

Legislative Assembly of Alberta

Title: **Thursday, May 11, 1995**

1:30 p.m.

Date: 95/05/11

[The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

Our divine Father, as we conclude for this week our work in this Assembly, we renew our thanks and ask that we may continue our work under Your guidance.

Amen.

head: **Presenting Petitions**

MR. LANGEVIN: Mr. Speaker, I beg leave today to table a petition signed by 46 Albertans urging the government "not to make sexual orientation a part of the Individual's Rights Protection Act."

head: **Reading and Receiving Petitions**

MR. N. TAYLOR: Mr. Speaker, I would ask that the petition I presented a few days ago from the Morinville area asking that the government fully fund kindergartens be now read.

CLERK:

We the undersigned Residents of Alberta petition the Legislative Assembly to urge the Government of Alberta to ensure all Alberta school boards provide the opportunity for each eligible child to receive a minimum of 400 hours of Early Childhood Services instruction per year.

We also request the Assembly to urge the Government of Alberta to allow Alberta School Boards to use money from the Alberta School Foundation Fund to fund 400 hours or more of Early Childhood Services, as determined by the local community, so that there are no ECS user fees for 400 hour programs and so that all Alberta children have an equal opportunity or "level playing field" to succeed and compete in life by having equal access to basic educational resources.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I request that the petition I presented on May 9 regarding the health care plebiscite be now read and received.

CLERK:

We the undersigned petition the Legislative Assembly to urge the Government to hold a plebiscite under the Local Authorities Election Act, in accordance with Section 3 of the Alberta Hospitals Act, with regards to: the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities within a district or proposed district affected by such changes.

THE SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask that the petition I tabled on Tuesday be now read and received.

CLERK:

We the undersigned petition the Legislative Assembly to urge the Government to hold a plebiscite under the Local Authorities Election Act, in accordance with Section 3 of the Alberta

Hospitals Act, with regards to: the amalgamation of boards, construction of new facilities, disestablishment of existing facilities, or changes in the operation of existing facilities within a district or proposed district affected by such changes.

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

MR. LANGEVIN: Thank you Mr. Speaker. With your permission I would ask that two petitions that I tabled in this House be now read and received. The first one is from April 27 and urges the government not to sell water rights, and the second one is from April 3, and it's in regard to sexual orientation.

CLERK:

We the undersigned petition the Legislative Assembly to urge the Government of Alberta to not sell the rights of water to any company, country or monopoly without first conducting a referendum for the people to decide on the issue.

We the undersigned residents of Alberta petition the Legislative Assembly to urge the Government of Alberta not to make sexual orientation a part of the Individual's Rights Protection Act.

head: **Introduction of Bills**

Bill 41 Feeder Associations Guarantee Amendment Act, 1995

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I request leave to introduce Bill 41, the Feeder Associations Guarantee Amendment Act, 1995. This being a money Bill, His Honour the Honourable the Lieutenant Governor, having been informed of the contents of this Bill, recommends the same to the Assembly.

The purpose of this Bill, Mr. Speaker, is to enable feeder associations in the province to negotiate increased loan limits within the financial institutions themselves without any further involvement on the part of the provincial government.

[Leave granted; Bill 41 read a first time]

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Federal and Intergovernmental Affairs.

MR. ROSTAD: Thank you, Mr. Speaker. I'd like to table with the Assembly today 726 letters gathered by the Camrose Association for Community Living addressed to the Hon. Mike Cardinal, Minister of Family and Social Services, and they're all soliciting that the community supports model not allow a transfer of people with disabilities from social services to the Department of Health.

Mr. Speaker, I'd also like to table the annual report for the department for March 31, '94, and also the questions that were not answered during our estimates.

THE SPEAKER: The hon. Member for Calgary-Cross.

MRS. FRITZ: Thank you, Mr. Speaker. I'm pleased to table with the Assembly today the report to the Minister of Health of the Special Task Force to Recommend Changes to Improve the Delivery of Breast Screening Services in Alberta and as well a

news release outlining initiatives aimed at improving breast cancer screening rates in Alberta.

Thank you.

THE SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It is my pleasure today to table six copies of the Department of Environmental Protection's 1993-94 annual report.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I have two tablings this afternoon. The first is a compilation of letters to the Premier and other Members of the Legislative Assembly regarding right to work. They all indicate that right to work is not something that we want to see in this province.

The second is an information document that provides background on some of the major players that are influencing this government. It's interesting to note that none of these players is elected. The document is produced by the Alberta Union of Provincial Employees.

Thank you.

MR. BRACKO: Mr. Speaker, I'd like to table four copies of a letter from Mr. Forster to the Education minister requesting the restoration of a minimum of 400 hours per student per year for kindergarten.

head: **Introduction of Guests**

THE SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. I'm honoured today to be able to introduce to you and through you to all Members of this Legislative Assembly two longtime residents of Calgary-North Hill, and they're seated in your gallery. The gentleman has had a long distinguished career in the oil patch, spanning some 40-plus years. His wife is with him today and had the very difficult task of raising four children. I would ask Bill and Elinor Work, the parents of this Assembly's friend and very capable Parliamentary Counsel, to stand and receive the traditional warm welcome of this Assembly.

Mr. Speaker, it's also my pleasure today to be able to introduce 35 precocious but very intelligent grade 6 students I had the pleasure of meeting and chatting with a few minutes ago from St. Joseph's school in the Mount Pleasant community, also in Calgary-North Hill, and their teachers Rob Coumont, Miss Guderyan and chaperons Mr. Paton, Mr. Pedersen, and Mrs. Haffey. They've come a long way to study and learn the workings of government. They're seated in the member's gallery, and I would ask all of them to stand and receive the warm traditional welcome of this House.

THE SPEAKER: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to the members of the Assembly a group of 38 students from H.E. Bourgoin school in Bonnyville. They are accompanied by teachers Mrs. Kelly Trepanier, Mrs. Teresa Moxley, and parents Mrs. Emily Schnieder, Mrs. Judy McCleary, Mrs. Twila Campeau, Mrs. Wendy Hammons, Mr. Rae Caouette, and Mrs. Brenda John. I'd ask them to rise and receive the warm welcome of the House.

1:40

THE SPEAKER: The hon. minister responsible for Economic Development and Tourism.

MR. SMITH: Thank you, Mr. Speaker. [interjection] That was a close shave. It gives me great pleasure to introduce to you and through you two distinguished people coming from both Edmonton and Calgary. Mrs. Helen Phillips from Edmonton is a volunteer at the Misericordia hospital and is the grandmother of one Quinn Phillips from the Calgary-Varsity constituency. I'd ask them both to rise and receive the warm welcome of the Assembly, please.

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

MR. SAPERS: Thank you, Mr. Speaker. I have two separate introductions to make with your permission this afternoon. First, I would like to welcome to the Assembly, through you to all members of the Assembly, representatives from the fibromyalgia and ME support groups of both Calgary and Edmonton. Joining us in the public gallery today from Edmonton are Ms Frankie Luke, Mr. Gerry Michael, Dr. Donald Schopflocher, Mrs. Dolores Wiart, Mrs. Joyce Primeau, and Mr. Richard Craig, and from Calgary, Ms Judy Heysbroek, Ms Linda Abouna, and Ms Marj Van de Sande. They are here to help bring awareness to the fact that tomorrow is International ME Awareness Day. I would ask them to rise and enjoy the warm welcome of the Assembly.

THE SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. I'd like to introduce to you and to the members of this Assembly a good friend of mine from Peace River, Mr. Tom Neary. Tom is the chairman of the Peace health region, and he's here in Edmonton to attend a meeting of the Alberta Health Network Committee. I'm not sure which gallery he's in, but I'd like to ask that he stand and accept the warm welcome of this Assembly.

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

MR. SAPERS: Thank you, Mr. Speaker. My second introduction. It is really my privilege to introduce to you and to all members of the Assembly a visitor from Simon Fraser University in Burnaby, British Columbia. Professor Paul Brantingham is here in the gallery. Professor Brantingham is the keynote speaker at the Alberta Criminal Justice Association conference, which is going on in the city right now. He's also, of course, a former dean of graduate studies when I was in that program at Simon Fraser University, and it's really a pleasure to welcome him to the Assembly today. I would ask him to rise and receive the welcome from all members.

THE SPEAKER: The hon. Member for Calgary-McCall.

MR. SHARIFF: Thank you, Mr. Speaker. It's indeed my privilege and pleasure to introduce to you and through you five Calgaryans, residents of Calgary-McCall, who are seated in the gallery: Mike and Kim Linkletter and their three daughters, Veronica, Victoria, and Virginia. I request that they rise and receive the warm welcome of this Assembly.

Thank you.

head:

Oral Question Period

Hospital Services Privatization

MR. MITCHELL: Mr. Speaker, the East Central regional health authority is being forced to close Galahad hospital, but in order to maintain services, they are planning to invite a private for-profit operator to provide health care. Now we learn that the WestView authority is planning a similar strategy for the Devon hospital. Could the Minister of Health tell us how forcing a public hospital to close and allowing it to reopen as a profit-driven, user-pay facility is not two-tiered, Americanized health care?

MRS. McCLELLAN: Well, Mr. Speaker, I would like to clarify a couple of points and assist the hon. Leader of the Opposition with his facts. It is correct that the regional health authority has had some conversations about a private group taking over the Galahad hospital, but in fact it is to offer long-term care services or housing. This is very much in the formulation stage.

I said yesterday or the day before that I really hoped that as the hon. leader undertook some of his health workshops he would learn a bit more about the system. I sincerely hope that occurs, because if he did, he would understand that the private sector has been offering long-term care facilities and other facilities in this province for years and doing a very fine job of it. I think we should commend the people in that area. We should commend the regional health authority for indeed being open to looking at new ways to deliver services that meet the needs of their citizens.

So, Mr. Speaker, I ask the hon. member, rather than putting out suggestions that are just not factual, to check the facts and realize that long-term care can be delivered with a private-sector operator owning it. They can have housing. The Minister of Municipal Affairs may want to comment on the housing factors that are available for seniors. I would also tell him that if there are health care services that are required, we have all of the opportunities to deliver home care or services. Really the bottom line is that we want people to have choices as to where they live out their years.

MR. MITCHELL: Well, Mr. Speaker, if the Minister of Health had had the decency to attend the meeting in Galahad . . .

THE SPEAKER: Order.

MR. MITCHELL: Will the minister commit to listening to the views and concerns personally, herself, of Galahad and Devon residents before their hospitals are turned into private health care facilities?

MRS. McCLELLAN: Mr. Speaker, the regional health authority in the region has been working very closely with the residents in Galahad. No decision has been made in the Devon area. If the hon. member is suggesting that we stifle all new ideas, do not look at any innovative ways of delivering health services, why doesn't he just say that instead of criticizing every initiative that's brought forward before – before – a decision has been made?

MR. MITCHELL: We just want her to stifle two-tiered, Americanized health . . .

THE SPEAKER: Order.

MR. MITCHELL: Why is the minister even considering privatization of health care facilities when according to NAFTA

once anything is privatized it cannot return to public ownership without great financial penalty?

MRS. McCLELLAN: Mr. Speaker, I also commented to the hon. Leader of the Opposition a day or two ago that I hoped that once he had learned from his forum that people weren't interested in a two-tiered, Americanized system, he'd quit talking about it, because frankly he's the only one who is.

There is a difference between private-sector involvement in health and the privatization that the hon. member seems to be alluding to. I would remind the hon. member that the private sector has been operating health facilities, has been providing services in a fully publicly funded system in this province. To suggest that they're in some way incapable or inadequate in their ability to do that, Mr. Speaker, is wrong. Having the private sector delivering health services is not wrong, is not bad if it is the most effective, the most efficient way. We have said consistently in this Legislature that we are adherents to the Canada Health Act, and there is nothing in the Canada Health Act that precludes the private sector from being involved in delivering health services in a fully publicly funded system.

MR. MITCHELL: I'll stop talking about Americanized health . . .

THE SPEAKER: Order.

Peace District Infrastructure

MR. MITCHELL: Mr. Speaker, about 70 to 75 percent of our timber and freshwater resources lie in northern Alberta. These resources support not only building materials and agriculture but offer huge opportunities for development in papermaking and petrochemicals. My question's to the minister responsible for Economic Development and Tourism. Is the minister aware that a large part of this economic potential is not being realized because of poor railway and highway connections to the Pacific markets, and what specific measures is he taking to do something about them?

1:50

THE SPEAKER: The hon. minister responsible for Economic Development and Tourism.

MR. SMITH: Thank you very much, Mr. Speaker. In fact, the hon. Leader of the Opposition does refer to the key industries of Alberta; that is, forestry, agriculture, and petroleum. When people make value-added decisions for investment and the deployment of capital in these markets, they take into account a number of factors: transportation, tax environment, availability of resource, and the ability for them to maximize return on capital. In fact, some of the strong transportation links that Alberta has do reinforce those decisions. If there are specific areas where the leader feels that there is some opportunity for improvement, we would look forward to a suggestion in written form.

MR. MITCHELL: Well, here's a suggestion, Mr. Speaker. Three hundred million dollars has been set aside by the federal government for studies and for the development of infrastructure to help adjust to the phasing out of agricultural transportation subsidies. Will the minister apply for some of these funds for a Peace River transportation study to lay out a plan of action to rectify these problems?

MR. SMITH: Well, always the good Liberal approach, Mr. Speaker, is to study something. That money is, I think, something we can look at. I'm sure that the hon. minister of agriculture would like to add to this.

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development wishes to augment.

MR. PASZKOWSKI: Thank you, Mr. Speaker. I'm delighted to see that the leader of the Liberal Party has recognized the needs that are there and the \$300 million that has been set aside for the development of infrastructure. This is exactly what we are petitioning the federal minister to use some of that \$300 million for: infrastructure. I appreciate your support, and I would hope that you and your caucus will support that initiative as well with the federal counterpart. To date the federal minister has not recognized that as a real need, so we petition for your support as well, because indeed we've been petitioning the federal minister for some time in this particular area.

MR. MITCHELL: I'd have to say, Mr. Speaker, that it's not just the minister of economic development's chin that's fuzzy; it's his answers too. [interjections] It's okay, Murray. You can laugh.

Has the minister approached his British Columbia counterpart, whose province occupies about one-third of the Peace River country, in order to work out some joint initiatives to tie this area into Pacific markets better?

MR. SMITH: The question is a good one in that we are working now with the B.C. government on a number of issues in connection with the federal government. Recently, Mr. Speaker, we signed a memorandum of understanding in tourism. There's no reason why we can't approach this issue from the same cooperative standpoint.

