisions of the Act in Committee of the Whole, sir.

MR. SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Well, thank you, Mr. Speaker. I have no intention to speak very long, but this Bill is dear to my heart, and I just want to make a few comments on second reading of the principle of the Bill. I want to first congratulate the Member for Lacombe-Stettler for bringing this Bill forward and also the minister for his involvement in this Bill.

I can remember back in 1987 when Eric Musgreave, the MLA for Calgary – wherever he was from in Calgary – started this review, the municipal statutes review. I also know that the Member for Rocky Mountain House, along with myself, was on this committee. I only started in 1989.

There has never been a Bill that I ever heard of that has had the kind of review that this Bill has had. We – and I should say we, our resource people – sent out literally thousands and thousands of draft copies of different parts of the Bill to municipalities, who in turn got it to their council members. I will add that we had members of the AAMDC, AUMA, improvement districts, and members at large on this committee. It was a very in-depth look

at this new proposed municipal Act at that time. As all of you know, the old – if I can use that term – municipal Act had so many amendments that council was having difficulty following it. I know that the hon. Member for Lacombe-Stettler – I can't remember back to 1904 or 1912 like she does, but I remember working with this Act for 19 years, and there were so many amendments to it that it was very difficult to follow. So I'm extremely happy to see this Bill finally forward after, I might add, seven years of study.

4:10

It's my real philosophy that councils are elected – they are elected exactly like everybody in this House – and I don't consider myself, just because I'm an MLA, any more responsible than those members that are elected. What this Bill really does is give natural persons power to those municipalities. Who knows best what's needed in a municipality than the people that are truly elected to those positions? This government strongly believes that, and that's in principle exactly what this Bill does.

I did hear some comments that it gives more taxing authority to municipalities. I haven't read that. It's a different way to do business but certainly no taxing authority that they didn't have in a different way.

So without going on, because we are certainly talking about the principle of the Bill, I stand here so much in favour of this Bill that I just had to rise to put my two-bits' worth in. I want to say that I'm 100 percent. I know that the elected people in this province are capable. If you go back and follow what this new government has done, we have given authority by the different grants to municipalities. We've combined grants. Like I said earlier, I have worked for 19 years in the municipal end, and I often said: we don't need government telling us what to do. I can go back to the Social Credit days when I was there. We are capable, and I'm talking as a councillor, duly elected, out there. They were duly elected, and they are the people that can make those decisions. We never did want conditional grants. We wanted unconditional grants, because what's good in one jurisdiction is not good in another jurisdiction.

So this just fits in with our whole new philosophy. I'm excited about it, and I just hope that we can get second reading on this very soon, pass the stages of this, and let's get it in as the new municipal Act.

Thank you.

MR. SPEAKER: The hon. Member for Edmonton-Glenora.

MR. SAPERS: Thank you, Mr. Speaker. It's a pleasure to rise and enter the debate at second reading on Bill 31, the proposed Municipal Government Act. My first brush with this bit of legislation goes back about four and a half years when I was involved in a review of an earlier draft, and I'm happy to report that the Bill has made tremendous progress. It's a Bill that I think I can vote for, and that's going some.

This Bill is certainly long overdue in terms of giving municipalities extended powers: powers in terms of financing options, powers in terms of attracting capital, powers in terms of housing, planning, utilities. It's the direction that many, many of the larger municipalities of this province have been taking and have been encouraging the provincial government to help them pursue, and it certainly is about time.

I do have some concern, and I know that we'll get a chance at committee to further pursue these concerns. But part 7 of the proposed Bill talks about public participation and particularly access to information. Now, as all members of this Assembly are

aware, Bill 18 is also before the Assembly, the Freedom of Information and Protection of Privacy Act, and that Act, while it in itself is not perfect, certainly provides in my mind a greater degree of comfort regarding access to information than part 7 of this proposed Bill. I question why the government, why the drafters simply wouldn't mimic, repeat, parts of Bill 18 in part 7 of the new MGA.

Now, I do note that under section 643 of this proposed Bill, on the coming into force of the Freedom of Information and Protection of Privacy Act, certain sections of Bill 31 would be repealed and replaced. But, Mr. Speaker, it's probably more certain that Bill 31 will receive the blessings of this Chamber than it is about Bill 18. I would hope that when we do get to committee stage, the government will be willing to look at some amendments, particularly amendments to sections 216, 217, and 218 regarding freedom of information, so that we can ensure that all Albertans have as complete access to public information as they deserve, because, after all, no matter what the level of government, the information held really belongs to the citizens who have put those governments into power.

So, Mr. Speaker, I will be voting eventually to support the new Municipal Government Act. I look forward, though, to a robust debate at committee, particularly regarding part 7.

Thank you very much, Mr. Speaker.

MR. SPEAKER: The hon Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's also a pleasure for me to rise this afternoon to speak to Bill 31, the Municipal Government Act.

Just a few comments, Mr. Speaker. I would also rise to speak in favour of Bill 31. Obviously, as all members can see, it's a very comprehensive Bill that is now coming before us. This has been the culmination of a tremendous amount of work done on behalf of the government and all stakeholders that have had an opportunity to participate in looking at where we as a province, where in fact this government wants to go in terms of its municipal government powers and the legislation that will ultimately come into effect to allow municipalities a greater freedom, a greater flexibility, a greater opportunity to be self-autonomous.

[Mr. Clegg in the Chair]

The Bill, as I've indicated, Mr. Speaker, is very comprehensive and will require no doubt a great deal of debate in Committee of the Whole as we go through the various provisions. But there are some comments that I think are necessary to be made just in terms of how the Bill comes forward in second reading as we talk about the principle of the Bill.

