

## Legislative Assembly of Alberta

**Title:** Tuesday, April 23, 1996 1:30 p.m.  
Date: 96/04/23  
[The Deputy Speaker in the Chair]

head: **Prayers**

THE DEPUTY SPEAKER: Let us pray.

Dear God, author of all wisdom, knowledge, and understanding, we ask Thy guidance in order that truth and justice may prevail in all our judgments.

Amen.

Please be seated.

head: **Presenting Petitions**

MR. DOERKSEN: Mr. Speaker, I'd like to present a petition today from about 300 residents located in various communities throughout Alberta, and it reads:

We, the undersigned residents of Alberta, petition the Legislative Assembly to urge the Government of Alberta to allow our children the freedom to choose whether or not to take CALM 20 in high school. Since this subject is not a prerequisite for college or university, it should not be compulsory in high school. Many parents teach career and life management skills to their families at home. It is unfair that these students should be required to take it again in school when they could be using this valuable time learning something they don't already know. We want CALM 20 to be an optional subject.

Thank you. That's the petition, Your Honour.

THE DEPUTY SPEAKER: Thank you. Brief comments are acceptable.

Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I've been asked by residents of Sherwood Park, the county of Strathcona, and the city of Fort Saskatchewan to present this petition, that collected 763 signatures, asking that these communities remain within the Lakeland regional health authority.

Thank you, Mr. Speaker.

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

MR. YANKOWSKY: Thank you, Mr. Speaker. I rise to present 10 petition letters containing ideas to give children of divorce a better chance in life.

head: **Notices of Motions**

MRS. BLACK: Mr. Speaker, pursuant to Standing Order 34(2)(a) I give notice that tomorrow I will move that written questions stand and retain their places on the Order Paper with the exception of questions 189, 192, 193, and 194.

I also give notice that tomorrow I'll move that motions for returns stand and retain their places with the exception of 190 and 191.

head: **Introduction of Bills**

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

## Bill 39 Environmental Protection and Enhancement Amendment Act, 1996

MR. HLADY: Thank you, Mr. Speaker. I request leave to introduce Bill 39, the Environmental Protection and Enhancement Amendment Act, 1996.

[Leave granted; Bill 39 read a first time]

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

## Bill 42 Wildlife Amendment Act, 1996

MR. AMERY: Thank you, Mr. Speaker. I request leave to introduce a Bill being the Wildlife Amendment Act, 1996.

[Leave granted; Bill 42 read a first time]

MR. DAY: I move that Bills 39 and 42, just introduced, be moved onto the Order Paper under Government Bills and Orders.

[Motion carried]

head: **Tabling Returns and Reports**

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'd like to table a letter addressed to the hon. Minister of Health from Valerie Holowach, which accompanies the petitions addressing the contents of the 763 signatures requesting that Lakeland regional health authority be the area for Sherwood Park, Strathcona county, city of Fort Saskatchewan.

Thank you, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. Today I would like to table letters from Robin Sprado of Peace River; Roxanne Charbonneau, a dental assistant in St. Paul; Judy Pahl, a dental hygienist in Medicine Hat; Dale Nelson, the public health inspector in Brooks; Mary-Lou Connery, a registered nurse in Calgary; Susan Ziegler, a registered dental hygienist in Stony Plain; Kathy Tabler from Red Deer; DeNai Harker from Magrath; Susan Scovill, a registered dental hygienist from Coaldale; Dr. Dean Befus, director of the Alberta Asthma Centre; Steven Patterson from Wetaskiwin; Vanessa Diachuk, the project co-ordinator of the Tobacco Reduction Action Committee from Rocky Mountain House; Darlene Dawson, an RN and chair of the Canadian Council of Cardiovascular Nurses in Calgary; Daron Waldenberger from Grande Prairie; Dalton Russell from the Northern Lights regional health authority; Muriel Schumacher from Athabasca; Les Hagen, executive director of ASH in Edmonton; and Kerry Morrison from Lethbridge, all urging the government to make the government buildings a smoke-free work environment.

MR. HENRY: I'll support that, Mr. Speaker.

If I may, I would like to table five copies of a document – the document is a media release issued April 20 by the Alberta Catholic School Trustees' Association endorsing the negotiation

process in Newfoundland that avoided a unilateral amendment to the Constitution – and to express my support and agreement with the ASTA executive when they state that “negotiation is an effective means of reaching consensus on key issues in education reform.”

Thank you.

THE DEPUTY SPEAKER: The hon. Member for Calgary-Fish Creek.

MRS. FORSYTH: Thank you, Mr. Speaker. I wish to table with the Assembly six copies of the Alberta Opticians Association 1994 annual report.

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

MR. SAPERS: Thank you, Mr. Speaker. Today with your permission I'd like to table with the Assembly four copies of the amendment proposed to Bill 209 from the College of Physicians and Surgeons. This amendment was first proposed by the college to the mover of Bill 209, I understand, Mr. Speaker. They've asked me to table it in the Assembly today.

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

MRS. LAING: Thank you, Mr. Speaker. I'm pleased to file with the Assembly the Alberta Alcohol and Drug Abuse Commission three-year business plan for the years 1996-97 to 1998-99.

Thank you.

head: **Introduction of Guests**

THE DEPUTY SPEAKER: The hon. Member for Peace River.

MR. FRIEDEL: Thank you, Mr. Speaker. It's my pleasure to introduce to you and to the members of this Assembly a longtime friend and also a friend of many of the people in this House as my former campaign manager. He's actually now a resident of the constituency of my colleague from Red Deer-South. He's the regional director of the Red Deer region. He's a representative of the Alberta Wheat Pool. It's my pleasure to introduce Mr. Phil Hyde, who is seated in the members' gallery. I'd ask Phil to stand and receive the warm welcome of the House.

THE DEPUTY SPEAKER: The hon. Minister of Municipal Affairs.

MR. THURBER: Thank you, Mr. Speaker. It's indeed a pleasure for me to introduce to you and through you to the members of the Assembly some close to 50 bright and polite young students from the Aurora elementary school in Drayton Valley. They're seated in the members' gallery, and they are accompanied today by teachers Sandy Day, Diane Orr, and Ruth Adamchick and parents Brenda Cartwright, Lorna Roselle, and Marie Moltzan. I would ask at this time if they would rise and receive the warm welcome of this House.

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

MRS. SOETAERT: Thank you, Mr. Speaker. I'd like to introduce to you and through you to members of the Assembly a

bright and polite group as well, 48 students from my riding in St. Albert. They're from Ronald Harvey school. They're here with their teachers Tony Swaré and Mrs. Peggy Bergmann, and they've had a great tour so far. I would ask them to please rise and receive the warm welcome of this Assembly.

1:40

THE DEPUTY SPEAKER: The hon. Member for Three Hills-Airdrie.

MS HALEY: Thank you, Mr. Speaker. It gives me great pleasure to introduce to you and through you to the Legislative Assembly two of rural Alberta's finest from the constituency of Little Bow: Andrew Montgomery and his friend, Sean McFarland, who just happens to be the son of my colleague, the hon. Member for Little Bow. I would ask that they rise and receive the warm welcome of the House.

THE DEPUTY SPEAKER: The hon. Member for Dunvegan.

MR. CLEGG: Thank you, Mr. Speaker. I want to introduce to you and through you a very hard worker in the town of McLennan, a former councillor there and a very hard worker in every community way of life, Chris Jones. I'd ask her to rise and receive the warm welcome of the Assembly.

head: **Ministerial Statements**

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

**Grain Marketing**

MR. PASZKOWSKI: Thank you, Mr. Speaker. Today I rise to address an extremely important issue. The Legislature needs to be aware of the critical situation that's developed in response to the restrictions that the Canadian Wheat Board places on grain farmers in Alberta and throughout the prairie provinces. A convoy of grain trucks headed south to the United States to take Alberta farm products directly to the buyers. What these Alberta farmers could face are charges for a variety of offences.

Mr. Speaker, the export of wheat and barley today is the responsibility of the Canadian Wheat Board. Federal legislation has given the board a monopoly over international sales of grain, a monopoly that affects only part of the farmers of western Canada. The board lacks accountability because it is exempt from the federal Access to Information Act and the commissioners are appointed and not elected.

The federal government will not allow these farmers to sell their products directly to the United States. Because these farmers will be contravening federal law, their actions are illegal, and the government of Alberta cannot condone the actions of this convoy. What we can do and what we must do is deplore the federal government's approach to this issue. This situation could be resolved very quickly. All the federal government needs to do is issue no-cost export licences to these farmers so that they can sell their own products to willing buyers. These no-cost export licences are generally available for the asking to farmers in southern British Columbia, in Ontario, in Quebec, in New Brunswick, in Nova Scotia, in Prince Edward Island, anywhere in Canada, in fact, outside of a limited, designated area that's controlled by the Canadian Wheat Board.

These Alberta farmers want to market their own grain and not be constrained by a government monopoly. Unfortunately, the

federal government has chosen to ignore the results of the Alberta plebiscite held last November, which clearly showed that two out of every three farmers voting – two out of every three farmers voting – wanted choice as to how they market their grain. This provincewide plebiscite was ordered by the unanimous resolve of this Assembly. Its urgency was assured by a Liberal amendment to the motion that was originally sponsored by my colleague the hon. Member for Taber-Warner.

Representations to the Prime Minister and to the Hon. Ralph Goodale, Minister of Agriculture and Agri-Food, on this issue have been made and will continue to be made. We've been urging the federal government to make meaningful changes to the Canadian Wheat Board and remove the restrictions on sales of wheat and barley. The board's recent decision to accept only half of the series C delivery contract for barley shows how poorly the board serves our producers, and the Carter/Loyens report clearly demonstrates that single-desk selling imposes extra costs, over \$20 per tonne for wheat and barley, Mr. Speaker.

We're examining all legal avenues to obtain marketing choice for Alberta farmers, and we are in the process of examining initiatives that will address the concerns of Alberta producers should the federal government continue to procrastinate. The federal Western Grain Marketing Panel is just another delaying tactic. At present we're revising our marketing handbook, which will clearly show Alberta farmers how the Canadian Wheat Board controls and dominates the marketing of wheat and barley internationally.

We are doing everything we can to press for change to avoid such unfortunate situations as the one that Alberta farmers face today. I cannot condone these farmers' actions, but I can certainly understand their frustration and their desire to act.

Mr. Speaker, I call on all members of this Legislature, including the opposition, to be firm in their support of our Alberta farmers and to press for action on the plebiscite results. It is indeed a sad day when Alberta farmers feel they must resort to these kinds of illegal measures because the federal government has failed to act. We must do all we can to ensure the inscription on Alberta's crest rings true; that is, strength and freedom.

Thank you, Mr. Speaker.

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

DR. NICOL: Thank you, Mr. Speaker. I'd like to start off by commending the minister of agriculture for bringing forth such a critical issue to the Legislature. We have a situation now that has kind of spread into Alberta. It started in Manitoba with farmers that were effectively running the border to get their grain down to the U.S. This is really going to be a critical issue in the next few weeks. Those of you that have been following the agriculture situation have probably recognized that the U.S. right now is faced with a real shortfall in its grain production for this year. They're forecasting a significantly below normal production in the Kansas wheat belt because of, first of all, a bad winter and now lack of rain in this spring to get their winter wheat crops growing.

What we're going to see is an even larger price differential between what we see in Canada. Because of our grain marketing and the pooling system that we have, the spot market between Canada and the U.S. pooled price is going to even expand further than it has been this past winter. So what we've got is a situation that's even going to become more critical as we see this shortage

and the planting expectations for the spring unfold.

The minister is correct that we basically have a situation now where the federal government has kind of procrastinated or refused to act in terms of its response to the farmers in Alberta when they asked by a two-thirds majority vote to have some kind of a change in the way they market their grain. You know, the plebiscite itself was very open-ended in the sense of asking for more freedom. It's now the responsibility of the government in Ottawa, who is in charge of the Canadian Wheat Board, to determine that freedom, to respond to those farmers, and to make sure that their concerns are heard.

This has to deal with the idea that, you know, following our mandate for agriculture in Alberta, where our Marketing of Agricultural Products Act basically says that farmers have the right to control how they market their grain. They have the right to deal with the process that they use to market that grain, the restrictions that are put on the marketing of that grain. So we basically have given the farmers the chance to express their views through the plebiscite last fall, and now we need action.

I fully support the minister of agriculture in his efforts to make sure that that view of Alberta farmers is heard and carried to Ottawa. Mr. Speaker, we all have to do what we can to make sure that some action is put in place so that we don't have farmers in this province breaking the law. I agree with the minister of agriculture: we can't condone those kinds of actions. But frustration reaches a point after a while that peaceful disobedience has to be an option that these people look at. It's unfortunate that they had to resort to that, and we need to have action very quickly.

Thank you.

head: **Oral Question Period**

THE DEPUTY SPEAKER: The hon. Leader of the Official Opposition.

### **Capital Health Authority**

MR. MITCHELL: Thank you, Mr. Speaker. The Premier says, and I quote, that he can't write a cheque to fund health care in Edmonton based upon a one-hour meeting. Nobody would expect him to do that, but we would expect him to pay attention to the months and months of input that he has received from doctors, from health care managers, and from his own Alberta Health civil servants. To the Premier: how is it possible that the state of health care in Edmonton surprises the Premier when Alberta Health has had a senior manager sitting in on every single Capital health authority board meeting since the board was structured?

**1:50**

MR. KLEIN: Well, a lot of this came as a surprise also to the members of the Capital regional health authority. There are some things that are happening in the city of Edmonton that seem not to be happening anywhere else throughout this province. First of all, they say that there has been a dramatic increase in demand for services. There are some things that are happening in the city of Edmonton that are not happening elsewhere. There are more cataract operations being done in the city of Edmonton than anywhere else. There are more hip replacements being done in the city of Edmonton than anywhere else. Mr. Speaker, there are some anomalies here. One has to do, believe it or not, with the city of Edmonton having more aged people than some other jurisdictions. So what we're trying to do is to get to the bottom of this situation, to get some concrete evidence relative to what

the problem is, and together – together – with the RHA, with the medical community, and with the Department of Health find reasonable solutions.

MR. MITCHELL: Maybe the Premier should have thought of some of these anomalies before he started the cuts, Mr. Speaker. Or would that be too much to ask, to assess it before he starts?

Mr. Speaker, how can the Premier say that he hasn't known about the Capital health authority's concerns when among many other things he received a letter on February 14 from the authority which clearly outlined the severity of their problems?

MR. KLEIN: We've always acknowledged the concerns that have been expressed by the Capital regional health authority. They're coming up to the date when their budget has to be finalized. They have simply said that they need \$37 million more. That is a big chunk of cash, Mr. Speaker, and we're saying: what has changed from when they started the budget process to today? We want to have the opportunity to do a very extensive evaluation of the situation as it pertains to the Capital regional health authority.

MR. MITCHELL: I thought the Premier was going to solve everything in 90 days.

How did the Premier respond in December 1995 to health economist Richard Plain when he clearly told the government that their funding model was flawed and didn't even take into account population growth and inflation? Pretty basic things, Mr. Speaker.

MR. KLEIN: Basically, when the new funding formula comes out, it will be based on population and it will take into account growth.

You know, the leader of the Liberal opposition likes to refer to anything that is negative. You know, there's a tale of two cities here. One only needs to look south to really see the success story that has occurred within the Calgary regional health authority, where they have reduced the number of beds to 2.2 per 1,000 from 2.9 for 1,000. They say now that the current bed capacity will meet anticipated needs for the next 10 years. They've reduced hospital stays from 6.8 days to 5.9 days. The average time for placement in long-term care is down. There are more infant vaccinations taking place, more breast cancer screening for women over 50, more basic public health programs, like prenatal counseling for young expectant mothers. The new Forest Lawn public health clinic administrative staff has been reduced by 47 percent. There's been an overall staff reduction in administration. They're looking at a \$1.7 million deficit this year, which will be entirely eliminated next year.

