

## Legislative Assembly of Alberta

Title: **Thursday, October 12, 1995**

1:30 p.m.

Date: 95/10/12

[The Deputy Speaker in the Chair]

### head: Prayers

THE DEPUTY SPEAKER: Let us pray.

Our Father, we thank You for Your abundant blessings to our province and ourselves.

We ask You to ensure to us Your guidance and the will to follow it.

Amen.

### head: Presenting Petitions

THE DEPUTY SPEAKER: The hon. Member for Calgary-East.

MR. AMERY: Thank you, Mr. Speaker. I wish to present a petition signed by 61 members of the Holy Redeemer church located in my constituency of Calgary-East, and it reads:

We the undersigned residents of Alberta petition the Legislative Assembly to

1. De-insure the performance of induced abortion under the Alberta Health Care Insurance Plan Act.
2. Use the community-based resources that are already in place that offer positive alternatives to abortion.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise today to present a petition on behalf of 422 residents of Avonmore and elsewhere across Alberta who are protesting unreasonable delays and rationing within the health care system, which in turn is leading to the closure of hospital beds. I want to sincerely thank the hon. Member for Edmonton-Beverly-Belmont, and others, for having supported this with his signature. I'm sure that all the backbenchers are very concerned about this as well.

Thank you.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. It's an honour to present this petition on behalf of 264 rural Albertans, mainly from the northwest and the northeast, who are petitioning:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

Thank you, Mr. Speaker.

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

MS LEBOVICI: Thank you, Mr. Speaker. I have a petition signed by 424 concerned Albertans. The petition reads as follows:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence

a process to evaluate the quality and effectiveness of health care services currently available.

Thank you.

### head: Reading and Receiving Petitions

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

MR. WICKMAN: Thank you, Mr. Speaker. I would request that the petition I filed yesterday in the Legislative Assembly be now read and received.

THE CLERK ASSISTANT:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I, too, would like to have the petition I presented yesterday now read and received.

THE CLERK ASSISTANT:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Highlands-Beverly.

MS HANSON: Thank you, Mr. Speaker. I also request that the petition I read yesterday on the moratorium on health care reductions be now read and received.

THE CLERK ASSISTANT:

We the undersigned, petition the Legislative Assembly of Alberta to urge the government to place a moratorium on any further reductions to the budget for health, and to immediately commence a process to evaluate the quality and effectiveness of health care services currently available.

### head: Notices of Motions

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Speaker. I give notice now that at the end of question period under Standing Order 40 I will be presenting a motion to the Assembly to recognize the appointment of Ms Christine Silverberg as Calgary's new chief of police, the first woman to lead a major Canadian police force.

### head: Tabling Returns and Reports

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

MR. FISCHER: Thank you, Mr. Speaker. It's my distinct pleasure to file with this Assembly the annual report of Public

Works, Supply and Services and of the Consulting Engineers of Alberta.

MR. MITCHELL: Mr. Speaker, I table four copies of a letter that I have sent today to Minister Marleau, the Minister of Health in Ottawa, encouraging her in her efforts to eliminate private clinic fees charged to Canadians, charged in every province of this country, and charged to Albertans. It's got to stop. It's eroding the integrity of the public health care system in this province.

MRS. McCLELLAN: Mr. Speaker, I'm filing five copies of a letter to the editors of the *Edmonton Journal* and the *Sun* attesting to the quick action obtained for the writer's family member regarding home care.

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would like to table four copies of a letter from a Calgary doctor, Dr. Greg Cully, to his patients advising his patients that he is moving to North Dakota. In his words the reason is: "I . . . do not see Alberta as a good place to be a doctor anymore . . . there is only chaos and uncertainty."

THE DEPUTY SPEAKER: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to table at this point a copy of a written submission from a constituent, Randall Lloyd. This was presented at a September 18 health care forum in Calgary entitled Is Alberta Hurting?

Thank you.

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

MR. SAPERS: Thank you, Mr. Speaker. With your permission I would like to table four copies of a letter that I sent to the Minister of Health today asking her to make good on her commitment to provide details of Jane Fulton's contract and speaking engagements and moonlighting ability.

#### head: Introduction of Guests

MRS. McCLELLAN: Mr. Speaker, it's my pleasure today to introduce a gentleman from Calgary, Mr. John Simpson. John is a member of the Calgary regional health authority and is working hard to establish a regionalized health delivery system for those citizens. We appreciate your efforts, John.

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

MR. SEKULIC: Thank you, Mr. Speaker. I'm pleased to introduce through you to the Legislative Assembly a group of young Albertans from the constituency of Edmonton-Manning. With us today are teacher Mrs. Limoges and 70 grades 5 and 6 students from York elementary school. I visited this school just last week as part of Reading Week, and I've come to know the students to be enthusiastic about learning.

They are here today with representatives from APEGGA, the Association of Professional Engineers, Geologists, and Geophysi-

cists of Alberta to kick off national Science and Technology Week in Alberta. Unfortunately, there wasn't enough space in the galleries to accommodate them, so in the spirit of science and technology they are joining us from the Legislature's pedway system via video linkup. I would ask that we give them the traditional warm welcome of the Assembly.

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

MR. BENIUK: Thank you, Mr. Speaker. I have two introductions. It is my pleasure to introduce to you and through you to members of this Assembly nine students in grades 9 to 11 from the Progressive Academy. The Progressive Academy is a private, academic-oriented school that emphasizes a low student-to-teacher ratio. They are accompanied by their teacher Ms Gaetz, and I would ask that they rise and receive the customary warm welcome of the Assembly.

1:40

Mr. Speaker, my second introduction to you and through you to the members of this Assembly is eight students accompanied by three adults from the YYC school located in my riding. I would ask that they rise and receive the customary warm welcome of the Assembly.

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

DR. PERCY: Thank you, Mr. Speaker. It is my pleasure to introduce to you and through you to members of the Legislature 83 students and seven adults from Westbrook elementary school in my constituency. The four teachers with the group – and they're dedicated teachers at the school – are Mr. Terry Gietz, Mrs. Carol Wolanski, Mrs. Pat Chevalier, and Mrs. Kathy Peterson. They are accompanied by three parents: Mrs. Kelsey, Mrs. Carver, and Mrs. Montgomery. The staff and students are spread out both in the public gallery and in the members' gallery, and I would ask that they receive the very warm welcome of this House.

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

MR. WICKMAN: Thank you, Mr. Speaker. It's my pleasure to introduce to you and through you to Members of the Legislative Assembly 30 students, grades 5 and 6, from the Malmo elementary school who are here today accompanied by their teacher Joanne Randall. They're here likewise to participate in the kickoff of national Science and Technology Week. They, too, cannot be here in the Legislative Chamber; they are in the pedway. To them, as they view this, I say: thank you for participating in the kickoff of the great association you're representing.

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

MS LEBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you Lynne Arling. She's past president of the Consumers' Association of Alberta and is a current member of the province's Health

Workforce Rebalancing Committee. Would she please stand and receive the warm welcome of the Legislative Assembly.

MR. THURBER: Mr. Speaker, it's indeed a privilege and an honour for me to introduce some people to you and through you to the Members of the Legislative Assembly here today: first of all, the president and the first vice-president of the Alberta/Northwest Territories Command of the Royal Canadian Legion, Mr. Peter Teichrob and Mr. Wally Strang – and would you stand as I introduce you, please; they're in the members' gallery – Peter Morrison, the past president; ladies auxiliary president Mrs. Carole Gordon and her husband Rod; Doug Langevin, chairman of the public relations committee, Alberta/Northwest Territories Command of the Royal Canadian Legion; and last but not least, an old friend of many of us in this House, John Scrimshaw, the former executive assistant to the House leader and legislative genius and friend to all. Welcome.

**head: Ministerial Statements**  
**Royal Canadian Legion Week**

MR. THURBER: Mr. Speaker, as a former member of the Canadian Navy it is now my pleasure to take this opportunity to inform you and the members of this Legislature that the week of October 15 through October 21 will be Royal Canadian Legion Week in Alberta.

The Royal Canadian Legion has a long and proud history of service to Albertans. Although the Alberta/Northwest Territories Command did not receive its charter until December 20, 1926, it has been active for fully 70 years in this province, active in fact ever since several members of Alberta's Great War Veterans Association attended the unity conference in Winnipeg, Manitoba. At that time, Mr. Speaker, some 61 delegates attended the conference, the result of which was the adoption of the name the Canadian Legion of the British Empire Service League as well as a statement of the new organization's aims and objectives.

Later on, in December of 1960, the title Royal was granted by Her Majesty the Queen, and the Canadian Legion of the British Empire Service League became the Royal Canadian Legion. The organization remained dedicated to work for the veteran, the family, and the community.

While most Canadians, Mr. Speaker, have certainly heard of the Royal Canadian Legion, not everyone knows about all the work done by the Legion and its members. They remain largely unaware of the contributions made by this group to local communities and indeed to the social fabric of our lives. For example, last year in Alberta the Royal Canadian Legion, together with the ladies auxiliary, gave nearly \$6 million to charitable groups throughout this province. Across Canada the total was some \$60 million. These dollars went to some very valuable activities, Mr. Speaker: youth sports such as track and field, hockey and baseball teams around this province, medical research, the postpolio foundation, seniors' residences and lodges, cadets, and bursaries to deserving students. The list of worthy projects goes on and on.

I'm sure that you, Mr. Speaker, and the members of this House will agree that the year-round efforts of the members of the Royal Canadian Legion are an extraordinary outpouring of devotion and service to communities throughout Alberta and throughout this great country of ours. It's been said that Alberta is the jewel in the necklace of Confederation because of what we contribute to our nation's well-being. I'd like to suggest that the Royal

Canadian Legion is the jewel in our necklace of community support and caring throughout this province.

Finally, Mr. Speaker, I'd like to invite you and the members of this Legislature and all Albertans to join me in celebrating Royal Canadian Legion Week, October 15 to 21, and I encourage all Albertans to visit their local Legion branch and learn more about the Legion and how they can become a part of this truly fine and truly great nonprofit organization.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. It's my privilege to respond to the congratulations in the submission by the hon. Member for Drayton Valley-Calmor. I don't know whether there is any significance, but I notice he mentioned that he was in the Navy. So was I. Maybe it is the fact that we were under water so much that made us politicians later on.

I wanted to take a moment to certainly join him in wishing the Legion well. I don't think there's a member in the Legislature that doesn't have a friend or a member of the family who has been a Legionnaire. I can recall being taken up by my uncle, who was a Legion member, a veteran of the first war, to join the Legion in Calgary many years ago when it was the old British Empire Service League: many a good time. I can remember talking with my uncle as he described how he had made the world safe for us younger people in the first war and we had just bugged it up somehow and would have to do it all over again.

Nevertheless, the Legion is certainly in the background and at the centre, you might say, of most of the charitable community works, particularly in our small towns. I noticed the member mentioned that if you have some time this week, drop in on the Legion and learn something about it. I think that's really advice for city slickers. If you come from the country and you haven't been in the Legion in the last couple of weeks, you're no politician; that's for sure.

I think the point is that I and we on this side of the House would like to see them continue to flourish and to take part in the community as they have. I hope the government will not continue to intrude on their money-raising activities with their own lotteries. In the long run, I guess that I have no better words I can say than: we salute you, and God save the Queen.

**head: Oral Question Period**  
**Health Services Restructuring**

MR. MITCHELL: Mr. Speaker, Alberta's Liberals stand unquestionably for a publicly funded, properly managed health care system. The Premier on the other hand is dismantling that health care system. How do we know for sure? His backbench Conservative MLAs are telling us. The Member for Barrhead-Westlock just recently said, and I quote: we're sort of all over the map right now. The Member for Highwood has said: many voters are afraid in rural Alberta because Alberta's small population of doctors will get even smaller. The Member for Bow Valley, the government's latest health care apologist, has admitted that some constituents have started to doubt whether the government can be trusted on health care. The Premier has 68 days of his 90-day special health care fix-up program to go. In 68 days will the Premier have replaced the five Calgary neurosurgeons who have fled our province? [Liberal members held up signs saying "68 days"]

### Speaker's Ruling Exhibits

THE DEPUTY SPEAKER: Order. Order. Hon. members, it's a longstanding custom in Legislative Assemblies that you don't use exhibits of any kind, and that's precisely what we've had, a series of exhibits. One would hope that you would accept this admonition and that it not be repeated. This is question period.

Hon. Premier.

#### 1:50 Health Services Restructuring (continued)

MR. KLEIN: Mr. Speaker, you know, I thought we got rid of that after they tired of the band-aids and the crosses and the black armbands. Next, why don't they bring in diapers? They should bring in diapers. They might fit.

That demonstration today simply shows that they can't count. Yesterday it was 90 days. Today it's 68 days. I mean, we lost a lot of days in one day; I'll tell you that for sure. I would remind the hon. leader of the Liberal opposition that he has now 21 days to his own leadership, and I understand there's about 42 percent of his own party who really wonder about the quality and the scope of this gentleman's leadership abilities.

Mr. Speaker, I can only say what I said yesterday to the whole situation relative to health care. We have put in place a standing policy committee. This committee will be a committee of tremendous substance, allowing all of those who have concerns with the health care system to make direct representation and to become part of the solution. I think this is what the medical professionals want in this province. They want to be part of the solution, and unlike the Liberals they are not out there creating the problems.

MR. MITCHELL: In 68 days will the Premier have found enough doctors so the Valleyview hospital won't be forced to close on the weekends, Mr. Speaker?

MR. KLEIN: There's a great opportunity in Valleyview for an enterprising doctor to take up the challenge and go out there and practise. There are other hospitals: Hardisty and Patricia. These are marvelous, wonderful opportunities, Mr. Speaker, for doctors, entrepreneurial doctors, doctors with a sense of commitment to go out and serve the people. It's not up to government to say: you have to go there. The opportunities are there. They're fine hospitals, and there are great opportunities for doctors to practise.

Mr. Speaker, again, if there are these kinds of concerns and if the whole problem of providing doctors or making sure there are doctors in smaller communities is part of the concern – and indeed it's part of the restructuring – then we would invite the medical profession to make representation to us so we can determine how indeed we can give the assurance to people in small towns that they're going to have adequate medical care.

MR. MITCHELL: In 68 days will people in this province still have to wait as much as 52 days before they get an MRI to tell whether or not they have a brain tumour? [interjections]

THE DEPUTY SPEAKER: I wonder, hon. members, if we're going to ask questions of someone, if we could cut the comments out until they've at least finished answering the question.

MR. KLEIN: Well, Mr. Speaker, first of all, the hon. leader of the Liberal opposition talks about 68 days. Well, it was less than two months ago, less than 60 days ago when he was saying on a radio show, and I quote: Alberta's got excellent health care. Now, you know, less than 60 days later he says that it's falling apart. You wonder about the hon. leader's ability to be consistent. Of course I've always wondered about that, and I'm sure others have too.

Mr. Speaker, you never read in the newspapers about all the safe landings, all the planes that land safely. These people obviously have been out throughout the community digging up every horror story they can possibly get. Here's a story that's not a horror story, and it's contained in this document. This is the report of the Capital health authority, and the highlights of that report say that "90% of clients were satisfied with the home care services they received," and "84% of day surgery patients were satisfied or very satisfied." Despite an increase in the number of people on the waiting list for cardiovascular surgery, there's been no increase in waiting time for surgery. The wait ranges from zero time for emergency cases to an average of about four months for nonurgent cases. This is quite normal throughout the systems throughout this country. The average waiting time for joint replacement surgery is five months. "Over 50% of patients received their . . . surgeries within six months and roughly 75 percent within nine months." Mr. Speaker, the average waiting time in emergency at the Royal Alex, which handles one-third of all emergency cases in the region, has "remained stable and has, in fact, declined slightly from a peak in February." These are all good-news stories that these people refuse to talk about. Refuse to talk about. They would rather be out in the community spreading fear.

You're telling me to sit down and wind it up. Okay. Thank you.

MR. MITCHELL: In 68 days, Mr. Speaker, will the Premier be able to assure seniors who are hopscotching all across this province trying to find an available bed that they'll no longer have to do that?

MR. KLEIN: Again, Mr. Speaker, this is the kind of nonsense we've become used to in this province. First we had the hon. Member for Edmonton-Gold Bar talking about seniors going through dumpsters. You know, the hon. leader of the Liberal opposition leaves the impression that we have seniors all over the place hopscotching around the province. How ridiculous. How stupid.

MR. MITCHELL: In 68 days will Albertans still have to wait eight hours in emergency, Mr. Speaker?