The intent of the Bill, Mr. Speaker, is to provide greater responsibility to municipalities, to advance their own interests, and to be much more self-autonomous. But there are a tremendous amount of decision-making powers that continue to be left with the minister. In the previous draft discussion paper with respect to municipal government legislation changes, we dealt with and we saw that particular form come forward and talk about amalgamation, redistribution, and restructuring of municipalities. Certainly, as we see in this Bill, those kinds of decision-making powers continue to be left in the hands of the minister. We saw in that draft, as we see in this Bill, that the minister can or need not invite comments from the public, need not hold public meetings with respect to amalgamation and with respect to the changes. So that's one area that needs some discussion, about the role of the minister continuing as having a final say in a number of areas.

4:20

The Municipal Government Act will certainly have an impact on the constituency that I represent. As you know, Mr. Speaker, and as all members know, the hamlet of Sherwood Park is the largest hamlet in the province of Alberta. We have in the past and will no doubt continue in the future to question what our community, at the size that it is of 35,000 people, should be in terms of its municipal structure, in terms of whether or not the boundaries of Sherwood Park should be incorporated, whether or not our existing relationship and arrangement within the county of Strathcona is in fact where the community wants to go in the future. There is some difficulty I have and some concern I have that those decisions may not be left to the residents of Sherwood Park and in fact could be decided by the minister unilaterally. Obviously, that concerns me.

We've also in Sherwood Park, as you'll know, Mr. Speaker, had some difficulty with annexation problems with our neighbours. As a result of those difficult negotiations, the government agreed that the boundaries of the county of Strathcona would not be affected and there would be a moratorium for 20 years. Certainly the new Bill at this point raises the question as to whether or not the government is prepared to live up to that commitment that it made a number of years ago in terms of the moratorium for the boundaries of the county of Strathcona and Sherwood Park within the county of Strathcona.

So those will be issues that I would like to deal with as we go into Committee of the Whole, Mr. Speaker. At this point in time I also wish to congratulate the hon. Member for Lacombe-Stettler, who tabled the Bill. It is certainly very comprehensive. It's a positive step forward for Alberta, and I look forward to further debate.

MR. ACTING SPEAKER: Are you all ready for the question?

HON. MEMBERS: Question.

[Motion carried; Bill 31 read a second time]

Bill 30
Environmental Protection and Enhancement
Amendment Act, 1994

MR. EVANS: Good afternoon, Mr. Speaker. I'm pleased to give an overview of the amendments that are contained in Bill 30. I'd like to begin by just reacquainting hon. members with the amount of time and effort that went into the Environmental Protection and Enhancement Act. Back in 1990 we started this process, which was predicated on the principle of public involvement before any decisions were made. We wanted to be sure that a draft went out along with a user's guide and wanted to make sure that the Act was user friendly. In fact, the Act amalgamates nine pieces of environmental legislation and provides a one-window approach to the people of Alberta, the customers, if you will. I know that may get a bit of a rise out of the Member for Sherwood Park, but I like to consider all of the members of the Alberta community as customers of the Department of Environmental Protection. We're customer service oriented, and that's what this Act was all about.

It came into force and effect in September of 1993, Mr. Speaker, with the passage of the regulations under the Act. Up to that time we felt we'd addressed all of the issues at the regulatory level that had been raised, again, through very significant public consultation. Since that time, though, we have continued to work with stakeholders, work with municipalities, and we've tried to identify issues that are bones of contention for

municipalities, bones of contention for individual Albertans in the Act, and to clarify as well some of the particulars in the Act insofar as it relates to all parts of this great province. What we have done, therefore, is create a piece of legislation that I believe deals with four broad issues that have come up a number of times in discussions with Albertans on the implementation of the Alberta Environmental Protection and Enhancement Act, and that's why we have before us today Bill 30.

The first one that I'd like to refer to specifically is the expanding of the scope of the environmental protection and enhancement fund. That is a fund that was set up in the Act to deal with a number of issues coming under the Act. Quite frankly, thanks to a new and progressive way of doing business in this province through the Provincial Treasurer and the Treasury Board, we've had approval to expand that fund so that new revenues that come into government coffers would no longer go directly into the general revenue fund, but a substantial amount of those revenues would come into the environmental protection and enhancement fund to deal with natural resource emergencies.

I believe that a number of members would be aware that in the past when we dealt in particular with our forest fire hazard and the response that we have to forest fires in this province, we've not had a budget that was anywhere close to consistent with the annual costs of dealing with forest fires. We had the special warrant as a vehicle to deal with the costs above and beyond about \$10 million or \$12 million. Well, we're not using special warrants anymore, and I daresay we shouldn't have been using them in the past. Certainly we are not using them anymore, so we have to have sufficient funds to deal with emergencies. Now we are planning, through our three-year budget plan, to have enough money to deal with the average cost of fire protection in this province over the past five years, and we'll update that on a continuing basis. But in a very dry year, Mr. Speaker, we could have costs that would well exceed the average cost that we have been projecting for fire protection, which is somewhere between \$35 million, \$38 million a year. We want to be sure that in that event we have enough money in a fund to be able to deal with forest fires in a timely and responsive manner. So that's one of the ways that we will be using this natural resource emergency fund, which is a generic term, this environmental protection and enhancement fund.

How are we going to fund that? Well, one of the main ways we will be able to fund it is through increased revenues as a result of a new stumpage fee agreement that we have with the Alberta Forest Products Association and generally with foresters in this province who are harvesting sawlogs. That will put a substantial amount of money into our provincial coffers, and additional moneys will be going into this fund. We also have the ability through increased licence fees, whether that be for hunting or fishing, to put those moneys into the fund. We also have the opportunity through hydropower rental fees and mineral surface-lease revenues to put moneys into this fund.