Mr. Speaker, the chairman of the Calgary regional health authority says basically that the job has been done. It's been done because they've made some very tough decisions, but at the same time they have rationalized health care, and they have found those better and more efficient and more effective ways of doing things.

MR. MITCHELL: Nobody's doubting that the Premier has done very well by Calgary, Mr. Speaker.

### Health Care Funding

MR. MITCHELL: Mr. Speaker, the current formula for funding health regions is not working. The Premier knows it, the Minister of Health knows it, but they don't care and they're not listening, at least not until we get a little closer to the next election. Is the

Premier going to make every health region with a deficit come cap in hands to beg for funds, or will he now implement a fair method of funding regions based on population?

MR. KLEIN: Mr. Speaker, that formula is under consideration right now. I suspect there will be an announcement in due course.

MR. MITCHELL: On what basis would the Premier decide which deficits in which health regions he will fund and which ones he won't?

MR. KLEIN: Mr. Speaker, what we're concerned about here is the protection and the maintenance of quality health care. If we see health care suffering, especially in the critical areas, we will move in to work with the authorities to find solutions to those problems.

MR. MITCHELL: Will the Premier now table the Forest/Gunter report on population-based funding, which he has had in his office for months and months, so that all Albertans can see the recommendations that this group has come up with?

MR. KLEIN: Mr. Speaker, as I have indicated, we are working through that report now. The minister is working through that report now, and in due course the recommendations of this government will be tabled before this Legislative Assembly.

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

### Ethics Commissioner's Report

MR. BRUSEKER: Thank you, Mr. Speaker. In his annual report tabled in the House yesterday from the office of the Ethics Commissioner, the commissioner called on the government to introduce amendments to the conflicts of interest legislation to include, amongst other things, nonelected senior government officials. Now, since the Premier has said with respect to his executive director's involvement in Multi-Corp that, quote, if there was anything wrong, I'm sure it would have been investigated, I'd like to ask the Premier how he rationalizes that statement with page 5 of this report where the Ethics Commissioner says that he has "no authority" – no authority – "to conduct an investigation [into any] senior official."

MR. KLEIN: Mr. Speaker, as you know, we asked the Ethics Commissioner to appoint a committee headed by Professor Tupper from the University of Alberta to bring in recommendations to strengthen the conflicts of interest legislation. One of those recommendations indeed deals with nonelected officials. The Whip, the Minister of Justice, and the senior deputy minister are now going through those recommendations, and in due course a report will be brought to this Legislative Assembly, and it may include amendments to the conflicts Act.

MR. BRUSEKER: Well, then, I would like to ask the question: when is the Premier going to introduce legislation, not a report but legislation, that will deal with the 68 senior officials identified by the Ethics Commissioner as currently being exempt from the conflicts of interest legislation?

MR. KLEIN: Give us the time to go through the recommendations

in the report of the Tupper commission, for the lack of another word, and in due course, we will bring forward those recommendations. Perhaps some of those recommendations will lead to amendments to the conflicts of interest legislation. Perhaps some of it can be done through policy; perhaps some of it can be done through regulation. But let's have a thorough examination of the situation.

MR. BRUSEKER: We had the Wachowich report, the Tupper report. Now we've got caucus reviewing it. When are we going to see some legislation that will actually deal with the issues before us today that have been identified by the panels that the Premier has asked for?

MR. KLEIN: Mr. Speaker, I can't give the member a definitive answer at this particular time because we simply have not finished our work on the Tupper recommendations. The committee I just mentioned is now working through those recommendations, and in due course we will bring our response to those recommendations to this Legislative Assembly.

Mr. Speaker, I will point out that the Liberals, who are making so much of this issue, especially with respect to the Tupper commission recommendations, boycotted that process.

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

2:00

### Goods and Services Tax

MR. COUTTS: Thank you very much, Mr. Speaker. As recently as last Friday at a meeting in my constituency, many constituents, whom, by the way, still agree that they do not want to see this government implement an Alberta sales tax, have expressed concern over recent progress in Atlantic Canada regarding the harmonization of the GST and a provincial sales tax. Also in the past few months I have received numerous letters and calls from concerned municipal councils, schools, and hospital boards over the issue of the federal government eliminating the GST rebate these sectors presently receive. This morning the federal Finance minister announced changes to the goods and services Act, and they have signed a memorandum of understanding with the three Atlantic provinces. My question to the Premier: Mr. Premier, can you tell the Assembly how this announcement will affect Albertans?

MR. KLEIN: Mr. Speaker, first of all, in order to harmonize, you have to have at least two people singing. In the case of Alberta that simply cannot occur because we have no provincial sales tax. The feds have a 7 percent GST; the province of Alberta has zero. There's nothing to harmonize with, and it will remain at zero in this province.

Mr. Speaker, as you know, this government has been opposed from the very beginning to GST, but I would suspect that if the feds are looking at ways of minimizing overlap and duplication relative to the administration of GST, it probably would make some sense to harmonize with those provinces, all other jurisdictions that have PST.

THE DEPUTY SPEAKER: First supplemental, Pincher Creek-Macleod. [interjections] Before you do, I wonder if we could allow the hon. member to have his first supplemental.

MR. COUTTS: Thank you, Mr. Speaker. My first supplemental

is again to the Premier. In this harmonization effort how does it impact Albertans when from the numbers reported today, the federal government has agreed to pay the three provinces close to a billion dollars to offset the loss in their provincial revenues?

MR. KLEIN: Mr. Speaker, from what I can read, this blended PST/GST in the Atlantic provinces will result generally in a lowering of taxes, to be compensated by the federal government, which means to be compensated by dollars that will come out of your and my pockets, like \$1 billion. Fundamentally, we think that that is unfair, and that unfairness will be expressed to the Prime Minister and members of the federal government in very clear and articulate terms.

MR. COUTTS: My final supplemental to the Premier: does the GST rebate presently being received by municipalities, schools, and hospitals continue under the harmonization initiative announced this morning?

MR. KLEIN: It's our understanding, Mr. Speaker, that those rebates in fact will continue. While we're on the subject, let me quote the federal Finance minister, who said today that the government needs the revenue that the current tax system brings in, unquote. What I would like to say in this Assembly today is that Ottawa has a spending problem, not a revenue problem. They wouldn't need the revenue if they'd stop spending so much of our money, but that seems to be the Liberal way.

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

### Torch Energy Advisors Inc.

MR. DALLA-LONGA: Thank you, Mr. Speaker. When the government sold 5 percent of its interest in Syncrude to Murphy Oil, the documents were quickly tabled in the Legislature. When the government sold its remaining 11.7 percent interest to Torch Energy Advisors, the same cannot be said. Despite promises, we're still waiting. All that Albertans know is what Torch had to file with their prospectus. While the government would have us believe otherwise, the industry has stated that the two deals are not equal and that they have some concerns about why the government continues to be on the hook for the environmental risks associated with the Torch deal. My first question is to the Minister of Energy. Will you confirm that now that the government no longer receives any profit from the Syncrude project, it continues to retain the environmental exposure?

MRS. BLACK: Mr. Speaker, first of all, there was a written question on the Order Paper last week that asked for the documents to be filed. I accepted both those questions in the hon. member's absence, so I would ask him to refer to *Hansard* from last week. The second point I'd like to make is that I have made the commitment to file those documents, and clearly I will file them.

I wish the hon. member would ask me the question before he makes an assumption. In the negotiations on the sale of our 11.74 percent interest to Torch Energy Advisors, we put in place some extra safeguards, which I think I mentioned in this House last fall, that I thought were very important and were leading edge ways of dealing with a number of disposals of assets. This involved setting up a separate trust agreement for reclamation which would be funded with cash, not a book entry, on a monthly basis by the purchaser so that when you get down the road to a reclamation

stage, there'd be actual cash dollars sitting in a fund that would be growing throughout the remaining life of the project so that those environmental concerns could be dealt with.

The second thing that was important in this negotiation was to have added insurance purchased by the purchaser to cover off any unforeseen liability that may arise.

MR. DALLA-LONGA: We're still waiting for the information.

If this mining reclamation trust is all that you say it is, why didn't the other Syncrude partners release the government from its partnership agreement obligations and accept the security of the mining reclamation trust?

MRS. BLACK: Clearly, Mr. Speaker, I would really encourage the other partners to set up similar reclamation trust funds because I think it's the new way of going, and I would commend Torch Energy Advisors for doing this. The way the operation and management agreements are set up is that we did not have to have the other partners sign off on the arrangements for this. However, we had to protect the public interest and make sure that the province had protection on any future liability that came forward. So our negotiations were very stringent and very difficult, and in fact they did come forward with added insurance beyond what is normally in place to cover any public interest in the future.

THE DEPUTY SPEAKER: Final supplemental, Calgary-West.

MR. DALLA-LONGA: Thank you, Mr. Speaker. Well, my last question is to the Minister of Energy. Why is Torch being treated differently than the Murphy Oil deal with the release of the documents, not to mention the structure of the deal? Why the difference in the treatment?

MRS. BLACK: Mr. Speaker, there's a substantial difference between the two deals. This deal was a straight cash deal, and the other one was not. To compare the two is substantially incorrect because one was dealt with in 1993 numbers and this was dealt with in 1995. This is a deal that does not involve us carrying any documents or any paper on it. It is straight cash. So there is a fundamental difference in the structure between these two deals.

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

### Impaired Driving

MR. BENIUK: Thank you, Mr. Speaker. Despite the official government policy of removing drunk drivers from the road, these individuals continue to drive in Alberta with or without a driver's licence. Legally a drunk driver who is stopped but refuses to take a breathalyzer test or who blows over three times the legal limit continues to be able to drive for several more months until a law court finally hears the case and convicts and suspends the driver's licence. To the Minister of Justice: to further protect Albertans from drunk drivers, has the minister contemplated amending the Alberta Motor Vehicle Administration Act to require an automatic suspension of a driver's licence pending a final court decision when the driver either refuses to take a breathalyzer test or blows over at least double the legal limit?

2:10

MR. EVANS: It's a good question, Mr. Speaker, and officials from my department have been working with officials from

Transportation and Utilities to look at administrative licence suspensions. In those jurisdictions that have this kind of a remedy, it shows that there are shorter time frames between the investigation and the final charge being disposed of, dealt with in a court of law.

I think it's clear, hon. member, that oftentimes there are delays that occur through a court process, and there's more incentive, of course, to get the matter dealt with in court in an expeditious manner when the suspension occurs at the outset, upon the investigation being undertaken by the officer.

So these two departments are looking at this. We're reviewing what's happening in other jurisdictions, and it's something that I think we should give serious consideration to.

MR. BENIUK: To the same minister: would the Justice minister consider increasing the penalty under the Motor Vehicle Administration Act for a person caught driving under the influence while suspended under a court order for impaired driving to the extent of seizure and sale of the vehicle being driven, with proceeds going to AADAC?

MR. EVANS: Well, that's quite something to review. Indeed, Mr. Speaker, not to trivialize those well-thought-out recommendations, I think every type of law that we have in the province, laws that are complementary to Criminal Code procedures and laws that stand alone, we have to review on an ongoing basis to see if they are effective, if they are practical, and if they are having the kind of impact that we want on those who are breaking the law. There are innocent Albertans who are impacted by those who break the law. It costs us a heck of a lot of money whether we're talking about personal injury or the emotional impacts on a family of death or injury caused by a drunken driver. I'll certainly take into account the recommendations that the hon. member has made and discuss them further with my colleague the Minister of Transportation and Utilities.

THE DEPUTY SPEAKER: Final supplemental, Edmonton-Norwood.

MR. BENIUK: Thank you, Mr. Speaker. To prevent vehicles being driven without a driver's licence or insurance, will the Justice minister consider requiring that in the vehicle's bill of sale the purchaser's valid driver's licence and car insurance be recorded?

MR. EVANS: Well, Mr. Speaker, again we are looking at ways to ensure that only those who are duly registered and insured are on the roads of Alberta. As the member is I'm sure aware, we now have an administrative penalty of \$2,500 for driving without insurance. There are other things that we're looking at. We'll certainly take into account the recommendations from that member.

DR. WEST: Supplemental information.

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities wishes to supplement?

DR. WEST: Yes, to supplement the information. The questions are on target with what we did yesterday in announcing the new Traffic Safety Board and the initiatives that we're going to undertake by communicating with the police, with all stakeholders

as it relates to accidents on our highways, including impaired driving.

I just wanted to second what the Minister of Justice has said. We are looking at administrative licence suspension and taking a close look to try to get consistency across Canada with other provinces and jurisdictions on the impaired driving issue as it relates to penalty and not only addressing a strong message to the severely normal Albertans but finding a target way to get to the incorrigibles. There's a group out there that perhaps are addicted to alcohol and other things, but some way we have to stop them from repeating their offences that many times end up in property damage, in personal injury and death on our highways.

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

### Grain Marketing

MR. HLADY: Thank you, Mr. Speaker. I've so many good economic development questions in agriculture today, I was hoping you'd give me some extra supplementals, actually, rather than stopping me.

Mr. Speaker, this government stands for deregulation and individual freedom, yet today there are many barley farmers breaking the law, an unfair law in my opinion, because they don't have the freedom to sell their grain internally or for export because of the unfair law. My question is to the minister of agriculture. How can the minister allow the Alberta agriculture industry to lose \$300 million per year at a cost of \$20 per tonne to farmers and up to \$9 per tonne to the taxpayers?

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

MR. PASZKOWSKI: Thank you. Certainly a fair question and one that concerns us as well. Obviously the issue that the hon. member is alluding to is the Wheat Board Act, one that is under federal legislation. It's one that we've worked long and hard to change. As a matter of fact, as late as last November we conducted a plebiscite, which we alluded to. Indeed, the most recent study, the Carter/Loyns study, which I think is very significant and which I would urge all my colleagues and certainly all those that are involved in agriculture in Alberta to study, clearly demonstrates the numbers that the hon. member has mentioned.

We are lobbying very strongly. As a matter of fact, yesterday I had the opportunity of meeting with the secretary to the federal minister and spent a good portion of that time lobbying on the importance of changing the Wheat Board Act to accommodate the needs of today's agriculture community, not that of 50, 60 years ago.

MR. HLADY: To the same minister, Mr. Speaker. Since I was a broker, I've been approached by an international shipping company that wants to buy \$25 million worth of barley. How can we get the extra \$20 per tonne into the hands of the farmers?

MR. PASZKOWSKI: Well, obviously changes to the Wheat Board Act have to be implemented, and we have recommended to the federal government the need for those changes. We will continue to lobby on behalf of the producers, on behalf of the industry, and I certainly appreciate the support from the hon. member. We will continue to work to benefit the agricultural economy, the agricultural producers of this province.

MR. HLADY: To the same minister: what is the economic loss to Alberta? The Canadian Wheat Board's sole purpose is to export the raw product, wheat and barley, rather than to promote further processing and increase the value-added industry to Alberta.

MR. PASZKOWSKI: The whole thrust of the change to the WGTA, the payout of the transportation subsidy, was to allow for additional value added in this province, and that continues to be so. We look at the wheat processing that takes place in this province. Twelve percent of all the wheat that's produced in this province is value added in this province, a very insignificant number, and that's directly related to the regulations that we have in place.

Certainly we have to continue to work. The majority of our beef is value added in this province. The majority of our pork is value added in this province. The majority of our canola is value added in this province, and on and on and on. It's significant that the two poorest performers as far as value added are concerned are those under the regulatory process of the Canadian Wheat Board.

We've got to make changes. We have to see that the federal government gets that message. I would urge all producers to be in contact with the federal government. I'd urge the hon. members from the opposition to clearly demonstrate to the federal government as well their concerns about the opportunities that our producers are being restricted from.