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

Internet Gambling

MR. WICKMAN: Thank you, Mr. Speaker. As of next Monday gambling in Alberta becomes possible in the comfort of one's living room via Internet thanks largely to the failure of this government to anticipate and prevent this foreseeable threat. To the minister responsible for lotteries: what specific initiatives has the minister taken to deal with this latest explosive invasion in gambling?

DR. WEST: Mr. Speaker, following a question in the Assembly some time ago – and I don't know whether the hon. member asked me that question or not – I went to the Justice minister and asked him to start an investigation into what legal ramifications the Internet issue would have on the province of Alberta. He will be following up on that with me in detail, although he has some indication of some of the problems we're going to run into, and perhaps I'll answer that when you bring forth your supplemental.

MR. WICKMAN: Mr. Speaker, again to the same minister: has the minister considered blocking access to Internet gambling as has been done with at least one high-profile trial now under way with Deathtrap and with obscene child pornography?

DR. WEST: Well, there are two problems coming up with this that we see in Canada, and they are the control of the undertaking

called Internet and control of the content. One of the problems is in federal jurisdiction. They have jurisdiction over telecommunications. It does not necessarily mean that they have jurisdiction over the content of that telecommunication. For example, the province exercises jurisdiction over defamation occurring over television, radio, and telephone. If the provincial regulation is aimed at content, not at the operation of the undertaking, it may be valid provincial legislation. There is the possibility of provincial laws to regulate the content of Internet dependent upon what provincial law is aimed at. So we're going to have to do some detailed investigation into what laws we have today and perhaps work with the federal government to see what control we do have not only over content but over the airwaves or the process by which it comes in.

MR. WICKMAN: Mr. Speaker, my last supplementary, again to the same minister: has the minister considered legislation precluding the use of credit cards as a direct tool for Internet gambling?

DR. WEST: Well, Mr. Speaker, since gambling falls within the criminal law and power of the federal government, the province could not pass laws aimed at prohibiting or controlling gambling except as permitted by federal legislation such as section 207 of the Criminal Code. The Criminal Code contains several provisions which might apply to the conduct of gambling business through Internet. The difficulty will be in enforcing those sections if no one in Canada is involved in the conduct or management of a gambling operation. I bring that forth; that's information we do have on this. I can't give many more specifics at the present time, but it is a concern to us, and we will work with the federal government to see how provincial legislation interacts with the federal Criminal Code.

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

West Castle Valley Resort

MR. COUTTS: Thank you very much, Mr. Speaker. The decision of the government to rescind the order in council authorizing the proposed West Castle Valley resort near Pincher Creek is a serious economic blow to my constituents. It is a decision that has placed a great deal of uncertainty about the future of the area among my constituents. My question is to the Minister of Environmental Protection. Mr. Minister, could you explain to this House why the decision was taken?

MR. LUND: Mr. Speaker, this decision wasn't taken lightly. I was very concerned, as was the government, about how we could possibly see that the ruling of the NRCB was carried forward. We know the importance from an economic standpoint to the area. We know that the developers spent a lot of money. We know that there was a great deal of interest in the project.

In the approval from the NRCB there were a number of conditions, one of which was to set up a wildland area. In order to accomplish that, there was a group working for a period of time, and back in December we formalized that group, gave it status under a ministerial order, and asked them to work to put together a wildland that would satisfy the condition in the NRCB approval report.

The committee did do a lot of work. They worked very diligently, but unfortunately a couple of weeks ago we had four people out of the 12-member committee resign. We last week received the resignation of three of the alternates and had a long

letter from another alternate that suggested that he was not anxious to proceed. So with that in mind, Mr. Speaker, we felt that we were not going to be able to obtain the wildland as was described and had to withdraw the approval.

2:00

MR. COUTTS: My supplementary question to the same minister: in view of the fact that the NRCB made the condition, could the minister please explain the role of the NRCB in matters such as the proposed West Castle Valley resort?

MR. LUND: Mr. Speaker, the NRCB was established three or four years ago under a special Act, the NRCB Act, and it is a quasi-judicial body. They have the ability to hear proposals and to study them, to take public input and then come forward with a recommendation to government. The fact is that they can say no to a project. They can approve a project with conditions. If in fact they approve a project with conditions, like they did in this case, then the government has to also approve it. If in fact the NRCB says no, then cabinet and government cannot approve the project. In this particular case they came forward with, as I said earlier, 14 conditions, and we as government do not have the authority or the ability to vary those conditions. We must follow them and we tried. We could have done nothing, but I thought it was very important that we try, and we did. Unfortunately, we were not successful.

MR. COUTTS: My final supplemental, then, Mr. Speaker, is: do the events of the last 24 hours, then, in effect kill any development in the West Castle Valley?

MR. LUND: Mr. Speaker, what has happened over the past 24 hours as far as the process is concerned would put this particular project back to square one. That doesn't mean that a lot of the work that was done is lost. That's certainly not the case. If in fact a project was to be brought forward, we would have to assess it. We have to look to see what possible environmental impact there might be, and depending on the level of impact, we would issue an approval or maybe have to go through an EIA and may even have to go through another hearing.

THE SPEAKER: The hon. Member for Redwater.

Logging Roads

MR. N. TAYLOR: Thank you, Mr. Speaker. Sunpine Forest Products Ltd. wishes to build a new 40 to 45 kilometre road through the middle of their forest management agreement in the minister's constituency, which of course is going to have serious impact on the wildlife and fish habitat. There is an alternate access road now in the FMA, the north fork road, which just needs a little upgrading. My question to the minister is: will the minister assure the House that no new road will be put in, or if he can't do that, at least, before it goes ahead, will he have an environmental impact assessment?

MR. LUND: Mr. Speaker, to bring the hon. member up to date on what is happening, because obviously he's lacking a lot of information, the fact is that Sunpine Forest Products has done a study. They've had one public meeting on the study. There is a public advisory committee that is currently at work. They are looking at the results of this study and the results of the public input, and they will be coming forward with a recommendation.

MR. N. TAYLOR: Mr. Speaker, that's not an answer. I was in the constituency for over a day and found out a lot about forestry and their representation.

What I'm trying to get through here is before they go ahead – this affects up to 40 to 45 fish-carrying streams. I flew over and I spent a day on the ground in the area, and there are over 40 trout fishing streams there. Will he assure the people that no road will go ahead unless there's an environmental impact study? That's all we ask.

MR. LUND: Mr. Speaker, isn't that very interesting. The hon. member spends one day, and he knows all the issues. I live there.

Mr. Speaker, the hon. member in his first preamble talked about building a road. The fact is there are roads in the area already. There will be roads in the future. You can't extract the timber without building roads. So to say that they can't build any roads until there's an EIA: we can't say that. [interjections]

MR. N. TAYLOR: I've got news for the House. He could spend a hundred years there, and he wouldn't know what was going on.

The issue is very simple. They took the FMA with the roads that are presently there. They have a winter road. All I want to know is: will there be an environmental impact study before another road is put in?

MR. LUND: Well, Mr. Speaker, unfortunately with all the cackling across the way, I couldn't hear what the hon. member's first comment was, but I know it wasn't complimentary. Unfortunately, I didn't hear it.

However, Mr. Speaker, I really wonder: how does the hon. member think that the timber is going to be extracted from the FMA if in fact there are no roads built. In every FMA – in every FMA – there are new roads built, and they don't have EIAs.

THE SPEAKER: The hon. Member for Calgary-Montrose.

Immigration Policy

MR. PHAM: Thank you, Mr. Speaker. Many generations of immigrants have chosen Canada to be their home. Together with the native Indians of this country they have built Canada to become the great country it is today. Many of my constituents are very disappointed to see how quickly some people can forget the contributions that immigrants make to Canada. My question today is to the minister of advanced education. Lately through bits and pieces in the newspaper my constituents have learned that you are working on a made-in-Alberta immigration policy. Can you advise my constituents of the purpose of your immigration policy and where it is in the process now?

MR. ADY: First of all, Mr. Speaker, the federal government has paramountcy in immigration in this country, and it has the legislation, the Immigration Act, and the attendant regulations. They define the immigration program in Canada. The federal government undertook a nationwide consultation on immigration in 1994, and they held public meetings in Calgary and Edmonton, where Albertans provided their views. Consistent with these views my objective is to maximize Alberta's economic benefit from immigration and minimize the social costs that might follow it.

From the 1994 consultation the federal government prepared a 10-year strategy document known as Into the 21st Century: A Strategy for Immigration and Citizenship and a five-year level plan, which they tabled last November in Ottawa. The federal

government is only obligated under the Immigration Act to seek the views of the provinces on immigration levels once a year. However, they do ask the provinces for advice on implementation of their plans, and we're developing a position paper to respond to that.

THE SPEAKER: Supplemental question, hon. Member for Calgary-Montrose.

MR. PHAM: Thank you, Mr. Speaker. My supplemental question is to the same minister. While preparing for this policy, his staff must have collected a lot of statistics and a lot of information on immigration. Can the minister tell the Legislature about the net impact on the Alberta economy of having immigrants? Are they contributing to our society, or are they a burden on our social programs?

MR. ADY: Mr. Speaker, as I said earlier, immigration is largely a federal responsibility, and consequently I would expect the federal government to initiate any studies and absorb the costs of that. [interjections] Wait. Wait. One notable study that has been done by the Economic Council of Canada in 1991 entitled *New Faces in the Crowd: Economic and Social Impacts of Immigration* is one paper that's been brought forward, and I'd be happy to make that available to the member for his enlightenment.

THE SPEAKER: Final supplemental.

2:10

MR. PHAM: Thank you, Mr. Speaker. I would like at this time to file with the House a letter from the Premier indicating the positive impact that immigrants have on our economy in Alberta. Because it is an important policy and because it affects all Albertans, will the minister commit to take his proposed policy through a public consultation process?

MR. ADY: Mr. Speaker, as I mentioned earlier, the federal government conducted an extensive public consultation in this province. [interjections] I should tell the House that my department people were in attendance at all of those hearings, took note of the submissions that were made to take advantage of that exercise that was being carried out so that we would have the benefit of that and not have to spend the money to troupe across the province and do it again just to satisfy the people who are heckling across the way. We certainly have the benefit of that information. If the information that was given to the federal government by Albertans is valid for the federal government, then hopefully those same Albertans would be telling us the same message.

THE SPEAKER: The hon. Member for Sherwood Park.

West Castle Valley Resort

(continued)

MR. COLLINGWOOD: Thank you, Mr. Speaker. I'd like to pursue the issue that was raised this afternoon by the Member for Pincher Creek-Macleod. Contrary to the minister's statement the government had accepted the NRCB decision to let Vacation Alberta develop a resort at West Castle, and then yesterday the government did a complete about-face and rejected the decision that it had already approved. The reason is because the development was tied to protecting wilderness area, and we know that the

government doesn't want any part of that. So all it did was stop the whole process and blame the local committee for the minister's failure. My question is to the Minister of Environmental Protection. Mr. Minister, the NRCB left you with this win/win scenario. When are you going to stop ducking your responsibility and do what the NRCB has asked you to do?

MR. LUND: Mr. Speaker, that preamble is so full of nonsense that it's hardly worth commenting on. The fact is that I am not blaming anyone. The local committee did a tremendous amount of work. They were very diligent in their work. I suppose that in a true Liberal manner we would impose something from the top, but I believe in having public consultation. I believe in having local decision-making.

Mr. Speaker, after the NRCB report came out, I heard from many, many southern Albertans complaining that they had no idea that they were going to be affected. So they didn't go to the NRCB hearings. Now, the hon. member says: well, just ignore those folks; don't consider them; go ahead and impose something. What nonsense.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. Given that answer, then can the minister explain why on December 7, 1994, his government on his recommendation accepted the approval of the NRCB to let Vacation Alberta go ahead and to protect some wilderness area? If it's such nonsense, why did you approve it?

MR. LUND: Well, it's pretty obvious why they're over there and we're over here, Mr. Speaker.

The fact is that in order to start the process beyond the NRCB hearing, there has to be approval from cabinet and from this government. That's what we had to do in order to move the process forward. We knew that it was a very difficult condition to reach. We knew that it was going to take some time. We set that out as I established the first committee. We gave them a time period to try to work through this. I talked to Vacation Alberta right up front and told them that this is going to be a very difficult process, but we are hoping that by the 1st of July we would have something that could be accepted as being substantially similar to the wildland area as described in the NRCB report.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. This minister redefines flip-flop.

Mr. Speaker, my final supplementary to the same minister. I'd like to get this on the record. The NRCB said that the Waterton-Castle area should be protected whether or not Vacation Alberta goes ahead. My question to the minister: yes or no? Will you protect the Waterton-Castle wilderness area?

MR. LUND: I guess that the hon. member hasn't read the report, and maybe I should send him a video. That's not what the NRCB said. The NRCB said that if the project was going to go ahead, then this area needed to be established. The only reference to planning in the area - the NRCB did comment that the IRP is old and that it should be updated. Mr. Speaker, last night in Pincher Creek I committed to the people that, number one, we would formalize the access management plan and, number two, that we will be moving forward in due course with updating the IRP.

THE SPEAKER: The hon. Member for Calgary-McCall.

Health Care System

MR. SHARIFF: Thank you, Mr. Speaker. My constituents have told me that quality health care is essential for Albertans. During the last by-election in Calgary-McCall my constituents were subjected to a great deal of fear mongering on the issue of health care. They were barraged with misinformation and fear mongering alleging that our health care was declining and that there would be inequities in basic medical care provided to Albertans. I would like to ask the Minister of Health: what assurances can she give to the constituents of Calgary-McCall and Albertans in general that would allay the fears instilled by such fear mongering?

MR. KLEIN: Mr. Speaker, since it appears that the Liberals don't want to ask me any questions today, the hon. Minister of Health has deferred to me to answer the hon. member's question. First of all, I would like to add my personal congratulations to the hon. Member for Calgary-McCall. I couldn't be here yesterday at his swearing in. It's so nice to see him sitting with a winning team.

As we've said all along, Mr. Speaker, this government is firmly committed to the conventions of the Canada Health Act, and we will abide by the principles of that Act to ensure accessibility and portability and universality and comprehensiveness and to make sure that all Albertans receive good, quality health care.

With respect to the hon. member's statement regarding fear mongering, I have suggested from time to time that this kind of nonsense goes on on a regular basis and much of it is prompted by the Liberal opposition. They are out there in the communities fear mongering. This is a good example. This is the brochure that they used in the by-election: Can You Afford a Pay-as-you-go Health Care System? They get every headline outlining every victim of the day, the week, or the program and are out there telling the people that this is an everyday common occurrence. If that isn't fear mongering at its worst, Mr. Speaker, I don't know what is.