I want to be clear, Mr. Speaker, that it's not only forest fires that we're dealing with here when we talk about natural resource emergencies. We're talking about floods. We're talking about problems with insects. We're talking about the forests of this province, generally speaking, and epidemic pest and disease control. Another very important way that we could use these moneys is for contaminated sites cleanup when we can't find the responsible owner and the taxpayer of the province of Alberta would be on the hook for the costs.

So I think this is a very positive step in the right direction. The intent is to broaden out the definition of the environmental protection and enhancement fund and to ensure that we are in a

position to use those funds for emergency purposes related to natural resources in the province.

We also want to streamline the procedures that we have under the Act, and that is consistent with our three-year business plan, our one-window approach, and our commitment to eliminating unnecessary regulations that cause a burden to Albertans. We are not in the business of trying to overregulate; we are in the business of regulating when it is necessary to do so. I'll give you a couple of examples, Mr. Speaker and hon. members. Number one: clarifying that not all water wells require a regulated process. In other words, if they are on private lands, they need not be regulated; only if they tie into public systems.

Another very important change in this amendment is to expand the kinds of options that are available to the Environmental Appeal Board in terms of review of claims that are made by affected individuals who are challenging a decision that is made by a member of my staff at the director level. What we want to encourage are alternate dispute resolution mechanisms and to ensure that there are a number of steps that can take place in appropriate circumstances to try to reach a consensus and try to eliminate the dispute that has arisen. I think that bodes well for cost saving and efficiency and timeliness. Really, the vast majority of the amendments that are suggested in Bill 30 do fall within that broad principle of streamlining, and certainly the ones with respect to the Environmental Appeal Board are streamlining and efficiency related.

4:30

There were some legal issues, Mr. Speaker, that were raised by parties, so we're trying to clarify some of those issues. One very important one was with respect to the liability of public officials under the Act. We've had considerable discussions with both the Alberta Urban Municipalities Association and the Alberta Association of Municipal Districts and Counties and with their solicitors. We believe that we have a wording which is reflective of the responsibility of elected officials for the acts of those they direct or should know about but ensures that those elected officials have a defence of due diligence and ensures that if they are acting reasonably, they will not be held liable. That's just one example of trying generally in the Act to be consistent throughout, realizing that we did bring nine Acts together under the Environmental Protection and Enhancement Act.

There are some other amendments as well, Mr. Speaker, that are for administrative clarity to ensure that, again, the users of the Act are aware of processes and are able to get through a regulatory process of review and approval or rejection in a quick time frame or as quick as is reasonable and realistic in the circumstances.

Those are the four general areas, Mr. Speaker, that are detailed in Bill 30. With that, I look forward to debate and constructive comments from members on this side of the House and opposite.

Thank you.

MR. ACTING SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's certainly a pleasure to actually debate the Bill, a tremendous opportunity. I thank the hon. Minister of Environmental Protection for bringing forward the Bill.

Certainly, Mr. Speaker, what the Bill does is that it deals with a number of perhaps what are characterized more as editorial changes to the Environmental Protection and Enhancement Act that will certainly make the Act better understood and clarify some concerns about the full extent of some of the specific provisions of the Bill. Certainly what Bill 30 does is deal with all

of those as have come forward to the minister, with respect to those editorial changes.

From the perspective of the editorial changes, I certainly have no difficulty with Bill 30, but as the minister did indicate, one of the significant components and aspects of Bill 30 is changes to the environmental protection and enhancement fund. We have heard in this Assembly a number of times in this session, Mr. Speaker, that there were changes which were required to the environmental protection and enhancement fund because what it said it could do in the legislation was not what the business plan and the budget for the Ministry of Environmental Protection said that the fund would be used for. Obviously, it required that if the fund was going to be used in a certain fashion, the legislative authority had to be there for the minister to use those funds in that way. We heard the Minister of Environmental Protection talk about the fact that the money was going to be used if needed, for example, for forest fire control, the example that he used. We heard the minister talk about flood control. We heard the minister talk about disease control, if there was in fact an infestation or an outbreak that may have had a significant impact on forestry in Alberta. Those kinds of things were what the environmental protection and enhancement fund were intended to be used for, and those were the changes that we expected to see brought forward in Bill 30 to allow those things to occur.

Unfortunately, Mr. Speaker, that's not what the amendment in Bill 30 does. Given the wording as proposed by the hon. minister in Bill 30 for the use of the environmental protection and enhancement fund, it would not be possible for me to support Bill 30 in principle. In saying that, I would say that if the minister was prepared to amend section 12 of the Bill so that in fact the environmental protection and enhancement fund was going to be used as the minister had indicated, then certainly I would reconsider my position as to whether or not this Bill could be supported.

The difficulty I have, Mr. Speaker, with the way the Bill is presently drafted is that the environmental protection and enhancement fund can essentially be used for anything that the minister in his discretion decides, for any matter under his administration. Well, that's a far cry from making a fund available for an emergency situation that may arise in terms of forest fires or in terms of flood control or in terms of infestation. The logical extent and conclusion of this particular provision in Bill 30 is that the minister could effectively, if enough funds became available to him through the environmental protection and enhancement fund, literally bypass the estimates process and spend every dollar in his department on money coming into the department through the environmental protection and enhancement fund. There are no controls. There are no checks and balances. It simply is up to the minister to determine at his own discretion whether or not funds can be expended, because the full authority has been granted to the minister to decide how the funds could be spent as long as it's for the purpose of environmental protection and enhancement and emergencies.