MR. KLEIN: Mr. Speaker, the facts speak for themselves. It's contained, again, in this document *A Year in Review*. We'll use one hospital, one of the busiest hospitals in the province, without doubt the busiest hospital in the province, which is the Royal Alex hospital. It says: "the average waiting time in emergency" at the Royal Alex, which handles one-third of all emergency cases in the region, has "remained stable and has, in fact, declined slightly from a peak in February 1995." The average time is less than an hour.

MR. MITCHELL: In 68 days will the Premier assure Albertans that a trip to the hospital won't mean a trip to the bank?

MR. KLEIN: Mr. Speaker, I just don't know how to respond to that question. It was just a ridiculous question.

**2:00 Peter Lougheed Hospital**

MR. MITCHELL: Mr. Speaker, the reconstruction of the Peter Lougheed hospital in Calgary has been contracted to a company called The Health Design Group. The Health Design Group is a partnership of several Calgary architects, one of whom is Peter Burgener, who is also the spouse of the Conservative Member for Calgary-Currie. Does the Premier understand that this is a direct violation of the Conflicts of Interest Act?

MR. KLEIN: Mr. Speaker, this is the first that this matter has been brought to my attention unless there is some communication in my office that hasn't been given to me. Certainly if there is some conflict, we have in place the Ethics Commissioner, who can do an adjudication on this particular matter. I would ask the hon. member to refer this matter to the Ethics Commissioner.

MR. MITCHELL: Mr. Speaker, I refer the Premier to section 8(1)(c) of the Conflicts of Interest Act, which clearly states that a direct associate, a spouse of a member, cannot enter into contracts with the government. Will the Premier exercise his responsibility, take it upon himself to refer this matter to the Ethics Commissioner and have him review it under section 8(1)(c) of the Conflicts of Interest Act?

MR. KLEIN: If the hon. leader of the Liberal opposition doesn't want to do it, then fine; I'll do it. Give me the details and so on; I don't have those details. Let me know the facts, and I'll make the reference if he doesn't want to.

MR. MITCHELL: He can just turn around and look over his shoulder and get the facts.

While he's at it, Mr. Speaker, will he look into how he can assure that his Tory-appointed regional health authorities comply with Acts like the Conflicts of Interest Act in this province?

THE DEPUTY SPEAKER: Is this asking in any way for a legal opinion?

MR. MITCHELL: No. It's asking for him to take his administrative and managerial responsibility over the health care system, Mr. Speaker.

THE DEPUTY SPEAKER: Okay.

MR. KLEIN: You know, Mr. Speaker, he nitters and natters so much that one tends to forget the question.

THE DEPUTY SPEAKER: I can identify with that.

MRS. McCLELLAN: To supplement the Premier's answer, I would simply like to say that I am offended and I think all of the Albertans should be offended at the inference the hon. member has raised with authority members. In fact, I can assure you that I took recommendations from your own caucus on members on those authorities. They are fine, upstanding Albertans doing a service for Alberta.

THE DEPUTY SPEAKER: The hon. Member from Lethbridge-West.

**University of Lethbridge**

MR. DUNFORD: Thank you, Mr. Speaker. My question today is to the Minister of Advanced Education and Career Development. As we move through this period of restructuring, public-sector institutions are dealing with the challenge of how to do things better with fewer resources. Our province's universities, colleges, and technical institutes are seeing positive and dramatic changes in the way they operate. It has come to my attention that the University of Lethbridge is implementing some new and exciting management techniques. Will the minister share with this Assembly what those techniques are?

MR. ADY: Well, Mr. Speaker, the hon. member is quite correct. The University of Lethbridge is doing some very innovative management strategies within that institution. For instance, they are flattening out their administrative structure. The university used to have three vice-presidents, each with an associate vice-president and staff, and now it operates with one vice-president within that institution.

What I think the hon. member is really referring to is the University of Lethbridge's new tuition model, where all tuition paid by students goes directly to the budget of the dean on a course-by-course basis. Now for the first time, to my knowledge anyway, deans are actually accountable for their own revenue stream. Deans can manage their faculties with incentives and use other means within that envelope of money. If a surplus occurs, funding remains with the faculty, to be allocated by them for their priorities. This is a principle that's probably familiar to the private sector, but to my knowledge it's quite uncommon within the public sector. The administration and the faculty and the board, I believe, are to be commended for this innovative way of handling their funding stream within their institution.

THE DEPUTY SPEAKER: Lethbridge-West, first supplemental.

MR. DUNFORD: Thank you. A supplementary to the same minister: does the minister think this innovative process would be a useful model for others to follow?

MR. ADY: Well, Mr. Speaker, I think all of us would recognize this as a very innovative and exciting initiative, and so far it's been very successful. Certainly I continually encourage our institutions to share information and solutions with each other. They do meet on occasion to discuss circumstances like this, and I certainly would recommend that other institutions who may have an interest talk to the University of Lethbridge and take advantage of that.

**Point of Order  
Seeking Opinions**

THE DEPUTY SPEAKER: Hon. member, before I recognize you, I wonder if we could adhere to the convention that you don't ask a minister for an opinion. You can ask a direct question and not an opinion.

Lethbridge-West.

MR. DUNFORD: Thank you for that, Mr. Speaker.

### University of Lethbridge

(continued)

MR. DUNFORD: Will the minister be directing other institutions to adopt the model being applied at the University of Lethbridge?

MR. ADY: Well, Mr. Speaker, I think that we have to be sensitive to the uniqueness of our various institutions. What might work well for one institution wouldn't necessarily work so well for another. But having said that, all of our postsecondary education institutions are facing similar challenges, and there may be some parts of the University of Lethbridge model that will fit positively at another institution. Certainly what the University of Lethbridge is doing is truly innovative and forward thinking, but I should point out that all of our institutions deserve to be recognized for the way they've dealt with the funding challenges over the past two years.

### Canada Health Act

MR. SAPERS: Mr. Speaker, the letter the Minister of Health sent to Ottawa yesterday begging for an extension to the October 15 private clinic fees deadline has been seen for what it is by the federal government. Now, the Premier said that if Ottawa did not accept Alberta's attempt to continue to allow for two-tiered medicine, he had no plan B. My first question to the Minister of Health is: why does the Premier need a plan B? Isn't the best plan to simply comply with the law and enforce the Canada Health Act?

MRS. McCLELLAN: Mr. Speaker, first of all, I will correct the hon. member. I did not beg for anything in the letter. I did write this point, and I will stand by it.

I am of the opinion that all provinces would be appreciative if no precipitous actions were taken while our officials continue their discussions of the issues in the time lines proposed.

Mr. Speaker, that was upheld by 10 provinces and the territories at a ministers of health meeting in Victoria, unanimously, the first time that a joint communiqué was not given by a federal/provincial/territorial ministers' meeting. I think that says something that we should all think about.

Mr. Speaker, I'd like to outline the first key principle that I have sent to Mrs. Marleau, the Minister of Health for Canada. I think it outlines Alberta's position very clearly, and it is that we will "ensure reasonable access to a full range of appropriate, universal, insured health services, without charge at point of service." That is the key principle in what we have proposed to discuss with Mrs. Marleau.

The other thing, Mr. Speaker, that the ministers of health in Canada have asked Mrs. Marleau is to work together to develop a clear vision of delivery of health services. It is not enough to wrap yourself in the flag of medicare and pretend that that's the health system in Canada. It is not the health system in Canada that we all cherish. We cherish home care; that is not in the Canada Health Act. We cherish allied health services: physiotherapy, optometry services, podiatry, chiropractic; that's not in the Canada Health Act. We cherish long-term care services for our citizens; that's not a part of the Canada Health Act. We are saying that we deliver a full range of services in Alberta. We want to continue to do that, and we feel that that should be part of the portability, the universality, and the accessibility in Canada. You shouldn't have to live in Alberta to receive a full range of health services.

2:10

MR. SAPERS: Mr. Speaker, it's actually the second time there hasn't been a joint communiqué. The first time was when Alberta refused to sign the joint communiqué on private clinics.

Mr. Speaker, which is now government policy: the Premier's call at the last annual Premiers' Conference for national standards in health care or the Premier's refusal now to comply with national standards for health care?

THE DEPUTY SPEAKER: Hon. Premier, you saw a question there?

MR. KLEIN: We have no problems with national standards. As a matter of fact, we have said consistently that we will comply with the Canada Health Act. We have a difference of opinion relative to whether we are in compliance or not, and there's no doubt about it that Mrs. Marleau has said that Liberal Newfoundland and Conservative Manitoba and Conservative Alberta will not be in compliance come Monday.

There is a process after that. There will have to be an order in council passed. After that there's a 30-day notice period through which to appeal. There still is the possibility of the deadline being lifted while negotiations are pursued with our officials and federal officials relative to the hon. minister's letter.

We have said all along that we want to do what is right with respect to the Canada Health Act and we want to do what is right with respect to quality patient care.

MR. SAPERS: Given the Premier's admission that they will in fact abide by national standards and comply with the Canada Health Act, then will the Minister of Health move immediately to eliminate financial barriers for medically required services, or is she going to continue to allow for two-tiered medicine, where wealthy people can jump to the front of the health care line?

MR. KLEIN: Just before the minister responds, this is not a question about people jumping the queue as Mme Marleau points out. This is about actually relieving pressure – relieving pressure – on the publicly funded health care system and giving people the opportunity to leave the line, Mr. Speaker, not to jump ahead of the line.

MRS. McCLELLAN: I believe that in the Assembly yesterday, Mr. Speaker, I did outline a one-tier system. That means that services that are insured under a public insurance system cannot be insured by a private system. There is nothing in our proposal of principles to Mrs. Marleau that suggests we want to change that. In fact, we would maintain that, that you cannot insure services that are insured under the publicly funded system through private insurance. That's a single-tier system, that's what we have in Alberta, and that's what the members opposite fail to understand.

Mr. Speaker, by the Leader of the Opposition's own admission we have an excellent health system in this province, an excellent health system. I believe we should be working to improve that system, not running it down and working against change which is necessary and important.

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

### Seniors' Programs

MR. RENNER: Thank you, Mr. Speaker. We've been reading a lot lately about the special needs assistance program for Alberta seniors, about the application process, the number of applications that are being approved, and even the way it was advertised. Will the Minister of Community Development clear up the confusion for this Assembly by explaining the special needs assistance program and its results thus far?

THE DEPUTY SPEAKER: The hon. Minister of Community Development.

MR. MAR: Thank you, Mr. Speaker. At the outset I can say that I have also read some of the comments made about the special needs assistance program, and I wish to clarify right at the outset who this program was designed to protect and who it was not designed to protect. There's been some suggestion that this program was for some 270,000 seniors. The answer to that is that it was not designed for 270,000 seniors; it was designed for people who are at the lower income levels. So the Alberta seniors' special needs assistance program was designed for people who are on the Alberta seniors' benefit program and have not yet made adjustments to changes in meeting their essential needs for their day-to-day living.

With respect to advertising, Mr. Speaker, a great deal of advertising was done on this program. I personally met with representatives from seniors' organizations throughout the province of Alberta. We sent out letters and information packages to seniors' groups and information providers who deal with seniors directly throughout the province, such as at health units and social service offices. We sent the same information packages to nursing homes, to self-contained housing lodges, and so on. We also have sent it to our regional offices throughout the province and to operators on the seniors' information line. The package was also sent to the Alberta media, and an insert was put in the seniors' publication of programs, which is a widely distributed document.

THE DEPUTY SPEAKER: Medicine Hat, first supplemental.

MR. RENNER: Thank you. Does this mean that the minister sees the Alberta seniors' benefit program as being adequate to meet the seniors' basic needs?

MR. MAR: Our goal is to see that Alberta's seniors live in dignity without having to worry about their basic needs. The Alberta seniors' benefit program is designed specifically to achieve that help for low-income seniors. The special needs assistance program, again, is to help those people who have not yet adjusted to changes that we've made in our programs and therefore are having difficulties in meeting their basic needs.

I have to say, though, Mr. Speaker, that having met with thousands and thousands of seniors over the last two and a half some years, my observation is that Alberta seniors for the most part are very capable, independent people and are managing just fine. That tells me that the Alberta seniors' benefit is for those people who need it, and it is doing exactly what it was designed to do.

THE DEPUTY SPEAKER: Final supplemental, Medicine Hat.

MR. RENNER: Thank you. Nevertheless some seniors feel that they have not had their applications reviewed fairly. What

recourse do seniors have if they do not agree with the assessment of their application for the special needs assistance program?

MR. MAR: Mr. Speaker, those individuals that do not feel that their application was treated correctly can appeal, and that appeal process is through one of the many citizens' appeals panels that we have throughout the province of Alberta. Those appeals can be done in a number of ways, recognizing that seniors may not be as mobile as other citizens. They can do their appeal in person, they can do it on the phone, they can do it by letter, or the senior can send a representative. The senior can bring a family member or second party to the appeal hearing. The decisions are binding on both the senior and my department. Thus far the citizens' appeal panels have heard 89 appeals, reversing eight decisions and upholding 81 of them.

THE DEPUTY SPEAKER: The hon. Member for Lethbridge-East.

### Chinook Regional Health Authority

DR. NICOL: Thank you, Mr. Speaker. The mandate of budget reduction that's been given to the regional health authorities when coupled with professional restructuring threats has resulted in a very high degree of uncertainty and frustration for Alberta's health care workers. This frustration for employees has further been complicated when the Chinook regional authority announced to its employees that they would no longer provide the employees with payroll deductions to support their Canada savings bonds and RRSP purchases. My question is to the Minister of Health. Are computerized payroll deductions such an administrative nightmare that they become an unacceptable cost for regional health authorities?

2:20

MRS. McCLELLAN: Mr. Speaker, I think the hon. Member for Lethbridge-East has asked me a question that is more properly a management question and administrative question for the authority. The authority has the responsibility for managing its employee payrolls and systems. We have not insisted on a manner in which they do that. It would certainly be the minister's hope that they would work with their employees to work out a suitable system for that. If the hon. member is asking that I review this issue on behalf of his constituents, I'd be happy to do it, but I certainly believe he should more properly take that up with the administration at the regional health authority.

DR. NICOL: Mr. Speaker, it's been dealt with by the employees, and they haven't received a satisfactory response.

They are implying that payroll deductions in support of employee savings are such a cost, and I'd like to ask the minister why the regional health authority is now undertaking a payroll deduction to support the fund-raising lottery for the hospital.

MRS. McCLELLAN: Well, Mr. Speaker, again I have to say that the member has to understand the roles of the provincial government, the Department of Health, and the regional health authorities. The Department of Health is responsible for policy in health services delivery. It is responsible for setting standards and ensuring that those standards are adhered to across the province. One of the things that we have not put into those standards is a type of management system that they must adhere to with those systems.

Again, the hon. member has suggested that the employees have raised that with their employers; they are not satisfied with the answer. If he would like to forward that concern to me in paper, I would be prepared to follow up with the appropriate agency here.

THE DEPUTY SPEAKER: Final supplemental, Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. Final supplemental again to the Minister of Health. I'd just like to ask: is this direct support for health lotteries a sign that your authorities prefer that their employees engage in gambling to support the authorities' future rather than employees' savings to ensure their own senior years?

MRS. McCLELLAN: Again, Mr. Speaker, I can only reiterate to the hon. member: please bring me the information. I will definitely review it, and I will respond promptly to him, as I have in the past.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Currie.

### Prescription Drugs

MRS. BURGNER: Thank you, Mr. Speaker. The Alberta Health statistical supplement tabled yesterday confirms a disproportionate usage of prescription drugs by seniors in Alberta. Over 4.6 million prescriptions were written by physicians, and the shared cost with seniors in their co-payment process was over \$153 million. The number of seniors in Alberta, as we heard this morning, is just over 260,000. My questions are to the Minister of Health. In addition to the obvious fiscal issue, how is Alberta Health planning to address the serious aspect of overmedication in meeting the health needs of our seniors?

MRS. McCLELLAN: Mr. Speaker, this is a very serious issue, and it's one that we should all take very seriously. The province of Quebec did a study on seniors' medications and medication utilization and hospitalization, and frankly the results of that study were very frightening for all of us.

Ministers of health from across Canada have agreed to take a united approach in trying to address this issue. In Alberta we don't believe we can solve it by ourselves. We think we need to work with physicians, we need to work with pharmacists, and we need to work with seniors. We have made some progress. The pharmacy network is in place in a great deal of the province and will be complete soon. In that, there will be a computer linkage between pharmacies where pharmacists can check prescription utilization, make sure in discussions with the seniors that come in that they're not mixing drugs inappropriately.