THE SPEAKER: Supplemental question?

The hon. Member for Edmonton-Gold Bar.

2:20 Health Facilities Review Committee

MRS. HEWES: Thank you, Mr. Speaker. I don't know if this is classified as fear mongering or not, but I've got some questions to the Minister of Health as well. The Minister of Health tells us time and time again that the Health Facilities Review Committee is the recourse, in fact it's the only recourse, for Albertans who are dissatisfied with health care services. But this committee has absolutely no mandate to investigate outside of health care facilities in spite of the increasing reality of community care. Further, even after investigations have taken place, the public is not informed that an investigation occurred, why it was necessary, and how it was resolved. I submit that the public has a right to know. My question's to the Minister of Health. Why has the government reneged on its throne speech promise to expand the mandate of that committee to provide for the investigation of concerns in health care regardless of where they occur, whether in facilities or in our communities? Why have you not fulfilled the promise?

MRS. McCLELLAN: Mr. Speaker, I was asked a similar question earlier this week. I was going to check *Hansard* for the

exact day rather than repeat my answer. I think it's important that we do review this, because we did make a commitment, a very serious commitment, to make sure that the appeal mechanisms, the audit mechanisms were in place to ensure that our health system is there for everyone. For everyone.

There are two processes, Mr. Speaker. One is the provincial health council, which we made a commitment to, and I mentioned when I spoke on this issue earlier that I had hoped to have that council in place by April 1. I would hope that in the next week or 10 days that will be in place. I also stated when we announced the provincial health council that the very first task I would ask that council to do would be to review all – all – of the appeal mechanisms that we have.

Mr. Speaker, we have changed the way we deliver health services. We have certainly changed to a regionalized system, and while we still have the Public Health Act and many other Acts that do ensure an appeal for persons, I think it's very important under the new system that we have an overall system. I think it's important that that provincial health council have that opportunity to review in their entirety all – all – the mechanisms that are there. They will bring the advice forward. It is our intention to expand the role of the Health Facilities Review Committee to be health services review, but I would like to have that advice from the provincial health council. I can assure the hon. member and all members in this House that when we do receive that advice from them, we will move very quickly to make sure that that is enacted.

MRS. HEWES: Mr. Speaker, I'd remind the minister that we're not just speaking about appeals here; we're speaking about investigation of complaints. They are two separate issues. Her answer in *Hansard* did not contain that.

Mr. Speaker, then will the minister, following this information, establish a truly independent committee – that is, without MLAs – to investigate these complaints about health care, long-term care, waiting lists, and so on? An independent committee.

MRS. McCLELLAN: Mr. Speaker, the other note that I missed mentioning in response to the hon. member's prior question was the issue of not knowing what the Health Facilities Review Committee does do. I should correct the hon. member. There is tabled annually a report of that Health Facilities Review Committee. It is available. I would want to talk with the hon. member – and I will do that, as I have on other items because I know that she has a very sincere interest in ensuring that we move forward in a very positive way – as to the wisdom of publicly laying out all of these reports on facilities.

So, Mr. Speaker, we have mechanisms that we are looking at. The provincial health council will be a fully independent group at arm's length from government that will bring that advice forward. I find it rather interesting that the hon. members opposite on some occasions want everything to be in the Legislature and on others don't want Legislature members to be part of committees. It would seem to me that having an MLA chair that very important committee ensures that the accountability is here.

MRS. HEWES: Mr. Speaker, I think there's a more important principle of conflict at stake.

Mr. Speaker, will the minister, then, when this committee is reconstituted, allow for full disclosure, the same issue that she was just speaking to, of the findings of investigations carried out?

I respect the comments made, but the public who may use these facilities need the protection of openness in this regard.

MRS. McCLELLAN: Mr. Speaker, I concur with the hon. member that the public needs the protection, the assurance of openness. However, I think what we want to do is really look at what is the reason that we would investigate a complaint. The reason we would investigate a complaint is to ensure that it is addressed and that it does not occur again. How can that be best satisfied? It can best be satisfied by working with the facility involved and the persons who raised the complaint, and I think that is where we want to make sure that occurs.

To openly lay out all of the proceedings would be quite complex, Mr. Speaker, insofar as we have labour agreements where we can't deal with that part of the issue. The committee is constrained in some ways as to what it can do. I think that if the public has the assurance that the complaint has been addressed to the satisfaction of the complainant and that the changes have been made that were necessary, if necessary, to ensure that this doesn't happen again, this is in the public interest. I think that's what the hon. member wants.

THE SPEAKER: The hon. Member for Cypress-Medicine Hat.

Agricultural Exports

DR. L. TAYLOR: Thank you, Mr. Speaker. My questions are all to be addressed to the Minister of Agriculture, Food and Rural Development. It is my understanding that Agriculture Canada has announced that import licences will continue to be required for barley entering Canada from the United States. In addition to barley, barley products will also be subject to these licences. In other words, we have further restrictions to free trade. Can the minister advise this House as to the cause of this situation?

THE SPEAKER: The hon. Minister of Agriculture, Food and Rural Development.

MR. PASZKOWSKI: Thank you, Mr. Speaker. This certainly is a very timely question. This is in response to higher United States subsidy support for its producers. Back when the FTA, the free trade agreement, was being negotiated, article 705 of the Canada/United States agreement – and this has since been incorporated into the NAFTA agreement – the two countries determined their respective government support levels, as to what support government put into barley production within the two countries in the preceding two years.

The levels expressed as percentages of total returns to producers are comprised of both direct and indirect support. So it's the degree of support that is actually provided by government that will determine this. The support level that was determined for the United States was 56.4 percent as government support towards the production of American barley. Once the level of support is equal or less, then the Americans will be able to have access to Canadian sources.

In the meantime, as of August 1 of this coming year, the new GATT agreement will take place, and this of course will deal with subsidies. In an effort to deal with that, there will be quotas and the application of a percentage to those particular quotas. In the case of feed barley it'll be 25 percent; in the case of malting barley it'll be 118 percent.

2:30

THE SPEAKER: Supplemental question.

DR. L. TAYLOR: Yes. Is this situation in any way related to the other difficulties we're having with Americans in agricultural trade?

MR. PASZKOWSKI: These subsidies are, of course, part of the activities of restructuring, and really it's very unfortunate because there is no real economic benefit that's derived from this. Ultimately it is our hope that through the ongoing negotiations that are taking place the realities will take place and indeed we will have a level playing field.

DR. L. TAYLOR: Has any determination been made as to whether or not a cap on Canadian wheat exports to the United States will be continued for a further year or other punitive measures applied to agricultural exports to the U.S.?

MR. PASZKOWSKI: The federal government has made it very clear that they're not going to allow for the continuance of the cap and the cap arrangement that was negotiated a year ago. At that particular series of negotiations an expert committee was put together to develop a strategy to deal with the whole area and the whole issue of caps that were instigated last year. In reality there was no justifiable reason to establish those caps, because ultimately the whole relationship of free trade as we had understood it was to remove the borders and remove the restrictions that were there up until that time. Since that time an expert panel has been put together to deal with those issues. It is anticipated that the expert panel is going to table their results either in the latter part of May or the early part of June, and as a result of those recommendations, it is hopeful that the restrictions will be removed.

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

Special Waste Treatment Centre

DR. PERCY: Thank you, Mr. Speaker. The Swan Hills waste management treatment centre remains a financial disaster for Alberta taxpayers. We estimate that to date the facility has cost Alberta taxpayers \$196 million. We further estimate that to get out of the agreement, the restrictions imposed by the joint venture agreement signed by this government in April of 1993, it will cost Alberta taxpayers at a minimum an additional \$150 million. To put that in context, we're paying them \$150 million to take our 40 percent share, for a total of approximately \$350 million. My questions are to the chairman of the Alberta Special Waste Management Corporation, wherever he's sitting this week. The first question: can the chairman tell us the status of the negotiations to sell the government's share to Bovar and when the negotiations will be complete?

THE SPEAKER: The hon. Member for Calgary-Shaw.

MR. HAVELOCK: Yes. Thank you, Mr. Speaker. As the hon. member is aware, negotiations with Bovar have been ongoing for quite some time, and in fact we are at a sensitive stage in those negotiations in light of our commitment to hopefully have them resolved by the end of this month and also our commitment to attempt to secure the best possible terms of settlement for the taxpayer. The hon. member certainly, though, is well aware that if I were to disclose the content of those negotiations, we may well be undermining our position. We are certainly attempting, as I said, to secure good terms for the taxpayer, and while I'm not prepared to negotiate through the media at this point in time, we

can as a government make the commitment that when those negotiations have concluded, we will be tabling the pertinent details.

DR. PERCY: Will the chairman of the Alberta Special Waste Management Corporation confirm that the minimum cost of getting out of the joint venture agreement has to be in the ballpark of \$150 million today?

THE SPEAKER: The hon. minister. Or the hon. member.

MR. HAVELOCK: The first one sounded great.

Again, Mr. Speaker, for me to confirm the numbers put out by the hon. member would, I think, be undermining our position at the negotiating table. What I can say at this point in time is that certainly there are guaranteed rate of return provisions in the agreement. There is an ongoing subsidy. Those numbers are substantial, but where we wind up in the negotiations is, quite frankly, entirely dependent on what sort of values you use in your net present value calculation to come up with the final figures. So at this stage, again, I can't disclose those numbers. They will be disclosed certainly upon the conclusion of negotiations.

DR. PERCY: Mr. Speaker, since it is likely that the Legislature will not be sitting when the deal is concluded – hard to say at this point – will the chairman of the Alberta Special Waste Management Corporation commit that before this deal is signed, it is put out for independent appraisal for fairness so that we can have an arm's-length independent review of an agreement prior to its being signed, since we won't be able to debate it in the House?

MR. HAVELOCK: Well, Mr. Speaker, that is a very good question. I think the question, though, should be rephrased: will the government commit to having a fairness opinion done prior to the deal that's negotiated being signed? I'd be happy on behalf of government to make that commitment. In fact, I'd like to indicate that since the very early stages of our discussions with Bovar, that was one of the conditions which we put on the table, and that condition was fully supported by the minister of the environment and the Provincial Treasurer. Our bottom line is certainly to secure again the best possible deal for taxpayers and ensure that it's fair for all parties concerned.

THE SPEAKER: The time for question period has expired. Before proceeding to Members' Statements, is there consent in the Assembly to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE SPEAKER: Opposed?

The hon. Member for Peace River.

head: **Introduction of Guests**
(*reversion*)

MR. FRIEDEL: Thank you, Mr. Speaker. I'd like to introduce to you and to the members of this Assembly a group of 10 students from the Paddle Prairie school in my constituency. They're accompanied by Mr. Brady Holland and Miss Gayle McGillivray. They're seated in the members' gallery, and I would ask that they stand and receive the warm welcome of this Assembly.

[Mr. Tannas in the Chair]

THE DEPUTY SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to members of this Assembly 36 visitors from Forestburg: 32 grade 6 students from the Forestburg elementary school and two teachers, Mr. Rae McClure, Mr. Marshall Charchun, and two parents, Mrs. Terry King, Mrs. Shawna Fordice. They are here to see how this Legislature operates and how we make the laws. I hope that they do have a happy experience here today. They are in the members' gallery, and I would ask them to rise and receive the warm welcome of this House.

head: **Members' Statements**

THE DEPUTY SPEAKER: The hon. Member for Olds-Didsbury.

Canada Health Day

MR. BRASSARD: Thank you, Mr. Speaker. Today is Canada Health Day, a very special day which is celebrated each year on the anniversary of the birth of Florence Nightingale, a true health visionary. It is sponsored by the Canadian Public Health Association and the Canadian Hospital Association. Today hospitals, community health organizations, and individuals will be undertaking initiatives to raise awareness about important public health issues.

Mr. Speaker, Canada, and certainly Alberta, is recognized as having the best health care system in the world. This year's theme, Creating a New Agenda for Health, might therefore seem inappropriate, but it is not. Rather, it recognizes the need to address the challenge facing all governments today, the challenge of change. If our health care system is to survive the fiscal and technical demands being placed upon it and still remain responsive to the needs of all Canadians, then a new agenda must be established for our health care.

In Alberta that new agenda includes a change of focus from simply treating illness to promoting wellness, from being available to the community to being driven by the community. It means collaborative planning at the community and regional levels, enabling regional health authorities to provide the services and programs that are needed within their communities. It means co-ordinating all of the health services required within a given community to ensure a better health system that is affordable, efficient, and meets the needs of that community. I urge all Albertans to participate in local events, plan to celebrate Canada Health Day, and challenge them to become involved in shaping the agenda of the health programs and services in their community.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glenora.

2:40 Myalgic Encephalomyelitis

MR. SAPERS: Thank you, Mr. Speaker. In keeping with the theme of this being Canada Health Day, I'd like to mention that it is also myalgic encephalomyelitis day. Myalgic encephalomyelitis, or chronic fatigue syndrome, is a largely misunderstood disease which affects over 1 million Canadians. ME, as it is commonly known, is a potentially disabling, chronic syndrome which may have the following symptoms: widespread muscular/skeletal pain, paralyzing fatigue and nonrefreshing sleep,

headaches and facial pain, digestive disorders, and cognitive disorders including memory lapses, severe confusion, and concentration difficulties. These symptoms may last a few months, be cyclical, or remain chronic for many years. No single cause for fibromyalgia, or ME, has been identified. However, it should be noted that ME, like arthritis, affects more women than men, by a ratio of over 8 to 1.

The misunderstood nature of this disease rests on the fact that ME patients are often told that their symptoms are related to depression, that it is not a real medical problem. But it has been demonstrated, of course, Mr. Speaker, by numerous tests and studies that ME and depression have very different mechanisms and impact on the body in very different ways. People afflicted with fibromyalgia may spend more than five years seeing medical specialists and perhaps even undergo unnecessary surgery before being properly diagnosed.

The social costs of fibromyalgia are perhaps the worst aspect of this disease. With the symptoms that prevail with the disease, many of the afflicted are unable to hold down a steady job. As well, the medical costs of the disease can be enormous. This is largely due to the fact that the illness is not easily or readily diagnosed, and therefore individuals must visit their doctor and doctor after doctor and try numerous medications until finally a proper diagnosis is given. The financial impact that these factors can have on an individual or their family can be very detrimental.

May 12 is named International ME Awareness Day because it is the birth date of Florence Nightingale, whom modern researchers consider to be the most famous ME sufferer.