Well, Mr. Speaker, when we go through budget estimates and we debate the estimates for the Department of Environmental Protection, that's exactly what we're doing. We're talking about all of the dollars under the administration of the Minister of Environmental Protection, how those funds are intended to be spent in all of the different areas under the minister's administration. Now this process could clearly bypass that whole process, and a majority of the funds could come to this department through this route.

It's also interesting to note, Mr. Speaker, that the new provisions for the environmental protection and enhancement fund allow that moneys can be paid into the fund from virtually any

form of income coming to the department, any fees, levies, revenues, royalties, penalties, charges, dues, rents, or other sums received by the government with respect to any matter under the administration of the minister. Well, I suppose potentially we might find that the tire recycling fund might soon find its way into the environmental protection and enhancement fund. The minister has already stated that stumpage fees are now going into the environmental protection fund. As the hon. Member for Fort McMurray suggested, it's no secret that the Minister of Environmental Protection is in discussions, even as we speak, with municipalities and other Albertans as to the implementation of a water tax. Every single drop of water consumed in the province of Alberta will be taxed by this government, and every dollar from every drop of water consumed in this province by every Albertan will be another dollar going into the environmental protection and enhancement fund. The fund could see significant amounts of money coming to it through all kinds of fees, dues, charges, levies – taxes, taxes, taxes, taxes – that this government is intending to impose on Albertans to bypass the general revenue fund and to bypass budget estimates.

So it's unfortunate, Mr. Speaker, that while the government has to this point in time shown an indication that it is prepared to bring all dollars expended back into the general revenue and back into the estimates debates for the general revenue fund, we see the Department of Environmental Protection moving in the opposite direction and moving away from the budget estimates in the general revenue fund and how funds in his department are intended to be expended. I think Albertans should be very concerned about this, because as the Bill is presented today, there will be opportunity for the Minister of Environmental Protection, through approval by the Treasury Board, to find new and innovative ways to tax Albertans and get more money into this fund.

4:40

You know, Mr. Speaker, the Minister of Environmental Protection has indicated on a number of occasions in the Assembly that the money is going to be intended for things like fighting forest fires. Well, the purpose of the fund, as broadly as it has been laid out in this particular Bill, perhaps leaves open a challenge as to whether or not the funds can in fact be used in that capacity. If we have a naturally occurring forest fire that started from a lightning strike – and clearly biologists and ecologists recognize that fires are an essential and necessary part of forest ecology – is that spending money on environmental protection, or is that spending money on environmental enhancement, or is that spending money on an emergency? It's none of those. It's none of those, and all the minister can spend the money on are those. So I'd challenge the minister as to whether or not, if he was spending money fighting forest fires, that in fact is an allowed purpose under the specific wording of the Environmental Protection and Enhancement Amendment Act that we now have before us.

If the minister had been prepared to come forward with the amendments that he had indicated he would be, that he would specify that the fund could be used for those various purposes, we wouldn't have any difficulty with the Bill at all, Mr. Speaker. But because the minister has given himself such a wide, wide opening to take money from virtually any source that can come to him as the minister and spend that money in any way that minister chooses – this is not the way we should be going in terms of any expenditures of dollars, whether they come to the government as taxes and user fees to the fund or whether they come in through the general revenue fund. So that's really the major difficulty and the major concern with the way the environmental protection and

enhancement fund is set out and how the minister intends to use this fund.

Another aspect of the environmental protection and enhancement fund that has been referred to earlier is that dollars that do come into the fund, if they are not expended, can in fact be transferred back to the general revenue fund by the Provincial Treasurer. Obviously, the concern, Mr. Speaker, is that if we have a number of user fees and taxes imposed by this government, whether it's a water tax or a stumpage fee or a carbon tax or any other kind of tax that may in fact come to this department and into the environmental protection and enhancement fund, that money can simply be taken by the Provincial Treasurer and moved back into the general revenue fund. So there may be no opportunity for debate on the dollars coming into the fund, but they could go back. In fact, there's provision in the Bill that dollars in the general revenue fund can flow out to the environmental protection and enhancement fund. So we have dollars that can come back and forth between the protection fund and the general revenue fund, and there is obviously a major concern that this will be a source of money for the general revenue fund that is not coming in through the conventional way. As I say, it will be done, obviously, and the minister makes no secret of this, that it's coming in through user fees, it's coming in through rental fees, it's coming in through licences, fees, permits: user fees and taxes that are being imposed upon Albertans for this particular fund.

DR. WEST: So what's your point, Bruce?

MR. COLLINGWOOD: So I think my point is made, that the major concern, Mr. Speaker, is with the environmental protection and enhancement fund.

Now, some other concerns with respect to the Bill as it comes forward at this point in time. There is a concern I have that environmental protection is in fact being compromised by the Bill and in some cases is not being enhanced. We see that in one particular portion of the Bill there is now an opportunity for regulation that will decide whether or not a written report for a substance release has to be made by the person reporting the substance release. The provision in the Act as it stands now is that both a verbal report and a written report have to be provided whenever there is a substance release that is not a release approved by the department. Now we have a surreptitious provision put into this that says: we'll decide whether or not you might be exempted from having to file a written report. Well, isn't that interesting, Mr. Speaker? Why would we now be putting a provision in this Bill that says that we don't necessarily require you to provide a written report on a substance release? Why not? What is there to hide? Is there a spill or a release that you don't want us to know about? Is that why we now have to give authority to the minister to have a situation where we don't have to have the reporting individual file a written report, because there's something to hide?