A pilot project in Red Deer recently really zeroed in on smaller prescriptions, in fact quite short time frames for prescriptions, to see if we could decrease waste in having to discard full prescriptions when they're not available. Pharmacists have launched an awareness campaign: Knowledge Is the Best Medicine.\* The Great Drug Round-up, now called EnviR, I think has great potential for helping us. The drug review committee, reviewing all aspects of our drug plans, both controlling costs and more importantly reducing the number of inappropriate prescriptions, I think will aid us in this area. It is a very serious problem. It's one that's raised with us by seniors, by pharmacists, and by physicians, and we do need to address it.

THE DEPUTY SPEAKER: Calgary-Currie. First supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. Given the magnitude of the drug roundup program that the hon. minister just mentioned, will physicians be held accountable for their prescription practices, and what strategies are in place to make that a priority?

MRS. McCLELLAN: Mr. Speaker, I do believe that physicians are accountable and behave very responsibly. I think that by use of better information technologies with the pharmacy network, as I outlined, there are better opportunities for physicians to understand their patients' drug use patterns and prescribe accordingly. The physicians are involved in the Drug Plan Review Committee. Their involvement of course is essential. I've asked the AMA to develop some recommendations for us on what we consider and they consider a very pressing problem.

MRS. BURGNER: My final supplemental: is Blue Cross, specifically the prescription portion of that program, going to be targeted for budget reductions?

MRS. McCLELLAN: Mr. Speaker, the Blue Cross program is taken up about 92 percent by the drug part of that program. We are looking for savings in that area over a two-year period. We're looking for savings by reducing inappropriate utilization or inappropriate prescribing. We think we can do that. Our drug plan is of course there for seniors and nongroup users.

The other area where I think we can reduce it the most is in the reduction of waste. Mr. Speaker, in May their drug roundup rounded up 36 tonnes of dead drugs in this province. Thirty-six tonnes of dead drugs. That's the third year of this drug roundup. That's the number that were turned in. That isn't the number that are still in medicine cabinets or that have been flushed into our waterways. I think we should all be concerned about this.

The new program, called EnviR, is set up so that we will gain better information and be able to address waste. I believe we could achieve a great deal of our savings simply by eliminating a portion of that waste. The drugs will be brought in on a monthly basis. That way we can assess what types of drugs they are, where they're coming from, whether they're over the counter, whether they're prescription, whether they're veterinary. Mr. Speaker, this is probably one of the most pressing problems the seniors face in this province, and we should address it.

THE DEPUTY SPEAKER: The hon. Member for West Yellow-head.

### WestView Regional Health Authority

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. Since last spring I've been asking the Minister of Health for more funding for the WestView region simply because it receives the lowest per capita funding in the province. In fact it is so desperate still that it even considered swapping the Devon hospital for shares in a private health company. Can you imagine that? Yesterday the minister referred to a draft funding formula that's floating somewhere around the bureaucracy, and I would like to ask her a very simple question: Madam Minister, is WestView finally going to get more funding under that formula? I'd like just a simple yes or no, please.

\*See page 2124, right col., para 3



MRS. McCLELLAN: I'm sure the hon. member would like a very simple yes or no, but if he had listened to the very simple answer yesterday, he would know that that committee has not completed its work, that the discussion that has been held with the regional health authorities did identify some problems in the funding formula which was discussed on a population basis using age and gender as factors. Mr. Speaker, I can assure the hon. member that as soon as that committee, which is not a bureaucratic committee, brings forward its findings, I will share them with the hon. member and others.

2:30

MR. VAN BINSBERGEN: Madam Minister, as you and your nonbureaucratic committee are deliberating, beds are being cut, services are being cut, and doctors are leaving. So when . . . [interjections] I'm sorry, Mr. Speaker. The question is really: when will you release that report?

MRS. McCLELLAN: Well, one thing I can tell the hon. member: I can't release it until I get it. That's a fairly simple answer.

Secondly, Mr. Speaker, the hon. member mentioned that beds are being cut. I think the more appropriate question is: are there beds to meet the needs? I can tell you that in many regions where there have been reductions in hospitals that were at very low utilization rates, they're still not full even with half of the beds being removed. It isn't the number of beds that make quality in a health system; it is the health services that are needed by the community.

What I can tell the hon. member is that I have had a number of meetings with the WestView regional health authority, my department has met with the regional health authority, and we have worked with them to respond to their concerns on funding areas.

MR. VAN BINSBERGEN: Madam Minister, while we're waiting for a simple answer to my simple question, could you please tell the WestView authority not to cut any more services, because we might get more money under the new formula?

MRS. McCLELLAN: Mr. Speaker, what I have told the WestView authority, and I think is more appropriate, is that you develop a plan for delivering health services in your constituency, in your region that is needed by the constituents. I believe that the WestView health authority through consultations with the communities is doing that.

Mr. Speaker, again I have to remind the hon. member that it is not the number of beds that make quality health; it is not the number of beds that make your citizens healthier. The hon. member coming from that area should understand that you have to look at a number of areas before you make those determinations of what services are needed. Do you have a high seniors' population? Do you need more long-term care? Do you have a young population? Do you need more services in wellness and prevention? Do you have a highly industrialized area that has a high accident area? Those are the questions you should be asking, hon. member.

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

### Oldman River Dam

MR. COUTTS: Thank you, Mr. Speaker. During the evening of June 6 and into June 7 of this year due to mitigating circum-

stances of higher than normal rainfall – 82 millimetres in the Pincher Creek area, to be exact – and melting of the snowpack on the eastern slopes of the Rocky Mountains, the Oldman River dam filled to capacity and water had to be released, the culmination of which was serious flooding downstream from the dam. The constituency of Pincher Creek-Macleod suffered the greatest damage from the eastern reaches of the Crownsnest Pass to the west of Fort Macleod, with damage exceeding \$50 million. Although there was no loss of life – and thank goodness there wasn't – lives were destroyed, homes lost, livestock swept away, bridges weakened or severely damaged, and roads washed away. Municipal infrastructure sustained damage in a lot of communities. My question today to the Minister of Environmental Protection . . .

MR. SAPERS: Well, he won't know.

MR. COUTTS: I'm sure he will.

My question to the Minister of Environmental Protection is: how does the Department of Environmental Protection operate the Oldman River dam and make decisions on the amount of water to be released?

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. When we're looking at the operation of the Oldman River dam, I think we've got to first really remember the purpose of the dam, why it was built in the first place. That purpose was to store water so that in fact during the drier seasons there could be water released, thereby ensuring a water supply for cities and irrigation and other uses downstream. In order to maximize the benefits of the dam, it's important that there be a lot of scientific data into the management. So they look at things like the average rainfall; they look at the snowpack so they've got some idea how much water they can expect to receive in the reservoir over the June period. There are really two flows. There's the one in May with the local runoff and then in June with the release from the snowpack.

In this particular case, there was a very heavy rainfall in May which, in fact, did bring the level of the dam up pretty much to capacity. The management team did lower it actually to a lower level than they would normally do for that time of year because of the heavy snowpack. The member mentioned about 82 millimetres. The fact is that in some areas in the Oldman River watershed there was up to 310 millimetres. So you can understand that in that short period of time there was a very heavy runoff.

THE DEPUTY SPEAKER: Hon. Member for Pincher Creek-Macleod, first supplemental.

MR. COUTTS: Thank you, Mr. Speaker. Can the minister confirm that the release of water from the dam resulted in the flood downstream on the Peigan reserve on its way to Fort Macleod and beyond?

MR. LUND: Mr. Speaker, quite to the contrary as far as causing the flood. The fact is that at the high point, at about midnight on June 6, the water flowing into the reservoir amounted to 3,500 cubic metres per second. The maximum outflow was 2,700 cubic metres per second. You can see a difference there of about 22

percent. So, in fact, the structure served another function in this particular case in that it shaved about 22 percent off the peak.

Now, I personally was in the area on June 7 and met with members of the Peigan reserve. We also observed that on the Pincher Creek, which joins the Oldman on the reserve, there was a lot of damage along that stream as well. So for anyone to suggest that the dam caused the flood is absolutely wrong. There are no dams on the Pincher Creek.

THE DEPUTY SPEAKER: Final supplemental, Pincher Creek-Macleod.

MR. COUTTS: Thank you, Mr. Speaker. What process will your department be putting in place for future operation of the Oldman River dam and possible emergency preparedness procedures?

MR. LUND: Mr. Speaker, as in all cases when we have an event of this . . . [interjections]

THE DEPUTY SPEAKER: Order. It's difficult for the minister to give a brief answer when there's so much ambient noise. [interjections]

MR. LUND: Well, Mr. Speaker, if the hon. members across the way would care to learn something about how we manage these very important structures and how we manage water in the province and how we manage the land and the timber and all those sort of things, I would highly recommend that they listen. I do have a lot of difficulty with the chirping that's occurring from directly across the way.

In more direct answer to the question, Mr. Speaker, any time that we have an event of this nature and there's damage, we always go back and review the procedures. So there is an internal review that has occurred, looking at the structure and if there are things that should have been done differently. We've also got an external review going on that is looking at the management plan and preparedness in the case of a disaster.

I went down and met with the band council and Chief Big Swan, and we discussed how they could be involved – and they are going to be involved – in developing a plan that will in fact perhaps improve communications and improve the preparedness that is necessary in the case of an event like this.

**head: Members' Statements**

**2:40**

THE DEPUTY SPEAKER: The hon. Member for Barrhead-Westlock.

**Property Taxes**

MR. KOWALSKI: Thank you very much, Mr. Speaker. Of all the retrogressive taxes invented by mankind, none is as retrogressive as the tax on real property. If you are a property owner, you pay a tax, and in this province this tax goes to pay two areas of services: K-to-12 education and the running of our municipalities. If you are unable to pay the tax on your property, you find horrendous interest charges against the debt and the possibility of your property being sold right from under you by the very authority that has assessed the tax in the first place. If you improve your property by spending dollars on goods that are already taxed, you find that your assessed value goes up, and invariably you are taxed additionally.

What essentially started out as a means of raising dollars for the state to defend itself against another state has evolved into an institution of public administration that has tentacles everywhere and employs thousands in nonproductive work. It is time to eliminate the tax on property in Alberta, to find an alternative, and at the same time to reward Albertans for their strong support for the fiscal changes that have taken place in this province. The total property tax in Alberta in 1995 is approximately \$2.8 billion, and there are over 1.2 million taxable pieces of property in this province.

I raise this matter at this time, Mr. Speaker, because virtually every contestant for municipal office in Alberta's Monday municipal elections is campaigning on a platform of spending reductions and tax reductions. Soon we will see elected in Alberta hundreds of Albertans dedicated to an almost singular objective. Many in this Assembly are also supportive of tax reform. The current status quo with respect to property taxes hurts Albertans and the Alberta economy. We need to reform our taxation system, we need to say goodbye to the status quo, we need to eliminate the tax on property in Alberta, and we need to find a mechanism that gives Alberta citizens a greater say in how this \$2.8 billion is raised, allocated, and spent.

THE DEPUTY SPEAKER: The hon. Member for Edmonton-Mill Woods.

**University Research**

DR. MASSEY: Thank you, Mr. Speaker. The recommendations in the Cloutier report on university research policy are a critical indictment of the minister and the department of advanced education. Astoundingly, Cloutier had to recommend that the government learn about universities and university research programs and then take action to make such programs a priority. What is going on when the government must be asked to appoint a knowledgeable committee to advise the minister and to designate at least a few people in the department who can take charge?

Two recommendations strike at the heart of university research: researchers and infrastructure. Cloutier confirms that the brain drain is now under way. Government attacks on tenure, the arbitrary wage rollbacks, and mischief-making Bills in this Legislature that would place in law the hours that researchers teach have created an abysmal intellectual climate. Alberta researchers are looking and going elsewhere. Top researchers are drawn to centres where cutting-edge explorations are under way by the promise of financial support and by the lure of first-rate facilities. Why come or stay in this province, where the best brains are leaving, where they must pay twice the tuition of resident students, and where laboratories, libraries, and other research structures are seriously underfunded?

Cloutier asked the department to find out what research partnerships now exist in Alberta. It is ironic that a department so hungry for more power over university programs should now be asked to go out and find out what those institutions actually do. The issues Cloutier raises go far beyond university research. They call into question an annual expenditure of close to \$1 billion on our postsecondary schools, dollars seemingly overseen by a disinterested government, spent by a minister who lacks the needed competence, and administered by a department bereft of expertise.

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

### National Breast Health Month

MRS. FRITZ: Thank you, Mr. Speaker. October is national Breast Health Month, and national Breast Health Month is recognized in Canada and the United States. Breast cancer is the leading cause of cancer death in Alberta women. Approximately 1,450 women will be diagnosed with breast cancer and 430 will die in 1995 in Alberta. In Canada 15 women die of breast cancer every day. These significantly disturbing statistics indicate that women's awareness of breast cancer and how to detect it in its early stages must be raised.

Major risk factors include being female, having an increasing age, being born in North America or northwest Europe, and having at least two first-degree relatives – mother, sisters, or daughters – with breast cancer. Possible ways to prevent this cancer include a low-fat diet, the use of tamoxafin, which is an antiestrogen, and increased exercise.

Mr. Speaker, the hon. Minister of Health recently established the Alberta Breast Screening Policy Council. This council has representation from the major health providers of screening mammography and will provide direction and policy advice to improve breast screening services in Alberta.

Mr. Speaker, the government of Alberta believes that prevention and early intervention are critical to ensure the health of Albertans. Screening for breast cancer helps to identify breast cancer early and allows for a much improved prognosis. Through screening, mortality among women between the ages of 50 and 69 years can be reduced by 30 to 40 percent. During national Breast Health Month ask the questions and find the answers that may save your life or the life of someone close to you. If you are a woman between the ages of 50 and 69, ask yourself this question: when was the last time I had a mammogram? If it has been more than two years, contact your physician, or call Screen Test directly. The earlier cancer is detected, the better the prognosis.

Mr. Speaker, I have pink ribbons, which symbolize the need to address breast cancer, and would ask that they be distributed to each member of the Legislature.

Thank you.

### head: Projected Government Business

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

MR. BRUSEKER: Thank you, Mr. Speaker. I'd like to ask the Government House Leader what his plans are for the government business for the House next week.

MR. DAY: Mr. Speaker, on Tuesday in the afternoon, depending on the rapid progress which we anticipate this afternoon, we'll be looking at third reading of Bill 43. Again, depending on how we do on Bill 44 – we may get that through the session this afternoon. If not, then that will be continued again on Tuesday afternoon. In the evening we'll look at supplementary supply estimates. That'll be day one.

Then Wednesday evening we'll do day two on the supplementary supply estimates. We'll also revert to Introduction of Bills and introduce the supplementary supply appropriation Bills, which we will look at in second reading on Thursday along with second or third readings, again depending on the progress made on the other Bills today and on Tuesday.

THE DEPUTY SPEAKER: We now have points of order. I believe we have one from Edmonton-Highlands-Beverly.

### Point of Order

#### Relevance

MS HANSON: Thank you, Mr. Speaker. There was a point of order raised during question period by the Member for Fort McMurray, but in his absence I will speak to it now.

During question period the Premier, instead of answering a question on health, went on at great length about the Liberal policy convention, which is coming up in a few weeks. It is our opinion that he set a really bad tone for question period. He got off the topic, and that's the basis of our point of order.

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

MR. DAY: I was going to stand up while the member was speaking, but number one, out of good manners and, number two, out of reflection on *Beauchesne*, you can't do a point of order on a point of order, which is a good point. I would like the Speaker's ruling, though, on another member since point of order qualifications, as raised and indicated in *Beauchesne*, say that the member must raise the point at the earliest opportunity, which the Member for Fort McMurray did. However, that member not being present, we have to question the seriousness and validity of it and whether in fact that can be passed to another member, who in fact did not even raise it.

2:50

THE DEPUTY SPEAKER: Well, the Chair can answer that quite readily. The request was made of me. The hon. Member for Fort McMurray did have urgent matters elsewhere and couldn't remain here until the end of the time, so I agreed that Edmonton-Highlands-Beverly could address the question. That's why there appears to be that. Now, would you like to deal with the question?

MR. DAY: No.

THE DEPUTY SPEAKER: The Chair would look upon with favour what the hon. member has raised in that it seems to me that in question period we get errors on both sides as to the preambles to the questions. A number of items are introduced in the preambles which may be at variance with what the minister holds or the government thinks it's standing for. Then comes the question and a series of "Have you stopped beating your wife?" and then goes on from there. So there's that problem, and there's also the problem of some ministers – and we could include, of course, the chief minister – being perhaps overzealous in their eagerness to give a full and complete answer to what they imagined was the question or to one that was just addressed before.