THE DEPUTY SPEAKER: The hon. Member for Taber-Warner, followed by Lethbridge-East.

MR. HIERATH: Thank you, Mr. Speaker. The results of last November's plebiscite for wheat and barley producers, sponsored by the government, showed that farmers by a 2 to 1 margin want the freedom to market their own grain. Some of these same farmers today are showing their frustration by exporting wheat and barley to Montana. They are fully prepared to be charged under an unfair law in order to try to change the law. Will the Minister of Agriculture, Food and Rural Development inform the Legislature as to the situation at the U.S. border crossing at Coutts?

2:20

MR. PASZKOWSKI: As late as yesterday several Alberta farmers – and they were joined by people from Manitoba as well in support of the position that they have taken – had moved both wheat and barley through into the United States. It's interesting to note that wheat was trading at \$8.17 Canadian yesterday, and barley was trading at \$4.90 Canadian yesterday. That is comparable to a \$2.96 initial Wheat Board payment in barley and a \$5.22 initial payment in wheat. Obviously there are concerns about why Canadian farmers, why Alberta producers should be taking second best.

At the present time it's my understanding that the farmers are being charged under the Canadian Wheat Board Act because they don't have Canadian Wheat Board licences. This is under federal legislation. It's very unfortunate. We feel very strongly that our farmers are being deprived of a marketing opportunity that every other industry, whether it's in agriculture or any other area, has the opportunity to participate in.

MR. HIERATH: Mr. Speaker, my final supplemental: knowing that the Alberta government has legislation on the marketing of

agricultural products, will the minister commit to introducing legislation allowing Alberta farmers the freedom to market their wheat and barley?

MR. PASZKOWSKI: We do under the marketing Act have the opportunity to provide for legislation to market Alberta-produced products. We are at the present time, in conjunction with the hon. Minister of Justice, working with the Alberta Department of Justice in assessing where we can perhaps find opportunities whereby we can allow the farmers to obtain additional opportunities for marketing options. By allowing Alberta farmers to market within the province, this would enhance our opportunities to market within Alberta.

In Alberta 65 percent of everything we produce in agriculture leaves the province, so whatever we do, we also have to deal with the issue of our production capabilities in excess of what we use domestically. We are reviewing, and it is our hope within a very short period of time to have a position as to what our follow-up action will be.

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

DR. NICOL: Thank you, Mr. Speaker. One would guess today that there must be some kind of problem with grain marketing, because my question is going to be on the same issue.

Yesterday I had an opportunity to visit with one of the farmers who was going down to retrieve his vehicle that had been delayed at the border, and he made an interesting comment that I'd like to have the minister of agriculture clarify for me. He said that the minister of agriculture was promising to introduce legislation in this House this spring that would, quote, clear up their problems. My question is: in the context of the constitutional sharing of powers between Canada and the provinces, what kind of legislation might the minister be contemplating that would, quote, clear up these problems of international trade in grain?

MR. PASZKOWSKI: Well, I'd really appreciate seeing the documentation on that type of a promise. Clearly this is under federal domain; this is federal legislation. The Canadian Wheat Board Act and the Customs Act are clearly federal legislation. The province does not have the prerogative or domain in that particular area. For this minister to have made a commitment is very unusual, and I'd like to see that particular statement, really.

However, having said that, I will also commit – and I will do this publicly in this House today – that we will do everything in our power to see that producers have the option for dual marketing. I have said that before, and I will continue to say that. If we can find a way that provincial legislation will allow for that opportunity, we are certainly exploring that, and we will continue to explore that. However, for this minister to have said that we have jurisdiction in the federal domain is very, very unlikely, and I would challenge the hon. member to show me where that statement was made.

THE DEPUTY SPEAKER: First supplemental, Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. It was a conversation. I have no documents. It's a matter of the interpretation of some conversation or some actions on the minister's behalf with these farmers. I would just ask the minister if he would commit now to clarify with the farmers involved – and it's a group of them –

how these jurisdictional issues are shared between the province and the federal government and what actual actions the province can undertake to improve the situation for our farmers.

MR. PASZKOWSKI: Well, as I've mentioned, Mr. Speaker, the federal government clearly has jurisdiction over the Canadian Wheat Board Act and over the Customs Act. I think I've said that many times. I think it's been very, very clear for those who have listened. However, we will, as I said, again do everything in our power to allow for what the farmers' wishes are, and that is the opportunity for dual marketing. We do have jurisdiction over marketing within the province, and that is controlled of course under our marketing boards and commissions. That jurisdiction is only within the confines of this province.

The further problem that we have is that the federal government has complete control and complete jurisdiction over the public grain storage facilities that are in Alberta as well. So it's not just a simple matter of going out and passing legislation. We have dual responsibilities. We have committed that we want dual marketing. We have never said and I have never said that we want to get rid of the Wheat Board, because indeed there is an ongoing role for the Wheat Board to play for some producers. However, how can we possibly deny the opportunity for a producer to have the option on how he chooses to market his own product?

THE DEPUTY SPEAKER: Final supplemental, Lethbridge-East.

DR. NICOL: Thank you, Mr. Speaker. My final question to the minister of agriculture also is: could he relate to the House and to the farmers of Alberta what actions he's taken in conjunction with the other three provinces who are under the jurisdiction of the Canadian Wheat Board to put together a unified voice when they go down to Ottawa and carry the message that our farmers so strongly indicated in their plebiscite last fall, that they want some changes, that they want more freedom?

MR. PASZKOWSKI: This minister has brought up the issue at ministers' conferences and certainly laid out the Alberta position very clearly. As a matter of fact, as late as this February at the Canada Grains Council meeting in Banff this minister participated in a debate with the secretary for the federal minister, the minister from Saskatchewan, as well as the federal Reform critic.\* At that time the positions were laid out very clearly. The minister from Saskatchewan was very clear and very adamant that though the polls in Saskatchewan had indicated that 58 percent of the farmers preferred dual marketing, he opposed it, so that is Saskatchewan's position, I assume. I can't, indeed, put words in a Saskatchewan minister's mouth, but he has indicated that at the Canada grains meeting. We have worked with any group. We will continue to work with producers to allow for dual marketing.

Again, we feel that sitting down with the Canadian Wheat Board – if the Canadian Wheat Board took a positive, aggressive position to try and develop a new role for the Wheat Board, which has to happen and will happen, it would be far more expedient, it would be far more helpful, and we wouldn't be going through this unfortunate situation that we're going through today.

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

#### National Parks Fees

MRS. LAING: Thank you, Mr. Speaker. Recently the federal government announced an increase in the gate fees to enter

\*See page 1300, right col., para. 3, lines 4 and 5



Canada's national parks. The majority of the people using the Alberta national parks are Albertans. Would the Minister of Economic Development and Tourism tell this Assembly how this increase in park fees will affect Albertans who want to holiday in the national parks?

THE DEPUTY SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Thank you, Mr. Speaker, and thank you for the question from a member whose constituency has Highway 1 coming out of it and it's important to her. Seventy-five percent of the recorded visits to Banff national park were from Albertans, and over 50 percent of the visitors to Jasper national park in 1995 were Albertans. So clearly the increase in park rates is going to affect Albertans disproportionately to the rest of Canadians.

In fact, in 1994 the annual fee to get into a national park was \$30, and it was raised to \$50 in '95-96. Now for a carload annually it's \$70 in '96-97. According to the Alberta Tourism Partnership, Mr. Speaker, that rate is proposed to be \$100 in 1997-98. So I think that it's going to start to affect those Albertans who view that it's an expensive measure to enjoy this very precious resource.

2:30

THE DEPUTY SPEAKER: First supplemental, Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. Would the Minister of Economic Development and Tourism inform this Assembly as to the impact this park fee will have on the tourism operators, such as the bus companies, who work out of the national parks? [interjections]

MR. SMITH: Well, it's interesting, Mr. Speaker. Again, you know, the Liberal opposition rises in voice just as the federal Liberals rise in price.

The Alberta Tourism Partnership has stated that tour operators have told them that they're losing competitive position. In fact the chamber of commerce from Jasper, the chamber of commerce from Banff, the Alberta Tourism Partnership, which is a privatized entity representing tourism in Alberta, have said: "Look; we haven't been in the consultation process. We haven't been involved in this to the point where we can suggest alternatives." In fact, Mr. Speaker, what we're seeing is just a no-brainer way to increase revenues without looking at the importance of the infrastructure.

THE DEPUTY SPEAKER: Supplemental, Calgary-Bow.

MRS. LAING: Thank you, Mr. Speaker. Would the Minister of Economic Development and Tourism tell this House what the true economic impact of the national parks is on Alberta's economy? Thank you.

THE DEPUTY SPEAKER: The hon. Minister of Economic Development and Tourism.

MR. SMITH: Thank you again, Mr. Speaker. I know that the tourism critic from the side opposite hasn't informed his members of this information. That's why they're quietly listening to this information.

In fact, there were over 16,000 person-years of employment generated by Banff and over 6,000 person-years of employment

generated in Jasper park. Visitors spent \$715 million. In fact, Mr. Speaker, we now have a business that's over a billion dollars a year.

Now, let's take a look at how we could really solve this problem. If the federal Liberal government believed in their commitment to jobs and their commitment to opportunity for youth, they could find other ways in tourism development in a planned, sustainable manner that will give Canadians from all over Canada, youth from all over Canada, as it has traditionally been, an opportunity to work and live in one of Canada's greatest natural resources, but taking the investment tax base, the property tax base, not taking the business way out and instead simply stooping to raising rates, is not going to benefit Albertans, Mr. Speaker, and it's not going to benefit the long-term solution to having sustainable development and good tourism product in this great resource, the national parks.

Thank you, Mr. Speaker.

### Child Welfare

MS HANSON: Despite the government's assurances that added dollars and staff will relieve the crisis in child welfare, the reality is that the extra effort seems to be only a halfhearted attempt to fix the problem. Perhaps if the government took the time to assess the crisis properly, enough resources would be found to really help those children in desperate need. Mr. Speaker, perhaps the minister will tell me why he has only found enough money to open up half the needed beds.

MR. CARDINAL: Of course, the Liberals' answer would be to throw money at the problem. That's not how we do things at this side, Mr. Speaker. [interjections] They must be interested in this subject. They're getting pretty excited.

That area is very sensitive, Mr. Speaker, and there is no quick answer when you're dealing with child welfare. In fact, coming back from a meeting in Victoria recently, as I've indicated to this House, where all the ministers from all jurisdictions across Canada sat and discussed the issue of child welfare, they all looked at Alberta in relation to programming as a province that's ahead of the other provinces in relation to child welfare. Therefore, it's a very sensitive and a critical issue and has to be looked at carefully. You can't just throw dollars at the problem. We are carefully planning on how we deal with children in Alberta. That is why we are taking the time, making sure that the financial resources are there when they're required, making sure that the staffing is there when required. In fact, the increase in the budget in child welfare from '93-94 to '96-97 is 21 percent, or \$197 million a year.

AN HON. MEMBER: How much?

MR. CARDINAL: A hundred and ninety-seven million a year in child welfare, an increase of 21 percent. The caseload went up also 21 percent. Therefore, we are keeping up in relation to staffing and financial resources.

The new process in relation to children's services, Mr. Speaker, allows now, for once, for the communities to be able to design programs that are required based on local needs. I've indicated to this House that I've offered the financial the resources that are needed; I've offered the human resources that are needed. I've offered the ability for local authorities to plan and design how programs should be delivered.

I think the Liberals would be more productive, Mr. Speaker, if

they would provide some constructive input into how programs should be done in Edmonton. They haven't. I still have your five-page report with one blank page in it. There's nothing in it, and that is their report.

MS HANSON: I must have hit a nerve, Mr. Speaker.

Mr. Speaker, why is the minister claiming that there will be 75 new positions when his office has revealed that 39 of these new staff are already working there?

MR. CARDINAL: Mr. Speaker, again the Liberals are always misunderstanding the issues. I've never said that there will only be 75 new positions. I just said on the question you asked before that the finance resources will be there, the human resources will be there if they are required. Seventy-five is the amount we're targeting at this time. That is all. You know, through careful planning, if we can identify a better way of delivering services and if that better way requires more dollars and more staff, then we'll have a look at that.

MS HANSON: Mr. Minister, how can you claim that this new department staff will be qualified to work with children in crisis when we understand they're coming in through an intern program and some of them only have a high school diploma?

MR. CARDINAL: Mr. Speaker, there are a lot of Albertans who have less than a high school diploma and are doing a fantastic job out there. The Liberals may not think so. There are members in this caucus that have less than a high school diploma and are doing a good job. [interjections]

THE DEPUTY SPEAKER: Hon. minister, if we could just have an answer to the questions as opposed to speaking there. [interjections] Hon. members on this side, please let the hon. minister speak through the Chair as is our custom.

MR. CARDINAL: Of course, Mr. Speaker, the 5,200 or so staff in my department are highly qualified staff. [interjections] If the Liberals were interested, they would listen; wouldn't they? That shows you how interested they are in child welfare.

THE DEPUTY SPEAKER: Hon. members, question period is now completed. I wonder if we might have consent to a brief reversion to Introduction of Guests.

HON. MEMBERS: Agreed.

*head:*                    **Introduction of Guests**  
*2:40*                        *(reversion)*

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

MRS. SOETAERT: Thank you very much, Mr. Speaker. It's my pleasure to introduce to you and through you a group of students from Sturgeon composite in the Redwater riding. Some of the students live in my riding and some in Senator Taylor's old riding, and they are here with their teacher Norm Zweifel, who used to be a colleague of mine, and Mrs. Betty Kushak, who is driving the bus. They're a great group of students. I'm very proud of them. They're from the school I used to teach at. I would ask them to please rise and receive the warm welcome of this Assembly.

MR. WICKMAN: Mr. Speaker, it's my pleasure to introduce to you and through you one very, very special member of the group that was just introduced, a young Albertan very anxious to get her driver's licence and the daughter of one of the most respected MLAs in this House, who was so well-behaved today for her daughter's sake. It's my pleasure to introduce Debbie Soetaert. Please give her a warm applause.

**Grain Marketing**  
*(continued)*

THE DEPUTY SPEAKER: The Minister of Agriculture, Food and Rural Development would like to correct or clarify statements.

MR. PASZKOWSKI: Thank you, Mr. Speaker. In my response to the hon. Member for Lethbridge-East, I had indicated that I was engaged in a debate at the Canada Grains Council with the hon. minister from Saskatchewan. It was actually at the Western Barley Growers where the debate took place.\* It was in Banff, but it was actually at the Western Barley Growers convention, not the Canada Grains Council convention.

head:                    **Members' Statements**  
                                 **Earth Day**

MR. COLLINGWOOD: Mr. Speaker, it's my pleasure once again to recognize April 22, 1996, as Earth Day. The celebration of Earth Day began in 1970 with U.S. Senator Gaylord Nelson, who was appalled at the damage being done to the Earth by the human race. His first initiative, in 1970, had all schools, colleges, and universities set aside April 22 to focus solely on environmental issues. Since then we have made some progress in environmental protection, and since then Earth Day has become one of the largest annual initiatives on the planet, crossing all political, religious, and cultural barriers.

In 1995 in Canada alone over 12,000 events took place during Earth Week. Earth Day and the activities, workshops, projects, and displays that form part of this celebration offer us all an opportunity to reflect on how we impact on our environment and how we can in our daily lives lessen that impact. I salute all who make an effort in protecting our environment and who get involved through education or advocacy to promote environmental protection.

Individual and community leadership is extremely important in developing new attitudes toward waste, destructive practices, or polluting activities. Leadership through government is equally important, as it makes the efforts of these individuals meaningful. Words like sustainable management or ecosystem management must be more than just eloquent phrases. They must be recognized as the key to our future prosperity. The initiatives developed by government such as Special Places, the forest conservation strategy, the clean air strategic alliance, and the northern river basins study must bear fruit.