There's no reason, Mr. Speaker, that that provision has to be in there. As the Act stands now, it is perfectly legitimate for both the verbal report and the follow-up written report to be made. It is not onerous on the party that is providing that report, and in fact it provides all Albertans with a greater level of checks and balances so they know a written report is available on any particular incident that may happen. As the Bill goes through, if this provision is allowed to go through in that form, spills, leaks, and releases can occur that Albertans may never know about because there's no written report required.

Members will see in the Bill that there is now provision to add the word "importation" when we talk about hazardous waste and hazardous recyclables. I think what that does, Mr. Speaker, is it

clearly demonstrates that the NRCB hearings which are going on or will commence this month in a couple of weeks in Swan Hills really have no effect and no bearing at all on the government's decision as to whether or not it intends to move as quickly as possible to a process that allows for importation of hazardous wastes from other Canadian jurisdictions, from the U.S. Anybody who wants to give us their hazardous waste, we're going to be prepared to take it. So it's interesting that in the Bill, which may in fact be assented to before the NRCB hearings are completed, now the minister and the Lieutenant Governor in Council have the power and the authority to establish regulations on the importation of hazardous waste, in the midst of a hearing that's going on to decide whether or not we're even going to allow it. Well, that certainly tells me that the answer has already been decided. So the inclusion of the word "importation" in the new Bill 30 clearly indicates that there really isn't much point in having the NRCB hearings at all.

The minister is clearly moving in the direction of contracting out services. We knew that was the intent of the minister from his business plan and from our budget debates. Where we see that, Mr. Speaker, is that the minister is now, through Bill 30, allowing that inspectors, investigators, and analysts under the Environmental Protection and Enhancement Act can be contract workers and will no longer necessarily be government employees. Perhaps well and good, but unless there are specific standards that are established which we know, which we can see, which we're aware of before that happens, where we have inspectors and investigators in the field that may be municipal employees or may be others who are simply contract workers, unless we know that they're meeting certain standards, we won't know whether environmental protection has in fact been enhanced or whether it has been undermined and weakened by going through that process.

So we want to know, Mr. Speaker, that in fact the standards are going to remain the same even though the work is contracted out. It does become a concern, certainly not a major concern but a concern, as we go through the deregulation, the contracting out, the privatization, the outsourcing, and the other terms that the government prefers to use that in fact we do maintain those standards.

4:50

It was interesting to hear the minister's comments with respect to public officials. I found actually that when I read that – it's interesting to hear him say that this is new wording that public officials are now more comfortable with than they were with the previous wording, because we now have in the Act a standard whereby public officials may become personally liable if they "knew or ought . . . to have known" that a person under their direction was doing something in contravention of the Act. The way the wording was before certainly in my opinion was much tighter than that. It required that the public official in fact "acquiesced in or participated in" – and a number of other words that were used at the time – the actual commission of the offence. Now, in the new Bill, for those municipal government individuals, Reeves, commissioners, mayors, and so on, the wording is that they either "knew or ought . . . to have known" that the offence was taking place. So I think what it does is in fact broaden the potential for liability against those public individuals, those public officials rather than actually tightening it and making it much more of a confined and defined set of circumstances where liability could be found. Granted, it does go on to say that they had some influence over whether or not that offence took place,

but my difficulty was with the wording that they "knew or ought . . . to have known."

Those were primarily the major concerns that I had, Mr. Speaker. One of the other provisions of the Bill is some changes in the wording dealing with industry-operated recycling funds. There are some wording changes there. It appears to probably substantiate that the government hadn't really ever intended that the recycling fund be a recycling fund. It was simply intended always to be a waste minimization fund and, if possible, to be a recycling fund. We saw that happen last year when the minister moved forward with a change to the regulation that changed the mandate of the Tire Recycling Management Board from a mandate of just recycling initiatives to a mandate that said to get rid of them however you can. So that's been shown to be consistent with what's in Bill 30.

I cannot support the Bill, Mr. Speaker, because of the environmental protection enhancement fund. I look forward to comments from other members.

Thank you.

MR. ACTING SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. I rise to speak against this Bill on principle. Let me just work through the specific elements.

The first point is one that was alluded to by the Member for Sherwood Park, and it concerns this issue of votes on estimates. Given the structure now, we will run into the problem that as funds go into the environmental enhancement fund, we won't be voting on those expenditures. We will be voting on the net expenditures, the net estimates. To the extent, then, that this is a classic example of dedicated revenues going to a fund, given this structure that we presently have in the appropriations Bills, we vote on the net estimates. We will not be voting on the expenditures. Clearly that's a loss of legislative authority for members on both sides of the House. This is an issue that has to be dealt with through the Financial Administration Act, section 29, where we clearly see it defined that in the appropriations Bills one is voting on the gross expenditures as opposed to the net estimates. That does raise concerns of the hon. member that there is a loss of legislative authority on the expenditures.

The issue becomes of even greater concern when one then looks at the amendments as to the mandate of the environmental protection enhancement fund. It's now completely open ended. It basically gives complete discretion to the minister to expend funds on any area that he would like, whereas under the previous Act there were some specific areas where the funds had to be expended.

So you combine the fact that the Legislature would be voting on the net estimates, you pull together the fact that the way the Bill now is amended, these amendments remove the specific areas that the funds were to be allocated to and give complete discretion, and it really is of significant concern.

The Bill as well allows, then, for significant transfers between the general revenue fund and the enhancement fund itself. Under the existing Act there were still provisions, but now, Mr. Speaker, given the very ambiguous mandate of the fund, it's completely open ended as to the funds that could be transferred, because now the minister has complete authority to say that they're excess to the requirements of the fund. So I have very serious concerns with those provisions because I think it provides far too much ministerial discretion.