I think that both sides could tighten up the procedure considerably both in responses and in the number of items introduced in the question and the preamble. I would note that many of the questions today were getting down to the five- and the six-minute question/response sequence, which was considerably better than the previous day, which was much longer. I think the Chair would agree that we need to have that perhaps even tighter. On the point of order, the Chair would take it under advisement for future remediation.

MR. HAVELOCK: Could you repeat that, please? Let me sit down first.

THE DEPUTY SPEAKER: I'm not sure I really understand the validity of that, but anyway one of us is standing, and one is now sitting.

We have before us, then, a Standing Order 40 proposed by the hon. Member for Calgary-Buffalo. We would ask that he proceed on the urgency of the matter, and then we would seek consent of the House to proceed further.

Calgary-Buffalo.

**head: Motions under Standing Order 40**  
**New Calgary Police Chief**

MR. DICKSON: Thanks very much, Mr. Speaker. Earlier this very week we witnessed in Alberta the achievement of a milestone, a milestone in terms of women's equality in this province. The swearing-in ceremony for Calgary's new chief of police, Christine Silverberg, marks not only a significant gain for the city of Calgary but also for this province and the nation. Chief Silverberg's appointment warrants, in my respectful submission, the attention and recognition of this Assembly, and it's for that reason I encourage the Assembly to give unanimous consent to allow the matter to be dealt with more fully.

Thank you.

THE DEPUTY SPEAKER: We have before us, then, the Standing Order 40 as proposed by the hon. Member for Calgary-Buffalo. May we have unanimous consent? All those in support, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Opposed, please say no. Carried.  
Hon. Member for Calgary-Buffalo.

Mr. Dickson moved:

Be it resolved that this Assembly recognize the appointment of Police Chief Christine Silverberg as the first woman to lead a major Canadian police force.

MR. DICKSON: Thanks very much, Mr. Speaker. On October 10 the city of Calgary made yet another entry into the history books. By appointing Christine Silverberg chief of police, Calgary has now become the first major metropolitan city in Canada to have a woman running its police force. Chief Silverberg will be only the fourth female chief of police in all of North America. But Chief Silverberg was not selected simply because she's a woman. She was selected because in the opinion of the Calgary Police Commission, she was the most excellent of many strong candidates.

Chief Silverberg's past accomplishments and qualifications ought to serve her well as she heads up the 1,600-member police force in Calgary. Since 1992 she has served as the deputy chief of police, administration, for Hamilton-Wentworth regional police service, and prior to that she served two years as Ontario's director of police support programs branch, following 18 years as a police officer with the Mississauga and Peel regional police services from 1972 to 1990. Her academic background is no less impressive, with a bachelor of arts degree in sociology, a master of arts in criminology, combined with numerous certificates in

police management. She's earned a reputation for hard work, determination, a sense of fair play, and compassion.

It's no doubt that Chief Silverberg will be very much missed in the province of Ontario, but she will bring to Calgary and to Alberta a new perspective and fresh energy in terms of policing. I might add that she seems ideally suited to succeed her predecessor, Gerry Borbridge. I think Mr. Borbridge has earned the gratitude of all Calgarians by providing outstanding leadership, and I think retiring Chief Borbridge can be justly proud that Calgary is today one of the safest cities in Canada.

Chief Silverberg brings with her a strong commitment to both community policing and issues and programs to deal with family violence and child abuse. Those are two initiatives that members of the Alberta Liberal caucus strongly support, and we'll do everything we can to assist.

In this very important and historically significant week in Alberta Chief Silverberg joins an impressive array of female firsts. The most notable that come to mind would be the Famous Five, who fought valiantly to have women recognized as legal persons entitled to hold elected office; Calgary's Annie Gale, the first woman in the British Commonwealth to sit on municipal council; Maude Riley, who is responsible for starting what has since become child welfare and child welfare services; and other distinguished pioneers that went before her.

So, Mr. Speaker, we send Chief Silverberg our welcome, our respect, and our complete support for the tremendous challenge that she has now before her. I think the city of Calgary will be in very good hands.

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker, and I would like to thank the hon. Member for Calgary-Buffalo for bringing this Standing Order 40 to the Assembly today. I know that I can speak on behalf of the Premier and my colleagues here on the government side of the House, and we also would like to extend our congratulations to Police Chief Christine Silverberg on her appointment and the swearing in as Calgary chief of police.

Chief Silverberg has a very distinguished career of 23 years as a police officer. She's worked in many different facets of the police service and has earned the respect of her colleagues. She comes highly qualified and with high academic achievements and vast field experience to draw from in her new role. During her years Christine Silverberg worked her way through the ranks to the office of deputy chief. Clearly she has demonstrated her ability for this new job. With a strong interest in community policing the new chief will be an excellent fit with what is recognized as one of the most excellent police services in Canada, the Calgary Police Service.

Chief Silverberg has indicated she would continue to make domestic violence a priority and wishes to involve the community in this process. We look forward to this new perspective that the chief will bring to the role of the head of Calgary's police.

Mr. Speaker, the members on this side of the House are delighted with the appointment of Christine Silverberg. We support her appointment and wish her every success as she begins this challenging new phase of her career. Alberta has also been able to boast that we have the first women MLAs and the first women cabinet ministers, the first woman government Whip, and also the first woman Lieutenant Governor. So we have a history

of setting firsts, and seeing this first, a very significant role for a woman in Calgary, is very important.

Once again, on behalf of the Premier and our government colleagues, I would like to congratulate and wish sincere best wishes to Chief Christine Silverberg. Thank you.

THE DEPUTY SPEAKER: We now have before us, then, the question on the motion under Standing Order 40 presented by the hon. Member for Calgary-Buffalo. All those in support, please say aye.

HON. MEMBERS: Aye.

THE DEPUTY SPEAKER: Those opposed, please say no. Let the record show the vote was unanimous.

**head: Orders of the Day**

**3:00**

**head: Government Motions**

**Adjournment for Municipal Elections**

25. Mr. Day moved:

Be it resolved that when the Assembly adjourns on Thursday, October 12, 1995, at the regular hour of 5:30 p.m., it shall stand adjourned to Tuesday, October 17, 1995, at 1:30 p.m.

[Motion carried]

**head: Government Bills and Orders**

**head: Second Reading**

**Bill 43**

**Willmore Wilderness Park Amendment Act, 1995**

THE DEPUTY SPEAKER: The hon. Minister of Environmental Protection.

MR. LUND: Thank you, Mr. Speaker. It gives me a great deal of pleasure to have the opportunity to rise today and speak to this very important piece of legislation in second reading. The principle of this very short Bill is to in fact put into legislation what has been the management plan and the policy that was adopted back when the Willmore Wilderness Park Act was first passed. The policy ever since the proclamation of that Act has been one of no development within the park area. There has been activity like trapping and hunting that has occurred in there, and that will continue. But this is a very important move to cover this area under legislation, that in fact there won't be development within the park, so that the park will be there in the future for future generations. It fits very well into our special places program. It fills one of the gaps that we have in the six regions.

I'm very proud to have the opportunity to move this Bill.

THE DEPUTY SPEAKER: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Speaker, thank you very much. It's a pleasure this afternoon to rise and participate in the debate on second reading of Bill 43, an Act to amend the Willmore Wilderness Park Act.

I will start this afternoon, Mr. Speaker, by commending the Minister of Environmental Protection for the foresight of the minister and his department in entrenching in legislation the

protection of the spectacular area of Alberta that has been designated as the Willmore wilderness park. I think that the minister has seen the foresight in entrenching and protecting through legislation the protection of the area from industrial activity and industrial encroachment and entrenching in legislation what has been a matter of policy for a number of years. I think that this move will ensure the protection of Willmore wilderness park for many years to come and for many generations to come.

The Willmore Wilderness Park Act itself was originally passed in Alberta in 1959, and the legislation has obviously been successful in protecting the park. Policies of governments from that point in time have been to give effect to the legislation by adopting and developing policy that restricts or in fact prohibits the encroachment of industrial activity, forestry, mining into that area

because of the reasoning behind the creation of the park itself and the importance of protecting the area.

I might just include for the record, Mr. Speaker, the purpose for setting up the Willmore wilderness park originally. The Act states that

the Park is dedicated to the use of the people of Alberta for their benefit, education and enjoyment, subject to this Act and the regulations, and shall, by the management, conservation and protection of its natural resources and by the preservation of its natural beauty, be maintained for the enjoyment of future generations.

Mr. Speaker, I think that the purpose of the Act has been accomplished, but I do again commend the minister for seeing fit to bring forward amendments to the legislation and to entrench in legislation the prohibition from any encroachment through industrial activity.

The Willmore wilderness park, for the benefit of members, is an area that covers approximately 4,500 square kilometres in an area that is directly north and adjacent to Jasper national park. It is a part of Alberta that is part of the Rocky Mountains natural area. It is obviously by its location a very rugged and beautiful terrain.

Mr. Speaker, I had the pleasure many years ago, when I was doing undergraduate work at the University of Alberta in the Faculty of Science working on a zoology degree, of working with the then director of the Boreal Institute at the university in the Faculty of Science, Mr. Don Gill, who owned a ranch in the area and who very much loved the area of Willmore wilderness park. We had many field trips into the area and did various studies on that particular area's ecology, so I recall very fondly trips into the area and know from firsthand experience the rugged beauty of that terrain and of the area of that park.

To get us to this point, Mr. Speaker, there is some history that I think is worth recognizing. The development by the government of its policy on Special Places 2000 was in fact a policy that was to identify and determine areas of Alberta that needed to be recognized as unique ecosystem areas that required protection in the province. Throughout that process, with the various public consultations that had taken place, the committee had brought forward to the government certain recommendations about the principles and the fundamentals of what the Special Places 2000 program ought to be. Tourism, heritage appreciation, and conservation were certainly the areas that were fundamental to the implementation of the Special Places 2000 program.

Mr. Speaker, I think it's appropriate to say that many Albertans who are interested in the area of environmental protection through their activity in environmental organizations were very optimistic that the government's program on Special Places 2000

would complete the picture across Alberta of setting aside sufficient tracts of land that would create the entire map of the various natural regions and ecosystems in the province of Alberta and allow for conservation in those areas.

As we know in this House, there was concern when the actual Special Places 2000 policy that was implemented by the government was disclosed in that it left open the possibility for economic development. Mr. Speaker, there was concern raised not only by members on this side of the House but by membership of the environmental community that the potential for industrial encroachment did exist in the policy because of the inclusion of a focus on economic development. I will grant to the minister that economic development can be defined very broadly; nonetheless, because of that broad definition there was potential for the encroachment of industrial activity into various areas of the province.

Mr. Speaker, in the history of that, the various environmental organizations had outlined and suggested to the minister a number of regions that they felt would be possible to protect through legislation very quickly: the Willmore wilderness park, Alberta's portion of the Wild Kakwa, the Bighorn wildland recreation area, Wind Valley, and the Yamnuska natural area. Under existing current policy these areas are zoned as prime protection, and the thinking of the environmental community, which is sound thinking I believe, was that under the Special Places 2000 program those could have been incorporated and given legislated protection designation.

### 3:10

I should also say, Mr. Speaker, that previous governments, in recognizing the uniqueness of some areas of Alberta, have identified those areas as prime protection zones and have recognized that more than a policy towards prime protection zones was necessary. There has been a large inventory of areas of Alberta that are essentially in the blocks or in line for legislated protection designation, much the same as the kind of recognition and legislated designation that we are giving to the Willmore wilderness park in the amendments that are being brought forward by the minister at this point in time in prohibiting industrial encroachment into the area.

So we are at this point, I would suggest, a bit unique in that we already have legislated protection designation for Willmore and that we are adding to it in Bill 43 by specifically removing the opportunity for industrial activity. It is certainly the hope of members of this caucus and of the environmental community that other unique and specific areas of Alberta can follow the same track in that they can also receive legislated protection designation. There has been the feeling in government that that is an appropriate track and that they, too, will get the legislated protection to prevent industrial encroachment into those areas.

Mr. Speaker, the Bill itself does recognize existing activities that go on in the park in terms of trapping, guiding, outfitting. I will say that it is appropriate to continue to allow those activities in a park so that its natural beauty can be appreciated by Albertans without damage being caused to the park by encroachment. Specifically, in terms of the opportunities that are available to Albertans within Willmore wilderness park under the legislation, there is still the opportunity for commercial trail riding, guiding, and outfitting operations.

Now, clearly that will then allow for horseback entry into Willmore wilderness park. Although the Act does not specifically deal with the issue of roads or road construction or off-highway vehicles within the park itself, we understand from discussions

with the minister's office that the regulations will be incorporated into the legislation that will deal with those issues. They currently exist under legislation dealing with forests, and they will be coming into the regulations under the Willmore Wilderness Park Act so that those concerns can be allayed.

I might just add at this point, Mr. Speaker, that one way of course to allay those fears is the way that my colleague the Member for Calgary-Buffalo continues to recommend to the government, and that is to have the regulations reviewed by the Committee on Law and Regulations so that there's no difficulty and no concern with the regulations that are created and developed or transferred from one piece of legislation to the other piece of legislation. Where specifically those kinds of concerns pop into one's mind, we can then know that specifically they can be addressed and dealt with appropriately through that Committee on Law and Regulations. So I would once again make that suggestion to the government in terms of its management of regulations under its legislation.

Mr. Speaker, the process has begun in determining under the Special Places 2000 program areas of Alberta that need this kind of protection. We have for many years recognized the need for protection in Willmore wilderness park. There are many other places in the province of Alberta that are potential locations under the Special Places 2000 program that do not yet enjoy this kind of protection, and I am hopeful that the minister will take our commendation of this approach to legislation to heart for those other areas of the province of Alberta to give those areas the same level of protection that he is giving to the area in Willmore wilderness park, areas such as the Cariboo Mountains, areas such as Wind Valley, areas such as those that I've listed previously in terms of the Wild Kakwa, in terms of the Bighorn area, and so on. Those deserve the same kind of protection.

I think we have an excellent model in the Willmore Wilderness Park Act with the amendments as they will come forward and go through our second reading, committee stage, and third reading, and I would hope that the minister will be tabling with us much more legislation in this form to make the Special Places 2000 program workable for all Albertans, many of whom were reluctant to join in and embrace the government's Special Places 2000 program but in the gesture made by the Minister of Environmental Protection in this legislation have gained some comfort that the minister is prepared to take the issue to heart, recognize the uniqueness of various areas of Alberta, and give them the kind of protection that's necessary to ensure the long-standing conservation, to ensure the biodiversity of those areas, and to ensure that they are there not only for the enjoyment of this generation but for the enjoyment of the next generation and the following generation for many, many years, decades, generations to come.

On that note I will indicate to the minister and members of the Assembly that I will be supporting Bill 43 in second reading. We will take a closer look at the various sections of the Act when we get into committee. We'll just clarify with the minister at that point in time the incorporation of the various regulations and have a further debate on the specifics, although I must say to the minister that having looked at the various sections at this point in time, they appear to be well written and deal with many of the concerns that I would have been looking for in the legislation. I would point out, Mr. Speaker, that where the Lieutenant Governor in Council has the opportunity and the ability to make regulations, the regulations are within the context of carrying out the purposes of the legislation so that we do not find ourselves in a situation where regulations can be passed that may attempt to

avoid, undermine, or supersede the legislation, which is the primary and paramount legislation that regulates the control of activity within the park.

3:20

Mr. Speaker, finally, congratulations to the minister for putting forward this legislation. I support it wholeheartedly. I also want to mention that my colleague for West Yellowhead, where the Willmore wilderness park is located, is also very pleased with the introduction of Bill 43 and on behalf of his constituents wanted me to convey to the minister his appreciation for the tabling of Bill 43 and the minister's direction in giving that level of protection to Willmore wilderness park rather than simply leaving it in policy.

Mr. Speaker, those are my comments in second reading. Thank you for the opportunity.

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

DR. PERCY: Thank you, Mr. Speaker, I, too, rise to speak to second reading of Bill 43. I must speak from personal experience as well. I've hiked extensively through the area, camped at Rock Lake and hiked to the south, which isn't through the Willmore, up to the Snaring River campground, hiked to the northwest through to Mount Robson. It is a pristine, beautiful area.