Thank you, Mr. Speaker.

Nurses Week

MRS. FRITZ: Visible and valuable, Mr. Speaker: these are the two words that describe the vital role of nurses in Alberta's health system and are the theme of this year's Alberta Nurses Week, which is being celebrated from May 8 to 15. This last year has been a challenging one for all nurses, and while some doors have closed, others are opening. Through those doors are new opportunities that will enable RNs to more fully utilize their extensive training and experience.

Mr. Speaker, many changes now taking place recognize the value of nurses and will help to increase their visibility in the health system. For example, recent legislative and regulatory changes will enable nurses to provide a full range of primary health care in underserved areas of the province. The newly regulated discipline of midwifery will add yet another dimension to the nursing profession. Not only do these developments provide new career choices for nurses, but they also highlight the emergence of more choice for the consumer within our health system. The Health Workforce Rebalancing Committee is looking at other ways to make better and more appropriate use of the health workforce so that the immense talent that we have in this province is not wasted.

Nurses have contributed in a positive way, Mr. Speaker, to the evolution of our health system. Nurses have provided to government suggested models for community health centres and participated on a number of expert committees addressing a wide range of health-related issues. The province's 17 regional health authorities will be looking to nurses for advice on how to manage our resources more efficiently. Their input will also be sought in the development of programs and services that respond to the specific needs of Alberta's communities. The frontline experience and technical knowledge of RNs is essential to this process.

The government of Alberta wishes to commend nurses for putting our population on the path to better health. Though our

health system is changing in some fundamental ways, nurses will always be an essential and valued part of the health sector.

I invite members of this Assembly to join me in recognizing the important role the nursing profession has played in helping the province achieve its vision of healthy Albertans living in a healthy Alberta.

Thank you, Mr. Speaker.

head: Projected Government Business

THE DEPUTY SPEAKER: The hon. Opposition House Leader.

MR. BRUSEKER: Thank you, Mr. Speaker. I'm wondering if the hon. Government House Leader could tell us what he has planned for the long and I'm sure detailed agenda for next week.

MR. DAY: Well, we'll try and get together next week and talk over a few things, Mr. Speaker. I think we can guarantee that, depending on progress today, we'll certainly be in committee study of Bill 37. The miscellaneous statutes Act, which is presently just going through the final stages of some consideration by our opposition members, we can take up on Monday, and the possibility of moving it through more than one stage is a distinct possibility if there's co-operation there. We're hoping the third readings from today will all be done, but if in fact they're not, then we'd finish those up, with possible consideration also of Bill 19. That would be the projected business for Monday and the days following.

THE DEPUTY SPEAKER: Would the Assembly agree to revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? Carried.

The hon. Provincial Treasurer.

head: Introduction of Guests (reversion)

MR. DINNING: Mr. Speaker, we're joined today in the members' gallery by a gentleman who is known to many of us, a resident of both Calgary and Edmonton, formerly in the old constituency of Calgary-Shaw and now in Calgary-Glenmore, but also a resident of Edmonton. Joe Milner serves on the Michener Centre advisory committee. I'd ask him to rise and receive a warm welcome from all members of the Assembly.

head: Orders of the Day

head: Government Bills and Orders head: Second Reading

Bill 37 School Amendment Act, 1995

[Adjourned debate May 8: Mrs. Laing]

THE DEPUTY SPEAKER: The hon. Member for Calgary-North West.

MR. BRUSEKER: Yes. I'm rising on a point of order, Mr. Speaker.

THE DEPUTY SPEAKER: Is this from earlier today?

MR. BRUSEKER: This is about Bill 37, Mr. Speaker.

THE DEPUTY SPEAKER: A point of order, hon. member?

MR. BRUSEKER: Yes.

THE DEPUTY SPEAKER: Okay. Let's hear it. Would you cite?

**Point of Order
Sub Judice Rule**

MR. BRUSEKER: Certainly. Two citations for you, Mr. Speaker. We are under "motions which are debatable," section 18(1)(d), on a motion for second reading of the Bill, the Bill today being discussion of Bill 37. I do have a document I'd like to send to the Speaker as well for his consideration.

Mr. Speaker, if we look at section 23(g), it refers to:

A member will be called to order by the Speaker if, in the Speaker's opinion, that member . . .

(g) refers to any matter pending in a court or before a judge for judicial determination . . .

(ii) of a civil nature that has been set down for a trial or notice of motion filed, as in an injunction proceeding until [date of] judgment,

which is not in this case, but the next part does apply.

or from the date of filing a notice of appeal until judgment by an appellate court,

where there is a probability of prejudice to any party.

Mr. Speaker, if we look at Bill 37, there are two sections in particular – and in fact in the document which I just sent you, the very last page shows a filing with the Court of Appeal, the registrar file dated April 16, 1995. You will note at the top that this was faxed to the opposition office as of yesterday. In fact, there is an issue before the Court of Appeal right now that deals with a concern between the Edmonton Roman Catholic separate school district No. 7 and Her Majesty the Queen in right of the province of Alberta as represented by the Minister of Education, who is the proponent of Bill 37.

Mr. Speaker, in particular, if you look at Bill 37, section 11 refers to section 130 and proposes to amend that section that says:

The Minister, on any conditions that the Minister prescribes,

(a) may permit a board, or

(b) may require a board

to use money referred to in subsections (1) and (2) for a particular capital purpose or a particular capital project whether or not the purpose or project is one for which the money was accumulated, received or acquired.

A subsequent section in Bill 37, which is section 30(2), says: "Section 11 is deemed to have come into force on February 15, 1994." So those two sections relate back and forth to one another.

If in fact Bill 37 is passed at second reading, then the entire case before the Court of Appeal will be backdated to prior to the date of the filing of this appeal and therefore negates both the original filing in the court plus the appeal that is now before the court.

2:50

With respect to the issue under Standing Orders, probability of prejudice, Mr. Speaker, the prejudice is an amount of \$2,540,917, as outlined in the statement of claim, shown as page numbered 2 on the document which I have transmitted to yourself, sir.

Given our own Standing Orders, which of course are the primary direction – we are debating a motion for second reading, and this is the primary set of rules which we follow. We have improved our Standing Orders in particular with respect to the sub judice matter, and therefore I would suggest, Mr. Speaker, that

further debate or a vote on this Bill with those two clauses in it under our own Standing Orders would be out of order.

MR. DAY: Well, Mr. Speaker, I would suggest it's a noble but somewhat deficient attempt to delay second reading on this particular Bill, and for a number of reasons. First of all, the Bill itself does not in fact refer in any way directly to the court case referenced by the member, so 23(g) as stated could certainly not be used to that. Also, the entire appeal in the point of order is both hypothetical and anticipatory. We have no idea about either the duration of the particular court case or what in fact a court may find. Therefore, to project a point of order on something so hypothetical and anticipating a certain outcome would not in fact be in order.

Mr. Speaker, the point of order itself is out of order because our Standing Orders are very clear – and I would hope the member would acknowledge this – that a point of order must be raised at the soonest possible opportunity. I can tell you that this particular Bill as of now has had, without referencing it exactly, over three hours of debate. Day after day after day this has been out there. A point of order must be raised at the soonest possible opportunity. On that point alone, the point of order would not be valid. Also, in discussions in the Parliamentary Reform Committee, of which I was a chair and of which the Member for Calgary-North West was also a member, the entire section relating to the Speaker having the ability to make a ruling when somebody is trying to claim the fact that it's before the courts in fact was adopted and adapted by an application from the opposition to give the Speaker that degree of leeway to make a judgment in a particular case like this.

I would not presume on the Chair which way that judgment should go, of course, but I think it is not even approaching a coin toss on this for the hon. Speaker, because for the reasons referenced, the Bill does not refer to a matter pending in court. It is hypothetical at this point and anticipatory. This in fact was not raised at the earliest possibility; this has been raised well on down the road.

MR. DECORE: Mr. Speaker, I think this is pretty clear. The section that deals with sub judice is a matter that had specific attention by the government side and the opposition side. We tried to make it as clear as possible. A notice of appeal has been filed. My colleague has indicated that notice with respect to the lawsuit was faxed to us just yesterday. Therefore, the time that applies is the time that exists in our knowledge, and the knowledge is as of yesterday. So the argument that we haven't brought this forward is not a good argument because we brought it forward just as quickly as we had it drawn to our attention. That was yesterday. A notice of appeal has been filed. We're dealing with a motion. This matter is before the court, and it should not be proceeded with. It's a very clear issue, Mr. Speaker.

THE DEPUTY SPEAKER: Okay; a most interesting point of order raised by the hon. Member for Calgary-North West, the Official Opposition House Leader.

There are two things that the Chair would comment on. First of all is debate, and the second one is vote. The hon. Member for Calgary-North West did draw attention to Standing Order 23(g)(ii) but stopped reading the whole thing. So in order to understand part of what I intend to say, I intend to read the rest of it.

This is where it refers to "any matter pending in a court," et cetera,

(ii) of a civil nature that has been set down for trial or notice of motion filed, as in an injunction proceeding until judgment or from the date of filing a notice of appeal until judgment by an appellate court,

where there is probability of prejudice to any party but where there is any doubt as to prejudice, the rule should be in favour of the debate.

Certainly we have that argument.

As to the vote, that's a little more contentious, and I was going to indicate that we would take that under advisement and rule as soon as possible, when legal minds could be brought to the issue and could advise the Chair.

However, having said that, I would say that courts exercise a separate jurisdiction from the Assembly. The Legislature makes laws. The courts interpret them or review them by the Charter. The courts cannot oust – I'm probably misreading this; cannot ouster. Is that a legal term? – the jurisdiction of the Assembly. For sub judice to apply, there must be a probability of prejudice. The Assembly still can legislate.

So we'll rule in favour of debate continuing and take under advisement whether or not a vote can be called, and that will be made as soon as possible.

MR. N. TAYLOR: Just for clarity, Mr. Speaker, we can debate but we cannot vote?

THE DEPUTY SPEAKER: Sorry. No. What I was saying is that the Chair would hold that where the prejudice is in dispute, as the Standing Orders say, where there's any doubt, the rule should be in favour of debate. So the Chair will rule in favour of continuing debate.

It's my understanding there are a number of members who are wishing to debate Bill 37. As soon as possible, which I would presume would be literally within a brief period of time, a proper ruling on the vote part of it will be made by the Chair, at the time that the best legal advice is given to the Chair.

Having said that, we will now begin debate on Bill 37 for today. On the debate, hon. member.

Debate Continued

MR. DECORE: I move that we adjourn debate until Monday so that proper legal opinion can be determined. I think we're close to a vote.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glengarry has proposed that we now adjourn debate. Once that occurs, it then says within the Standing Orders that we cannot subsequently adjourn if it fails – and I've forgotten the exact words – until something of substance happens.

The hon. Member for Edmonton-Glengarry has moved that we adjourn debate on Bill 37. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no.

SOME HON. MEMBERS: No.

THE DEPUTY SPEAKER: Defeated. Debate can continue.

3:00

SOME HON. MEMBERS: Question. Question.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Rutherford in debate had indicated earlier . . . [interjections]

The question's been called. [interjections] The call for the question as well as the refusal to debate puts the Chair in an interesting position, and if that's the way it is, then we will have a short recess before the question is called.

The Assembly stands recessed for a few moments until called back by the ringing of the bells.

[The Assembly adjourned from 3:01 p.m. to 3:13 p.m.]

[The Speaker in the Chair]

Point of Order Sub Judice Rule

THE SPEAKER: The question before the Assembly is on Bill 37, as to whether or not, I guess initially, this matter should be debated. The Chair ruled that it could be debated, and then there was no inclination on the part of members to debate, some members feeling that something this Bill could touch on is pending in the Alberta Court of Appeal and that there are some retroactive aspects to this legislation that could affect that appeal.

The Chair feels that this is a matter of public policy that the government had deemed to be important. It's within the constitutional jurisdiction of the province of Alberta, and this matter should be dealt with because notwithstanding what happens in this court case, if the government desired to overturn the court case, it certainly could do it. If the matter is clarified by an Act of this Legislature and if this legislation has an effect on the court case, it could be to the benefit of one side or the other. It's been pointed out that the effect of this Bill could assist the appellants in the Alberta Court of Appeal and no argument given that the appellants are prejudiced.

Therefore, the Chair is going to allow this matter to come to a vote on the motion for second reading and would ask all those in favour of the motion for second reading to say aye.

SOME HON. MEMBERS: Aye.

THE SPEAKER: Those opposed, please say no.

SOME HON. MEMBERS: No.

[Several members rose calling for a division. The division bell was rung at 3:16 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Ady	Gordon	Renner
Amery	Haley	Rostad
Brassard	Havelock	Severtson
Burgener	Herard	Shariff
Calahasen	Hierath	Smith
Cardinal	Jonson	Stelmach
Coutts	Kowalski	Tannas
Day	Langevin	Taylor, L.
Dinning	Magnus	Thurber
Doerksen	Oberg	Trynchy
Dunford	Paszkowski	Woloshyn
Evans	Pham	Yankowsky
Fischer		

Against the motion:

Abdurahman	Henry	Taylor, N.
Beniuk	Hewes	Van Binsbergen
Bracko	Kirkland	Vasseur
Bruseker	Leibovici	White
Collingwood	Massey	Wickman
Decore	Percy	Zariwny
Dickson	Sekulic	Zwozdesky
Hanson	Soetaert	

Totals: For – 37 Against – 23

[Motion carried; Bill 37 read a second time]

THE SPEAKER: Just for the record, before we proceed to the next item of business, the Chair couldn't make clear really the citation in *Beauchesne* it was relying on in making the decision it did prior to calling the vote. The Chair would like to refer to citation 510 of *Beauchesne*, where it says:

The House has never allowed the sub judice convention to stand in the way of its consideration of a matter vital to the public interest or to the effective operation of the House.

Of course, when this matter comes up in committee, there will be liberty for hon. members to make reference to the case that had been referred to earlier.

head: **Private Bills**
head: **Third Reading**

Bill Pr. 10
Calgary Regional Health Authority
Charitable Annuity Act

THE SPEAKER: The hon. Member for Medicine Hat.

MR. RENNEN: Thank you, Mr. Speaker. On behalf of the hon. Member for Calgary-Bow, I would like to move third reading of Bill Pr. 10, Calgary Regional Health Authority Charitable Annuity Act.

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

MS LEIBOVICI: Thank you, Mr. Speaker. I just wanted to mention to the members before they put this Bill to the final vote that there was a letter on file from, I believe, the Assistant Deputy Minister of Health which indicated that this particular Bill in effect subverts the policy-making process that should be in place in the Legislative Assembly as opposed to the Private Bills Committee. I think all the members in this Assembly need to be aware that this issue does set a precedent and that in fact that precedent should be one that is looked at in terms of public policy-making.