We must use the research, the public consultation, the creative and sometimes risky recommendations, and the strategies suggested to their fullest advantage. We must ensure that the work of those who have worked and who will continue to work to improve this Earth is reflected in sound management plans and programs.

Our challenge, Mr. Speaker, in providing leadership in environmental protection is to make every day Earth Day in the minds of Albertans. Let's agree to wholeheartedly accept that challenge.

\*See page 1298, right col., para. 6, lines 3 to 6

THE DEPUTY SPEAKER: The hon. Member for Lacombe-Stettler.

### National Physiotherapy Week

MRS. GORDON: Thank you, Mr. Speaker. Good health is recognized not just as the absence of disease but the ability to participate in a wide range of activities and live life to the fullest. Rehabilitation services enable many Albertans of all ages to achieve and maintain improved physical performance so they can be active participants in the family, the workplace, and the community. Helping Albertans get the most out of life is the job of thousands of dedicated health professionals. This week we honour some of them.

April 21 to 27 is National Physiotherapy Week. Under the theme All the Right Moves, the Alberta Physio Therapy Association will be advancing physiotherapy education, practice, and research and promoting fitness and good health. The Alberta government is committed to providing a wide range of diagnostic treatment and prevention services throughout Alberta. Publicly funded physiotherapy is available in hospitals, community health centres, and extended care facilities and through home care and the community rehabilitation program. Removing financial and geographical barriers, promoting multidisciplinary care, and integrating health services are just some of the ways services are being made stronger and more accessible.

The government of Alberta urges all Albertans to recognize the contribution of physiotherapists in improving the health of Albertans. As a government we will continue to work closely with the Alberta Physio Therapy Association to strengthen existing services and programs. Alberta Health joins the association in reminding all Albertans to make all the right moves; that is, to make healthy life choices and learn how to prevent injury and disease that might otherwise impair physical performance.

Thank you.

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

### West Edmonton Business Association

MS LEIBOVICI: Thank you, Mr. Speaker. Small business is our province's most vital economic contributor. It is the nature and size of small business that allows them to compete, be flexible to changing circumstances, and to be aggressive in the marketplace. In these tough economic times small businesses are turning to organizations such as the West Edmonton Business Association. The West Edmonton Business Association assists small business by lobbying, promoting business interests, and liaising with provincial and municipal officials. This is just a small sampling of the services provided by this organization to their members, some of which are located in my constituency, Edmonton-Meadowlark.

The West Edmonton Business Association, or WEBA, as it's known, is an excellent organization that encourages networking by businesses by organizing guest speakers, social events, educating their members, and providing an opportunity for small businesses in the west end to voice their concerns. It also distributes a newsletter to over 7,000 businesses in the west end.

Interestingly enough, WEBA works closely with a group called the West End Community Unity. West End Community Unity was founded by a partnership of health, the Caritas group; education, Jasper Place high school and other public schools; and

business. Both of these groups work to promote youth commitment to their communities and work in co-operation together to act as a liaison with business and education and as a resource. This provides an opportunity for youth to express their views on issues such as health care, policing, and parenting to the community at large. This association is also currently involved with a revitalization project with the city of Edmonton. It is planning to look at revitalizing businesses north and south of Stony Plain Road, thereby enhancing the surrounding communities. So far the feedback that the organization has received has been very positive.

The West Edmonton Business Association is a not-for-profit organization and relies on membership fees and organized fundraising drives to keep itself afloat. I would like to acknowledge the commitment and dedication of the board of directors, various committee members, volunteers, and staff who give so generously of their time to ensure that small business has a voice in the west end.

Thank you very much.

THE DEPUTY SPEAKER: I understand that we have at least one point of order. I would call on Fort McMurray to address that.

### Point of Order

#### Referring to the Absence of Members

MR. GERMAIN: Thank you very much, Mr. Speaker. In the question presented to the Minister of Energy today, she made a comment in the publicized, televised portion of the legislative debates concerning a member's nonattendance in the Legislative Assembly. It seems to me that that rule would be one that again should be refreshed for the Members of the Legislative Assembly.

THE DEPUTY SPEAKER: Well, certainly it's unparliamentary, as the member has drawn to the attention of the House, to refer to the absence or indeed the presence of certain members, which sometimes is honoured more in the breach than in the keeping. The practice of the Assembly is such that we should all look at 481(c) of *Beauchesne* to look at that.

Anyway, all members on both sides of the House are reminded that we should not be referring to people's absence or presence in ways that may be misunderstood, because of course members are on government business or on opposition business, can be in committee meetings, can be almost anywhere. One ought not take an adverse inference from the mention, so it's just unparliamentary to mention it.

With that we'll move on.

Any other points of order? Okay.

### head: Orders of the Day

2:50

### head: Public Bills and Orders Other than

### head: Government Bills and Orders

### head: Committee of the Whole

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: I'd like the committee to come to order, please.

### Bill 203

#### Family Dispute Resolution Act

THE DEPUTY CHAIRMAN: I believe we've got some amendments on the table.

The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. First of all, I would like to ask for a clarification on my request from the April 17 debate, when I asked for the amendments to be voted on as a package. I know there was some discussion back and forth after that. If the decision is unclear, I would like to move that the amendments be voted on as a package, considering the time constraints and to maintain continuity of the Bill.

MR. DICKSON: Mr. Chairman, I didn't hear all of the comment, but as I understood it, he was going back to a discussion we had at the commencement of our last go-around on this Bill in committee, which would have been on April 17. At that time I indicated that some of the amendments were positive and could be supported. Some of the other amendments I thought were problematic, and I wanted to ensure that we didn't vote on them as a package but were able to vote on them severally or by segment. At that time what I'd understood the Chairman to determine after hearing debate on it – I recall the ruling was to the effect that we then would proceed sequentially, at least in terms of vote, that the debate could cover the entire amendment package as had been circulated by the Member for Edmonton-Beverly-Belmont but that the vote would be on individual elements. I'd expect that we would still maintain that approach. I haven't heard any compelling argument why we would do it differently. In fact, I might even be able to find for your reference the citation on April 17. I think it appears on page 1189 of *Hansard*. We then had at the bottom of page 1189:

The Chairman: No, No. In your explanation you may do so, but then we would go to each individual one for voting purposes. Would that be acceptable?

Mr. Yankowsky: Sure.

The Chairman: Okay, hon. member, we'll proceed, and then we'll number them afterwards.

You'll find that we went through numbering the different amendments, so I guess my question, Mr. Chairman, would be: what's changed? I thought we had laid the ground rules for how we were going to deal with the amendments, and barring some compelling reason, why are we moving from that position?

THE DEPUTY CHAIRMAN: Thank you, hon. Member for Calgary-Buffalo. Reading *Hansard*, I have no choice but to agree with you because of your quotation there. It's obvious that the committee has agreed. I wasn't here and neither were the Table officers. Well, we had Table officers – I'm not saying that – but different Table officers. So we have to go with the ruling of the committee at that time.

The hon. Member for Edmonton-Beverly-Belmont on what we'd call A1.

MR. YANKOWSKY: I just want to make some comments regarding comments that were made by the hon. Member for Calgary-Buffalo when he closed debate last week. At that time the hon. member left us with some questions regarding items that are included in Bill 203; not so much questions as I think he was doing a little bit of grandstanding there.

As I review *Hansard*, I see that the hon. member again went on about his perceived two sets of rules regarding the pilot program and unequal treatment, as he said, in the same province, where he felt that Edmonton was being given preferential treatment in this pilot project. I reminded the member that it was only a pilot project and that pilot projects such as this usually are not held countrywide or held provincially. They are usually localized one-centre, trial run types of things to see how this would operate.

Then at some time following, an evaluation is done and then a decision made whether to continue the pilot, possibly expand it to other parts of, in this case, the province, or if more information is required. If the pilot results are very acceptable, then a decision could be made to discontinue the pilot and, based on results, set up a program provincially.

The indication on the present pilot in Edmonton – and I have reviewed the report for February – is that it is beyond expectations. The results are excellent indeed, with glowing testimonials from those attending the course.

#### Chairman's Ruling Amendments

THE DEPUTY CHAIRMAN: Hon. member, I hate to interrupt you. Certainly my ruling was not wrong, but we can debate – we can debate – all of these amendments at one time. I just want to make it absolutely sure. We can debate any one of these amendments. When it comes to voting on the amendments, then they will be numbered and voted on separately. So we all understand that, hon. member.

#### 3:00 Debate Continued

MR. YANKOWSKY: As I was saying, at some time this Edmonton pilot project will be evaluated, and if it's determined a success, then the recommendation probably will be to institute the program provincially. Now, if Bill 203 passes, we will indeed have the legislation in place to accommodate this program. The Member for Calgary-Buffalo knows this, and again I think he was just doing a little grandstanding there.

The hon. member also was concerned that Bill 203 is too complicated, that people don't understand it, and I just want to say that it was written as simply as a piece of legislation dealing with family dispute resolutions can be. We used as few words as possible and stated it in the most simple language, grade 6 level, still trying to maintain the essence of what we are trying to say and do.

The member also had concerns regarding section 6(2). His question was: why was 6(2) removed? As I said in my previous comments, it was felt that the imposition of fees should be left flexible, left to the Lieutenant Governor in Council to make the regulations regarding the fees. In the original section 6(2) the imposition of fees was left up to the discretion of the judge, to order that fees be paid at his discretion.

I hope these comments clear up some of the questions the hon. member had. I'm sure that there are other members who have comments to make, so I'll take my seat and I will listen to those comments.

MR. DICKSON: Mr. Chairman, it's interesting that the sponsor would accuse anybody else of grandstanding when we have a Bill that has been mischievously marketed as a Bill for mandatory mediation when it does no such thing. It's also interesting to me that it's this mover who comes forward with a Bill and attempts to make much more of it than it really is. It seems to me that the questions I asked – and the member can form whatever opinion he wishes as to my motivation, but he has not in any satisfactory sense attempted to address the principle concern I expressed last time, and I'll repeat it again.

You have a Bill which purports to be a law of general application that affects everybody wherever they live in Alberta, but in fact the program only exists in a single place, in the city of Edmonton. If in fact it's a pilot project, then the rational thing to

do is that you wait until the pilot project is concluded; you wait until there's been an assessment in terms of whether this is an advantageous, helpful program. If it is, you then contemplate legislation of general application. You don't go and create a law of general application when it can only apply in one corner of the province.

Now, this member seems to have some divine direction, because I don't know how else he can say with such conviction that the Bill won't be proclaimed until after the pilot project is finished. How do we know that? I have no control over proclamation, and I say, with respect, that I don't think the hon. member opposite has any control over proclamation. That's a decision by the Lieutenant Governor in Council. And while he's been making his representations in support of his Bill, I've seen a number of his colleagues on the front bench shaking their heads, indicating their disagreement with the Bill, so why are we to think . . .

MR. LUND: Gary, your eyesight is bad.

MR. DICKSON: This is the other day. The Minister of Environmental Protection is taking issue with my comment that the last time this was up for debate, I saw a number of members in the front row indicating their dissatisfaction with the Bill.

Now, I wouldn't presume to indicate how the Minister of Environmental Protection is going to deal with this Bill, but clearly, Mr. Chairman, we have that very basic issue and it has not been addressed. For the member just to go around and around and say that it was a pilot project and the Bill may not become law until the pilot project is finished presumes an awful lot. I deal with every Bill in this Assembly as if it may become law, and since I have no control over when it's going to be proclaimed, I have to address the here and now. I have to address whether this Bill is appropriate if it was proclaimed next month. It just is wholly unreasonable for this member to say that we'll pass a Bill now and it'll be on the shelf, and at some appropriate time it'll be taken down off the shelf and it'll be used. Well, that just doesn't make any sense.

The member I understood at one time had suggested to me that he might be able to share the report. He talks about the report from February, the glowing testimonials in terms of the pilot project in the city of Edmonton. I haven't seen that report. I haven't been able to access a copy of that report despite efforts. If the member thinks that that report is helpful in terms of this Bill, then surely the reasonable thing to do would be to table a copy, at minimum, of that report so it's available for members to review and to scrutinize and see if we share the characterization and the conclusion which is presented by the hon. member.

There are some other questions I asked last time on page 1193 on April 17, 1996, that I'm still waiting for an answer for. For example, we have the business of a home study, and the member hasn't come back and dealt with that. The home study that's contemplated in this Bill appears to be something set out in the regulations. He spoke in terms of a social worker doing a home study, and I said last time that often psychologists do home studies. You can have lawyers do home studies, and you can have a variety of other people that do home studies. The Minister of Family and Social Services knows firsthand how many different kinds of individuals and experts and officers can be involved in doing a home study. Some of them are voluminous. Some of them are dealing with the most serious allegations of sexual abuse; incest may be alleged. Other home studies may be simply to

determine where, as between two fit and competent parents, the stronger relationship is with the child. So to me it just makes little sense that we're going to have a home study prescribed by regulations. That seems to me to be a step backwards, and I'm disappointed that the member hasn't addressed that concern in substance or in form.

The other concern had to do with the matter in terms of fees, and this is an equality issue again. Is this going to be a question of where people in some judicial districts are going to pay to be able to have this mediation screening process and to participate in it? Is it going to be free in other judicial districts? This member may represent a constituency in the city of Edmonton, but there are a number of other parts of this province represented, hon. member, in this Assembly. Surely what has to happen is that we have to have laws of general application that are equally accessible wherever you live, that have the same kind of application in every part of this province. That hasn't been addressed either.

I'm going to take my seat for a moment for two reasons. There may be other members that are tired of listening to the Member for Edmonton-Beverly-Belmont and the Member for Calgary-Buffalo talk about this particular Bill, but also I'd like to hear specific responses to the concerns I raised on April 17, 1996, in particular in the last three or four columns of *Hansard*. I'd like to see specific responses on them because I still haven't got them. If there aren't other members interested in speaking on this, then I'm happy to resume the floor, but I'd like to give an opportunity for those two things to happen, Mr. Chairman.

Thank you.

3:10

THE DEPUTY CHAIRMAN: The hon. Member for Edmonton-Beverly-Belmont.

MR. YANKOWSKY: Thank you, Mr. Chairman. I just want to reply to some of the comments made by the hon. Member for Calgary-Buffalo. He says that I am making more of the Bill than it really is. I don't think we're doing that. We're stating exactly what is in the Bill. I think it relates to the name that the Bill has on the front page, the Family Dispute Resolution Act, and this is exactly what it's all about. The disputes will be resolved through an educational session that some people would have to attend. For the rest, once they make their decision, it would be resolved either through mediation or, if they decide not to take the mediation route, then they would take the courts route, and of course there is no mediation there.

The member again talked about the pilot program in Edmonton only. I will not elaborate on that any more. I think I've made myself clear.

Then he went on to talk about the proclamation. Well, I never gave a specific date as to when this Bill would be proclaimed. Proclamation is up to the minister. So if he chooses to postpone it for whatever reason or if he chooses to proclaim it immediately after it's passed, that is up to him. There's just not much more we can say on that.

The report that I talked about for February. I'm sorry; I am not able to table it immediately because I don't have it here with me, but I can get a copy to the hon. Member for Calgary-Buffalo as soon as I can get one from my office.

Questions regarding home study. Home study is mentioned in the original Bill. There is no amendment to home study. I must say that I am not a lawyer that has dealt with family conflict for years and years. In the research that I did, I was led to believe that most of the home studies are done, in fact, by social workers.

Now, they could be done by psychiatrists, they could be done by psychologists, or they could be done by whomever else, but I understand that most of the home studies are done by social workers. In any case, it doesn't really matter. Somebody will do the home study.