I commend the minister for bringing forward this legislation, but I do have some queries with regards to the principles that are embodied in the Act. I, too, wonder why, for example, we have this specific legislation that deals with the Willmore when there are a number of other areas that one would think are equally acceptable and requiring in fact special protection. The Willmore is certainly a compelling area to protect, but there are other areas that are equally compelling that we would want to protect for this generation and subsequent generations and remove the possibility of industrial activity within their boundaries.

One would hope that in legislation that comes forward, if this is the first of a number of such initiatives, such legislation would set out very clearly the criteria by which one would assess which areas enter into special places and there will be no industrial development and others which don't. Is it related to proximity to national parks? Is it something unique about biodiversity? What's unique about the Willmore? I mean, I think it's important, having seen it's a prime area for hiking, and I appreciate that the minister has brought in these amendments, but I still don't understand why the Willmore and why not the Bighorn wildlife recreational area or the Alberta portion of the Wild Kakwa. I mean, one has to know the principle that underlies this. Is this simply a crumb to the environmentalists, hoping then that they'll pack up their tent and go away? I'm sure that's not the case, that this is going to be the first of many such amendments, but one can't tell by reading this Bill and looking at the principles that underlie it. I know, for example, or at least I hope that when other legislation comes to this House related to regulatory reform, I'm sure the hon. Member for Peace River is going to come forward with a set of criterion principles by which we assess which regulations go, which don't. One would hope, then.

I waited with anticipation Bill 43 when I saw the title, because I thought for sure that that Bill would come forward with a set of principles. I mean, I could offer some such principles, one of which is biodiversity within the region and the potential for certain species, flora and fauna, to be pushed even further to the brink in terms of their survival within the region, the possibility for effluent or fugitive emissions from industrial activity to taint

this pristine wilderness. I was hoping to see such principles, but I was disappointed that I didn't.

[Mr. Clegg in the Chair]

So, as I look at the Special Places 2000 news release that came out on January 20, 1995, and I now look at this Bill, I ask: "Now, what are the criteria? Why the Willmore?" I personally applaud the inclusion in this Act and its focus on the Willmore, but I would hope to see other such places subject to this type of legislation. I have no basis now for assessing what criteria are going to be used. Which are next? I'm sure that the environmental community also feels equally at a loss for words in terms of which area will be protected, which area will be truly special as opposed to specially devoted to economic development, but special in terms of wilderness. So the minister is to be applauded for bringing forth this Act, but on the other hand, there has to be an admonition that one would like to see criteria and principles set out.

Another principle that I'd like to focus on in this Bill – and again, I applaud this Bill – because I think we see the thin edge of the wedge when we look at Bill 43, is in terms of looking at multiple strata or multiple tenure applications. One of the issues certainly when it comes to grazing lands, for example, is that we give a grazing lease, but we give a whole bundle of tenure rights with that grazing lease which really aren't applicable to the issue of grazing.

I note in this Act – and again I'm dealing with the principle of the Act – that there are regulations that deal with outfitters, with those engaged in the fur trade. So the Bill goes part of the way to setting out different tenure arrangements depending on the type of economic activity. I think it sets a principle that we can use and embody when we look at other areas, where we can segment tenures or segment the uses of a recreational area or a wilderness area. Again I think the minister should be applauded for that. We look at, for example, the section dealing with registered fur management licences. It's very specific, and it's breaking apart the tenure bundle or the use bundle and setting up specific rights and obligations. Rather than just keeping it as one big package, it segments them so that a park can be used for multiple use, subject to the absence of any industrial activity within the park.

So I think we see the hint here that perhaps the minister is going to be more flexible when it comes to grazing leases, for example. We of course have the issue of Doc Seaman and the ability of the person holding a grazing lease to exclude other types of activity just out of selfishness, I think one could say. Certainly I hope that some of the principles we see creeping into this Bill then will go part of the way to dealing with the issues that we observe in other areas.

So in terms of two sets of principles: first, what criteria have been used to choose the Willmore as opposed to others – and I'm sure that the minister will give us a breakdown on specifically why the Willmore as opposed to the Alberta portion of the Wild Kakwa – and this hint at moving to breaking apart the tenure bundle and allowing specific tenure uses to be focused upon.

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

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

MR. SEKULIC: Thank you, Mr. Speaker. I, too, rise in support of second reading of the Willmore Wilderness Park Amendment

Act. I think that it's important, and I will be brief in making my comments in support of this Bill. A balance between economic development and environmental protection is the responsibility of any government and every government and every level of government, and I'm very happy to see that this minister has taken the initiative, although narrow, as my colleague for Edmonton-Whitemud said, fairly specific to one wilderness area.

I want to commend the minister and his staff, in particular those that worked with the environmental groups that drafted the original version of Special Places 2000. I would love to see the original plan that landed on the minister's desk prior to any changes. I'm not sure. Maybe there weren't that many changes, but I'm sure there were some. You know, recently I read – one of the ministers spoke of slight typographical errors occurring when a government document was released, and I certainly hope that there weren't significant changes or typographical errors that occurred in Special Places 2000 from its original version.

Despite having been quoted accurately yesterday but in an inappropriate context for having given the government praise on a previous Bill, I want to make sure that I'm a little more specific this time, that my commendation, my praise for the Bill is specific to the principles of this Bill as found in this Bill and that it can't be expanded or used in context of other Bills.

### 3:30

The closing comments that I'd have are: don't stop now, and don't blink when it comes to the principles that you embodied in this Bill. I hope to see it expanded to other wilderness areas found throughout Alberta because I do believe they have great economic value not derived through mining or through the stripping of the trees.

So with those comments I would encourage all members of the Assembly to support this Bill in its second reading.

THE ACTING SPEAKER: The hon. Member for Redwater. [interjection]

MR. N. TAYLOR: Sorry, Mr. Speaker. This being second reading, I thought maybe the hon. member wanted to ask a question or something.

THE ACTING SPEAKER: I think the hon. minister wanted to close debate, so that's why I allowed you. I know you're going to be very quick.

MR. N. TAYLOR: I thought it was one of the few forms of exercise he had, Mr. Speaker.

I would like to congratulate the hon. minister for coming along, letting this little bit of the 20th century sneak into his intellectual tent, so to speak. I recall that when he first took over the post, he was one of the finest examples of a Victorian environmental minister that I'd ever encountered, so to see him making progress in these leaps and bounds and to actually take a park that had been known to be a park for many, many years and say that the oil companies and the mining companies could no longer go in there and exploit it, I think he deserves a great deal of support, maybe even affection from people who like to go out and walk and hunt and communicate with nature.

MR. CHADI: You mean a hug?

MR. N. TAYLOR: One of the hon. members asked whether he needs a hug. Well, he actually is quite huggable there. He

reminds me very much of one of my grandchildren, who will not take any honey on the table unless it's served in this plump little bear. The hon. member could well have served as a model for that.

I was fortunate enough in the past summer, Mr. Speaker, to have toured lumber permits on the FMA by Weyerhaeuser up in the area just north of here in the Wild Kakwa, Kakwa falls, the Two Lakes area. One of the intriguing things about our Premier is he would take – such a cherubic, well-meaning soul – our mountains and given the two conflicting duties: one, to save trees, and on the other hand, to cut trees. He has both occupations, being in charge of forestry and in charge of the environment, where you're supposed to try to preserve the trees for a while. I was out flying around the area and into the Kakwa area and down as far as the Willmore wilderness area, and I don't think there's any question that the minister has done the right thing in trying to make sure that no exploitation can take place here because of the beauty of the area, especially as you're watching the evening sun come in over the mountains and the foothills. To touch down on this area makes it very interesting indeed and in some ways makes you wish the rest of the population could get a chance to go up there and look at it.

I think that the minister, by saying that from now on – I gather these regulations, he could correct me on this – you'll be able to hike through the area, but you won't be able to use motor vehicles or all-terrain vehicles to get through. Also, although I've been in the oil business for years, there was a time when people used to welcome us putting roads in for geophysical work. Now there's become such a web and such a net through the area, destroying the chances of many areas to develop on their own and away from exploitation, that anything we can do to stop geophysical exploration, at least of that type, is to be looked at if you're going to try to make a park.

The other thing, of course, is if exploration maybe can be done: get in and out in only a short time. Some people would argue that they should be allowed to get in and over the whole area because it's only a short time, but the trouble is that the access roads then become used by other people who come in there and shoot the animals or cut the trees or do the wildlife, fauna, a certain amount of damage.

Mr. Speaker, reading through that, I wanted to go on a bit to see if I can drag the minister a little bit further into the late 20th century. He has come along so gently and so easily on this one that there's hope that maybe one can do more. I noticed he mentioned industrial activities, and they lump together geological and geophysical exploration. Now, being a geologist engineer, I think there are certain types of exploration, as long as they do not make roads and as long as they do not change the topography in any way, that should be allowed. In other words, the knowledge of our geology and substrata in the area could be very handy, and I hope he doesn't use that clause to stop graduate students and universities from walking through the area, studying the geological terrain and so on.

I noted when I was reading through that although hunters will be allowed in the area, I gather all-terrain vehicles will not be allowed, but I believe horses will be allowed, Mr. Speaker. I remember during surface geology in this area many years ago, actually before it was Willmore park, my native friends that I used to rent packhorses from would charge a dollar a day for an ordinary horse and \$2 a day for a white horse because hardly anybody ever shot somebody on a white horse thinking they were a moose. I was just wondering if he would have this same type



of thinking going on here. There has been an alarming propensity of late for some of our hunters out there to shoot each other, thinking they were a moose, even in spite of riding along on four wheels. So I think it might be an idea that the minister would insist not only that all-terrain vehicles not be used but that the only horses you'd be allowed to ride in this area would be white ones because they'd be probably quite a lot safer than all the rest.

There is also the question . . . I'm sorry. I just picked up my neighbour's glasses and wondered why I couldn't read my notes here. It was positively indecent what I was seeing through them, Mr. Speaker, so I won't share it with the House.

MR. DECORE: They've always been rose tinted, Nick.

MR. N. TAYLOR: I see.

Also, they mention "geological exploration or for the purposes of water conservation." Well, I feel, Mr. Speaker, that that shouldn't have been disallowed, because if there's anything both as a geologist and a dryland farmer that I think is important, it's water conservation and geological studies of water. We know much more in Alberta about our assets, oil and gas in the ground, than we do our water. So this very well could have been an example where we would have let the hydrologists and the geologists get out and survey what type of water tables, how they're charged, how aquifers are charged, what difference it makes to an aquifer if the trees are remaining where the aquifer is charged or if the trees are cut.

I noticed earlier today that the hon. Member for Pincher Creek-Macleod got up and worried about the water that flowed into the Oldman dam at a greater rate than it could be taken out the other end. Of course, there naturally were floods unless you wanted the dam to be ruined. The hon. Member for Barrhead-Westlock really started out to build a dam there, and if we hadn't stopped him, it would probably have been or still be being built. Nevertheless, even with the huge dam he built, it wasn't able to keep up to all the water that came down. The hon. Member for Barrhead-Westlock, Mr. Speaker, by the way, is a little bit like the sorcerer's apprentice. You remember those old Mickey Mouse movies? He charmed a broom into emptying the water out of the thing, and then he went to sleep and actually ended up being flooded because the broom kept bailing water into the cave. Well, likewise the Member for Barrhead-Westlock. In some ways maybe the public is lucky that he retired from that post, or we'd still be having dams being built.

**3:40**

Back to the item here at hand, which I know is riveting everybody in this Legislature, as to what we'll do with the Willmore wilderness. We had the question of grazing leases. Now, I don't know just where they fit in here. I would think that they probably come under the Public Lands Act, but maybe the hon. minister will define whether or not a grazing lease could be granted in this area under the present regulations. As we all know, next to winning the Irish sweepstakes or getting appointed chairman of one of the Premier's committees, the most fortuitous thing that can happen to anyone in this day and age is to get a grazing lease. It goes on and on and on, generation after generation, Mr. Speaker, and all sorts of funds can be realized from that. If nothing else, you can always get your friends together on the first day of hunting season and go out there and blow a hole in one of the . . .

MR. DAY: Point of order.

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

#### **Point of Order Relevance**

MR. DAY: Mr. Speaker, I hate to wake the member up while he's speaking, but really, could we have a ruling on relevance here? It's a very straightforward Bill, very positive. All members have said that. I hope they're not signaling to us a reversion to their old habits of dragging feet for the sake of dragging feet. The taxpayers want us to do efficient business. There should be good, open, healthy debate at all times, but I think the wandering that the member is doing into Mickey Mouse cartoons is reflecting where he's coming from. We should get on with the business of the House.

THE ACTING SPEAKER: On the point of order.

MR. N. TAYLOR: Yeah. No, I don't think I was wandering at all. Using the analogy of Mickey Mouse was bringing it to the level that the hon. member could understand or be familiar with. I'm sorry.

To go on further, Mr. Speaker – and I won't get more to the point there . . .

THE ACTING SPEAKER: On the point of order, Government House Leader, I have no intention of closing debate when it is going in a husbandry-like manner. Certainly I was listening very intently to the hon. Member for Redwater, and at no time did he wander from what's in the Bill.

The hon. Member for Redwater.

MR. N. TAYLOR: Thank you, Mr. Speaker. It is well to remember, some members of the House, that there is a certain amount of wisdom that comes with white hair.

#### **Debate Continued**

MR. N. TAYLOR: Introducing the wild rose concept here is the whole question of: why Willmore? I think this was raised by some others. I know there are areas like in the sand hills . . . [interjection] My member from Calgary is trying to horn in on our little club, Mr. Speaker. I wouldn't put it past him to show up with silver hair tomorrow.

Mr. Speaker, there are areas that I think have been overlooked. I know I've talked to the hon. member. The sand hills at Bellis and the sand hills at Fort Assiniboine . . .

AN HON. MEMBER: Buffalo Lake.

MR. N. TAYLOR: . . . Buffalo Lake and areas around Medicine Hat: those are all types of areas very similar to this that haven't had the benefit of the minister's attention. If the minister would focus his attention on some of these areas too, we'd be very happy.

Now, the other thing that intrigued me, Mr. Speaker, is that when I was flying over that area, the Willmore area is right adjacent to a huge FMA, a forestry management area, that's been allotted to the Weyerhaeuser people. In the last year, as forestry critic for this party, I have toured the FMAs in northern Alberta which have been given to Al-Pac – that covers an area the size of western Europe – and also the one to Daishowa – that's Peace River north. I thought that if the minister could only realize that

if he could set up the same type of wilderness areas in the middle of these FMAs – these FMAs that cover such a huge area have nothing, nothing that separates them from the exploitation of our international corporations that come in here to cut down our trees and make pulp. Maybe some are welcome in some areas.

The point is that we should take these huge areas, take an area within them, at least one area within each of these large FMAs, and say: “This is sacred. This is where you will never see a bulldozer. This is where you will never see the international lumbering industry in here cutting trees” – right in the middle of where they have been granted the concession, because when you look at the map of where these FMAs are in this province, miles and miles as far as the eye can see – if you're out there, as far as the eyes can see, as far as you can map on your maps – being granted to these large corporations without even a whimper of a park, without even a way that they could preserve not only the timber. I think this is one of the things that we forget today: forests are important not only for the trees but for the bacteria and the type of life that developed, as they have found in the Amazon and are now finding in our boreal forests, a type of bacteria that has taken possibly 500 or 1,000 years to develop. The idea that you can get it back after you've cut everything down and plant the trees that are gone is now found to be wrong.

As a matter of fact, on this trip that I was talking about, I landed near the Wild Kakwa area, and for the dickens of it – I was going to say for the hell of it – there was a tree there that we cut to look at and examine the rings in it. It was 175 years old, and it wasn't that big a tree – 175-year cycle. Mind you, it gives me the idea of some of the opposition speeches here. Nevertheless, the point is that this area had been presumed to be able to be retimbered in 75 years, and we were finding that the adult trees were 175 years. So we make many, many mistakes not only in forestry but in the whole area of biological and botanical advantages of these old forests, Mr. Speaker. I think that's one of the reasons we should take this concept, now that we have the minister moving in that direction, of putting these type of wilderness parks in each of the FMAs that we have granted in this province. It's makes sense. It makes a lot of sense.