Thank you.

[Motion carried; Bill Pr. 10 read a third time]

head: **Government Bills and Orders**
head: **Third Reading**

3:30 **Bill 1**
Alberta Taxpayer Protection Act

MR. DINNING: Mr. Speaker, on behalf of the hon. Premier I move third reading of Bill 1, the Alberta Taxpayer Protection Act.

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

DR. PERCY: Thank you, Mr. Speaker. I rise to speak to Bill 1 in third reading. We have in both second reading and Committee of the Whole pointed out that the title of this Bill, the Taxpayer Protection Act, is truly a misnomer since it excludes from consideration every tax that indeed the government actually levies, and it focuses on the one tax that members on both sides of this House agree we would not levy. In the committee stage we brought forward an amendment to in fact ensure the protection of taxpayers through requiring that personal income tax increases would be subject to a provincial referendum. What occurred on a standing vote was that that amendment was defeated, so we're left with this Bill.

[The Deputy Speaker in the Chair]

Now, it is interesting that in subsequent discussions government members agreed that in fact the Taxpayer Protection Act should be broader in its coverage. In fact, the Premier argued that it should be broader in its coverage and that come the fall, the government would introduce legislation to ensure that the Taxpayer Protection Act was broader in content. I find this interesting, because I recall that in debate within the last 10 days the hon. Member for Stony Plain put a hoist on, with the concurrence of the hon. Member for Calgary-Egmont, on the grounds that this Bill was going to be amended subsequently. Because it is going to be amended subsequently, we should not pass it. We should hold it. After all, we would not want to waste the resources of the Legislature. We would not want to pass a Bill that we knew we were going to amend. The hon. Member for Stony Plain was very eloquent in making that case: that it really is superfluous to bring forward a Bill and pass it when you know you're going to amend it.

So in the spirit of the argument made by the hon. Member for Stony Plain, I bring forward a motion that will do exactly that. I will distribute this, Mr. Speaker. The first four copies are signed. It has Parliamentary Counsel's signature.

I will just read the motion. Again, it's very similar to the motion that was brought forward by the Member for Stony Plain on the grounds of legislative convenience. We know that this Bill is going to be amended subsequently. The Premier has said so. Why pass it now? A very simple question. Why waste the resources of the House in this regard? The motion that I propose, Mr. Speaker, is

that Bill 1, the Alberta Taxpayer Protection Act, be not now read a third time but that it be read a third time this day six months hence.

The House will be in session; in fact, it may not have adjourned. Who knows? It will allow, then, the amendments that members on the other side of the House have said they're going to bring forward to broaden the scope of this Bill to make it truly an Act that will protect the taxpayers rather than the relatively empty shell that it is today: protecting taxpayers from nothing and excluding those very taxes that the government does levy. So the hoist, which is now being distributed, does precisely what was done 10 days ago in terms of deferring for consideration a Bill that we know is going to be amended subsequently.

I will, on those comments, take my place.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Rutherford on the hoist.

MR. WICKMAN: Thank you, Mr. Speaker. I speak in support of the hoist motion. What the Member for Edmonton-Whitemud has said is very logical, and it falls in with the indication that the

government gave earlier, that they in fact want to look at and review and incorporate at a later date amendments that will afford Albertans that so-called protection against undesirable or unwanted taxes. So one can argue that the Member for Edmonton-Whitemud has made it very, very accommodating for the government to comply, and come the fall session the government can then in fact very well bring those amendments forward.

Mr. Speaker, when we talk in terms of taxes, we can talk in terms of a sales tax, but let's look at some other taxes. When personal income tax goes up, is that not an increase in taxes? Could one not argue that that's a new tax in the sense that it's an additional tax applied on top of an existing tax? It's still a new tax as far as Albertans are concerned, because it's taking more money out of their pockets. We can look at an amusement tax. Is that not a tax? Is that not a loss of revenue from the taxpayer's pocket? What about tobacco? What about liquor? What about the so-called tire tax? A lot of people say that the tire tax in fact is a value-added tax or a sales tax, although the government tends to bill it as an environmental tax, more directly I guess a tire tax. Nevertheless, it could be argued that it is a form of sales tax. Yet this particular piece of legislation does not restrict the government's ability to raise that tire tax, to double it, to triple it, to do whatever without consulting Albertans.

Then one can look at premiums, at user fees, health care premiums. If one year you're paying \$48 a month and then two years later you're paying \$79 a month, is that not an increase in terms of expenditure that taxpayers, Albertans, are paying out of their pocket to the government? The list goes on. The increases in rates for park facilities, in the cost of wood, in the cost of getting into museums, in the cost of getting into campsites. We can look at licensing, whether it's drivers' licensing, whether it's hunting, whether it's fishing, and the list goes on and on. In fact, if one were to document it, I believe there are something like 149 instances of tax increases including, of course, user fees, which by my interpretation are a tax – it comes out of that same pocket – 149 increases in taxation in the last year by this government that would not be covered under that particular piece of legislation.

So, Mr. Speaker, being the co-operative bunch that we are on this side and always wanting to assist the government, here is an opportunity. I can see that the Provincial Treasurer is looking at this very eagerly. He recognizes the opportunity that has been given to him.

MR. DINNING: What's that?

MR. WICKMAN: This opportunity. He's asking: what opportunity? This opportunity of being able to hoist this Bill for six months.

MR. DINNING: Hoist?

MR. WICKMAN: Hoist.

Mr. Speaker, on that note I'm going to conclude because I'm sure there are others, particularly from the government side, that would like to speak to this motion.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Manning.

MR. SEKULIC: Thank you, Mr. Speaker. I rise to speak to this hoist amendment to Bill 1, the Alberta Taxpayer Protection Act. The reason I rise is that I really do believe that this Bill by its title

is more of a smoke and mirrors Bill, an election brochure, a campaign brochure than it is anything else.

If we take a look at the example of the private sector, which ideally delivers more product or more service for less as they become more efficient and more competitive, we've seen that what this government has done over the past two years is in effect deliver less product and less service to the consumer, to the taxpayer. That's a bit of a concern. What this Bill does, Mr. Speaker is enable the government to deliver less yet, but they still have the ability to take in more money. It's the furthest possible distance that the government can go from the private-sector example, which I find somewhat offensive.

3:40

Although the principle of the Bill does go in the right direction in terms of limiting the amount of revenue the government can raise and it puts a ceiling and forces the government to operate more efficiently, I think it's far, far too narrow, and I certainly do believe that amendments are in order. If the government is at this time not willing to put forward or agree to any amendments, then what we have to do is put this Bill on the back burner for six months, give the government some time to review it, to consult taxpayers and come to the same conclusions that the opposition, the Liberals, have and defend the taxpayers' interests and try to deliver in fact more product and more service to the taxpayer for less, follow that private-sector example that they so often refer to but have never somehow been able to reflect accurately.

So with those few comments, Mr. Speaker, I would encourage all members of the Assembly to support this hoist amendment.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Glengarry.

MR. DECORE: Mr. Speaker, I find this Bill laughable, coming from a government – since 1989 two political parties in this province stood day after day and said: don't involve yourselves in NovAtel; don't involve yourselves in waste management; don't involve yourselves in paddle wheelers on the North Saskatchewan River; don't involve yourselves in land companies; don't involve yourselves in computer companies. The list goes on and on and on. People like the minister of transportation, who's been saying that only Conservatives in the world do good things, was part of the votes on all of those messy things that brought us into a \$30 billion debt situation.

Now, if it wasn't so sad, it would be laughable. It's sad because we've got \$30 billion and now the province has to be wrenched in terms of schooling, kindergarten schooling, in terms of health care, all because of the actions of the Treasurer and people like him to put moneys here and there and everywhere. Now he wants to make himself and the government look good by bringing forward this rather foolish Act – actually, the Premier brings forward this rather foolish Act that says: you know, we're not going to have a sales tax, but we can introduce legislation if there's a referendum. What a backhanded way of slipping something past the taxpayer. I think this is offensive.

The Treasurer should stand and say: "I agree with the hoist. I agree with the position that the Member for Stony Plain took." If there are going to be changes that are going to come that are substantive to a real Bill, let's deal with them then, not this hocus-pocus, phony-baloney stuff that's before us now.

THE DEPUTY SPEAKER: The Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Speaker. I, too, rise to speak in favour of this hoist. It's ironic that one day this government says one thing, and then when the Official Opposition brings in a comparable principle, suddenly they're not supporting it. As my hon. colleague for Edmonton-Glengarry clearly stated, the Member for Stony Plain, when it came to amendments from the Official Opposition, wanted it delayed, will look at amendments later on.

Now, the reality is that if Bill 1 is going to have any meaning to it other than election gimmicking, the fact that we won't allow any government in the future to introduce a sales tax without a plebiscite, if it's nothing other than electioneering, I would suggest we accept this hoist, bring it back in the fall, put some teeth into it, include income tax in there or any other tax by any other name – and we've seen those extensively in this province – and make it do exactly what taxpayers are asking for, because they've lost their trust in politicians. There's no trust. They don't believe what's being said by politicians, and I include myself in that category, standing in this House. It's total loss of faith out there. Part of that has to do with what they see every day, that more and more of their income is being taken away from them by governments through taxation, be it user fees or whatever you want to call it.

You know, we hear continually from this government about the so-called fear mongering of the Official Opposition, but I'll tell you that when I was down at Calgary-McCall and when I'm in Clover Bar-Fort Saskatchewan and we're talking about the finances of this province and we're talking about taxes, people ask: "What happened to the revenues that this province collected on behalf of health care and education? Why can't I get the service level when it's needed? Why do I get early discharge from hospital? Why am I bumped from one emergency room to another?" That's not fear mongering, Mr. Speaker. That's Albertans speaking to their elected officials, saying: "We can't get the quality of care that we need. Also, why can't our children get full early childhood education?"

Yes, we've got to protect Albertans from governments that abuse their power and mispend our tax dollars. So I would say that this government should support this amendment and hoist this Bill now and bring it back with even more teeth in the fall.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. I also strongly support this motion to hoist it for six months, to bring in other legislation that would include other parts that are needed so we don't waste time by doing this haphazardly. We've seen this happen in the regional health authorities. It was done quickly; it was done without planning or thought. It's going to cost us hundreds of millions of dollars more.

Also, it's interesting that they have this Bill 1 against a sales tax. In fact, we have two sales taxes now, one for 68 years, which is the pensions that are to be paid by the citizens of Alberta. That is a sales tax, if anything is, for 68 years. If it isn't, you tell me what is a sales tax. The other one is our debt servicing, this year \$1.94 billion. That's another sales tax, and after 25 years we'll still owe \$27 billion. So what we have is double sales taxes already.

With this we need to move forward to get the total picture, to look at it. I have to say that this is the way we would save taxpayers' money, use the taxpayers' money wisely. This hoist is needed at this time.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. The purpose, then, of this hoist is to allow the Bill to get teeth. Members on the other side of the House and members on this side I think have agreed that this Bill has no teeth. If the object then . . .

Speaker's Ruling Speaking Twice in a Debate

THE DEPUTY SPEAKER: Hon. member, there is a long-standing custom in rules that govern the number of times a member is able to speak. We are not in committee; we're in third reading. Our records show that you spoke earlier on third reading.

[Motion on amendment A1 lost]

3:50

[Motion carried; Bill 1 read a third time]

THE DEPUTY SPEAKER: The hon. Government House Leader on a point of order.

Point of Order Clarification

MR. DAY: The point of order would be clarification, which members are allowed to have, Mr. Speaker, on your wise rulings. There was a question. It appeared that the vote was unanimous, but there was no reference to that, and I wonder if you would rule on the unanimity of that last vote.

THE DEPUTY SPEAKER: Well, the Chair would indicate that when asked, there were answers in the affirmative; there were no noes.

Bill 16 Workers' Compensation Amendment Act, 1995

MR. DAY: Mr. Speaker, I would move Bill 16 for third reading.

MR. KIRKLAND: Mr. Speaker, just a few closing comments before we go ahead with Bill 16 at third reading. It was put forth with the intention and the principle that it should further divorce the WCB from the government and potential government intervention. I think the record will show that the debates indicate that the Liberals put forth several amendments attempting to enshrine that autonomy that the Bill purports to attempt to capture.

Of those amendments, there were two that I can recall, the first one being that we should enshrine for the injured workers of Alberta representation on that particular board. Now, the Minister of Labour indicated that it did pose some difficulty from a selection process in defining individuals that may in fact be injured. I think there's innovation that could have been applied to that particular selection, and I think it could have been achieved quite nicely. He has conveyed in the House that that spirit of having those members represented has been practised in the past, and there are presently two members that sit as injured workers. If we managed to achieve that, I would suggest that the amend-

ment that was defeated certainly could have been also implemented to ensure that continued representation of injured workers on the board. We were looking for autonomy and were looking for fairness as far as the injured workers of Alberta were concerned, and that certainly would have given a stronger perception that it was working towards that aspect.

The other aspect that we were attempting to capture – and it was again the autonomy – was the appointment of the chairman of the board by the board of directors itself. Now, the minister in his response indicated that that in spirit again has been captured and that in fact there was really no need for that amendment. I didn't see it that way when I put the amendment forth. It was my suggestion that in fact it should be an open competition and that the board members themselves should select that chairman.

So for the record, Mr. Speaker, we understood the principle. We spoke in favour of the Bill as it came forth because there's a need for autonomy, but there is also a need, as I have indicated in the past, to ensure and enshrine some representation on the Workers' Compensation Board. Unfortunately, those amendments weren't received favourably, and as a consequence we have no guarantees that specific segments of the population who are directly impacted upon by the Workers' Compensation Board will be duly and fairly represented.

So with those comments, Mr. Speaker, I would conclude the debate on Bill 16, third reading.

MR. DAY: Mr. Speaker, just in conclusion, the member opposite did fairly characterize the debate. As I indicated at the committee stage, I appreciated the input from him and also from the Member for Lethbridge-West, who raised some pertinent points of concern. These were researched thoroughly with stakeholders, I have given the assurance to the Member for Lethbridge-West and to others, not just in the Assembly but in fact outside of the Assembly. I can think of Brad Wright, for instance, of the Federation of Independent Business, who raised concerns related to the fund itself in terms of the rate stabilization fund and would we need something to more clearly define that that's truly what that would be used for and really firmed up for emergency situations only. Also, the WCB participating in certain areas of promotion was of some concern to him and his members. I gave assurance to him and to the Member for Leduc and the Member for Lethbridge-West that these will be the things that will be monitored closely, and as the whole business of WCB is in a state of constant change, amendments could be looked at if indeed it seemed there was a straying from what has already been the intent of the board reflected by the concerns raised by these individuals.