Another issue that I think is worthy of note and is an issue of principle is that if we look at Bill 17, we see there that the Provincial Treasurer is eliminating fund after fund after fund, revolving fund after revolving fund, in order to streamline the process of government. Here instead what we see is a fund in a sense being strengthened, a fund in which the minister now has significant ministerial discretion and virtual autonomy from the legislative process. This moves very much against the direction in a variety of other areas undertaken by the government. The only other department where this is of similar concern of course is Transportation and Utilities, where the dedicated revenues that arise there from gasoline taxes and that provide a relatively small level of net estimates that are funded by the House and provide a significant degree of discretion to the minister in terms of the gross expenditures, because again under the appropriations Bills, Mr. Speaker, we only vote on the net.

So when one looks at issues of principle, do we have accountability? The answer is no, because we vote on the net estimates. There are provisions in the Bill that the Provincial Treasurer must list where the expenditures have been made, but it's not a direct vote by this House on the specific estimates. Again, Mr. Speaker, probably next budget time, next February or March, we're going to no longer have these individual votes on program by program. It'll be on the specific operating and specific capital for a department. We may in fact in some departments be voting on nothing, because the dedicated revenues exceed the expenditures.

On that issue of the principle of accountability, of ensuring that that minister is in fact directly accountable to the Legislature in a vote for the gross expenditures undertaken by his department, something is lost in this Bill that had existed in the previous Bill. So that's of concern. The open-ended mandate of the fund is of significant concern.

Another issue, again referred to by my colleague from Sherwood Park, is that the Bill now provides for deregulation by allowing inspections or investigations to be carried out by an agent, a person under contract or employed by the government, a government agency, et cetera. The concern there, Mr. Speaker, is: what are the criteria for assessing success of these private-sector individuals? Is it in fact the number of charges that they lay? Many would argue that that would be a relevant criterion. Or would that be viewed as harassment and somehow leading to a less than inviting environment for business in this province?

So as one contacts out, particularly for environmental deregulation, the issue becomes: what's your criterion of success? Do you shoot the messenger if you don't like the message? To the extent that regulations exist and they're enforced by government rather than the private sector, it in a sense gives all members, the private-sector firms, and those concerned about the environment a sense that a dispassionate, independent element, employees of the government, are enforcing and upholding the law and the regulations as set out. Once in fact you put the process arm's length, the criteria then become somewhat ambiguous as to how contracts are going to be renewed. If, for example, we had a different minister, one who was less concerned about the environment, who knows what would happen? Who knows? Perhaps a minister might be a little more accommodating to business and not enforce the regulations, and in fact the private-sector inspectors that would come to him and say, "Look, Mr. Minister; there are significant violations there" could be terminated. Their contracts could be ended. Now, we obviously wouldn't impugn that this minister would do that, but it's possible, given the open-ended nature of these regulations, that there is an element there far too much in the way of discretion.

5:00

Similarly, again an issue of principle was brought up by my colleague from Sherwood Park with regards to the ability of the minister to waive certain elements; for example, in the case of a waiver requirement for a written report where a toxic substance has been released. Well, that's of some concern because a freedom of information Bill only makes sense if in fact you can require a report. If it's in fact not there – you know, Sam Goldwyn said that a verbal contract isn't worth the paper it's written on. Similarly, if you take this to a verbal report and there is no written report, how then will individuals be able to through a freedom of information Act ascertain the nature of a particular toxic waste spill? We have to rely on the minister that he will require the reports. But, Mr. Speaker, we ought not to have to rely on his discretion.

We should have legislation that requires, because the more and more you allow for discretion, the more likely it is there is significant slippage in the system. Once items that should be just dealt with as a matter of fact become an issue of discretion, they become far more contentious in this Legislature, because then you could impute a motive for why a report wasn't released, why in fact a report wasn't prepared. If it's a matter of course that there's some type of spill and a report exists, then it's a matter of routine that through a freedom of information Act it could be required.

We don't have that assurance here, and that I think it is of real concern. It will be a political nightmare for any minister if in fact a report doesn't exist. Given the discretion that exists there to waive if such a report doesn't exist and it's requested under a freedom of information request, some minister at some point in time will be sitting on the hot seat. That could just be avoided entirely, Mr. Speaker, by making it a requirement as opposed to an element of discretion.

I think there are a number of elements in this Bill that on grounds of principle really leave one with serious reservations. I mean, the general issue of what we vote on in the Legislature – and in fact with these dedicated funds we will not be voting on the gross expenditures undertaken by the fund. The fact that the minister has complete discretion now as to where he will allocate those funds is of concern.

The concerns about freedom of information are also important. I think now the move here to deregulate, as we've seen with the Minister of Labour, means that increasingly we will have private-sector individuals and firms enforcing our regulations, whether they're labour code regulations or environmental regulations, and then again, Mr. Speaker, we end up with the element of discretion. A minister can choose to shoot the messenger. It's much more difficult to do that with a dispassionate civil servant who is just enforcing the law. So I would much prefer, then, to see specific criteria, because again we have to have criteria of what one expects of these private-sector firms when they're undertaking these types of regulatory pursuits.

So with those comments, Mr. Speaker, I will conclude.

MR. ACTING SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much. The minister presents in his opening remarks a persuasive argument for enhancements to a Bill that is only a couple of years old, I believe, in its initial go-around. He reminds me of the fairy tale of the wolf dressed up in the granny's clothing, because what we . . .