When we look at the Bill, it says that "a judge, on application or on the judge's own motion, may adjourn a family law proceeding" and order the preparation of a home study. So it's up to the judge, and it doesn't matter who does it. Somebody qualified I'm sure will do that home study.

I missed his last question. It had something to do with payment. Well, once again, if he was talking about who is going to pay for the course, then I again say that it will be done through regulation, if there will be any charge for the course.

MR. DICKSON: Mr. Chairman, I feel that we're worse off now than we were a few minutes ago before the Member for Edmonton-Beverly-Belmont spoke. I had been under the impression that he had some kind of a tacit understanding from somebody on behalf of the Lieutenant Governor in Council that clearly the Bill wouldn't be proclaimed until somewhere down the road. He just said a moment ago that he has absolutely no control, that the Bill could be proclaimed at any time, which makes the point I was trying to say before. If in fact the Bill were passed this week, proclaimed next week, we've got unequal treatment. We've got people in Edmonton who are treated differently than people in Pincher Creek or people in High River or people in downtown Calgary. That is just plain unacceptable. It's astonishing that any person propounding a Bill in this Assembly would come forward and assert that that could happen and try and defend it.

My concern before was that we didn't have a concrete, ironclad commitment from the Lieutenant Governor in Council that it wouldn't be proclaimed until after the pilot project had been done and been successful. Now the member sponsoring this Bill says that it's absolutely wide open, which leads us to believe that if it were passed this week, it could be proclaimed next and that all of those problems we spoke of before can happen.

The other thing on the home study report. Hon. member, through the Chair, after your Bill passes, it's not up to the judge to decide what the home study report is going to be. You've taken it out of the hands of the judge and the two lawyers to decide what the nature and shape of the home study is going to be. You've said that the home study has to be in accordance with the regulations. Now, the hon. member shakes his head. I refer him specifically to section 5(1), which says:

A judge, on application or on the judge's own motion, may adjourn a family law proceeding and order the preparation of a home study report in the prescribed form.

In the prescribed form, Mr. Chairman. That doesn't say that the judge decides what form the home study is going to take. All the judge can do is green light or red light, say there'll be a home study or choose not to order a home study. The form of it is defined by the regulations. Is that not the case, hon. member, through the Chair?

If that's the case, you've taken out of the hands of the judge the power that exists now to define. A request for a home study report now is typically in the form that the two lawyers agree on for the opposite parties. They take it in front of a judge. The judge in most cases approves it, and that gives definition, that gives shape, that gives context to the home study that's going to be done.

Now, why would a member of a caucus that makes so much of trying to cut out red tape – you know, the Member for

Lacombe-Stettler is one of those people who's always saying that we need less government red tape. I think there are many members that agree with her when she wisely and astutely makes that kind of advocacy. You know, this is true I think in every part of the province: people want to see less red tape. But here we have a member who wants to set a whole new set of regulations.

In Medicine Hat, Mr. Chairman, this is a concern, because I talked to members of the family bar in Medicine Hat. There are many very capable lawyers in that community. Why would they want to lose the ability, the power to decide what the home study is going to be? How could that be set out in a regulation, hon. member? One suit fits all; one size fits all? Not in this business, not in this very sensitive matter of trying to discern and determine what the rules are going to be in the case of family breakup. So I think we continue to have the problem.

The Member for Edmonton-Beverly-Belmont started off by saying: what is confusing about this Bill, and what's this talk about people thinking it's more than it is? Well, I refer him to the comments from his colleague from Calgary-Currie, who came into this Assembly at second reading and spoke for 15 minutes about how wonderful it is that we have a Bill that's going to require mediation.

[Mr. Herard in the Chair]

Well, there are a couple of conclusions one might draw: that the government caucus doesn't as a caucus have a presentation on private members' Bills before they come in and an opportunity to answer questions and that sort of thing. I don't think that's the case, hon. member. I think the Conservative caucus probably reviews in advance every Bill that comes forward and has an opportunity for members to ask questions so that when every member of the Conservative caucus comes out of such a meeting, they understand the general principles of the Bill and they have, hopefully, some decent understanding of what the Bill does and does not do.

3:20

Now, if my assumption is accurate – and if I'm inaccurate, I'm counting on some member opposite to stand up and tell me I'm wrong; if in fact the government caucus doesn't do that kind of scrutiny, please tell me – then how is it that the Member for Calgary-Currie can come forward and talk about a Bill that mandates mediation, hon. member? I know from discussions and media comments made by your other colleagues that other members in the Conservative caucus think this Bill mandates mediation when it does no such thing, and you yourself have conceded that. So that's the confusion I'm talking about. That's the confusion we're talking about. I think members on this side, because we were interested in this issue, have considered it and recognized it, but the confusion I've heard from members of the government side has given me that kind of concern.

I know that there's some question on the part of members this afternoon, Mr. Chairman, whether all of the amendments have been filed that have been presented by the member opposite, and yes, amendments were filed, as I recall, last time when we dealt with this, on April 17. They were discussed at length in *Hansard* commencing at page 1188 on April 17, 1996, and we're working our way through.

Now, the other concern I'd raise and that I still haven't heard an explanation on was the proposed amendment that refers to a private dispute but then goes on to say that a private dispute "does

not include a dispute involving the Director of Child Welfare.” The question might be: what other things does a private dispute not include? We haven’t had an explanation from the sponsor of the Bill in terms of what a private dispute is. We have one element that is not part of it, but what else? I had suggested last time, it seems to me, that every dispute over custody access between a mother and a father or between a grandparent or an uncle and an aunt or between whoever the caregiver is and the natural parent – these are all private disputes, but they’re adjudicated in a public forum. So the private dispute phraseology makes little sense.

Amendment F, the power to make regulations, is unacceptable. The Member for Edmonton-Beverly-Belmont said: what did you mean about fees? Well, if one looks at amendment F, 7(c), it says there that

the Lieutenant Governor in Council may make regulations . . . governing fees that may be charged or received in respect of any matter coming under this Act.

That’s a concern. If we want to ensure, as I think this member does, facilitated improved access to the court so that a father or mother involved in a custody dispute can get ease of access to the courts and facilitate disposition, fees can be a huge deterrent, or an enabler if there are no fees. So that has to be addressed.

Now, there are some additional amendments that I think have to be brought forward to deal with the question of fees. When we’re finished with this package of amendments, I have an amendment to deal with the question of fees.

The other thing would be the concern about regulations overall. Not only do we have no control over the proclamation date; the 29 members on this side of the Assembly have absolutely no input into the regulations. What we see in this Bill is a very serious concern, Mr. Chairman, that when it comes to the really meaningful detail, that’s to be done by way of regulation. That’s not before us, and we have no opportunity to have input into what those regulations are going to be. When the regulations decide how many more first- or second-class citizens we will have in Alberta, what if the regulation now designates the judicial district of Red Deer to be subject to the Act? So we now have second-class and first-class citizens, but just the configuration changes a little bit. Is that acceptable? I hardly think so.

The regulation I have no difficulty with would be amendment F, 7(d). That seems to be a reasonable matter of detail that can best be left to regulation-making. Amendment F, 7(b) also I think would be appropriate to be dealt with perhaps by way of regulation, but amendment F, 7(a) and 7(c) absolutely cannot be dealt with by way of regulation. They’re much too important to be addressed in that sense.

We see when we look at amendment B – and this would be the new section 2(1) . . .

MR. RENNEN: A point of order.

THE ACTING CHAIRMAN: The hon. Member for Medicine Hat is rising on a point of order.

#### Point of Order

##### Private Members' Bills

MR. RENNEN: Yes. Thank you, Mr. Chairman. I would like to raise a point of order under 8(5)(a)(ii). This refers to the amount of debate time that is allowed regarding private members’ Bills. I apologize to the member opposite for interrupting, but I wanted to raise this point of order today. I don’t expect that you’ll be able to rule on it; however, I would like to give you the opportunity to come back when we again resume debate on this

Bill tomorrow.

The member opposite has referred to amendments that he wishes to bring forward on this Bill, and my understanding is that there are other members in the Legislature who wish to bring amendments forward on this Bill. Unfortunately, the Standing Orders indicate that after 120 minutes of debate all the questions shall be put that are presently before the House. My concern, Mr. Chairman, is that should we get hung up on this particular set of amendments, when the two hours, the 120 minutes, are up, other members who wish to bring forward amendments would be denied that opportunity to bring those amendments forward. The Bill would then be decided by the closure that’s within the Standing Orders.

I wonder if you might make some recommendation to members in the House who may wish to bring forward other amendments that they perhaps could introduce those amendments at least and have the opportunity for members in the Legislature to vote on those amendments prior to the 120 minutes.

MR. HENRY: On the point of order, Mr. Chairman.

THE ACTING CHAIRMAN: Excuse me. Unfortunately, the time allotted for debating this particular Bill today has expired. I think what we will do is we will take the hon. Member for Medicine Hat’s query into consideration and deal with it when the committee next sits. But for now we have run out of time.

MR. HENRY: There’s two minutes left, Mr. Chairman.

THE ACTING CHAIRMAN: No. Unfortunately, we now have to rise and report, so we’ll deal with this point of order the next time that we sit.

The hon. Member for Dunvegan.

MR. CLEGG: Because time has elapsed, hon. Mr. Chairman, I move that the committee rise and report.

[Motion carried]

[Mr. Clegg in the Chair]

3:30

MR. HERARD: Mr. Speaker, the Committee of the Whole has had under consideration a certain Bill. The committee reports progress on the following: Bill 203. I wish to table copies of all amendments considered by the Committee of the Whole on this date for the official records of the Assembly.

THE ACTING SPEAKER: All those in favour of the report, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING SPEAKER: Opposed, if any?

AN HON. MEMBER: No.

THE ACTING SPEAKER: Carried.

head: **Motions Other than Government Motions**

#### **Agricultural Practices Review**

508. Dr. Nicol moved:

Be it resolved that the Legislative Assembly urge the

government to establish an agricultural operation review board to arbitrate disagreements that may arise regarding generally accepted agricultural practices as they pertain to the Agricultural Operation Practices Act.

[Debate adjourned April 16: Mr. Paszkowski speaking]

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

MR. PASZKOWSKI: Thank you, Mr. Speaker. Just to continue with the debate, it is my feeling and my preference that indeed there is a better way than the proposal. I think it's to the taxpayers' benefit that we indeed find an arbitration process that the farmers themselves can work their way through, and that's the process we're working with and will continue to work with the industry on.

As was pointed out in my presentation earlier, Manitoba does have the arbitration process in place. The cost is something in the area of \$100,000 per settlement. That is an extremely expensive way of using taxpayers' money. What we have put together is a process that allows for the code of practice of safe, economic handling of animal manures, and indeed there's nothing more than common sense and arbitration that should be used. There is no way that a person should be spreading manure by the neighbour's fields when indeed the neighbour is having a barbecue on his lawn on a Saturday afternoon. Consequently, there is common sense that has to prevail, and that's the process that we're trying to put in place.

Further to that, we have a process, a dispute mechanism that is coming into place through our ADC boards. We have now structured a process that will allow four to five members on the ADC boards within the regions. We're anticipating something like 31 of those boards to be in place in the province. These would be peers of the industry that indeed could hear the complaints and would be allowed to deal with issues such as the concerns that have been identified. We feel: who is better suited to make the decisions than the industry peers? Those are rightfully the ones that should be involved, and they should be the ones that can deal with the generally accepted agricultural practices that we have in place now.

With that, Mr. Speaker, I think there is a better way. I think there's a process that is less expensive. We feel there is a process that is more effective, and that process we're bringing forward is one that is indeed fully able and fully in position to deal with the issues as they come forward.

So I would be in opposition to this motion. It has some good values to it, but reviewing the overall motion, I would have to suggest that we will be opposing this motion. Mr. Speaker, it certainly has, as I said, a flavour of some interesting points. Indeed I think the intent is something that is favourable, but I think there is a better way, I think there is a more functional way, and I think there is a more efficient way of handling the whole issue. So I would strongly urge that indeed we not support this motion.

DR. NICOL: Mr. Speaker, a clarification. Do I get an opportunity to close the motion under Standing Order 25(1)(a)? It says that a person "who has moved a substantive motion" gets closure on the motion.

THE ACTING SPEAKER: No, hon. member. That is just on second reading, if I understand it correctly. No, hon. member,

on private members' motions there is no five-minute rebuttal at the end.

[Motion lost]

### Kananaskis Country

509. Mr. Collingwood moved:

Be it resolved that the Legislative Assembly urge the government to conduct a comprehensive review of the policies that govern Kananaskis Country including the subregional integrated resource plan to determine the cumulative impact of all activities including recreation, oil and gas exploitation, logging, and grazing, and in consultation with Albertans determine acceptable levels for future development that will protect the natural habitat and wildlife populations of the region.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. It's my pleasure this afternoon to introduce and move Motion 509, which is intended to urge the government "to conduct a comprehensive review of the policies that govern Kananaskis Country." The importance of this motion is that it is a request to the government to conduct a comprehensive review, recognizing that the government is currently undertaking a somewhat less than comprehensive review of the policies that govern Kananaskis Country and that specifically it is involved currently in a review of the recreational aspects of Kananaskis Country but not all.

The motion, Mr. Speaker, refers to a comprehensive review that includes a review of the subregional integrated resource plan, which I'll refer to as the IRP, and to give consideration to the cumulative impact of the number of activities that are currently undertaken within the region that all Albertans know as Kananaskis Country. Those activities include primarily recreation but also oil and gas exploitation, logging and grazing, and other activities such as trapping.

The motion also asks for the government to consult with Albertans to "determine acceptable levels for future development that will protect the natural habitat and wildlife populations of the region." The purpose of including this, Mr. Speaker, is because of the current activity that is looking at significant and substantial development in Kananaskis Country, certainly because of the attraction of Kananaskis Country, our Eastern Slopes, and the Rocky Mountains in the Banff-Canmore area and the spillover, I guess you could say, into Kananaskis Country, which is certainly under continuing pressures of development for recreation. So, as I say, the object of the motion is to seek this comprehensive review to determine the cumulative impacts and to consult with Albertans to determine acceptable levels.

The review is needed because of the increasing pressures on Kananaskis Country and because we inherently know that these kinds of activities conflict with each other and have the potential, without proper planning, to jeopardize the protection of the natural environment. The review is needed because new and large-scale developments are being planned in the region, and it is needed because the integrated resource plan that is currently being used for the management and planning of Kananaskis Country tries to ensure a balance between the differing uses of the different activities in the area and an attempt to maintain the natural integrity of the area.

The IRP is due for revision this year, but the government, as I



say, is not proceeding with the review of the IRP, the integrated resource plan. It is only conducting a review currently of a portion of that, which is its recreation policy. I suggest, Mr. Speaker, that the current government review of just the recreation policy is not sufficient at this point in time, not only because of the limitations of the integrated resource plan but because the government has made a commitment to the people of Alberta that the integrated resource plan will be reviewed every five years and that review is now due. So we'd like to see the government do that.

### 3:40

There is in my view, Mr. Speaker, evidence to suggest that the integrated resource plan process is itself outdated and could be and should be improved to incorporate the goals of sustainability and ecosystem management. I think what we find is that in the last 10 years, since the first subregional integrated resource plan was developed in 1986, research and science authorities have indicated that a more comprehensive ecosystem management approach is a better approach for the management of our natural areas. The integrated resource plan, while it contemplates and considers multiple-use approaches with differing levels of activity that would be allowed in certain areas, is a step in the right direction and has been a process that the government did undertake in 1986. But there is always room for improvement, and we believe that that room for improvement should occur at this point because of the current stresses on Kananaskis Country and because of the opportunity that is presented at this point in time to move to an ecosystem management model.