With those comments, I thank them for their input. This will be something that will be watched and monitored. I would move Bill 16 for third reading.

[Motion carried; Bill 16 read a third time]

Bill 20
Electoral Boundaries Commission
Amendment Act, 1995

THE DEPUTY SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thank you very much, Mr. Speaker. I would now move third reading of Bill 20, Electoral Boundaries Commission Amendment Act, 1995.

[Motion carried; Bill 20 read a third time]

Bill 21
Engineering, Geological and
Geophysical Professions Amendment Act, 1995

THE DEPUTY SPEAKER: The hon. Minister of Public Works, Supply and Services.

MR. FISCHER: Thank you. I move third reading of Bill 21, the Engineering, Geological and Geophysical Professions Amendment Act, 1995.

MR. KIRKLAND: I'd close the debate on a positive note, Mr. Speaker. When we evaluated this Bill, certainly we thought it was a good housekeeping Bill. The stakeholders have not voiced any great deal of dissatisfaction with it. The Liberal caucus has supported the Bill from its introduction so many weeks ago. As I indicated, it is a step forward, so we certainly applaud it.

[Motion carried; Bill 21 read a third time]

Bill 27
Livestock and Livestock Products
Amendment Act, 1995

MR. DAY: On behalf of the hon. minister of agriculture I would move Bill 27 for third reading.

THE DEPUTY SPEAKER: The hon. Member for Spruce Grove-Sturgeon-St. Albert.

MRS. SOETAERT: Thank you, Mr. Speaker.

AN HON. MEMBER: Agriculture?

MRS. SOETAERT: Agriculture, yes.

The Liberal caucus realizes that this Bill has been supported by and is something that has been needed by the industry. In fact, previously the seller was often at risk, and the livestock dealers have asked for this amendment to police themselves. My colleague for Lethbridge-East has pointed out one concern that he brought to the minister of agriculture, and I hope he will be aware of that so that maybe further amendments down the road may be in order. That was dealing with tracing the product for ownership title. It might be difficult, as not all cattle are branded anymore in a feedlot, so who can really tell?

We stand in support of this Bill with that one concern that has been noted to the minister of agriculture, which I hope he will consider in dealing with some difficulties that may come as a result of this.

With those few words, thank you very much.

[Motion carried; Bill 27 read a third time]

4:00

Bill 28
Real Estate Act

MRS. GORDON: I move third reading of Bill 28, being the Real Estate Act.

I would just like to thank all members of the Assembly for the debate that took place and particularly the members opposite for supporting a Bill that has been a long time in the making with the stakeholders and the Department of Municipal Affairs.

This Bill is very important to a very important industry, that of course being the real estate industry in Alberta, and I would ask that you support it now as I move third reading.

THE DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes, Mr. Speaker. I certainly rise to speak in favour of this very important Bill. I want to commend the real estate industry for sticking with it for 10 years to get the government in the province of Alberta to bring this legislation before this House. This government has indeed done that.

While it didn't achieve 100-plus percent when it came to consumer representation on the council, we were off to a good start, Mr. Speaker, inasmuch as there are indeed two consumers as members at large on that council. I hope that as the years progress, we'll see that consumer representation increase and be more representative of other bodies within the province of Alberta.

So I'd ask for unanimous support of this Bill. Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Leduc.

MR. KIRKLAND: Thank you, Mr. Speaker. As the hon. Member for Clover Bar-Fort Saskatchewan indicated, it's a positive Bill, and we spoke in favour of it.

If I recall the debate correctly, we had put forth an amendment ensuring that the consumers of Alberta had representation on that particular board. We felt that it was very important. I didn't miss the vote; as a matter of fact, I believe it was voted down. I find that unfortunate. It relates, I guess, to a similar concern I'd expressed with Bill 16, where we had to ensure that the stakeholders were in fact well represented on that particular board. The amendment that was put forth was not an amendment that changed the intent of the Bill or actually spoke against the spirit of the Bill; it was simply an attempt to protect the consumers of Alberta. I found it unfortunate that that particular amendment wasn't supported, but I commend the Member for Lacombe-Stettler for bringing the Bill forward. As the Member for Clover Bar-Fort Saskatchewan indicated, the real estate industry has shown great patience in sticking with it until such time as it came before the Legislature and to this third reading.

[Motion carried; Bill 28 read a third time]

Bill 31
Securities Amendment Act, 1995

MR. DINNING: Mr. Speaker, I move third reading of Bill 31.

[Motion carried; Bill 31 read a third time]

Bill 32
Municipal Government Amendment Act, 1995

MR. MAGNUS: Mr. Speaker, I'm pleased to move today third reading of Bill 32, the Municipal Government Amendment Act, 1995.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Thank you, Mr. Speaker. As we close debate on Bill 32 in the form of third reading, prior to Royal Assent and

the Bill being proclaimed I do want to say a few words about it. I didn't have the opportunity during the committee stage.

There are some parts of the Bill that are good. Some parts of the Bill will be welcomed by the various municipalities, but I do have one major concern, and I throw out a caution, talking in terms of the principle of the Bill.

One of the principles of the Bill does tend to reduce considerably, eliminate in many instances, the planning mechanisms that are there on a regional basis. In cities like Calgary, Edmonton, Red Deer, and such the same concern would not be expressed as would be expressed in a lot of the smaller municipalities that were very dependent on the regional planning commissions to ensure that planning within that region was being done in an orderly fashion and being done so it was not affecting the amenities of that entire region. There is that fear that this whole concept of downsizing, which again is being demonstrated by the government in this particular case, downsizing not only in terms of financial responsibility but downsizing in terms of authority, which the municipalities welcome – but they don't welcome that downsizing of authority taking place with the loss of funding that would normally go to fulfill those requisites that are required in terms of good planning.

So as I conclude, Mr. Speaker, I caution the Minister of Municipal Affairs in particular to be cautious of this and, if it does come back to rear its ugly head, to be prepared to respond to it, to act upon those concerns that will be expressed I believe in due course. I will support the Bill with some hesitation and with that caution being thrown in there.

THE DEPUTY SPEAKER: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Yes. I rise to speak to Bill 32. Mr. Speaker, I have grave reservations about this Bill when it comes to the future of planning in the province of Alberta.

I want to commend the planning process that has been in place up until this point in time within the province of Alberta. I believe it was an excellent process, and I believe it's the closest forum in that we've seen the essential components of co-operation. I'm very concerned in that it took many years to build that level of co-operation up. In all reality we did still have conflict, acknowledging that we worked successfully towards I think an acceptable level of co-operation.

I just fear that through Bill 32 and the direction that land use planning is taking within this province, the partnerships that evolved over the decades are now going to result in further conflicts that were between some municipalities in the province of Alberta. I'm particularly thinking of the fringe areas, the urban/rural conflicts, or indeed urbanization taking place in the rural components of an MD or a county, on the fringes of a town or a city, and not being able to work co-operatively in what's the best interests of all Albertans and at the same time causing inconvenience to our agricultural community. I raised this in second reading, and I'm going to reiterate it once again.

You can have all the good practices for an agricultural community in the world, but if you don't have them truly as regulations that are enforceable, what you can end up with is the urban/rural conflict. Some people don't respect that as we progress in time in agriculture, some of the odours and noises that come from that venture indeed infringe on the neighbours' rights, the agricultural farmer that may indeed be the wheat farmer, and likewise – and this is after traveling this province from one end to another – with

regards to acreage development and just from the point of view of even spreading manure on the land. It may even be from a solid waste treatment plant, or it may be from an intense livestock farm. If that's not done in a sensitive way and a way that's regulated, you end up once again with conflict. That's all part and parcel of co-operation and land use planning, Mr. Speaker, and I truly see a further undermining of this happening within Bill 32.

Yes, planning through the Planning Act and the Planning Board and the regional planning commissions had ended up unfortunately being too bureaucratic in nature. Their budgets I think to some extent got out of control. That was a reflection of the times, and I face that reality. But I think in Bill 32 quite frankly we've gone too far the other way. I'd like to have seen a more moderate approach. I fear that we're going to end up with what I see in the province to the west of here in the greater Vancouver area, where by any stretch of the imagination I don't think that's what we want around our major cities in the province of Alberta.

4:10

Mr. Speaker, there are a few other areas that are more specific. You know, I found it interesting inasmuch as a municipality has the right to opt out of machinery and equipment, but the reality is that when you look at that, you've got to certainly have another way that's meaningful in collecting comparable revenues. If you're looking at small cities, without the shopping malls and without the high-rises, the form of taxation that's in Edmonton and Calgary, it doesn't work in these larger towns or small cities. So it's going to be with interest that I look forward to seeing what, through the Provincial Treasurer, is going to happen in that whole area of taxation. This certainly gives municipalities an option.

In some instances we've got the cart before the horse. I think in our own municipality we've got a joint general municipal plan, that came into existence when I was the mayor with Strathcona county. Their current general municipal plan will be in effect until what I understand is September 1, 1998. The new documents will have to be prepared and approved and be consistent with the provincial land use policies, that are not yet prepared. Pursuant to section 632:

- (3) a municipal development plan
 - (a) must address . . .
 - (iii) the co-ordination of land use, future growth patterns and other infrastructure with adjacent municipalities if there is no intermunicipal development plan [in place].

So there are some timing difficulties there, and the municipalities are in this position and watching with interest what's going to happen.

Mr. Speaker, while there is an attempt through Bill 32 to give municipalities a greater autonomy, I think it's got a price attached to it, quite frankly, and that price is that the downloading has happened and you're going to see costs accrue to the properties, and I would question whether they rightfully belong there. The other is the whole question about amalgamation: what does it mean and the fact that the minister can do that? Is this a guise for regionalization for large municipalities, following up on the principle that's being used for health and education? Are we looking at 17 municipalities? Are we looking at 30 municipalities? This Bill begs the question, but it sure suggests that something is going to happen down the road through amalgamations.

So, Mr. Speaker, with those comments, I will take my seat. Thank you.

MR. DECORE: Mr. Speaker, I can't support this Act. I can't support it because of the planning provisions, and I think the hon.

member, when he introduced it, probably doesn't have – I know he doesn't have the experience that the previous speaker has and I have with respect to communities living in close contact. Calgary has boundaries that are much greater in scope than Edmonton's. The need to live in harmony – the hon. member is laughing. I'm pleased to give him a little lecture and a little education on this subject.

The communities in the greater Edmonton area live in close proximity and must have harmony in living together, particularly in the planning process. Now, the regional planning process before wasn't the best in the world, but this is a worse model because I think it's sort of cut-and-dry. This is the way it's going to be and that's it; it's over.

In Edmonton, if you go to the north and west of the city and to the south, sweeping along the south, there is a subterranean soil condition that allows for the water table to be affected. It's not beyond the realm of possibility that some municipality to the north or to the west of Edmonton may want to suddenly develop its industrial development in a bigger way, a more expansive way. The sensitivity that existed under the old system is now, I submit, gone, and I think that puts some peril into the people that live in the greater Edmonton area. Somebody may benefit, but the cost to the whole is much more important, and it would be I think devastating if that water table were affected. You can get the sighting of industrial operations that would create pollution or whatever, that would affect people. These issues have been sorted out in the past through these regional planning authorities, and I'm worried that that is now going to be very much affected.

The other issue – and I have had the opportunity as a businessman in this province to develop in Lethbridge, to develop in Cold Lake, to develop in the municipal district of Stony Plain. I know what it has meant to have consistency in planning coming from the provincial level, and I think, hon. member, that consistency is going to be very much affected by simply saying to those smaller municipalities now, "It's up to you; you have to look after it." Some are going to have the resources to do it. Some are going to have the citizens that want to have the very best in terms of environmental protection and planning vision. But some are going to be a little less concerned because they don't want to spend taxpayers' dollars.

So I submit, Mr. Speaker, that the consistency that you need in a province to ensure environmental cleanliness of soil and water and air isn't going to be there. What we've been able to create over many decades in Alberta, a good planning process, is very much imperiled. So I can't support this Bill.

THE DEPUTY SPEAKER: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Speaker. Again as we went through the Bill – we've seen over the last year or two the provincial government downloading costs and limiting grants and funding to municipalities and making the municipalities responsible. They have cut their funding to municipalities, which has in some cases been a hardship on municipalities. However, some of this here allows municipalities to develop their own agencies, allows them to work together in different areas, and in some ways I guess forces different municipalities to work together because of the amount of grant reduction to the municipalities of the province.

I want to commend the municipalities. They've done an excellent job and used their money very efficiently. They're the most efficient of all three levels of government. I think their costs went up 38 percent over the last 10 years; the province, 68

percent; and the feds even further. They have been doing a lot of things very well. There's a need for change, of course, but their concern and the concern of many of the managers across the province who are charged with the responsibility of implementing the changes, implementing the MGA and this amendment to the MGA, is that they are working long hours to try and keep up with the changes that are happening. They would have rather taken more time to be able to implement them.

Even today with this here Bill many of the municipalities have not had the time to go through it. They're busy trying to get in the different areas – safety codes, other legislation that's needed in order to get that down – and haven't had the time to fully look at this. Also we see that there will probably be a need for a number of amendments in the future, because some of the things haven't been looked over thoroughly by the municipalities because of the lack of time frame.

[Mr. Herard in the Chair]

One of the concerns all municipalities have is that they feel the school tax should not be involved with the municipal tax. School tax should come out of general revenue, not from property tax, at least up to 85 percent, as has been our policy. They want the property tax to just deal with the services provided by the municipalities, which of course are roads, sewage, fire services, and others that are needed in the municipalities. They do not want to have the school portion taken out. They feel this reflects badly on them, that sometimes the school tax is much greater than the property tax. So they would like to have that taken away and done in another manner, and they will again be negotiating with Municipal Affairs, with the government, to have this done.

4:20

Again in the Act there are no provisions for municipalities to charge for fire inspections, and this is very costly. This has to be addressed and will have to be addressed fairly soon. I know discussions are going on at this time with the department to allow the municipalities to recover their costs for fires, fire inspections, and so on.

The other aspect was the safety codes. Again, there is confusion on who had first right of accreditation, the municipalities or the corporations. They both were promised first right of accreditation. The safety codes committee had to have an emergency meeting to sort this out and other problems that had come up from the safety codes' implementation. I haven't heard what the result was, who gets first right of accreditation, whether it is the municipalities – and I trust that will be the case – or the corporations, who were also promised this accreditation.