MR. EVANS: Hey, imputing motives.

MR. GERMAIN: Now he wants to raise points of order from the sitting position, so I will move on past my analogy of the wolf in the grandmother's clothing and only point out, Mr. Speaker, that environmental protection and the greening of North America and the greening of the world is an issue that comes and goes almost on a generational cyclical basis.

I remember while a young employee for the national government in the national parks in the beautiful Rocky Mountains in the '60s that there was a tremendous amount of interest in environmental protection, a tremendous amount of interest in the environment, in ecology. People were using biodegradable soaps and the like. Then we got into the rather heady days of the '70s, and that appeared to take a backseat, particularly in Alberta, to the vast amount of wealth that was created often in the energy and resource sector. That was a great opportunity for this province to enjoy its period in the Canadian and the international sun. But now of course the cooler, greener winds of the late '80s have blown, and it appears appropriate that the government get on the environmental bandwagon, and the Alberta government is no different. In fact, I don't criticize them for that. Rightly so. And the minister I believe on previous occasions has himself acknowledged that some of the difficulties we have with environmental issues are as a result of a failure to act promptly and a failure in some cases to recognize, often because the technology wasn't there to help us recognize, the important need of the environment.

As the ozone layer depletes and as other issues become important to Albertans and to Canadians, it is right and proper that the minister do all that he can to enhance the enforcement of environmental protection, and he has done so. Again today we bring forward for second reading this Bill 30. But does this Bill do exactly what the minister says, or is it simply a taxation vehicle wrapped up in the rather colourful and attractive clothing of environmental protection?

Now, the minister responded to that when he in fact dealt with the commentaries in his opening remarks. He talked about increased regulation but also increased simplification. He talked about getting down to the issues that are important to Albertans. But the opposition members that have previously spoken have pointed out some fundamental difficulties with the legislation, and in the concept of continuous debate I want to pursue their comments and develop some comments of my own.

I had rather hoped, Mr. Speaker, that the debate this afternoon would be a seesawing type of thing with members from this side of the Assembly speaking and members opposite speaking on the important issue of the environment. In any event, having heard only the debate on the taxation issues of this particular Bill and having heard nothing in opposition to that, I think the minister will in fact acknowledge and will have to acknowledge that what we really have here is a Bill on taxation. It is a Bill on taxation as evidenced by the fact that it increases the government's and in particular the minister's ability to levy fees, to levy dues. It also takes away the dedicated nature of the uses to which those fees and dues can be put. If members were less suspicious in this Assembly and did not require the absolute unequivocal declaration of a taxation statute, why, it does this very important thing, Mr. Speaker. It allows the minister's environmental enhancement and protection fund to be basically taken into general revenue. When you have that, we might as well stand up and say that we now have environmental taxation in the province of Alberta.

The government opposite keeps talking about this bogeyman carbon tax. Well, I don't hear anybody talking about a carbon tax except the ministers and members opposite. We're going to go way further than carbon taxes now. We're going to have water taxes. It reminds me of why I like to drink my eight cups of

water a day here in the Legislative Assembly. It soon may be taxed, and soon I might have to drop 10 cents in a little glass drum when the staff come and bring me a glass of water, all in the name of environmental protection.

What we have here is taxation legislation, and I urge all Members of this Legislative Assembly on both sides of the House to remember that when they vote on this Bill and to remember that when they vote on the value-added enhancements that are brought in in this Bill.

Now, the minister of agriculture reminded me a few weeks ago: what was the purpose of debate in the Legislature? Well, the minister in his infinite wisdom in this Bill is even prepared to admit that they entrained a grammatical error into the last draft of this Bill, and he moves to correct it. Now, maybe with more aggressive opposition and closer scrutiny and more amendments, more value-added enhancement than amendments, that little embarrassing typographical error would have been corrected at the second or third stage of the previous Bill, and the minister would not be here today in this Assembly cap in hand asking for approval for a blanket of changes, including the correction of typographical and grammatical errors. Why? Because the government does not want to accept constructive, value-added amendments. As a result, we're in a conundrum over here. Do we bring forward other typographical and grammatical amendments and stand up and take the time of the Assembly to urge the Assembly to correct them, or do we go by previous experience and say: what will it get you? Because they'll vote against it anyway, and then run all over the province saying how you're wasting time.

5:10

I want to move on to the second concern that I have with this particular legislation, and that is the loss of legislative control. Mr. Speaker, this is not a new trend that we see for the first time in Bill 30, in fact quite the contrary. In the short time that I have been a Member of this Legislative Assembly and in the many years prior to becoming a Member of this Legislative Assembly, when I had to go from time to time and do legal research within the statutes, it was always very useful, whether you agreed or disagreed with the government, that you could always find an answer in the statute. If the legislation was a piece of legislation that said that when you get up in the morning, you will jump this high, you could look in the statutes and see that it said that when you get up in the morning, you will jump three feet high. Now you look in that same anecdotal, descriptive legislation that I described today. It doesn't say that you will get up in the morning and jump three feet high. It says that you'll get up in the morning and then you'll consult the regulations as to how high you'll have to jump, because from time to time, from day to day, from week to week, from minute to minute, year to year, and decade to decade the government may change the height that you have to jump every morning when you get up. Putting as fresh a face on this old debate as I can, that is an example of what we mean when we say that we have now lost legislative control in this Assembly because what we have now is we have government by regulation.

I am surprised at the minister. I know he wouldn't do it. He wouldn't think of it, but other ministers might come in and pass a legislation that says, for example, in the Highway Traffic Act that instead of having the speed limits and everything all set out, the rules of the road shall be as the minister and Lieutenant Governor in Council pass by regulation. That would be the entire Act. That's where we're moving in terms of loss of legislative control.