Now, I know time runs short. A topic like this near and dear to my heart, I would want to talk about the caribou and the way they graze on lichen and that, but I wanted to talk to one thing because I'm suspicious of this government. They said they're going to “grant registered fur management licences under the Wildlife Act and any dispositions to assist in trapping.” Well, Mr. Speaker, you and I are both familiar with trappers. We've probably walked a trapper's line, but you know, every trapper has to have a cabin. There has to be a cabin for that trapper to overnight in, to weather away. It's a must. So therefore let's not hope that a whole bunch of people with blue and orange underwear are going to end up with trapping licences up here because that would be the only entrée they could get, and they'd construct a cabin in this park. So I would be very interested in knowing whether or not we are going to police every one of those fur licences. The minister can give out a fur licence, and you may not ever catch a marten or a wolverine or a weasel or even the lowly rabbit . . .

MR. CHADI: A squirrel.

MR. N. TAYLOR: A squirrel; that's right. Not even a squirrel, the hon. member formerly from Fort McMurray says.

. . . and go out there and build a cabin. I hope this does not become a loophole, as the grazing leases have become, for the rich and the people with influence to garner at the taxpayers' expense a free front yard that goes for dozens and dozens of miles. So we should look very, very closely at this loophole.

3:50

AN HON. MEMBER: How many traplines exist now, Nick?

MR. N. TAYLOR: It would be interesting indeed, Mr. Speaker. One of the members says: how many traplines do we have in there now? One doesn't know.

MRS. HEWES: How do we know?

MR. N. TAYLOR: It's very difficult indeed.

Time runs on, Mr. Speaker, and I haven't even touched on the Indian land claims. I wonder if this government has looked at the land claims in this area. Have we done a survey to make sure that there are not land claims?

I'd like to bring up a little history. This is an area, the only area in Alberta, where the Iroquois, the famous Iroquois from Ontario, settled, being dropped off at the mountain pass. Father Lacombe and others hired them in eastern Canada to take them through, and they decided to spend their time in the Jasper and Willmore areas. Some of them lived there and mixed in. They're sometimes called Mountain Cree, which is a real honour for the Member for Athabasca-Wabasca to be associated with the Iroquois. Nevertheless, the Iroquois mixed in with the Cree, and they had rights, Mr. Speaker. We don't seem to have touched on that. I'd be very interested indeed when the minister comes back and gets a chance to put his researchers together because I'm sure he must have some gremlins somewhere up in the gallery listening to the words of wisdom we in the opposition put forward so he can get up and answer them when he comes around to speaking.

Now, Mr. Speaker, I find my time is running, and I just got into the subject. I'm sure there are other people who want to talk, so thank you very much.

MR. KIRKLAND: Well, Mr. Speaker, you'll be encouraged to know I'm an individual of few words, so I won't espouse and expound upon the great wisdom of the Member for Redwater which he just entertained us with. Unfortunately, it's not very often in this House that we have the opportunity to stand and talk to positive legislation that the government brings forth. So when a piece such as this comes forth, we all like to leap to our feet, of course, and say positive things about it.

I would take the opportunity this afternoon to acknowledge and commend the minister for bringing forth the Willmore Wilderness Park Amendment Act. I think it's an important Act, and I would also take the members of the Assembly back to the minister's opening comments where he indicated that the principle of the Bill was really to put into practice what has existed in Willmore for years, since its inception, and I believe that was in '57 or '59. We have closed some gaps with this particular piece of legislation by eliminating the previous activity that was permitted, and that was mining and mining activity, if my recollection is correct. From my knowledge there has been no mining in that particular area. I have kayaked a few of the rivers in that area, and it's been described by many members in the House as being pristine and second in beauty to no other spot in Alberta. So certainly to sterilize it or make it a sanctuary is the right step, Mr. Speaker. I would commend the government of years gone past, if they have

had any role in discouraging any sort of mining activity in that particular park. As a result of that, we're left today with a very pristine area, and as I indicated, it's rival to very few spots in Alberta as far as the beauty is concerned.

The Willmore Wilderness Park Amendment Act will prevent logging, and it will prevent gravel extraction and mining and oil and gas activity and also, as the Member for Redwater indicated, some geography exploration and hydroelectric development. That's very positive. I think the Act is timely. When we look at the call upon and the pressure upon the natural resources of Alberta today, certainly I think the Willmore Act is one that will leave for future generations some very pristine areas in the province, and I think we will find that there will be a growing number of Albertans in the years and the months to come, Mr. Speaker, that will take the opportunity to visit that particular area. It will be enshrined for our children and their children, and certainly that would be a very, very positive undertaking by this government.

I would suggest it was also a very prudent decision not to succumb to the lobby groups of the Yellowhead and Greenview IDs up that way. They certainly could see some revenue there, and the government showed good wisdom in setting that particular lobby aside and protecting that area.

It's located adjacent to Jasper, as the hon. Member for Sherwood Park indicated, and I would suggest it's an excellent complement to Jasper national park. We've all been in the national parks, and there are restrictions and regulations there that do hamper some activities. Willmore park would be an excellent complement to Jasper park, and it will be such because we will be able to entertain and participate in a few more activities than actually exist in national parks.

So it is my pleasure to stand and support Bill 43 at its second reading. As I indicated, it is a very positive step forward, Mr. Speaker, and I wholeheartedly give it my agreement.

I would also echo the comments of Redwater and Sherwood Park when they indicated that it is a good, positive first step. The government of the day would be very wise to take that step a little further also and protect some of the other areas that have been identified, such as the Wild Kakwa, the Bighorn, and the Wind Valley areas. Those areas certainly should be preserved so that again future generations can cherish them. We know in today's world of tourism that the natural areas are becoming the biggest draws for tourists throughout the world, and Alberta certainly should not be left behind in that particular aspect. So preservation of those particular areas, Mr. Speaker, is key, key not only to the future dollars coming into the province but key so future Albertans can enjoy the very land where they were born and raised.

So with those comments I compliment the minister for bringing it forth. I encourage him, as all members have, to expand that, take the next step and ensure that we have other areas that are in a pristine state at this point, to give them the same protection. It certainly will be to the benefit of all Albertans.

Thank you, Mr. Speaker.

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

**MR. CHADI:** Thank you very much, Mr. Speaker. I'm delighted to be able to speak to Bill 43, as introduced by the Minister of Environmental Protection. This is the first opportunity that I've had in this session to speak to any Bill, and I'm pleased to be able to have this opportunity today. Many, I think,

in this Legislative Assembly . . . Well, let me rephrase that. There are, I am sure, members in this Legislature who are unaware of the location of Willmore wilderness park. I've had the opportunity, of course, to drive past Willmore wilderness park and fly over the park, and it's truly a wonderful, wonderful piece of Alberta.

Growing up in the country, particularly in northern Alberta, one becomes caught up in the hard to see the forest for the trees concept, if you will, and the way that you find out about being caught up in that concept is living in the cities for a while. Perhaps maybe rural Albertans that are now elected members of the Legislature that are here in Edmonton have gotten into that concept of hard to see the trees when you live in the forest. I'd encourage every single member of the Legislature, if you have not visited Willmore wilderness park, to in fact do so.

**MR. HAVELOCK:** Let's go now.

**MR. CHADI:** The hon. member wants to go now. It is Thursday afternoon, and we aren't sitting tomorrow, and I understand we've got Monday off as well for the election. If you voted in the advance poll, perhaps we should leave, and we should all go and have a look and see what we're voting for firsthand.

I've heard members on this side of the House speak to this Bill and talk about it's a good first step that is being brought forward today by the Minister of Environmental Protection, but indeed this is not the first step. The first step was taken in 1959, when the Bill was first introduced. Can you imagine the foresight of those legislators when they sat back in 1959 and created this wilderness park? That was 36 years ago, Mr. Speaker. Thirty-six years ago. There are members in this Legislature that are not that old, including the Speaker. So, you see, it was the first step back then. This is the second step. The first step took it only to a certain degree, and the Minister of Environmental Protection has now brought it that much further, an encouraging step forward, of course.

**4:00**

Growing up in northern Alberta, it wasn't so long ago that one would take our natural resources for granted, particularly our trees. I can tell you that as a youngster we'd take a look at a spruce tree that we wanted for a Christmas tree, for example. You would look at a spruce tree that had a nice looking top, and regardless of the size of the tree you chopped that down just to get that top to make a Christmas tree with total disregard for the tree that you were cutting down. We didn't know. We weren't taught to know any better, Mr. Speaker, in those days.

I can tell you that farmers would clear their land; beautiful tracts of timber, poplar, were knocked down and just put into windrows and burnt. All of that was gone to waste. See, today it doesn't happen. Today it can't happen because there's a price for it, and there's a demand for that product. Farmers, in fact, today are growing it. I mean, there are tree lots now. Rather than growing crops, they're into trees and rightfully so. But could you imagine the areas of this province where trees were cleared to get into oil wells being drilled? Roads were built and the trees just burnt, the natural resources that we have, total disregard for them.

I don't say that what happened then was against the law or was wrong. We look back today and we say to ourselves, "Yes, it was wrong," but back then we had no idea. We had no idea because there was such an overabundance in our minds that we thought it would never end. Who thought cutting a huge spruce tree just to get the top to make a Christmas tree out of it – and

then if you didn't like that one or maybe it fell against another tree and broke a branch, well, heck, you had another one to cut and so on.

So the step to bring this to eliminating the notion of industrial activities and commercial development – and I hate using that word “development,” because when you're cutting down trees perhaps maybe you're not really developing anything, and clear-cutting in my opinion is not developing.

Traveling past on Highway 40, the Bighorn Highway, going up towards Grande Cache and Grande Prairie, there are clear signs of clear-cutting. If you'd look towards the Willmore wilderness park area – I believe it actually touches on the Bighorn Highway in certain spots – in fact there was clear-cutting that took place. For miles you can see new growth that has been planted. I can't judge how old it would be, but I suspect it would probably be in the range of about eight or 10 years. They look small, but it means that perhaps eight or 10 years ago a fair amount of forestry activity was going on in that area.

To bring this Bill forward now and eliminate that is truly a wise thing that the government has brought forward. I always thought that we needed to balance nature and industrial and commercial activities and development. I think this is doing so. At one point I would have thought this was crazy. I would have thought that we needed jobs. I would have thought that we needed to explore more in this province. We've got all sorts of areas that we can go and enjoy – our lakes, our rivers, our mountains – but perhaps maybe the wisdom of the Member for Redwater . . . Even though I don't have the gray hair he talks about or the white hair – I'd just as soon have that than none at all. I haven't been dealt that hand, so I'll play the hand I've got. I'll say that perhaps some of us that have no hair have seen that wisdom as well and now agree, Mr. Speaker, that we do need to set aside these sorts of areas and eliminate for now the need to log it or to create industrial activity.

Another area of concern of mine brought up by the Member for Redwater was granting registered fur management licences under the Wildlife Act to individuals in this area. I would have thought that if we were going to set aside an area, clearly set it aside without any industrial or commercial activity – fur trapping is certainly a commercial activity that I believe allows for the cutting of trees. You must make pathways. I believe that trappers would have to build a cabin. That could be even part of a fur management licence. I mean, receiving something like that may have conditions placed on it that you must in fact build a cabin. I know many trappers that have an especially large area. I mean, 10 square miles is barely nothing. Perhaps maybe a hundred square miles is more like a trapline. A hundred square miles, I think it would be necessary to have not one but perhaps two or three cabins. I know many traplines that have that sort of thing. So that means setting up numerous cabins. It means cutting down the trees to create these cabins. I have concerns of whether or not the minister has in fact looked into that and maybe tried to curtail the numbers of registered fur management licences in the Willmore wilderness area.

I question and I'm going to ask in Committee of the Whole – I hope I would have that opportunity – how many currently exist in the Willmore wilderness area. I suspect that there are, and there probably are many. If that is the case, is there any contemplation at all of reducing these numbers or in fact has it been contemplated to increase these numbers now that there will be no commercial activity or industrial activity, i.e. logging and oil well drilling and exploration? So I look forward to asking the minister those questions.

I also have a problem with section 6 in the regulations and the fact that “the Lieutenant Governor in Council may, with respect to the Park,” create these regulations without coming back to either the Standing Committee on Law and Regulations or the Legislature itself, Mr. Speaker. I find it rather odd that we allow legislation to pass – and perhaps it is our democratic system that we allow these Bills to pass without having the meat on the bones. I would like to see some more meat on the bones. If we're not going to do it with the Bills as we present them in this Legislature, perhaps maybe we can talk about doing that within the Standing Committee on Law and Regulations.

With those comments, Mr. Speaker, I would allow other members, certainly on this side of the House, to continue.

MR. DAY: Question.

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

MR. DECORE: Thank you, Mr. Speaker. I'm surprised that the hon. Minister of Labour keeps yelling question, question, when it's often the same member who chastises members of the opposition for not saying more positive things about legislation that's brought forward by the government.

I rise, Mr. Speaker, to add to the congratulations from this side on this initiative, on this enactment. I think it's a great move. It adds to the assets of our province. It adds to the wealth of our province.

When I think about parks, I like to think back to the first experience that I had as a young boy taking a church group field trip out of Vegreville. We were on our way to Jasper, and it seemed like it went on forever. The road was not a good road. It wasn't of course paved at that time, but I remember it had rained quite heavily and we got stuck a few times. Somebody said, “Why do we have to go this far to a national park?” I remember that somebody else said, “Well, you know, the province will develop, and it'll get bigger and more people will come, and eventually these things will get sorted out.” Well, we have become a lot bigger, and now the trip from Vegreville is on a four-lane highway paved all the way.

4:10

AN HON. MEMBER: It's not that way to the Willmore wilderness park.

MR. DECORE: And that's good, and that's part of the other kinds of assets that we need. You shouldn't only have to get into a car and drive somewhere; you should be able to get on a horse or walk. That leads me to my next point, hon. member, and thank you for raising that.

MR. HAVELOCK: Okay. Let's start walking to Jasper.

MR. DECORE: I see that there is some frustration here from the hon. Member for Calgary-Shaw. I mean, he doesn't like to listen to positive comments that come out of his own side, and I'm surprised at that.

Now, Mr. Speaker, this last summer for the first summer in a long time I had the opportunity of spending a lot of time in wilderness areas. I went into the Wells Gray park area, into the Mount Robson area, into parks around Jasper, and I did the whole trip along the Eastern Slopes of the Rockies on the Forestry Trunk Road. I like the question that was put by the hon. member from

that area today because I saw the devastation that had been done by those huge rainstorms and that melting, the kind of power that water can impose on a beautifully treed area.

The point is that in these travels I met a lot of people, people who walk and hike on trails that go for many kilometres, trails that can take four or six hours to complete, and I was amazed at the number of foreign tourists that I ran into in our own parks in Alberta on the wilderness side, the Eastern Slopes of the Rockies, in the Jasper and Banff area. I was amazed at the number of tourists from Japan and Germany in particular through the whole of Alberta and British Columbia, and on occasion, when I was able to chat with some of these people, I asked them what they do when they come to Canada. What do they do after they finish one of these treks through the Eastern Slopes or some of these wilderness areas in Canada? Almost invariably they talk about landing in Calgary or landing in Edmonton and traveling to the park that they want to explore. They want to get away from the hurly-burly of Europe and the millions of people that they say they encounter every day. They want to get away from that. They want to experience nature, and they do in Canada as nowhere you can find in the world, they would say. They also went on to say that after they finished these tours, they would often rent a car and tour Calgary, tour Edmonton, tour part of Alberta, and tour into British Columbia. I've not calculated how much money that would bring in, but one has to believe that it's millions of dollars in tourism that this would generate.

Mr. Speaker, 40 years from now, because that's about as long ago as it was when I went on that field trip from Vegreville, someone will say that Alberta did get a lot bigger since the legislators in 1995 passed legislation dealing with Willmore park and thank goodness – thank goodness – that they preserved a part of Alberta that truly is a great asset.

Thank you, Mr. Speaker.

THE ACTING SPEAKER: The hon. Minister of Environmental Protection moved second reading of Bill 43, Willmore Wilderness Park Amendment Act, 1995. Does the Assembly agree to the motion for second reading?

HON. MEMBERS: Agreed.

THE ACTING SPEAKER: Opposed, if any? Carried unanimously.

[Motion carried; Bill 43 read a second time]

**head: Government Bills and Orders**  
**head: Committee of the Whole**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: Okay. We call the committee to order. Hon. Member for Redwater and hon. minister of inter-governmental affairs, could we have the committee come to order, please? Hon. Member for Lacombe-Stettler, please take your chair until we get organized a little bit.

**Bill 44**  
**International Trade and Investment**  
**Agreements Implementation Act**

THE DEPUTY CHAIRMAN: Are there any comments, questions, or amendments to be offered in respect of this Bill?

The hon. Leader of the Opposition.