Another one is spot inspections. They used to do maybe one out of four sites. Now every site has to be inspected, and this of course is much more costly to the municipalities to have that take place.

Another concern in the Bill is intermunicipal agencies and the tremendous amount of legal costs that will be needed to determine the different types of agencies. That was not taken into account. There has to be a mechanism set up so that this cost isn't repeated time and time again by different municipalities as they work together for these different agencies that will allow them to work together.

The last one is housing authorities. Again, we need to look at having a plan started. Some of them were forced to amalgamate, others were not, and this has caused confusion. Some are also now paying. A municipality with a less tax base is subsidizing a

rich municipality, and that hasn't been addressed yet by the department.

With this, I will conclude, Mr. Speaker.

[Motion carried; Bill 32 read a third time]

Bill 34 Electric Utilities Act

THE ACTING SPEAKER: The hon. Member for Edmonton-Rutherford.

MR. WICKMAN: Yes, Mr. Speaker. I'd like to take the opportunity to say a few words on Bill 34 as we move into the finalization of the Bill in the form of third reading. Certainly there are many, many, many parties that can sit back and claim a great, great victory in getting the Minister of Energy to move as far as the minister did in terms of recognizing that there are power companies out there operated by municipalities. There are municipalities that are looking at operating power companies that simply want to compete on a fair playing ground, and from that point of view that is a victory for those parties that pushed.

What surprises me, annoys me, I find very frustrating is why the Bill came forward at such a late date, such a major Bill in terms of the implication. On the one hand, yes, many parties, including the opposition here, can claim victory in that we did pursue this in a very, very steady fashion, and there is some credit to government members that chose to see the light on this particular Bill. I commend the Member for Barrhead-Westlock in this particular instance in being forthright and speaking out on Bill 34 and the shortcoming that was in there, and we welcome his comments.

AN HON. MEMBER: All his comments?

MR. WICKMAN: As they pertain to Bill 34.

Now, Mr. Speaker, the caution that I throw out: when I read Bill 34 now in the amended version, it still leaves too much discretion, it leaves too much power, it leaves too much authority in the hands of the Minister of Energy when it comes to determining what this fair level playing field is. The minister could, at least the way I interpret the Bill, choose to take it upon himself/herself and say to the city of Edmonton, for example, the city of Medicine Hat, and many of the smaller municipalities in the rural parts of Alberta – let's not forget those that could potentially be impacted by Bill 34 to a very substantial degree as well – she could very well take it upon herself to say, "This is not a level playing field by my interpretation."

So what recourse, then, does that municipality have in terms of trying to measure clout from a municipal to a provincial level? Let's face it, the provincial government has that ultimate authority, that ultimate power, and the minister has retained that power within that particular Bill. Why? For the life of me I don't understand why any reference to this whole offensive section was simply not just deleted from the Bill in its entirety. In other words, just make it very clear that if Edmonton Power, the city of Medicine Hat, or any other municipality chooses to go out there and compete on a level playing field, so be it; let them go. Even the private sector is not afraid of that competition. I don't see why the Minister of Energy had those concerns even to begin with, that the private sector had to be protected from government. I would suggest that the private sector in all cases could look after itself much better than government. They did not need that

protection, and they didn't welcome that protection, because TransAlta made it very clear as to where they stood.

So it is with reluctance, Mr. Speaker, that I say there are portions of the Bill that are good. It's with reluctance in that the minister was forced to cave in because of the relentless pursuit by this opposition, for one, in pointing out to the government that it was unacceptable in its initial form.

THE ACTING SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I'm pleased to be able to rise today to speak to Bill 34, because I've never had the opportunity to speak to it in either previous stages in this Assembly. I want to just express a couple of concerns that I have and I had not only with the Bill but with the amendment that took place and was presented in this Assembly during Committee of the Whole.

I understand that of course the Electric Utilities Act is going to be one that'll replace the Act previous to this one, the one that will be repealed, and that is the EEMA. Mr. Speaker, there were many people throughout the province that spoke out when Bill 34 came forward and was presented in this Legislature. Certainly members on this side of the House, Edmontonians from all parts of the city, including city council, members of the government were disappointed with parts of the Bill, particularly section 45. Of course, as a result of the public outcry throughout Alberta the minister saw fit to introduce an amendment that changed the object of section 45 to include municipalities being able to own electric utilities and being able to sell their power outside of the municipalities that they presently sell power in.

4:30

I have some concerns that I want to highlight, and that is with respect to the amendment in 45. I think some day we are going to see this perhaps coming back to haunt us, and I want this on the record now to ensure that people throughout this province know that there were people in this Assembly that understood that there could be a problem and that in fact it wasn't tightened up in some fashion when we were given the opportunity to do so. There were amendments that were going to be introduced in the committee stage that weren't introduced simply because there seemed to be enough . . . [interjection] Shall I stop speaking perhaps, Mr. Speaker, until the Provincial Treasurer learns to keep his mouth shut? [some applause] Thank you. I appreciate an applause, and if the members opposite wish to give me it again for such a lovely speech, I'll accept it.

Mr. Speaker, it is with respect to section 45(6) in the amended version of the Bill, and that is:

A municipality or a subsidiary of a municipality may, with the authorization of the Minister, hold an interest in a generating unit if the arrangement under which the interest is held is structured in a manner that prevents any tax advantage . . .

I have a problem and I think Albertans down the road are going to have a problem with that, and I'd like to put it on the record now that I think the words "authorization of the Minister" do not in themselves prove acceptable for any municipality that currently has an electric generating utility to expand beyond its boundaries. I think you're going to have the legal profession interpret it in many, many different ways, and it's going to cause us problems in the future.

So I submit to you, Mr. Speaker, and the members of this Assembly that we were given an opportunity to tighten it up, and

we actually didn't. I know that the city of Edmonton and Edmonton Power came forward and said that they find it acceptable. Because of that, because the city of Edmonton, because Edmonton Power agreed that it would be acceptable to them, you will find that I will be supporting this Bill in its amended form. But I have a caution, and I've presented my concern now to this Legislature.

So with those comments, Mr. Speaker, I'll take my seat. Thank you.

[Motion carried; Bill 34 read a third time]

Bill 35

Electric Energy Marketing Repeal Act

THE ACTING SPEAKER: The hon. Member for Calgary-North Hill.

MR. MAGNUS: Thank you, Mr. Speaker. I am really pleased now to move third reading of Bill 35, the Electric Energy Marketing Repeal Act.

[Motion carried; Bill 35 read a third time]

Bill 36

Agreement on Internal Trade Statutes Amendment Act, 1995

THE ACTING SPEAKER: The hon. Member for Medicine Hat.

MR. RENNER: Thank you, Mr. Speaker. With a great deal of pleasure I'm pleased to move third reading of Bill 36, the Agreement on Internal Trade Statutes Amendment Act, 1995.

Mr. Speaker, all hon. members will remember that there was extremely brief debate on this Bill at committee stage. I did want to address some of the concerns that were raised by members at second reading. However, I think it would probably be more appropriate for me to do so in writing with the individual members that brought forward the suggestions and comments, and I would like at this time to advise the members that did speak at second reading that I intend to do that.

So I guess I just want to remind all members that this is a very straightforward Bill allowing Alberta to proceed with negotiations on internal trade within the country, and I encourage all members to support the Bill.

[Motion carried; Bill 36 read a third time]

Bill 38

Alberta Corporate Tax Amendment Act, 1995

DR. PERCY: With regards to Bill 38, Mr. Speaker, there are two issues that we had focused on with regards to the principle. The ideal solution in fact would be harmonization with the federal government if the object is to streamline and to minimize compliance costs and certainly the regulatory costs of having two separate systems. Having said that and given that the negotiations have not borne fruit, what this Bill does, then, is try and streamline and reduce the regulatory and compliance costs.

So while we support the Bill, we would certainly urge the hon. Provincial Treasurer to continue negotiations to achieve the elimination of the separate Alberta corporate tax and get us to a more sensible, harmonized regime.

Thank you.

THE ACTING SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Yes. Thank you, Mr. Speaker. Of course I'm happy to have the opportunity to speak to Bill 38 once again with respect to the Alberta corporate income tax amendment. I heard my colleague from Fort McMurray speak eloquently in second reading on how he felt that perhaps we would be doing Albertans a greater service by not dealing with the Alberta Corporate Tax Amendment Act, 1995, or in fact the Alberta Corporate Tax Act but that in fact what we ought to be doing is making sure that negotiations with the federal government to have the feds once again resume the collection of the corporate income taxes in this province would be the right thing to do.

The necessary steps that have to take place to initiate these talks are clearly in the hands of the Provincial Treasurer. On a number of occasions I've asked the Provincial Treasurer and I continue to plead with the Provincial Treasurer to consider putting together a committee that will go and negotiate with the federal government to eliminate the duplication of a collection here in the province of Alberta, the expenditures of the collection system that we've got, including an audit system that would be in place.

I know we made steps with this Bill to eliminate some of the costs of the collection of income taxes in this province by reducing the filing requirements for some 50,000 Alberta corporations. I still think that although it's somewhat of a saving, it could end up being a bureaucratic nightmare for the tax collection people in this province. I would hope to think that in the spirit of reducing our costs, we would continue to strive for the collection of these taxes by the federal government like every other province, I think with the exception of Quebec, in the Dominion of Canada.

Again, I'm pleading with the Provincial Treasurer to see what he can do to get the talks back on track. I know they hit the rails. He said so on many occasions in this Assembly before. But I firmly believe that it can be achieved. If there's a will, we'll find the way.

So with those comments, Mr. Speaker, I'll take my seat.

[Motion carried; Bill 38 read a third time]

4:40 **Bill 39**
Treasury Branches Statutes Amendment Act, 1995

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

DR. PERCY: Thank you, Mr. Speaker. There are three issues I want to refer to in third reading. The first is that this Bill deals with governance. It doesn't deal with the other issues related to a level playing field, and that's important when we come down the road to considering the operation of the Treasury Branches.

Within there are two separate issues. The first is that it's not a level playing field between credit unions, regionally based banks, and Treasury Branches. There is a real advantage to the Treasury Branches that is perhaps to the detriment of these other market-based institutions. That's one point.

The second point in that regard, though, is that Treasury Branches themselves have fences around them in terms of the provision of services, that they in fact are constrained. The Flynn report dealt with that and said that one of the reasons that the performance of the Treasury Branches isn't perhaps as good as it ought to be is simply the restrictions that are placed on it. So when we talk about a level playing field for the Treasury

Branches, it's both with regards to all financial institutions but also to allow Treasury Branches to compete in a highly competitive financial market. That may mean increasing the array of services, insurance, et cetera, that can be offered through the Treasury Branches, similar to what is emerging in other provinces. These are issues that have to be debated but weren't.

[The Deputy Speaker in the Chair]

The second issue dealt with the board and the actual structure of governance. As we'd highlighted in the comments, there's no process put in place to ensure that subsequent appointments to those in the first round are done through an open and transparent process, as has been promised with regards to significant appointments. With Treasury Branches you're dealing with a \$9 billion entity, with the deposits of that entity self-insured by Alberta taxpayers.

The third point really deals with the role of the superintendent and accountability. We had urged the Provincial Treasurer and in fact had brought forward amendments that would have required the superintendent to report to the Public Accounts Committee. The reason we did that is that that would then provide us a forum for asking questions other than in the House. I regret to say that since the Provincial Treasurer has seen fit to recommend to his caucus to defeat that amendment, it will require us to continue to ask the Provincial Treasurer questions in this House with regards to the operations of the Treasury Branch, when we had in fact been willing to provide another alternative mechanism that would get it out of here and put it into another vehicle.

So with those comments I'll take my place and call the question.

[Motion carried; Bill 39 read a third time]

Bill 40
Government Accountability Act

MR. DINNING: Mr. Speaker, I am indeed honoured to move third reading of Bill 40, the Government Accountability Act.

If I may liberally borrow from my colleague the Minister of Health, who, as I rose from my seat to make a few brief remarks on this Bill, said to me: I like that Bill. I remember taking to my colleagues in the government caucus the notion behind this Bill, and I must say, Mr. Speaker, that it really was one of the highlights of my career in public service. The response from my colleagues around the table was really rather heartwarming. Here I was surrounded by a group of men and women from across this province who believe so strongly in what we are doing as a government – to bring about fiscal responsibility, to set standards that very few other governments in the country and indeed on the continent are setting – and they were willing to go one step further and set the bar and not allow it to move except upwards. I think there are not all that many of those kinds of moments in one's public service career which are as memorable as that one was for me.

So I thank my colleagues in the government caucus and especially the hon. Premier for their support for bringing forward this kind of initiative and indeed the initiatives that we have taken really in the last 30-odd months to bring about some exciting changes that are truly going to make this a better province, that are going to ensure that we run financially responsible, fiscally responsible governments that cannot run deficits, that spell out very clearly what our business is and what it is not, how that business is going to be done. Having committed to that perfor-

mance, then let's be accountable for the results, and then let Albertans decide.

Mr. Speaker, it's regrettable to say that it is unusual, that it is novel in governments across this country, but I'm proud that my colleagues have been willing to set the standard and set a high one such that no matter who may come behind us, they will not be able to water the standard down without looking at the whites of the eyes of Albertans and saying, "We're going to deliver to you substandard government." I know that my colleague the Member for Edmonton-Whitemud has commented on this, and I think it's fair to say that in his comments on the Bill and in private conversations I have been heartened by the response. I admire the suggestions that he has made to make the Bill better, and I appreciate the advice that he gave me on this Bill.

Mr. Speaker, I'm also fortunate in the department of the Treasury and as Provincial Treasurer to work with some people in that department, many of whom I look upon with the highest regard. In particular I think of Deputy Treasurer Al O'Brien and the other Deputy Treasurer, Allister McPherson, and their leadership in this Bill. Also, the work done by Tim Wiles on the account side of the department to bring about this Bill is work that I wanted to recognize in this Assembly, and, finally, a colleague and friend who I've worked with for the last five years or so, Mr. Paul Taylor, who really has encouraged and been very supportive in bringing forward this kind of legislation.

As I say, no matter where this hon. member might be two or five or 10 years from now, I believe that the government of the day, the Treasurer who will sit in this seat in this House, will have to meet this standard or an even better one, and I think in the end that's good governance for all Albertans.

So, Mr. Speaker, I'm proud to move third reading of Bill 40.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Whitemud.