I do note, Mr. Speaker, that the Minister of Environmental Protection has indicated in the past that he intends to conduct a review of the entire integrated resource process, but the minister has also indicated that the current integrated resource plan for Kananaskis Country is working and is sufficient. I submit to all Members of the Legislative Assembly that opportunity knocks, and we should take that opportunity to review the entire integrated resource plan at this point in time.

One of the important aspects of the need for the entire integrated resource plan review is that the government currently has a moratorium on new developments in Kananaskis Country, but that moratorium will be lifted this summer when the recreation review is complete. It would be my position, Mr. Speaker, that that moratorium ought to remain in place until such time as the full and comprehensive review has taken place and not simply the review of the recreational policies that are governing Kananaskis Country.

Mr. Speaker, Kananaskis Country needs no introduction to the Members of this Legislative Assembly. This area of Alberta is rich in its variety of natural terrain, from mountain peaks, mountainside forests, and alpine meadows to lower slopes ideal for winter habitat. With the rich variety of natural terrain is a rich variety of wildlife – mountain goat, bighorn sheep, grizzly and black bears, moose, elk, marmot, fur-bearing animals – and fishing for many of the most sought after trophy fish in the province occurs in the mountain lakes and streams in Kananaskis Country. Kananaskis Country was set up in 1978 by the Alberta heritage savings trust fund. The area covers 4,000 square miles from the Bow corridor in the north to Plateau Mountain, over 100 kilometres as the crow flies, to the south and includes the headwaters of the Highwood, the Elbow, and the Sheep rivers and Kananaskis Creek and Spray Lakes. The Kananaskis area includes three provincial parks.

Mr. Speaker, the launch of Kananaskis Country was primarily

with an emphasis on recreation. The challenge we faced in 1977 and 1978, when Kananaskis Country was first developed, and the challenge that we continue to face today is: how do we balance between human activities and protection of the natural environment?

In the Policy for Recreation Development of Kananaskis Country, 1977, Summary of Major Policies, it indicated:

Implementation of this plan will provide the greatest possible variety of recreation opportunity and allow adequate access to all Albertans while preserving this spectacular region for future generations.

I provide this quote, Mr. Speaker, because it illustrates that the primary goal and the primary focus is the preservation of Kananaskis Country for the future.

In the integrated resource plan itself, in the subregional draft plan of 1986, the following statement of the broad management objective is as follows:

The underlying policy of all agencies responsible for the implementation of the plan will be to ensure that the utilization and development of the resources of the planning area occur in a manner consistent with principles of conservation and environmental protection,

once again stressing, Mr. Speaker, the primary focus.

As I've said, we realize that the traditional integrated resource plan process is under some stress in being able to provide the balance of conflicting demands on Kananaskis Country, and further action and further steps need to be taken to ensure the maintenance of ecosystems that occur in that subregion and the sustainability of those regions. That's why it requires an ecosystem approach for the future.

Mr. Speaker, the integrated resource plan I think was a wise move when it was originally created in 1986, and I do not suggest to members of this Assembly that we simply eliminate the integrated resource process. What I say is that we review the integrated resource process to improve upon it for the future development of Kananaskis Country. To improve the integrated process would be to incorporate the ecosystem approach and to look more closely at the interrelatedness of all aspects of the Kananaskis environment and, more importantly, to include in that management plan performance measures with annual reviews to ensure that the goals of sustainability are being met.

The rationale for coming forward this afternoon, Mr. Speaker, is because of the observed and known pressures on Kananaskis Country, the potential for the threat to the natural habitat and to the wildlife. Public reaction to further development in Kananaskis Country has been, I'll admit, mixed, but there is a clear indication from the people of Alberta that it is time for some revision and certainly the review.

As I say, Mr. Speaker, we know there are activities that are taking place in Kananaskis Country that illustrate the reason and the need for the review. The Minister of Environmental Protection has authorized the harvesting of timber by Spray Lakes Sawmills Ltd. on 163 square kilometres of Kananaskis Country in the McLean Creek area. This area is identified as an off-road vehicle area in the integrated resource plan and gives the company the ability to harvest 350,000 cubic metres of timber over the next 10 years. What's not clear yet is whether or not the company will be allowed to clear-cut in the area of Kananaskis Country. Some of the logging will take place in critical wildlife habitat in the McLean Creek area along streams. The integrated resource plan does reference the fact that streamside vegetation will be of the greatest concern. Once again, the question is: will this company be allowed to continue to log, and will it be able to log in the

critical wildlife habitat which is identified in the integrated resource plan?

The proposal for the Spray Lakes development, Mr. Speaker, includes a \$350 million U.S. four-season resort in the area of Kananaskis Country near Mount Shark called Tent Ridge. The plan calls for three hotels, a Sunshine Village-sized ski hill, a ski lodge, time-share condominiums, commercial space, a convention centre, indoor swimming pools, indoor concert hall, and golf courses. Now, as I say, the pressure is on the Banff and Canmore areas for recreational development. The question is: can Kananaskis Country adequately sustain this level of development and the size of this development yet still continue to maintain the natural integrity of Kananaskis Country?

The proposal does conform with the integrated resource plan. The area in which this development was to have taken place, or perhaps may take place, in the southern end of Spray Lakes is in an area that is considered for general recreational use, but bordering on that area, Mr. Speaker, is critical wildlife habitat, particularly on the mountain slopes, and this is the area that is considered for the development of the ski hill. The question that we have to ask ourselves and the question that Albertans will be asking is: is it appropriate for us to allow the development to spill over and spill into the critical wildlife habitat areas? Is this a proper approach to take in the planning and development of Kananaskis Country? Should we not be giving greater consideration to an ecosystem management plan as opposed to the carving up and the designation of various areas of Kananaskis Country for different uses under the current integrated resource plan?

**3:50**

I mentioned that some of the intensive development also occurs in the area called Smuts Creek. In that area there are meadows which are utilized by grizzly bears in the spring. Once again, Mr. Speaker, the old problem crops up: do we allow development that encroaches on grizzly habitat, or do we simply eliminate the grizzlies to allow for human encroachment into their territory? By proceeding in the way that we're proceeding today, that debate will no doubt flare up once again.

I think that there is public concern at the scale of the proposed development and in the current climate whether or not that kind of activity at the level of development that it's at is still acceptable. There is, Mr. Speaker, oil and gas activity that is continuing in areas that are critical wildlife habitat zones. The Upper Elbow-Sheep wildland provincial park is not legally protected from oil and gas leases. While the government has moved towards the creation of the wildland park for the Upper Elbow-Sheep wildland provincial park, there is not legislated protection from these kinds of activities.

We also have cattle grazing on Crown land. Some of that was to have changed in the past in that the integrated resource plan was to remove grazing from certain prime protection areas into other areas. Since that had not taken place, some areas that would probably have found their way within the boundaries of the Elbow-Sheep wildland park now find themselves outside of that boundary, so the cattle grazing can continue. In this context, Mr. Speaker, the grazing lease conversion report of 1986 indicated:

The Task Force recommends the development of a policy whereby grazing lands would be located and/or developed to replace the grazing in those heavily recreated/critical wildlife areas of the Eastern Slopes.

I'd suggest from what's transpired recently that that has not taken place, and it once again then calls for the comprehensive review as a result.

Mr. Speaker, the major concern is the lifting of the moratorium after the recreational policy review takes place. Our position is that the moratorium should remain in place until the full comprehensive review has taken place. It should remain in place until the integrated resource plan review, which is required to take place at this point in time, does take place and that we take a fresh and new approach to how we will be proper stewards of the Kananaskis Country in the future.

In conclusion, Mr. Speaker, our challenge is that Kananaskis Country – Kananaskis meaning the meeting of the waters – is more than just a place that is the meeting of the waters; it is a meeting place of many different types of natural habitat, of many different types of species of animals that exist in that kind of ecosystem. It is, as we are now finding more and more, a meeting place of many different kinds of human activities.

The current task is to ensure the ongoing management of Kananaskis so that the natural habitat is retained, it is able to maintain traditional density of wildlife, and it will still provide for the needs of ranchers, logging, oil and gas activity, and recreation. This is important, Mr. Speaker, because that's insofar as they are compatible with the main goal of conservation and preservation of Kananaskis Country. That is why we need the thorough review.

We should ask ourselves some questions: are the priorities of 10 years ago when the integrated resource plan was created still the priorities for today? Are the current plans consistent with maintaining the natural ecosystems of the region? How can we best incorporate the ecosystem approach into the new planning process? Are the pressures getting to the point where we can't say no to some of the proposed developments? Should we not continue the moratorium on all new developments until the new process is in place? Should we not consult with Albertans on the total management package, not just the recreational policies, which will include a review of the integrated resource plan and the integrated resource process?

Mr. Speaker, these are the challenges. These are the questions. These are the reasons that I bring forward Motion 509 this afternoon, and I encourage all Members of the Legislative Assembly to join me in urging the government to conduct a full and comprehensive review of Kananaskis Country, because all of us in this Assembly and all Albertans appreciate Kananaskis Country, appreciate that we created Kananaskis Country and want us to do the right thing in our stewardship of that area.

Thank you, Mr. Speaker.

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

MR. AMERY: Thank you, Mr. Speaker. It's my pleasure today to rise and speak to Motion 509 as proposed by the hon. Member for Sherwood Park. The topic of ensuring the beauty of our province for the generations to come is a very sensitive one indeed. It speaks directly to the heart of everyone who loves Alberta and all that it has to offer.

Every time this topic is discussed, images of clear-cut forests and homeless animals are brought to mind. These are images that would move even the hardest of urbanites. As a government it's our job to protect our Alberta heritage, but our heritage is not simply limited to Alberta's scenic pleasures, as glorious as they might be. Our heritage also includes the economic health of the province, ensuring Albertans have jobs today and tomorrow. It means we use the resources we have wisely, with respect for renewal. It means we make the effort to blend the concepts of conservation and utility.

Mr. Speaker, I would like to speak against this motion because I believe it's merely an attempt at fear mongering, to say the least. What it suggests is that this government is running roughshod over environmental concerns in an effort to reap the greatest possible economic benefits. This is simply not so. If you look at the 20-year history of Kananaskis, you can see that the government has made every effort to mix the ideals of conservation, tourism, exploration, logging, agriculture, and hydropower generation into a concept unique to Alberta. Kananaskis has areas set aside for natural use, like parks and wildland areas, and it makes appropriate use of industry needs by setting aside areas for logging, grazing, and oil and gas exploration and extraction. It is a microcosm of Alberta itself with a well-rounded group established to oversee its management.

Mr. Speaker, I'm not suggesting policies should not stand up to scrutiny on a regular basis. I believe they should, especially when circumstances begin to change, as they have over the past few years in the Kananaskis Country, but what we must be wary of is change simply for the sake of change. Kananaskis Country policies have served us well in the 20 years since they have been established. To prove it, look at the international reputation that the area has established for itself. People from all over the world want to visit and soak in the natural beauty of the Alberta foothills.

Granted we now also have more demand for recreational development in the area, but we also have a committee in place to look at these proposals and to determine their impact in the overall management of Kananaskis. In case the hon. member is unaware, this committee is made up of senior managers from several government departments, including Environmental Protection, and includes two citizen representatives. It is not a case of one hand not knowing what the other is up to.

[Mr. Herard in the Chair]

Mr. Speaker, in closing, I would just like to remind the hon. Member for Sherwood Park about Alberta's Special Places 2000. If his concerns over Kananaskis are to preserve some area which he believes is in danger, he should submit nomination papers to the nominations committee. Habitat conservation and preservation is what Special Places 2000 is all about.

Thank you, Mr. Speaker.

4:00

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

MR. ZWOZDESKY: Well, thank you, Mr. Speaker. It's a pleasure to rise to speak on Motion 509 regarding environmental protection and the need for a comprehensive review in that regard. One of the many great attributes of our very great province, Alberta, is of course our environment. The high priority that we place on balance is therefore paramount in maintaining our environment. That balance relates to what we do with regard to those aspects of our daily living that impact the environment.

The essence of this motion addresses precisely that very point. It speaks to the need for a review or a review policy that somehow keeps in check what it is that our government is doing in relation to such special areas as Kananaskis Country. It goes without saying that this particular area is of course one of the most beautiful environmental areas in our province and, for that matter, in the entire world. This area is in fact very rich in wildlife, vegetation, forests, natural habitat, protected areas, and

recreational opportunities, but it is also an active location for logging, oil and gas exploration, grazing, and other industry-related endeavours.

Therefore, in order to preserve the natural beauty – the forests and the fauna, so to speak – while also maintaining an acceptable level of industrial and economic development, it is extremely important to have a system of checks and balances in place. This motion presents an opportunity to have a review done, “a comprehensive review of the policies that govern Kananaskis Country.” To not do this is to ignore one of Alberta's most significant cultural tourism destinations and perhaps more importantly one of the most precious natural areas we have.

While I am a big supporter of free enterprise, economic development, and business venturing, so too am I cognizant of the need to protect and preserve the environment, specifically our environment. I say that knowing the pressures that are constantly mounting for more and more development in Kananaskis and elsewhere in our province. The only way both interests can be adequately served is through regular reviews, though reviews that go beyond merely the recreational leisure and tourism aspects.

In so doing, let's also allow the public an opportunity to participate in a meaningful way, for it is they, the public, who use this area, and it is for the benefit of future generations that we must commit to this type of scrutiny. It's all part of open, honest, accountable governance, Mr. Speaker.

To put it in Liberal policy terms, these reviews are highly similar to our initiative for so-called efficiency audits in government wherein we advocated intensive reviews of government policies, actions, and decisions in comparison with budgets. We also called for planning and long-range visions for all departments to be set in an effort to see where taxpayer dollars are going in this province and to determine how effectively or ineffectively, as the case may be, those allocations have been or are expected to be in the future.

Too many times the public doesn't have a chance for that kind of involvement, yet here we see that opportunity. Often it's the case that the public is not even consulted about major government initiatives, but here is an opportunity to do so. This is one opportunity in fact where the public could be – and I would challenge the government that the public must be – involved to allow it to happen. Keeping the public informed and involved is one way to keep the public better informed and understanding of what the government's intentions are. That quite possibly might even result in more support for certain government directions. Since the government will be revising this year its IRP – that is to say, its integrated resource plan – it seems appropriate for them to also support this motion for a review that would go along with that revision process. Ecosystem management is much more a critical need to our society than it is a populous desire.

This area called Kananaskis is a year-round recreational area which encompasses numerous activities for campers, hikers, golfers, and fishermen during the spring, summer, and fall seasons as well as skiers, snowshoers, cold-weather enthusiasts in general during the winter season. I will recall with great fondness always having been the ninth group out on opening day of the kid course at the Kananaskis golf club and what a spectacular feeling it was to be in the mountains playing a wonderful game and enjoying nature, as it were, through the special protection that was given to it by the developers of that particular project. Kananaskis encompasses, I believe, over 4,000 square kilometres with numerous lakes and rivers flowing through it, and it also takes in the three provincial parks which my colleague for Sherwood Park mentioned earlier. Since that official designation

in 1978, it has attracted literally millions of visitors and participants to that area. It's truly one of our finest showpieces, and therefore the greatest of care must be exercised whenever we consider activities that impact on this special area.

The Minister of Environmental Protection must respond to these concerns, and being the conscientious individual that I believe he is, he can take this opportunity to deliver on that commitment. Environmental protection is his commitment. I wonder what review policies the Department of Environmental Protection has, as I review this motion, and if they have some that specifically address the ecosystem management or sustainable development areas, and secondly, what their particular policies are with regard to performance measures or performance outcomes that would otherwise come about if this motion were not embraced. Do they have other plans in place for similar reviews if they choose to defeat this motion? I would hope that they won't defeat the motion, but I don't know sometimes what to expect. How else can activities in Kananaskis Country be properly monitored if not through an in-depth review as called for through this motion?