Now, if there is any doubt about that, if members in this Assembly say, "Aw, the Member for Fort McMurray exaggerates to make a point," if anybody from the deepest back row on either

side says that we imagine these things, simply look and put this Bill to the acid test of whether or not there is a loss of legislative control. Should it matter? Should there be anybody in this Legislative Assembly, Mr. Speaker, that is not concerned about loss of legislative control, whether it is the members opposite deep in the back row or it is the private members on this side representing the Official Opposition? Fundamentally, for the sake of good government in the province of Alberta, is there anybody that should oppose being worried about loss of legislative control and control in this Assembly? There should be nobody that is not sensitized to that issue and worried about the legislation.

Okay; you might say that we rest our faith on the minister of the environment. We like the minister of the environment. He's a straight talker, a straight shooter. When he says something will happen, it happens. I've noticed that when he's controlling the Legislative Assembly here and working things out, when he says that we'll get to go home at a certain time, that we'll get to go home and see our loved ones and families at a certain time, the minister delivers on that commitment. As a matter of fact, it was just the other day – I digress, you know. I didn't want to make a speech supporting the minister today. I certainly didn't want to make that, Mr. Speaker. I remember one night a week or two back where people were, heaven forbid, crying out to the minister to become the Premier. The minister in his curious shyness and blend of boyish charm was denying any suggestion that he become the Premier of the province. If members of the House say we put our faith in the minister, that's fine, as long as they have a rationalization for accepting the loss of legislative control as a matter of policy and as a fundamental practice. If you do not feel that the legislative control should be lost in that way, then it is time to jump up and start talking about some of these Bills, because, my friend, the clock, the time, is ticking away right while we sit here. What happens is, like sands falling on a lake and building up at the shore bottom, that with each Bill that gets passed we move further and further away from control in this Legislative Assembly and closer and closer to control by regulation and ministerial decree.

All of this is found in this legislation, Mr. Speaker. You were wondering when I was going to get back to Bill 30. All of these points that I make are found in this Bill 30. For example, there is increased emphasis on regulation. There is also ministerial discretion. There is an unbundling of the list of environmental enhancements that the minister used to be able to spend money on and collect money for. There used to be a defined list. That defined list is going. So now we have an unbundling of the authority of this legislation.

Now, one thing a piece of legislation should do in principle is send a common and standard and consistent message. This Bill does not send a common and consistent message of environmental protection. My colleague for Sherwood Park has already raised the fact that there is an ambiguity in section 219(2) of this legislation, which is the enforcement of the legislation, the power to penalize and the power to prosecute people who sit around with their hands in their back pockets and do nothing when they see environmental errors being committed. Well, now this Act has further watered down their liability, because if they have no authority to act or if they have no ability to control the outcome, they escape prosecution. I want to say to you and ask you, Mr. Speaker, in a rhetorical way: should a person be able to get out of an environmental error simply by sitting on their hands and saying, "I could not stop it; therefore, I am not responsible"?

In specific, the amendment to section 219 – I'll just find it here. I've marked it. Okay; page 22. I know all of the Members of

the Legislative Assembly are clutching their Bill 30 copy and following along with the commentaries. I do point out that on page 21 and page 22 the penalty section has been altered so that now to be prosecuted you have to have "the influence or control to prevent its commission." If you have no control, instead of actively doing something to prevent an environmental error, doesn't it now mean that you can sit on your hands and say: "I had no control. I couldn't control that department; I couldn't control that group"?

Perhaps the minister between the time of second reading and third reading of this Bill might try and come to grips in his own ideology of whether he intended to increase protection by increasing prosecution or whether he intended to decrease protection by decreasing prosecution. If in fact it was to increase prosecution, then the minister, with respect, should take a good hard look at sections 219(1) and 219(2), because I can tell you that even amongst the legal profession there is disagreement as to whether that increases or decreases prosecution and, correspondingly, protection for the public. The minister should come clean on this issue and should say where he stands. If his intention was to increase prosecution for the benefit of the environment, then he should say so and he should make the appropriate amendments to that section. If the minister's intention was to conclude that the previous section was too harsh, then likewise he should say so and we should make the appropriate change. So mixed messages are being sent to the public in Bill 30. That is an area, I'm sure, of concern to the minister, because you cannot have good environmental enforcement, Mr. Speaker, in my respectful estimation, if you do not have good, concise, clear, straightforward messages being sent.

5:20

The next issue that I want to talk about is the very profound issue about whether this Bill in fact is the enhancement of environmental protection or the dilution and diminution of environmental protection, because really that's what we're here for. The minister is the minister of the environment. Now, I presume that he would be mildly insulted but accept it in the spirit of debate if I were to suggest that there are sections of this Bill that again give a mixed message, Mr. Speaker, if I were to suggest that there are sections of this Bill that in fact indicate that this is a diminution of environmental protection.

This is an important area. I know I have still some considerable time left to develop this theme, but given the time of the day, I'm happy to apply at this time, if the members wish, that the debate be adjourned on second reading of Bill 30.

MR. ACTING SPEAKER: The hon. Member for Fort McMurray has moved that the debate adjourn on Bill 30. All in favour?

HON. MEMBERS: Aye.

MR. ACTING SPEAKER: Opposed, if any? Carried.

The hon. Minister of Environmental Protection.

MR. EVANS: Thank you very much, Mr. Speaker. We've had some good debate this afternoon on two Bills, and at this point I would now move that we call it 5:30.

[The Assembly adjourned at 5:22 p.m.]