DR. PERCY: Thank you, Mr. Speaker. In rising to speak to Bill 40, I guess there are three points that ought to be made. The first is that the Bill does in a sense codify what is current practice, and it is fair to say that there have been significant improvements in the degree of accountability in the reporting of financial statements and that the province is a leader in that regard.

However, I would also point out that when the Provincial Treasurer talks about raising the bar – it was at such an abysmally low level to begin with. When you look at a province that in the course of six or eight years went from having net assets to net debt and where members who now sit on the front bench voted for nine successive deficits, this is perhaps the least that could be done in terms of providing a structure of governance and a transparency of government that will stand the test of time. So while I will applaud the Provincial Treasurer for what has been brought forward now, I would still say that the Provincial Treasurer was part of the government that got us here and that that cannot be forgotten.

The third point is that with respect to accountability and transparency this Bill will serve its purpose if people start thinking in terms of what government provides, in terms of the outcomes provided by government as opposed to looking at what is spent. I think to the extent that the Bill requires, then, a focus on trying to somehow suggest what is produced by government, that will be the long-standing contribution of the Bill. I think Albertans will come to respect their government more once they know what government produces and get a handle on it. Right now I think

Albertans know what the cost of government is but not what the benefits are and the legitimate role the government plays in providing a total array of functions.

So I can support this Bill without reservation, and I think it represents a significant step forward.

[Motion carried; Bill 40 read a third time]

head: Government Bills and Orders
head: Second Reading
(continued)

4:50 Bill 33
Franchises Act

THE DEPUTY SPEAKER: The hon. Member for Red Deer-South.

MR. DOERKSEN: Thank you, Mr. Speaker. [some applause] They say timing is everything. I'm pleased to introduce Bill 33 into second reading and move its acceptance in this Assembly this afternoon.

I want to comment briefly on some aspects of the Bill, on the process. My hon. friend from Red Deer-North again is congratulating me for rising once again in this House as he supports everything that I do. This Bill is the result of the efforts of industry getting together on all sides and coming up with a Bill that suits their purposes and their needs. We have to give some thanks to them for working through this process. [interjections] Mr. Speaker, there are lots of people that are nattering at me, that are supporting me. I'll carry on here.

THE DEPUTY SPEAKER: Order, hon. members. The hon. Member for Red Deer-South is most anxious to explain why we all ought to support the principle of the Bill.

MR. DOERKSEN: As I was saying, this Bill is the result of an industry-driven process. We had franchisor representatives on the steering committee. We had franchisee representatives on the steering committee. The Alberta Securities Commission was involved in the discussions. There was a discussion paper that was sent out to the various stakeholders throughout Alberta for their comments on the Bill. What we have before us today is the result of that consultation.

This Bill addresses really three main concerns. The first one is that we wish to eliminate the cost and time delays caused by the necessity of registration and commission review. The second concern that we wish to address in this Bill is to ensure that prospective franchisees have the information necessary to make informed decisions. We want to make sure that there was disclosure provided to them for them to make a proper decision before making a franchise investment. The third concern was, of course, promoting industry self-management, Mr. Speaker.

Because we're debating the principle of the Bill again today, I want to refer briefly to the purpose statement in the Bill itself, which outlines the parameters of the Bill. It is:

- (a) to assist prospective franchisees in making informed investment decisions by requiring the timely disclosure . . .
- (b) to provide civil remedies to deal with breaches of this Act, and
- (c) to provide a means by which franchisors and franchisees will be able to govern themselves and promote fair dealing among themselves.

Mr. Speaker, I believe that this Bill accomplishes all that.

Once again, my hat is off to the industry for coming to the table and agreeing to this. I would move second reading of Bill 33.

MRS. ABDURAHMAN: I rise to speak in favour of Bill 33. I want to thank and commend the Member for Red Deer-South for bringing second reading before this House today. I know that members of the industry across this province will be pleased to see second reading happen. Hopefully we can go through Committee of the Whole and third reading before the end of this Legislature sitting.

This Franchises Act's principles embody what many who fall under the previous Franchises Act have wanted, and that is good faith, fairness in the marketplace. That fairness should not be left to chance. It also deals with economic inequities and deals with the very important component of self-government. When we're looking at self-government or self-regulation, in other legislation it certainly is clearer how to achieve that and possibly more concise inasmuch as you're only dealing with one profession or one industry.

When you look at the Franchises Act, Mr. Speaker, it's all encompassing in a large area of owner operators and what I call the backbone or the engine of our economy, the medium and the small businessman and businesswoman. These indeed are people who will fall under the Franchises Act, be it the IGAs of the world, who are independently owned, be it the Robin's Donuts, or be it the motor dealerships across this province of Alberta. They are indeed the engine of our economy.

Quite frankly, I was getting so concerned and the industry was getting so concerned that the very principles they wanted within Bill 33, that indeed were put there by this government after full consultation for some reason, were not appearing before this Legislature. I found it heartening, because – I'll be quite honest, Mr. Speaker – there was a reticence by certain industries to speak with the Official Opposition. At the eleventh hour some people came forward to the Official Opposition critic and said: "Why is Bill 33 not getting its second reading? We need the principles that are embodied within this Bill." The sense out there was that at the eleventh hour – and I referred to them as the Goliaths yesterday – specifically the car manufacturers from eastern Canada and south of the border were having an eleventh hour lobby because they were deeming that they in essence could create a self-regulatory body independent of Bill 33. So it's really gratifying that the Member for Red Deer-South has brought forward this very important Bill.

When we look at the reality of fair dealings, which is key to the success of this Bill and the principle of the Bill, I think that possibly when we get into Committee of the Whole, Mr. Speaker, we're going to have to look at some amendments, particularly in the area of exemptions. If you're dealing with fair dealings and the principle of this Bill, it's permissive when it comes to the minister responsible for this Bill inasmuch as they would have the right to exclusion. When you're talking about fair dealings and the basic principle, you've actually got to be secure in the knowledge that indeed fair dealings will truly happen in the industry. What I'm suggesting is that if we follow the principle of this Bill in sections 5, 6, we may not indeed be following it completely through. So in Committee of the Whole I'm hoping that we can have some agreement with the government looking at and following that principle clearly through in this Bill.

I touched on self-regulation, which is another key component of the principle of this Bill. It's going to be challenging to follow through with this, because if you look at the complexities of the people that this umbrella Bill covers, it's all encompassing for the grocery industry, the Dairy Queens of this world, the Robin's

Donuts, the IGAs. If you look at the number of car dealerships across this province and you actually look at the volumes of business and the dollars raised through that industry, we've got to make sure that the principle of self-government is put in place through that section where the Lieutenant Governor may designate a self-governing body. That has to happen because that's the key to another principle within this Bill, Mr. Speaker.

5:00

Now, when we're looking at the fact that the car dealers were actually excluded under the previous Franchises Act, some people might ask, you know, "Why are they being included at this point in time?" Basically, what that industry is saying is that no manufacturer should resist the clause of good faith, which is the principle behind this Bill. I find it really gratifying that the government of Alberta has seen in their wisdom to include the motor dealerships, to allow that good faith to be carried through into that industry.

Mr. Speaker, for a number of years now there have been many instances between the manufacturers and the car dealerships in the province of Alberta where good faith has not been demonstrated and where in fact there's not been a level playing field. Indeed there have been dealerships that have been clearly disadvantaged. Now, it's not just in car dealerships.

You know, I heard from some constituents out there that during the question the other day when we were talking about getting this Bill brought forward, a member in this House made the comment: oh, Muriel, did you get a car out of this? Albertans heard this across the television, across the radio. It happened when the Member for Little Bow stood up to ask his question, and somehow it was picked up on his microphone. I had phone calls from Albertans saying: how could someone say a thing like that when you were getting up representing a key employer in the province of Alberta?

You know, I find it rather distasteful, Mr. Speaker, that when you're trying to bring good faith, self-government through Bill 33 and represent constituents across Alberta, whether they be car dealers, whether it be the grocery industry, whether they be Dairy Queens or Robin's Donuts, there's a connotation put on the fact that you're standing in this House representing Albertans.

Now, I have the utmost respect for the Member for Red Deer-South. Quite frankly, Mr. Speaker, he's a gentleman, and I found it gratifying to deal with him. I won't go as far as saying that I'm excited, as the Provincial Treasurer said that he was. I won't go as far as saying that, but what I'm trying to say is that to get good government and good legislation, if you have co-operation and respect within the House, you'll end up with pieces of legislation like the real estate Act, like Bill 33, that embody good principles within the Bill and that truly do the job for the marketplace out there. That's what Bill 33 does.

You know, Mr. Speaker, in good faith and in self-regulation we have to acknowledge that Bill 33 is probably going to be the piece of legislation that many entrepreneurs – and I would say the majority of entrepreneurs – over the next decade are going to be able to get their financing through from financial institutions.

I was speaking at a chamber of commerce meeting, Mr. Speaker, in Sherwood Park, and it was agreed that for entrepreneurs in this province, be they male or female, to raise money to enter into a business venture is increasingly difficult. The one way the entrepreneurs can do it – and it's a growth industry – is under franchising. That is a reality. So you have to have good faith in there. You have to have self-regulation. You have to have standards. You have to acknowledge that with franchising

there is a danger if it hasn't got this type of legislation. We see it in other provinces.

You'll be asking: why am I acknowledging that? I want to once again commend the provincial government. We're the only province in Canada that has this legislation, so I want to commend the government for having a Franchises Act. That's the way the Davids of this world get protection, get their fair due in the marketplace. Without it, quite frankly, we see too many businesses being – excuse me – screwed by the big monopolies. That's exactly what happens. [interjections] I withdraw it, Mr. Speaker. I had looked to see if it was unparliamentary. I gather it isn't, but I still withdraw it. It's not a word that I particularly like to use, but I'll tell you: it describes what happens to some people where there's not a Franchises Act.

I'll use an example of a Robin's Donuts being sold in the greater Vancouver area to an entrepreneur. The entrepreneur moved in. Obviously they hadn't done the research. When they moved in, they discovered that the access into that Robin's Donuts had been closed off. The person who operated that Robin's Donuts previously opened up up the road from the previous one. So naturally what happened was that the Robin's Donuts where the access had been cut off from the main freeway went out of business. They lost their investment. If they'd had legislation in British Columbia like this, that wouldn't have happened.

So this Bill 33 coming forward, Mr. Speaker, is good legislation. It can be strengthened with some amendments to it, but if those amendments don't go through – and I mentioned this to the Member for Red Deer-South – it's not going to prevent this being a good Bill. It would just strengthen it.

I know that I probably shocked some people by using that terminology, but the reality, Mr. Speaker, is that I get increasingly concerned in the province of Alberta that we don't allow the multinationals, the large monopolies to control our marketplace. The small businessman has to be protected. The medium-sized businessman and woman have to be protected. There's no doubt in my mind that there is a danger in the way we're going in this province that we will be controlled by the monopolies.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Roper.

MR. CHADI: Thank you very much, Mr. Speaker. I will be brief. I feel that I should speak to Bill 33, the Franchises Act, following up on comments made by my colleague for Clover Bar-Fort Saskatchewan. I want to of course also congratulate the mover of this Bill for introducing it in the House and bringing it forward today. Bill 33 was a long time coming. I know that the stakeholders, being the franchisors and the franchisees throughout the province of Alberta, have lobbied considerably to try to make the best possible piece of legislation. If we were going to pass a Bill in this Assembly for all Albertans, it would be the best possible Bill.

There was a Bill, Mr. Speaker, brought before the Assembly far before I was elected a member of this Legislature, and that is Bill 45. At that time the government of the day saw the wisdom of allowing this to die on the Order Paper before it became law, and I believe at the time there was much opposition to Bill 45 from the franchisees.

5:10

I will also just hitchhike on what the Member for Clover Bar-Fort Saskatchewan said in congratulating the government of the day for allowing the stakeholders to get together and participate

in the different discussions, meetings that took place with respect to trying to create a piece of legislation that everybody would be happy with. Now, sometimes it's difficult to be able to get everyone to agree to everything, but as long as you come close to where the majority of the participants are happy with it, then I think it's fair to be able to bring it forward at that point in time. I believe Bill 33 is perhaps at that stage.

Now, Mr. Speaker, I know that there are other provinces in Canada that are looking towards creating franchise legislation. I know that there isn't any franchise legislation or an Act similar to this provincially throughout the country. So Alberta is going to be the leader in this, and I would hope to think that we'd create a piece of legislation that would be modeled and accepted throughout the country. Perhaps maybe we could even send it to other provinces looking for franchise legislation in their provinces. Perhaps we could assist them by presenting a concluded Bill, one that is acceptable to this Legislature and acceptable to all the participants.

I note, Mr. Speaker, that in this day and age more than ever franchise legislation is vitally important. It seems to me that big names or brand names are where it's at today. I know that whenever you're traveling, whether you're going to my old hometown of Lac La Biche or you're going through perhaps the town of High River, when you're looking, for example, for a restaurant, it seems to me that any traveler would want to go to a place that is known, someplace where you know what you are going to get when you get there. When you order a hamburger, for example, you know the taste of it; you know the quality; you even know the price perhaps.

More than ever now we are seeing these franchises spring up in our communities throughout the province. It used to be that you could only get Kentucky Fried Chicken in Edmonton or in Calgary. That was the only place you could get it years ago. I recall coming in from my hometown of Lac La Biche, and when you'd see the old Colonel Sanders sign with the guy there with the . . . [interjection] I can tell that the Member for Stony Plain has sure had his share of Kentucky Fried Chicken in his day. I enjoyed it too, Stony Plain, and I'm sure it was finger-lickin' good to you too.

We nowadays can enjoy the franchise in most of the small towns throughout our province. You note franchises like Denny's, for example, starting to creep up. Those are American firms that are starting to creep up into Canada now, and I note that we've got one, I think, in Lethbridge and one in Edmonton now. It really looks like it's going to take off. Things like flowers are now being franchised through Grower Direct, et cetera, and companies like that. You note that I switched from restaurants to flowers. It seems like everything is being franchised nowadays, Mr. Speaker: things like, for example, weight loss through Nutri/System or whatever it's called. Weight Watchers. They advertise this 1-800 Jenny Craig or Jenny something that is steady on TV, on the tube.

From time to time we are going to see more and more franchises starting to creep up in our province. So it is rather timely that this piece of legislation is presented before us, and I would encourage members of the Legislature to support this Bill. I do want to continue speaking to Bill 33.

With those comments, Mr. Speaker, I look forward to further comments in the committee stage, but right now I would like to call the question.

[Motion carried; Bill 33 read a second time]

[At 5:17 p.m. the Assembly adjourned to Monday at 1:30 p.m.]