It's essential that economic prospects be developed in accordance with carefully planned, long-range initiatives governing such important developmental activities as timber harvesting or petroleum and gas exploration, for example. We know that entrepreneurialism is vital to our economic needs in Alberta, Mr. Speaker, but we also must heed the findings and conclusions of some of our organizations that are charged with shadowing and protecting our environment. Organizations such as the Alberta Wilderness Association and the Bragg Creek environmental coalition heed many of these concerns, and so, too, should the government embrace some of those reports and look them over carefully prior to embarking in one direction more favourably than in another.

These individuals and these organizations are also concerned with the protection of some of the extremely precious areas that fall under that larger area of Kananaskis Country. I'm thinking particularly of the Whaleback area. I think we've all had calls from some of the people who are trying very hard to see that that area is not too overly developed, because not only is it immensely beautiful, but it's also an area that is one of very, very few in Canada that is truly a natural habitat that exists on what I call an as is, as was state, which is so critical to our wildlife. They are naturally attracted to that area for survival purposes as well as for procreation purposes.

Once again, I know we all understand the need for business to explore and expand in order to progress and prosper. What is needed along the way to that prosperity and progressiveness are some checkpoints such as this review request. I thank my colleague for Sherwood Park for having brought it forward today. We must carefully monitor commercial tourism and other current trends that are becoming more and more popular, be that hotel development or condo development or ski resorts or whatever. Let's be ever vigilant of the progress that we are making and at what cost that so-called progress is being made. Environmental impact assessments will reflect the value that we place on something we must be pledged to protect. The environment is something we cannot replace. I realize that parts of what we call the environment are certainly renewable, but if we are not vigilant and careful now, we may be irreversibly sorry later.

So this is a call and a challenge for the government to allow a process to come into place, a review process that would hopefully involve business enthusiasts, environmentalists, farmers, ranchers, recreationalists, and even individuals involved as sports enthusiasts.

Mr. Speaker, I speak wholeheartedly in support of Motion 509. I know there's precious little time left and that others would like to speak as well. So with those few comments I will take my place and thank you for your attention.

4:10

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

MRS. LAING: Thank you, Mr. Speaker. I'm very pleased to speak this afternoon on Motion 509, presented by the Member for Sherwood Park. The mention of Kananaskis Country conjures up some vivid ecological imagery. The rolling foothills touching the magnificent Rockies, lush evergreen forests, graceful elk and mountain goat, the powerful cougar, and the majestic hawk are just some of the images that come to mind. But Kananaskis is more than a pretty place to visit. It's a vital part of Alberta's economy and is a good example of how we as a province can mix economic and environmental concerns in a sustainable development policy.

Alberta has a reputation as a working province. We have a strong oil and gas industry, a thriving agricultural industry, and a diverse mix of other industries which help to make our economy one of the strongest in the country. Just as the world sees Alberta as a strong and vital economy, they also see our province as one of the most beautiful the country has to offer. The government's efforts in protecting areas like Kananaskis Country have made that possible.

The policy of the Alberta government is to have sustainable development. I believe there is some misunderstanding, however, about this policy. Some environmentalists would like to see us roll up the carpet on industry, but that would be as impractical and shortsighted as allowing the plundering of our environment. Our government is more responsible than that. It is this government's responsibility to ensure that the concerns of both environmental protection and industry are met. All Albertans want to help the environment by making sure that habitat is conserved and endangered species are protected, but we can't do these things without a healthy economy which helps to generate the dollars to pay for these projects.

It's because our economy is healthy that we can offer such programs as Special Places 2000, which is designed to set aside and conserve ecologically significant areas of our province, but our responsibility to the environment as a government does not stop there. This government takes into account a variety of factors when we approve development permits in places like Kananaskis. We have hired environmental experts to ensure that we do not jeopardize the environment or the health of Albertans in any way. A panel of experts and citizens looks at every project under consideration in Kananaskis. Mr. Speaker, I can assure you that decisions are not made in a vacuum.

The Member for Sherwood Park is asking this government to take away some of the needed dollars that we have to look after our environment in order to spend it on redundant initiatives. This government is already looking after the Kananaskis Country with an eye to the environment and an eye to the economy. Policies affecting the Kananaskis Country are being evaluated continuously to ensure that this beautiful area is preserved for the enjoyment of our visitors and Albertans.

It is for these reasons that I will not be voting for this motion, and I would urge the Assembly to concur.

Thank you.

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

MR. DICKSON: Thank you, Mr. Speaker. I'm pleased to speak in support of Motion 509. I thought it was interesting that when the Member for Calgary-East started speaking, he talked about in fact what he called "the hardest of urbanites," I think suggesting that somehow those people living in the larger urban centres have less of an interest and less of a concern for preservation of natural spaces and wildlife than Albertans that live in smaller centres. Well, that is truly a myth. There's no constituency of the 83 that would be considered more of an urban constituency than mine in downtown Calgary, and I want to tell you, Mr. Speaker, that I'm impressed by the frequency of calls and issues that come to my constituency office and to my office here from people in downtown Calgary who are concerned about the environment generally and concerned specifically about what's happening in Kananaskis. Kananaskis, for those of us who have the privilege of living in Calgary, is part of our extended backyard, and one can tell from the extent to which Calgaryans take advantage of the proximity to this wonderful resource.

I think that the members who have spoken against the motion may, with respect, be missing the point. To somehow present this motion as tipping that balance between recognizing natural resources, on one hand, and on the other recognizing the importance of jobs and economic development I think is actually sort of a false contest, Mr. Speaker. I think that all of us recognize the importance of jobs and economic development, but what this motion strives to focus on is a longer term commitment. If we want to ensure that those tens of thousands of jobs involved in tourism exist not just for our generation and those Albertans living now but for our children's generation, it means that we have to be prepared to do the kind of comprehensive planning, and I underscore "comprehensive."

The Alberta Wilderness Association representatives certainly indicated to me the concern that the present approach tends to be a piecemeal approach. Looking at the IRP, which has been touted by those couple of members who spoke against Motion 509, that isn't adequate. It's been proven not to be adequate. In this province since 1965 legally protected wilderness areas have declined by 15 percent. That's a concern to my constituents. I think it's clear that the past philosophy of integrated resource management, that was developed by this government in the 1970s, no longer does the job. It simply isn't adequate. It's inadequate to address matters connected to biodiversity, matters connected to what size of animal population is desirable. It's inadequate to address fragmentation of habitat. In fact, one might argue that the integrated resource management approach really contributes to that kind of fragmentation.

I think the whole pith and substance of this motion is to look at the bigger picture. I think that is much more important than segmenting the situation, as the integrated resource management plan tends to do. I think the IRP is inadequate to adequately protect watersheds; it's clearly inadequate to deal with species and whether those species are threatened or endangered. I think we have to have a plan that is broad and comprehensive enough that it may require identifying and then eliminating activities which have a prime impact on sensitive ecosystems.

I'm concerned and I think share the concern that's been expressed by the Bragg Creek environmental coalition, who really put the question very squarely: can logging and recreation applications co-exist? I think that's a fair question. I'm not sure

that's a question that's going to be adequately, sufficiently dealt with in an integrated resource management approach.

In Calgary there are many people concerned with the Spray Development Corporation proposal. That's one of those projects that makes the phones ring on a regular basis in the Calgary-Buffalo constituency office. I'd like to be able to tell my constituents that the IRP approach is going to be able to adequately address those kinds of concerns, will properly safeguard habitat and wildlife from projects as big as what is contemplated by the Spray Development Corporation. I can't give my constituents that kind of assurance. With the kind of more comprehensive planning that is called for in Motion 509, I just might be able to give my constituents that greater degree of comfort that currently doesn't exist.

To the Member for Calgary-East, who said to nominate a special place, that misses the point, and in fact that sort of thinking continues to underscore the danger of fragmented land management and natural habitat management. If we truly want those jobs and the greatest possible economic development that the Member for Calgary-East said was his priority, and if he wants to build and augment the international reputation in Alberta that our wilderness spaces have, those are all compelling arguments to support this motion. I expect that the Minister of Justice, the MLA who has the absolute, singular honour of living and representing this precious part of a wonderful province like Alberta, will be the first to be on his feet when it comes time to vote on this motion because this member, I expect, will know and appreciate what's important here.

4:20

I come at this from several perspectives. A keen backcountry camper and alpine and cross-country skier, I spent a lot of time in Kananaskis Country in all four seasons, Mr. Speaker. There are some areas where we haven't done a particularly good job. The Kananaskis Country Golf Course may be a treat to play on, but it's a fiasco when it comes to management in terms of what the return is to the province of Alberta. We can look at some of those other decisions that have been made in Kananaskis that call out for a clearer perspective, sounder judgment, better husbanding of Alberta's natural resources.

[The Deputy Speaker in the Chair]

This particular motion gives us an opportunity to do those things, so I encourage all members to support it not because it simply deals with protecting wildlife and habitat but because this will ensure those long-term jobs and that long-term economic attractiveness that is so important to the future health of this province.

Thanks very much.

THE DEPUTY SPEAKER: The hon. Minister of Justice.

MR. EVANS: Thanks, Mr. Speaker. I'll begin my comments just by reminding the hon. Member for Calgary-Buffalo that not only do I have the great privilege of representing Kananaskis Country but that you, Mr. Speaker, as the Member for Highwood also represent the Highwood area, the southern and eastern part of Kananaskis.

I'm rising today to oppose this motion only on the basis that it's premature. I want to, as well, talk a little bit about some of the protection that is in Kananaskis and the fine job that has been done throughout the years since Kananaskis Country was formed,

because I think that will allay some fears of some members who may not be as familiar with the area that the area may be in some danger and may be somewhat compromised. I don't believe that's the case, and it's because of the good management that has been in existence for many years and will continue to be.

The Minister of Environmental Protection has said that he would undertake a review of the tourism activities that are ongoing in Kananaskis, the recreation development that is available and where we should be going in that to ensure that Albertans have the opportunity to use this magnificent part of our great province and to ensure that future generations also have that opportunity. Now, that is an ongoing process, and there will be a report this summer. The hon. minister has also said, Mr. Speaker, that he will use that information to do a thorough and comprehensive review of the integrated resource plan for Kananaskis Country. Now, with those two matters at hand I again would state that the motion is premature, because it's asking for an independent, thorough review of what's going to be done and is being done and to look at cumulative impacts. I firmly believe that there will be some input into the issue of cumulative impact in the current study that's ongoing on recreation development policies, and certainly that will be an issue when the integrated resource plan is considered as well.

Mr. Speaker, I am not only lucky to represent much of Kananaskis Country, but I was very lucky indeed to participate in Kananaskis Country as a private citizen when I was appointed as a member of the Kananaskis Country Citizens' Advisory Committee in the late '70s, served in that capacity for about a decade, was lucky enough to be appointed as the MLA representative on that committee when I was elected in 1989, and then of course continued to have authority over Kananaskis when I served as the Minister of Environmental Protection.

I have watched over the years departments of government, citizens of this great province, either through the Citizens' Advisory Committee or now the integrated committee approach with the Kananaskis Country interdepartmental committee taking two members from the Citizens' Advisory Committee onto their committee, bringing into the picture all of the issues that face Kananaskis and dealing with them one by one. That has taken into account the cumulative impacts of all sorts of uses, with a focus, Mr. Speaker, on the recreational opportunities but taking a multiple-use approach to Kananaskis, recognizing that there were uses such as trapping, oil and gas, the TransAlta developments, the hydro developments within Kananaskis prior to the Country and Peter Lougheed provincial park being formed. That kind of a comprehensive overview has created an absolute gem in the Eastern Slopes of the Canadian Rockies that is enjoyed every year by Albertans, by Canadians, by travelers from around the world.

An indication of how well it's being run is the number of letters that I've received during that period of time that I served as a Citizens' Advisory Committee member, as the MLA representative on the CAC, as the minister responsible, and as I continue to serve as the MLA for Banff-Cochrane. You just don't see many letters coming in, Mr. Speaker. You just don't, because the level of control and the extent of the overview of that area, how it's well kept by those able members of our civil service in the province of Alberta for the use of all those who make use of that area, is extraordinary.

It's extraordinary in terms of the dedication and the commitment of the individuals who work there, and it's extraordinary, quite frankly, in the way that people respond to that when they go

to Kananaskis Country. You see people picking up garbage wherever they see it in Kananaskis. You see people getting in touch with authorities there to make sure – if they see anything they think is irregular, they want it stopped or they want it investigated. Albertans and others who participate and use that area take on a love affair with Kananaskis. It's that love affair, Mr. Speaker, that gives me a great deal of confidence that Kananaskis will be protected in the future and that ongoing processes of review, consultation, and impact analysis will continue for many generations to come.

As hon. members are probably aware, Kananaskis Country for the most part was funded by our heritage savings trust fund. That was a commitment to use the resources of today for many generations to come. This is a heritage resource of the province of Alberta. It will continue to be a heritage resource. It will continue to be a drawing card for all Albertans, all Canadians, and many lucky visitors from all over the planet.

We will, again, continue to review this very carefully to make sure that the demands on Kananaskis do not impair its ability to continue to flourish and provide a wonderful opportunity in the future.

THE DEPUTY SPEAKER: I hesitate to interrupt the hon. minister, but the time limit for consideration of this item of business is now concluded.

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

[The members indicated below moved that the following Bills be read a third time, and the motions were carried]

- |   |  |                      |
|---|--|----------------------|
| 1 | Agent-General Act Repeal Act               | Evans<br>(for Klein) |
| 2 | Alberta Economic Development Authority Act | Yankowsky            |
| 3 | Lloydminster Hospital Act Repeal Act       | Stelmach             |

**4:30** **Bill 4**  
**Glenbow-Alberta Institute Amendment Act, 1996**

THE DEPUTY SPEAKER: The hon. Deputy Government House Leader.

MR. EVANS: Thank you, Mr. Speaker. On behalf of the Minister of Community Development I am pleased to move third reading of Bill 4, the Glenbow-Alberta Institute Amendment Act, 1996.

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

MR. DICKSON: Thanks, Mr. Speaker. I'm pleased on this Bill to note and mark that this is one of those Bills that is supported by members on this side of the House. It's a positive Bill. It's something that we're happy to see brought forward. To members opposite who always say that there's not support for positive ideas, this is a good example of a time when we expedite the legislative passage.

Thanks, Mr. Speaker.

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

MR. COLLINGWOOD: Thank you, Mr. Speaker. I just wanted

to comment that the opposition does indeed support this particular Bill. While the government does in many cases say how they are becoming more prudent managers of dollars, I note with interest – and this has already formed part of the debate – that in this particular Bill the board is entrusted with a significant amount of money for which they are required to follow certain investment practices. I note that the legislation requires the board to adhere to “prudent investment standards” in making investment decisions and in managing its total investments but that the Bill also allows the board to go beyond that requirement to find other ways to invest as long as they follow a “3/4 majority/60-day notice requirement” to move outside of the realm of prudent investment decision-making.

Mr. Speaker, I for one think that that is inappropriate, to allow the board to do that. I would in my own interpretation consider that there is significant flexibility in the phrase “prudent investment standards.” Unfortunately, what this Bill does is it implies by those statements contained in the Bill that the board can invest its investments, including a gift from the people of the province of Alberta, or engage in activities that are not prudent investment standards. I'd suggest that that is not a step forward on the part of the government in empowering this board to conduct its activities and that they should have refrained from allowing the board to do that.

I can't think of any circumstance where a board should be allowed by legislation, with concurrence of this government, to step outside of prudent investment standards regardless of the reason and regardless of the decision that that board wants to do that. Mr. Speaker, if the board wants to involve itself in speculation, I don't think the government should open the door to allow them to do that, and that's exactly what the provisions are that are contained in this Bill, requiring nothing other than a three-quarters majority vote of the board with a 60-day notice period to do that.