MR. MITCHELL: Thank you, Mr. Chairman. I have to express some grave concern with Bill 44, not because I am opposed in any way to the overall intent of the Bill, that is to say that it would facilitate the implementation of international agreements – and we certainly support those international agreements such as NAFTA, which we believe to be critical to the economic future and competitiveness of Alberta – but we are concerned and I am concerned with this Bill because of the way in which it goes about allowing government to implement international trade agreements that would come under various overriding agreements that we have signed, such as NAFTA.

This Bill gives the government two very, very sweeping powers, powers which I believe are contrary to the nature of parliamentary democracy and contrary to open and democratic government, responsive government in this province. Let me explain, Mr. Chairman, for the benefit of members across the way who may not understand exactly the implications of this Bill. First of all, it will allow the government to unilaterally, arbitrarily, and by regulation, without any presentation in this public forum, without necessarily any specific public notification at all – it allows this government by an order in council to simply implement an agreement that's been formed or drafted under some international trade arrangement. That, Mr. Chairman, is in and of itself disconcerting and could well be quite frightening. This gives government huge powers to effect different features and aspects of Albertans' lives without ever having to bring the issues to this public forum for debate and for passage.

Secondly – and this is even more disconcerting, and I'm glad to see the Minister of Justice here today because he certainly should have a concern with this particular piece of legislation – for a two-year period . . .

AN HON. MEMBER: FIGA.

4:20

MR. MITCHELL: FIGA; sorry. I'm glad to see him here too.

For a period of two years – and that is not a short period of time – the Lieutenant Governor in Council, that is to say this government and its cabinet, can override existing legislation that has been passed and authorized by this Legislature. Mr. Chairman, that is a very, very disconcerting feature of this Bill: that the government arbitrarily, behind closed doors, without any reference of the matter to the Legislative Assembly could overrule a vote of the Legislative Assembly, could overrule a piece of legislation that has been enacted into law by virtue of a vote of the Legislative Assembly. That is directly usurping the democratic authority of this Legislature, and every time we see that occur, we can see where excesses are undertaken by a government which can only further erode the democratic process and the very strength of this legislative institution.

We are seeing more and more that this government disregards the democratic institutions of this province. Let me remind you of what the government did with Bill 57. Bill 57 was a Bill that was characterized by the Minister of Labour as a housekeeping piece of legislation. Of course, it didn't take long after looking at that Bill to determine that it was not housekeeping at all but that it gave government sweeping powers to privatize services, to privatize processes that were currently within the rubric of government without any reference of those decisions to this democratic institution. As if that weren't bad enough, when the government had that pointed out to them, they responded by withdrawing the Bill and taking the issue one step further, and that one step further, behind closed doors, by saying: well, we won't

even have the Bill. They will simply proceed to privatize whatever they choose to privatize without ever bringing that initiative to this Legislature. What was even more disconcerting was that they could privatize in a way that would allow the entity to which the authority was delegated, or abdicated, to tax, to charge fees. So, Mr. Chairman, they skirted the power and the authority of this democratic institution very, very clearly with Bill 57.

They'd done the same thing with Bill 10 a session before. Bill 10 was to be brought in to authorize the privatization of motor vehicle branches and other government registry agencies. Again, when confronted with resistance to the way in which they were proceeding and the basis on which they were proceeding, they simply withdrew the Bill and proceeded anyway, another erosion of democratic institutions, of this particular democratic institution.

We see more and more disrespect for this democratic institution on the part of government, Mr. Chairman, and it is something that should be of concern to all members of this Legislature, as I know it is of concern to Albertans who cherish the traditions, who cherish the values that are upheld in our democratic process and that are symbolized and illustrated every day for them in the work and the existence of this Legislative Assembly. I might add also that we see less and less of the Premier in this Legislature, and that of course undermines the government's commitment to this very important democratic institution.

In meeting these concerns, in recognizing these concerns, my caucus colleagues will be bringing in a series of amendments that will address the concerns and attempt to modify the Bill in such a way that it would not be an affront to democracy and to democratic institutions, in such a way that this Bill would provide for limits to unfettered power on the part of government to implement any number of agreements that could affect Albertans in their daily lives and to override existing legislation that's been passed by this Legislature. We want to fetter, if I can use that word, the power and the authority of government to act in that arbitrary and undemocratic way.

So you will see in a number of cases – in the preamble, under section 2, and under section 3 – that we are going to bring forth amendments that call for wording that will require that whatever the government of Alberta does under this Act in implementing agreements, the agreements must be consistent with existing laws and regulations. We will be putting a time limit on the period of time between which they can authorize an agreement and in which they must have that agreement sanctioned, approved by this Legislative Assembly. That will be a two-week period of time while we're sitting, and it will be within the first two weeks of when the Legislature sits if the agreement has been signed while the Legislature has not been sitting.

Part 2 of the Bill, particularly section 5, is where the heart of the problem exists. We believe that this is where the government would be given its power to act unilaterally, without the authorization of the Legislature, to overrule existing Alberta legislation that's been voted upon by Members of the Legislative Assembly. Ideally we would like to take this section out entirely, and if that's inconsistent, because the nature of the change would be so fundamental to the Bill, then we will be presenting a number of other wording changes that we think will put some limits to what would otherwise be very dangerously unlimited powers for this government.

Section 6 is also a concern of ours, Mr. Chairman, because it truly limits the rights of Albertans to hold their government accountable if the government is to do something under this piece

of legislation by authorizing an agreement that would be unacceptable to Albertans. While this may be construed by the Minister of Labour as yet another housekeeping Bill, that characterization only heightens my concern with the Bill. It heightens my concern with the Bill because that is a very, very cavalier statement. It's an attempt to diminish a Bill which is quite a bit more significant than anything that could conceivably be construed as housekeeping. It is particularly significant in the context of the integrity of these democratic processes, the integrity of the Legislature of this province.

We can never ever drop our vigilance with a government that wants to usurp power from its democratic institutions. This institution, as frustrating as it may seem to some members from time to time, is an extremely important institution in our society. It is an institution that reflects our fundamental belief in the democratic process, in open public debate, and ensuring that people are represented in the decisions that their government makes. This Bill represents a very, very disconcerting step by this government to usurp power from this institution and to undermine the fundamental democratic traditions that this institution represents.

It's with great sadness, Mr. Chairman, that I see this government even attempting to present this Bill. I hope that after this debate they will see fit to withdraw it or at least to accept the amendments that we are proposing that will allow the government to act in a responsible way to implement international agreements but do that in the full light of day under the full exposure of public debate with the proper authorization of the Legislative Assembly of Alberta.

DR. PERCY: I rise to speak in committee to Bill 44. I must say, having examined this Bill in some detail, that I have very significant concerns. I think this Bill eviscerates the role of this Legislature. Frankly I'm surprised the Minister of Labour would bring it in as housekeeping, because if he believes eviscerating the function of this Legislature is housekeeping, I'd hate to really see what he thought a significant Bill did.

If you go through this Bill on a clause-by-clause basis – and that's what we're here for in Committee of the Whole – I guess what I would do is focus on part 2 of this Bill, and I would look at section 5, regulations. What does this Bill do? It says that regulations passed by order in council can supersede legislation that has been approved by this Legislature. That is appalling. I don't care about any argument that is made. When regulations can supersede legislation, we're well on the road to executive government, where there's no need for this Legislature.

The Minister of Labour continually talks about the cost of democracy. It's \$15,000 a day, he says, to run this operation. Well, if that money had been spent properly, if there had been scrutiny, if we could look at regulations, we might not have had NovAtel. We might not have had Gainers. We might not have had MagCan. We might not have had the Husky upgrader. The purpose of the Legislature is scrutiny and oversight. What this Bill does, Mr. Chairman, is remove it entirely. Orders in council and regulations can supersede legislation. That is unacceptable in any democratic institution.

4:30

Now, the hon. members last night said: oh, well, it's all right because it's done federally. Well, federally there's an all-party committee that looks at regulations in advance of them being passed. That's a significant difference from here, where it's done behind closed doors or in theory by a committee that hasn't met

for 10 years. So this business of "it's done federally" is not a very compelling argument because at least there is a democratic process at the federal level by which Bills or regulations are assessed. They actually draft regulations, have scrutiny in advance of coming into force, and they have scrutiny before an all-party committee.

If you read part 2 of this Bill, the regulations and the material set out under 5(1)(c), it says,

to resolve any inconsistency between an Act or regulation and an international trade and investment agreement, or any provision of it, in which case the regulation prevails to the extent of the inconsistency until it is repealed under subsection (2).

Since when are we going to allow regulations to supersede legislation? It says that these regulations will cease to have force "2 years after the regulation comes into force." For two years we now have government by regulation, not by legislation. Or (2)(b) says, "the coming into force of a regulation that repeals the regulation made under subsection (1)(c)." Well, big deal, Mr. Chairman. What we're having again is regulation substituting for regulation instead of legislation.

[Mr. Herard in the Chair]

Let's look at (2)(a), "the coming into force of an enactment that resolves the inconsistency." Well, give us a break, Mr. Chairman. The whole purpose of a Legislature is to bring legislation. So if a government anticipates that an international agreement that they're going to sign is inconsistent with legislation that currently exists, they come to the House and they get approval. That's how a democracy works. First pants, then shoes. If there's an inconsistency, you deal with it. No; they've got shoes, then pants, and it doesn't work that way.

International trade agreements and side agreements are negotiated in a long, tedious process. It's well known exactly what those provisions are going to be. So one can have a parallel process by which you negotiate, and at the same time you allow for domestic harmonization. How do you allow for domestic harmonization? Well, you allow for domestic harmonization by bringing legislation into this House and allowing debate on the provisions of that legislation. You don't do it by a backroom cabal, an order in council, and then government by fiat. That's not how it is done. For this to be viewed as housekeeping and the ordinary business of the House I think brings into disrepute the function of this Legislature.

Certainly part 2 of this Bill, then, I find is something that I cannot support in any way, shape, or form. I think a provincial government that has a Department of Federal and Intergovernmental Affairs, that has a minister of economic development and trade will know what agreements they're signing, will know in which case they may be in contravention of existing legislation, and therefore will bring into this House legislation that deals with those inconsistencies. The operative word here, Mr. Chairman, is legislation, not regulation.

So for this Bill to come forward - I won't use the words "bum's rush" because that might be unparliamentary - in fact, frog-marched through last night, and then, I mean, the perception being that it will go through committee today and then passed in third reading is insulting. This is a Bill that does require significant debate. Each and every member of this House should ask themselves: do they want government by regulation? You just have to read part 2, section 5, to see that this is the ultimate extension of Bill 57, where you can just do it by order in council and cut everything else out in terms of debate in the Legislature.

I can assure hon. members on the other side of the House that we are going to bring in amendment after amendment to deal with this Bill, because we think it is pernicious to what a Legislature ought to do. We think it provides for far too much power to be put in the hands of the cabinet, the Executive Council, and it works to the detriment of all private members in this House. Each and every one of us will be giving up our legislative responsibility if we pass this Bill. This is almost equivalent to an issue of privilege, because you're going to have legislation that we will vote upon in this House suddenly overridden by a set of regulations passed by the cabinet. Now, they say: well, it will only happen if there are inconsistencies. Again, are we to sign a blank cheque and allow the cabinet to pass any order in council that they wish on the grounds that this is harmonization? I think not, and I certainly will not vote for legislation that has elements such as this. I think it absolutely flies in the face of everything that we ought to stand for in terms of legislators.

Now, I'm taken back to yesterday when the Member for Cypress-Medicine Hat said: well, we don't want things to be under the dome; we want electors to have the ultimate power, and therefore a Bill dealing with the public accounts, we don't need that type of scrutiny. Well, what are the people living in Medicine Hat, Calgary, Canmore going to say when suddenly on one hand they elect people to vote legislation, to debate legislation, and they wake up the next morning finding that was then, this is now, that legislation is now irrelevant because the cabinet passed a regulation to harmonize with legislation or side agreements on trade and investment.

I want to make it very clear, Mr. Chairman. This party - the Alberta Liberal Party under Grant Mitchell, the Alberta Liberal Party under Laurence Decore, as leaders of this party - supported wholeheartedly free trade. This is not a debate about free trade. We support free trade. Free trade, NAFTA, and the bilateral free trade agreement exist today. They will continue to exist if this Bill is defeated. So we're not debating here the merits of free trade. We supported free trade; we continue to support free trade.

What we don't support is the abrogation of the rights of this Legislature to an Executive Council that is hording power to itself and doing so to the detriment of each and every member of this House. Section 2 of this Bill is repugnant because it flies in the face of what a parliamentary democracy is about. I don't understand how a Bill such as this could have gotten through the Tory caucus, unless somebody was asleep at the switch over there.

Again, what can I say? I don't like section 2. Let me put it as bluntly as that. I will vote against it, and I will argue against it each and every opportunity that I get. As you heard from the hon. Leader of the Opposition, it is the position of the Alberta Liberal Party that this will not pass in its present form.

Now, there are other elements as you work your way through. Let's look at part 2, section 6, again. Now read section 6. What does it say?

No person has a cause of action and no proceedings of any kind may be taken to enforce or determine any right or obligation that is claimed or arises solely under or by virtue of an international trade and investment agreement without the consent of the Minister of Justice and Attorney General.

Well, what does this mean? It means you can't go to court unless the government says yes? That's how I read this. Since when, in fact, does a citizen of this province have to doff his cap to the Minister of Justice and Attorney General to get permission to try and exercise his or her rights as a citizen in this province? I

mean, this provision I find appalling as well, and I didn't hear an adequate justification for it. Certainly when I read the Blues for the debate on Bill 44 last night, I didn't see any discussion there of why in fact section 6 of part 2 is required. I don't think Albertans ask permission to be able to lay a suit about an agreement that is signed by the government. I think it removes rights that citizens have for redress under our judicial system.

4:40

I think section 5 and the subsections there remove rights each and every Albertan has in terms of empowering their MLAs to pass legislation. They didn't empower the Executive Council to supersede the legislation by regulation. They voted for MLAs to pass legislation and debate those Bills in this Assembly. Again, just look at the paradox that we get here. We'll debate a Bill in this House. Some on the other side may think we debate too long, but that's why we're here. We're here to represent and, particularly the opposition, to make sure that the i's are dotted, the t's are crossed, and that 56 percent of the people in this province that didn't vote for this government have a voice and that their views are heard. Well, we do our job. We debate. We bring forward issues.

Say that we're successful and the amendments that we view as being important are incorporated in the legislation. Well, now through an order in council on the grounds of harmonization whatever we attempt to accomplish in this House can just be done away with. Now, that doesn't make sense. Surely there should be a provision in part 2 of this Bill that requires legislation for harmonization and that this authority should not be given to the Executive Council to achieve this harmonization through order in council. Again, international trade agreements ought not to come as a surprise to a provincial government since they're active in negotiating them with the federal government, with other governments. That's why we have FIGA. That's why we have a minister of economic development and trade. If it does come as a surprise, then we should lose a minister. So once they know what the inconsistencies are, you would think harmonization requires, then, the government to bring forward legislation. That's what we're going to seek as an alternative to part 2, that it just be a requirement for legislation, not government through regulation. I would say that this Bill is so consistent with Bill 57, which the government attempted to bring through in a previous session, it just smacks, then, of government by regulation. It's the ultimate expression of government by regulation.

So I will vote against this Bill. I will argue against this Bill each and every opportunity I have. Let me make it clear again. I've written extensively about the merits of free trade. I argued vociferously in favour of the free trade agreement when it was unpopular to do so in certain circles. I firmly believe in the merits and payoffs of free trade. My concerns are not with free trade. My concerns are with the provisions of this Bill and the fact that they allow the government to achieve through regulation what they won't do through legislation.

So I urge each and every Member of this Legislative Assembly to vote against this Bill and in fact either have the government bring forward amendments that offer redress to our concerns or pass amendments that we soon will bring forward to address our concerns. With those comments I'll close.

THE ACTING CHAIRMAN: The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'm pleased to enter into the debate in committee on Bill 44. I am very

persuaded by the arguments with respect to part 2 of this particular Bill that were originally flagged by the Member for Edmonton-Glengarry and spoken to very effectively this afternoon by the Leader of the Official Opposition and by the Member for Edmonton-Whitemud.

Mr. Chairman, this debate began last night in second reading. There were specific concerns that were raised about part 2 in this Bill. In fact, I recall the very excellent debate by the Member for Fort McMurray about the concerns with respect to the supremacy of law. The fact that under part 2 in section 5 of this piece of legislation the government can simply set aside a law that has been passed by the Legislative Assembly of Alberta by going behind closed doors and passing a regulation, the issue was raised last night.

Now, I want to refer back to the *Hansard* of last night, specifically page 1908, to the closing debate by the Member for Medicine Hat. He says:

We've had some good discussion, and there have been some questions brought forward that I intend to deal with on a very specific line-by-line basis when we get to the committee stage.

Mr. Chairman, that undertaking was given by the Member for Medicine Hat last night.

Here we are in committee stage. Here we are raising the very same questions that were raised last night. The Chairman and members will recall that last night there was a standing vote on this issue because, as the Member for Edmonton-Glengarry pointed out, those questions had not been specifically answered. Here we are in committee stage, and you know what? Those questions are not being answered. The Member for Medicine Hat is not standing in his place to give us a line-by-line specific explanation as to why these sections are here and what these sections are intended to accomplish. What it does is it heightens the concern that the member who is the sponsor of this piece of legislation doesn't have the answers to the questions that we've raised about part 2 of this Bill and in particular section 5 of this Bill. Now the red flags go up even more, Mr. Chairman. I am persuaded by the comments of Edmonton-Whitemud that not only should we debate this Bill, not only should we look at amendments to this Bill, but in its present form this Bill must be defeated.

[Mr. Clegg in the Chair]

It has been suggested that this particular Bill has been put forward by the Government House Leader as a housekeeping Bill. There is evidence to suggest and support that proposition. We asked under Standing Order 7 in the Legislative Assembly today, Mr. Chairman, what the House business was for the government for the next week. The Government House Leader's response was: well, you know, if we can just sort of zip right on through Bill 44, then we won't have to spend too much time on it next week, so we can't really determine the government business for next week unless we know that Bill 44 is just going to sail right on through the Legislature without any debate. I would surmise that the Government House Leader expected that Bill 44 would pass second reading yesterday, Committee of the Whole today, and third reading today, because after all it's just housekeeping.

Wrong, Mr. Chairman. Albertans need to know, from Manyberries to High Level and everywhere in between, that this is another attempt by the government to take the Legislative Assembly of Alberta out of its role, for every member of this Assembly to be able to exercise their franchise on behalf of their constituencies in this Assembly, and to leave it to the cabinet of



government to make those decisions on behalf of all Members of the Legislative Assembly.

Now, you'll recall, as my colleague from Edmonton-Whitemud has pointed out, that this Bill has the same trappings and smacks the same as Bill 57 from last year. Bill 57, you'll recall, Mr. Chairman, as will members of the Assembly, gave Albertans some entertainment. The Member for Edmonton-Gold Bar and the Government House Leader debated Bill 57 on a radio station here in the province of Alberta, and after the dust settled and it all cleared, the Member for Edmonton-Gold Bar had in essence won that debate and won the minds of Albertans. The Government House Leader was unable to convince Albertans that his agenda and his intent under Bill 57 was to take away and eviscerate the ability and the authority of the Legislative Assembly.

The response was to pull Bill 57, Mr. Chairman, not bring it forward to have the debate in the Legislative Assembly about whether or not it was the intention of the government to privatize everywhere and to eviscerate the authority of the Legislative Assembly but simply to pull it back. Pull it back? It was housekeeping. Why would the Government House Leader pull back a Bill that was nothing more than housekeeping? Now here we are again debating what the Government House Leader says is nothing more than housekeeping.

4:50

Mr. Chairman, I intend in this Assembly and on the record to hold the Member for Medicine Hat accountable to the members of this Assembly for his undertaking that was given to the members in this House last night, that he will explain line by line every section of this Bill and justify why it's here.

Mr. Chairman, with Bill 44 the government provided two members' commentary from the office of the Minister of Federal and Intergovernmental Affairs that essentially comments on each of the specific sections in the legislation. The comments are interesting, and I want to pick up as I go through the Bill section by section and try to make some sense of what it is the government is attempting to do particularly again, as this debate has shown, in relation to part 2, sections 4, 5, and 6 of this particular Bill.

Now, section 2 describes the purpose of the Act. The purpose of the Act is: the mechanism to ratify an international trade and investment agreement. That is the purpose of this legislation. The purpose is satisfied in section 3, because that gives the government of Alberta the authority to

declare its approval of an international trade and investment agreement, or any provision of it, that affects a matter within the jurisdiction of the Government of Alberta.

Section 3 is the end of it. It gives the government the authority to ratify the international trade and investment agreement.

Now, the interesting thing about section 4 in part 2, which essentially does the same thing – the explanation that is given by the Department of Federal and Intergovernmental Affairs is that section 4 removes potential doubt about the ability to take an action under section 5, which is the controversial section, Mr. Chairman, where the international agreement predates this Act.

Now, it was the government's intention to zip through second reading of this Bill last night, to zip through Committee of the Whole today, and to zip through third reading today. So one can assume that any international agreement that we're talking about predates today. What other ones can there be? That's the intent of the Bill: any international agreement that predates this Act.

All right. My question to the sponsor of the Bill or to the Government House Leader or to the Minister of Federal and

Intergovernmental Affairs, whomever: what are they? Tell me what agreements we're talking about that are inconsistent with the agreement. That's what we're talking about. Section 5 talks about an inconsistency with an Act or a regulation. Section 4 explains to us that it is any agreement that now exists. Tell me what they are; show me the inconsistency. This isn't something that's esoteric or potential or out there somewhere in the future. Show me what we're talking about. Haven't seen it. Haven't got the undertaking from the Member for Medicine Hat, who was going to explain to us line by line the government's explanation of section 5. Well, now we know what we're talking about. We're talking about international agreements that predate the Act. There is no other reason, there is no other purpose for section 5 other than the explanation that has been provided by the Department of Federal and Intergovernmental Affairs. There is the explanation; there is the reasoning. Let's see it; show it to me. There is no other reason for section 5 to exist.

Mr. Chairman, I will make the same comments that my colleagues have made about section 5. Section 5 gives the authority to the Lieutenant Governor in Council to pass regulations, regulations that can include resolving an "inconsistency between an Act or regulation and an international trade and investment agreement," in which case the regulation will supersede the Act or the other regulation.

We can talk, Mr. Chairman, as the Leader of the Official Opposition talked, about the supremacy of law. While members opposite may sit quietly and allow government members and allow the cabinet of the government of Alberta to tell them that they don't have any rights, that's not going to be the case for members who sit in this opposition. The members sit quietly by while the cabinet and the Premier tell them that their rights are about to be affected by this legislation, sit by quietly and say on behalf of their constituents that it's okay, that they don't really need any rights as Members of the Legislative Assembly, that in terms of the supremacy of law they'll just go ahead and let the government by regulation do everything because the Premier and the Treasurer know better anyway. Well, on behalf of your constituents, hon. members, it might not be a bad idea if you stood up and fought for some of your rights in this Legislative Assembly rather than sitting quietly with your eyes closed watching the evisceration and the erosion of the Legislative Assembly of Alberta.

That's what section 5(c) does, hon. members. It says that where there is law in the province of Alberta the government can by regulation simply say that the law does not exist for these purposes. Members opposite say: well, yeah, but it's only for a couple of years, so what's the problem? The problem is the fundamental principle of the supremacy of law. The Premier and his cabinet cannot take away a law that has been passed by the Legislative Assembly of Alberta. They simply cannot do it, and for you to sit back and allow that to happen is wrong on behalf of your constituents.

I want to give hon. members the explanation that has been provided by the Department of Federal and Intergovernmental Affairs on the use, the reason, the justification for section 5(c). It is possible that an existing Act, not Act or regulation – Act, law – may be inconsistent with the international trade and investment agreement. This section permits a regulation to resolve the inconsistency for a limited period of time as described in section 2. It is intended that such inconsistency will be resolved by formal legislative amendments within two years of the regulation being passed.

So you see, hon. members, you are being told that the legislation is going to cure the inconsistency by formal legislation. Really? Hon. members, read section 5(2). That's not what it says. That's not what it says. In fact, if you look at sections 5(2)(b) and (c), what they say is that we'll take away a law by regulation and we'll do absolutely nothing for two years. We'll do absolutely nothing. Take a look at sub (c). Two years after the regulation comes into force, it expires.

5:00

What if the government does nothing? What if they do absolutely nothing? They've taken away the law that you passed for two years with the stroke of a pen. Nothing in this says that they have to make the change through a formal legislative process. Where does it say that? It's one of three options. Subsection (b) says: we'll do another regulation that repeals the existing regulation. Big hairy deal. That's it? That's your response?

I have a better response. Why don't you get off your duff, bring in some legislation to cure the inconsistency, and let's have the debate on the legislation that is inconsistent with the agreement? That's the way to solve the problem. The way the government wants to solve the problem is to sit around and be lazy about it and say: "Oh, well, we'll just let the Premier and the cabinet pass a regulation. We'll do absolutely nothing, and the regulation will supersede the Act, the law, because we don't care about the supremacy of law. We don't care about fundamental principles of democracy. All we know is that the cabinet knows better than we do." That's all they know.

I can't believe, hon. members, that you are prepared to sit there and let this happen in the Legislative Assembly of Alberta. I can't believe that you're prepared to allow the government of Alberta, where you are the backbenchers in support of the government, to erode the supremacy of law, to erode the fundamental principles of democracy. You're an embarrassment to your constituents for allowing that to happen.

So, Mr. Chairman, I want hon. members to look very carefully at sections 5(2)(b) and (c), because (b) and (c) are not contained in your explanations from the Department of Federal and Intergovernmental Affairs about how the inconsistency will be resolved. Subsection (b) says: we'll do another regulation that repeals the regulation. Subsection (c) says: if we decide to do absolutely nothing at all, which is probably what's going to happen, then the regulation dies in two years. Nothing compels the government to bring in legislation to resolve the inconsistency. Nothing compels the government to bring in legislation to change or address the inconsistency.

As I've said, hon. members, the appropriate approach in the legislation if we need to deal with inconsistencies is: get with it, get off your you-know-whats, bring in a Bill, deal with the inconsistency, and let's get on with it. That's the appropriate way to deal with the issue of inconsistency.

Mr. Chairman, the Member for Edmonton-Whitemud made specific reference to section 6 of the legislation, and I'll just refer to that as well. Section 6 is the section of this Bill that takes away the rights of citizens to sue the government in a dispute in relation to the rights of Alberta under these agreements. Now, I spoke yesterday in favour of section 6 on the premise that international law does prevail over domestic law, but in a very brief conversation with the Member for Barrhead-Westlock perhaps section 6 is not worded exactly the way it had been negotiated. I was not part of those negotiations, and I do not know if that was intended, but I speak on section 6 in the context of a government that the Saskatchewan government through their

Attorney General has said – and I'll finish with this, Mr. Chairman – that this is a government that likes to grind its plaintiffs. Let's take a look at section 6 in the context of a government that likes to grind its plaintiffs.

Thank you, Mr. Chairman. Those are my comments.

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

MR. CHADI: Thank you, Mr. Chairman. I understand that Bill 44 was first debated in this Legislative Assembly yesterday, as a matter of fact last night. Last night, unfortunately, I was not able to take part in the debate. I'm pleased to of course stand up today and take part in it now.

Yesterday, last night in particular, I was in my constituency, Mr. Chairman. We were officially opening an after school care centre. When I was asked by some constituents, "So how is the first day of the legislative sitting going?" I advised them that there were a number of housekeeping Bills that were to be introduced by the government and that we were going to introduce some Bills as the opposition. It appeared, as I was speaking to that constituent, as though tonight Bill 44 would be debated in the House. When asked what Bill 44 was, I proceeded to advise that constituent, based on the information that was provided to me through different government members, that it was indeed a housekeeping Bill, that it would be a Bill that would be presented and needed to be passed in the Legislature merely to facilitate the North American free trade agreement.

On the surface it seemed like an innocuous Bill, one that I would support wholeheartedly. I support the North American free trade agreement; I supported the bilateral agreement between Canada and the United States. But on further perusing the Bill, we find that in fact certain sections of it mirror, if you will, Bill 57. Mr. Chairman, Bill 57 was presented to this Legislature last year and defeated in the Legislature, not by way of vote but, I understand, pulled by the government and not allowed to continue. It was done because of the outcry by Albertans and by the Liberal opposition over the notion of the regulations being formulated by order in council, or by the Lieutenant Government in Council, and that is the cabinet. The cabinet would make these regulations, and these regulations would be made up as time went by or as required or as needed but would not be debated in the Legislature.

What bothers me more than anything, as it did with Bill 57, is that we've got a Law and Regulations Committee already in place. In reading *Hansard* from yesterday, I find a comment made by one of the members of the government side that indeed a meeting of this legislative committee has not taken place in 10 years. So if that is in fact the case, then I wonder why we've put together such a committee. It's an all-party committee. It would appear that that would be the way we would want to make regulations. We'd want to filter them; we'd want to screen them through an all-party committee. The Member for Edmonton-Whitemud described how the federal government not only prepares but passes these regulations through the filtering processes that have been put in place by an all-party committee on the federal level.

I further understand, Mr. Chairman, that in Alberta in order to facilitate our legislation or to allow the North American free trade agreement to be enacted, we would have to change our laws here, and that's in fact what is contemplated with this Bill. I would like some clarification. Perhaps the sponsor of the Bill could enlighten us on whether or not we are the first province in Canada that is bringing forward a Bill that would facilitate NAFTA. In fact, if

we are the first province in Canada, then we would want to ensure that we create the best possible Bill. Undoubtedly other provinces in Canada will try to model their legislation around ours. If we aren't the first province, then perhaps maybe we can get a clearer understanding as to who it is that already has existing legislation passed. Maybe we could use some of their legislation, some of the parts of the Bill, and perhaps maybe model it to what we would require here in this province.

### 5:10

I can only remind the chairman and members on that side of the House that it wasn't so long ago that the Minister of Health got up and introduced the new health Bill for the province, and it was supposedly the best Bill that we could ever have in Alberta. Why, after some scrutiny and Albertans, constituents, members from this side of the House debating the Bill, there were 27 pages of amendments that were brought forward and passed, Mr. Chairman, 27 pages of amendments that created a much healthier Bill, a better Bill. Time and time again the Premier of the province has got up and spoken about how we all should in debate try to create the best possible Bill. Well, here's an opportunity. Here's a wonderful opportunity.

I've listened today, this afternoon, and I've read *Hansard* from yesterday, where different members of the legal profession – and these are the ones that are going to challenge this legislation from time to time – have come forward and said that this is wrong, that this leaves a wide gap in the legislation, and that we ought not to allow this to become law, that in fact what we need to do is tighten it up and perhaps introduce some amendments. The sponsor of the Bill, from looking at *Hansard* from yesterday, did in fact admit, as the Member for Sherwood Park brought to our attention, that he intends to deal with the concerns and the questions that were brought forth yesterday on a very specific line-by-line basis when we get into the committee stage.

Well, I understand that we are now in the committee stage. I would like to be able to debate with the member who has brought this piece of legislation forward as to the merits of section 5 and subsection (2). I would like also to debate with the member who has brought this forward with respect to his comments about discussing the regulations. I note that in his response to the Member for Edmonton-Meadowlark he said that, in fact, he would bring up the question of regulations during committee stage, and I would hope that perhaps maybe in the next few

moments or in the next week we could hear from the hon. Member for Medicine Hat and that he could enlighten us as to whether or not the regulations would come forward now, prior to the passing of this Bill, if it is at all possible.

Other members from this side of the House today have also indicated that section 6 of the Bill in its current form leaves a whole pile of questions in their minds. I certainly took one look at it, and the way I interpret this section, it takes away the right of individuals or groups to commence an action against the government, unless of course with “the consent of the Minister of Justice and Attorney General.” I think it takes away from our democratic system. I think it takes away from the constitutional right of any individual, perhaps maybe an environmental group, to challenge the government or challenge the agreement in any way. I find it appalling that we would include that in the legislation now.

I want to know more about this Bill. I want to, of course, listen to more of the colleagues on this side and, as well, on that side of the House to perhaps maybe answer some of the questions that I would have.

So with those comments, Mr. Chairman, I would like to now take my seat and listen to others in this debate. Thank you.

MR. DAY: Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[The Deputy Speaker in the Chair]

MR. CLEGG: The Committee of the Whole has had under consideration Bill 44.

THE DEPUTY SPEAKER: Does the Assembly concur in this report?

HON. MEMBERS: Agreed.

MR. DAY: Mr. Speaker, I move that pursuant to Motion 25, passed earlier today, the Assembly do now stand adjourned.

[At 5:18 p.m. the Assembly adjourned to Tuesday at 1:30 p.m.]