Those are my comments, Mr. Speaker.

THE DEPUTY SPEAKER: The hon. Deputy Government House leader has moved on behalf on the hon. Minister of Community Development third reading of Bill 4, Glenbow-Alberta Institute Amendment Act, 1996. Does the Assembly agree to the motion for third reading?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed? So ordered, unanimously.

[Bill 4 read a third time]

### Bill 5 Racing Corporation Act

THE DEPUTY SPEAKER: The hon. Minister of Transportation and Utilities.

DR. WEST: Yes. Mr. Speaker, I move third reading of Bill 5, the Racing Corporation Act.

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

MR. DICKSON: Mr. Speaker, thank you. This is a Bill, I want to acknowledge, that there's been some progress on in terms of amendments that have been accepted by the government, but what we're still left with on balance is a Bill that I can't support.

What we've got is a Bill that effectively still provides that we turn over control of an industry which has a very large dollar impact in this province, and we're basically saying that the public interest is going to be seen to be absolutely identical with the interests of an industry. It's just a bad proposition. It's the same kind of proposition we run into in terms of dealing with regulations, with a host of other kinds of lawmaking. I happen to believe that there's a public interest which at times is going to be distinct and different from an industry interest. That will never be given any recognition if and when this Bill becomes law.

In effect what we have done is abdicated our responsibility as elected legislators to an industry to manage itself, and I have a fundamental problem with that. I can see elements being turned over to an industry, but I still think, particularly when you're dealing with a gambling-related industry, that there have to be lines of public accountability. They have to be clear, they have to be unambiguous, and there has to be a minister that can stand up in this Legislature and be held to account for what happens and what goes wrong. That effectively will not be the case with the passage of Bill 5.

So I want to register my concern. I acknowledge that the government has budged, has been nudged, maybe I should put it, in a very modest way, but we still have on balance a Bill that's built on a very flawed premise, and I continue to believe that very strongly.

Thanks, Mr. Speaker.

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

MR. HENRY: Thank you very much, Mr. Speaker. I, too, would like to make a few comments on Bill 5, the Racing Corporation Act, at third reading.

One of the comments that I'd like to make came out of conversations with my constituents about the nature of the way the government today treats and refers to groups in our communities, in our constituencies. It seems that if you are part of a group and you're advocating for something from the government and the government is not in agreement, the government labels you and the group as special interest. However, if the government happens to be in agreement with your group, you are then a stakeholder with regard to the issue. That's come to the fore many times in this Legislative Assembly, and many of my constituents, recently especially, have come to me to talk about that particular issue.

We all recognize that we belong to various different groups and that we all have various associations in our community, formal and informal associations. I think most members in this House would agree that as part of those relationships in our communities we not only have a right, we have a responsibility to look out for the betterment of our communities in the generation and in response to public policy. We all know that part of what a government's role is and part of what the role of legislators is is to try to bring together the various opinions and the various interests of all those associations and all those connected community groups to try to on balance provide what's best for the majority and what's best for all of us in our province.

4:40

Unfortunately, what the government seems to have done with Bill 5 is listen to the narrow stakeholders and create a corporation that's controlled by, as the Member for Calgary-Buffalo said, the immediate stakeholders or the special interest group that controls

the industry. They have ignored that there are other communities out there that also have an interest in racing and in betting and in offtrack betting in our province. The government has chosen in this Bill to abdicate the responsibility that we as legislators have to represent the entire community and instead has chosen to represent what it calls a stakeholder, what I'd like to refer to as a special interest group. Unlike the government I use that term in a positive sense.

What we should be seeing here in the Racing Corporation Act, if we really want to take our responsibilities seriously as legislators – if it is the decision to create a corporation, we should be seeing the membership of that corporation reflective of the broader community and not just the industry. It's this kind of thing that would lead a government to say that the health inspectors inspecting meat for our consumption should be representative of only the producers and not the consumers. It is this sort of thought or pattern with the government that would say that only those working in education should have a say about what happens in education. We all know that in many things, in terms of the proliferation of gambling in our society, in terms of using public funds and operating in a community, all of us have a stake in that. None of us, not one special interest group should be able to run off and just govern its own affairs totally independently when we're talking about the fact that that group's decision then has an impact on the broader community.

I don't see the government here saying, "We're going to abdicate responsibility for how we operate casinos in our province," and just giving it over to the nonprofit groups. The government has said: we retain that responsibility here. We haven't seen the government say, "Oh, well, we're going to give up control of the Wild Rose Foundation, give it to the community groups there, and let it determine what the priorities are." We've not seen the government come and say, "We're going to give up control of gaming with regard to raffles and lotteries and such and just let a narrow, particular group out there operate that."

To take this parallel would be to take those groups who have applied for lottery licences and such, other gaming, and allow them simply to determine the regulations and if we should have more licences or more forms of gambling in our province. The point here is that while I'm sure the future members of the racing corporation would be responsible members, it is very easy for a group to get narrowly focused and to want to look after their own bailiwick and not recognize that what they do and the decisions they make have an impact on the broader community and that that community should be consulted and that that community should have a say. That's the job of legislators here.

In all conscience I can't support this Bill because it is fundamentally flawed. I understand that the government wants to move ahead with this one, and I don't intend to be obstructionist about it. But I want the record to be very clear in this Legislature. When we're down the road and we see offtrack betting in my community and in your community, Mr. Speaker, and in every community represented by members in this Legislature, when we see charitable groups coming to the government and saying, "We didn't realize the impact; how come you're letting these dollars that have historically been used to support community projects be drained off into the racing corporation?" I want it to be very, very clear that this member did not support that initiative.

Thank you.

THE DEPUTY SPEAKER: Would the Assembly grant permission to briefly revert to Introduction of Guests?

HON. MEMBERS: Agreed.

THE DEPUTY SPEAKER: Opposed?

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

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

MR. HERARD: Well, thank you. It's indeed a pleasure to rise and introduce a very good and old friend, maybe not quite that old but certainly a good friend, who used to live in your constituency, Mr. Speaker. Mr. John Maveety now resides in Reno, Nevada, and is here in Edmonton assisting prominent Alberta companies with his 30 or more years of telecommunications and computer networking experience. He's here to assist these companies in doing their telecommunications planning. I would like him to rise and receive the warm welcome of the Assembly.

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

**Bill 5**  
**Racing Corporation Act**  
(*continued*)

THE DEPUTY SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. I think it is appropriate for me to make a few comments on Bill 5 at its third reading stage. I recognize that based on the numbers in the Legislative Assembly at this point in time, the outcome of the Bill is a foregone conclusion, but this is one piece of legislation that has been produced and introduced in this Legislative Assembly this session that has bothered me deeply, and I think it has bothered other members of this Assembly deeply too.

Giving the minister credit where credit is due for the tortured history of this Bill, Mr. Speaker, you will recall that this Bill was first presented in a different number over a year ago, and when the Bill ran into, apparently, opposition on a wide-quartered basis, certainly from the Liberal Official Opposition, the hon. minister withdrew the Bill, ripping it up in a rather theatric fashion and indicating that it would never see the light of day again. He was indeed correct, because it came forward in a new numbered process the very next session.

The minister also was prepared in this particular Bill to accept some amendments. For example, one of the amendments that was accepted, with much negotiation, was the issue of whether people with indictable offences could sit as directors of a gaming organization that handles vast amounts of cash and that deals with gaming and gambling issues in the province of Alberta. I would have thought, Mr. Speaker, that that would have been virtually a given, but indeed it required an extensive amount of negotiation. Giving credit to the minister where credit is due, he ultimately did bring forward that type of corrective amendment.

I am troubled that in this province, based on the quality of the individuals that sit in this Legislative Assembly and the quality of the debate that we hear in this Legislative Assembly and the individualistic acts of honourable, good spirit that we show in this particular Legislative Assembly – for example, the hon. Minister of Labour actually pursuing an armed robber on foot to encourage obedience to the law in the province of Alberta. I am surprised that those type of amendments actually have to be yanked forward in this Assembly almost like one is pulling teeth without anesthetic.



This particular Bill, Mr. Speaker, represents an extensive deregulation and turnover to an industry of gambling control in the province of Alberta, and whatever else is said about this Bill, when individual Members of this Legislative Assembly vote on third reading for this Bill, they are effectively voting for deregulation of gambling in the province of Alberta. Only time and history will determine whether that direction was a useful one for this province to embark on.

In addition, the amendments that have been accepted to this Bill by the hon. minister and the colleagues of this Legislative Assembly do not alter the fact that this Bill has a potential expansion aspect to organized and planned gambling in the province of Alberta. This Bill is an enabling piece of legislation, Mr. Speaker, that allows the gambling opportunities in this province to be increased and widened, this at a time when we are hearing increasing concerns about the expansion of gambling in the province of Alberta. One has to ask rhetorically, when we have so many great gifts and beauties in this province, why we have to be focused on the expansion and proliferation of gambling. I do not think, for example, that the lot in life of residents of many of the constituencies that members represent in this Legislature would be improved by that particular direction.

4:50

We also have, Mr. Speaker, for the first time, in my estimation, at least since I've been elected here, an opportunity for a board basically to become self-perpetuating, where one retiring board can effectively control the destiny of the next board that comes in and replaces them. The concept of self-perpetuating local government seems to me to be a very odd one in a democratic and open society: friend appointing friend, a group appointing a successor, and the like. How do you ever in that environment get in new blood, new ideas? How do you ever provide a window for discontent or disenchantment to express what might be a very legitimate public concern?

Finally, Mr. Speaker, this Bill enhances all that we have talked about over many months about private rule-making, not published in the *Gazette*, not required to be listed or documented anywhere, but an extension of the ability for self-appointing groups to create private rules that bind if not all citizens of Alberta, at least those that have cause to do business in the environment where this group will operate.

Having said all of those things, Mr. Speaker, I want to recognize as one Member of this Legislative Assembly that Thoroughbred racing in the province of Alberta is a sport with a long and cherished history. It provides agricultural opportunities for the province of Alberta, but I do not believe, with respect, that this Bill enhances those opportunities. This Bill simply shows that we have a government that will take the route of least resistance in terms of delegation and opening up doors to potentially unpredictable future results in the area of gambling. I want to say that if we were that tolerant and lenient in the area of education and health care in this province of Alberta, many more Albertans would be feeling a lot better about themselves.

Thank you, Mr. Speaker.

MR. COLLINGWOOD: Mr. Speaker, just a few comments as we conclude debate on third reading of Bill 5, and I'll pick up where my colleague from Fort McMurray left off.

The industry, if you want to call it that, of horse racing in the province of Alberta has been long-standing and popular amongst the people of Alberta. We have historically been involved as a provincial government in the regulation and in the control of horse

racing in the province of Alberta primarily because it is a gambling sport within the province of Alberta. Government's historically, Mr. Speaker, at least in my opinion, have maintained their control over the regulation of those kinds of activities that we as humans like to undertake but which are subject to and open to abuse rather quickly. In areas of gambling, in areas of liquor consumption, in areas like that we maintain and have always maintained control over the regulation of the activities that are allowed and the extent to which those activities are allowed.

My recollection, Mr. Speaker, is that the minister responsible for gaming in the province of Alberta was clear in stating that there were concerns within the horse racing industry that it was losing ground in terms of its ability to compete with other kinds of gambling activities in the province, that there was concern that the health and the state of horse racing in the province of Alberta was not being sustained and was not growing. I am to some extent assuming that the industry basically said to the minister: "You've had your kick at this. Let us have our kick at it. Get rid of the Alberta Racing Commission and build for us the Alberta racing corporation."

If in fact that is the impetus and the incentive for the government moving from the government-controlled commission to this independently controlled corporation, then we're very clear that the reason for this move is to ensure that the industry can at least make the attempt to earn for itself more money. So the bottom line for this change is not necessarily on the regulation of control for the benefit of the people of Alberta; the objective of this Bill is to give the industry an opportunity to earn for itself more money in an environment where it's losing ground.

I then go to the comment made by my colleague for Edmonton-Centre that Albertans at some point in the future, perhaps the not-too-distant future, are going to say, "We didn't realize the extent to which offtrack facilities were going to intrude into our communities." The minister will say: "Well, that has nothing to do with me, members of the communities in the province of Alberta. I have absolutely nothing to do with that. You'll be wanting to talk to the Alberta racing corporation."

The licensing component of this Bill is discretionary on the part of the corporation and is not even mandatory. Whether or not there will even be licensing requirements for offtrack betting facilities remains to be seen. The decision is left to the corporation as to whether or not an offtrack betting facility will have to actually be licensed through the corporation before it can begin its operation. That's not very certain, Mr. Speaker. That's not very clear. We may in fact be creating an environment or a situation where offtrack betting facilities are going to exist and there isn't even going to be any licensing requirements for those offtrack wagering facilities to exist.

As other members have stated, the Alberta racing corporation, by virtue of the structure of this Bill will become exclusive of government, of the people that it is serving. Its activities will be under a cloud, under a shroud by virtue of the fact that it does not have to publish its rules. It will continue essentially unabated by any ability of government or the people to interfere or intervene, with the Alberta racing corporation saying: "This is ours. Hands off. We're here to make money for ourselves and to offer the sport of horse racing and gambling in the province of Alberta."

So as my colleagues have stated, the difficulty that we on this side of the House have with this Bill is that it removes too far the control and regulation over a gambling activity in the province of Alberta. It allows for the racing corporation to take major steps on how gambling will be offered that are intrusions into our

community. I think that people will be surprised to see the extent of the increase in horse race gambling in the province and where that can occur, and the minister will be able to simply defer to the racing corporation for the decisions that have been made.

Those, I think, Mr. Speaker, are the reasons that I would cite at third reading as to why – notwithstanding the fact that some negotiation and discussion has taken place with some amendments to the Bill, it still goes too far in that direction and will not, I don't think, be received wholeheartedly by the people of Alberta, who are speaking now about the level and the extent of gambling in the province of Alberta.

I can't speak for everyone, but there are many Albertans who do enjoy the races. They come to town for most of us in the summertime in some form. They're fun to watch. They're fun to play. But I think, Mr. Speaker, that we're putting too much emphasis and too much focus on the money side and not enough on the need for government to continue in the regulation and in the control of this gambling activity.

Those would be my comments. Thank you, Mr. Speaker.

**5:00**

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

**DR. NICOL:** Thank you, Mr. Speaker. I rise just to speak briefly on third reading of Bill 5. We had a lot of debate earlier this afternoon, both in terms of a ministerial statement and in question period, that dealt with the freedom of choice in the agricultural sector. This dealt with whether or not the producers of a product have the right to determine how that product is marketed, how it's dealt with within the framework of an industry, and how it relates to other activities that are ongoing in the agricultural sector. Well, Bill 5 here looks at an extension of that kind of freedom that's necessary for an industry to operate. We're dealing here with the horse racing industry, and they have been controlled and regulated very severely in the past by government and by government regulation under the umbrella of trying to protect society from the gambling component that's usually associated with horse racing. This basically creates the conflict between freedom of choice for an industry, freedom of an industry to operate and control its own destiny, as we continue to hear talked about in many of the other agricultural commodities, especially as it relates to the Canadian Wheat Board.

Well, you know, we're now looking at how we develop some degree of freedom for the horse racing industry to control their own future and determine whether or not they can become a viable industry in competition with the production decisions or as an integral part of the production decisions of the agriculture industry, both in terms of feed inputs, in terms of output. What we have is an industry here that's really producing a marketable commodity that's defined in terms of recreation, entertainment for the people who, like myself, enjoy going to a horse race but never put their hand in their pocket and pull out money. It's the thrill of watching a beautiful horse participate, whether it's in a sprint race or whether it's in a quarter horse demonstration, whether it's in a Thoroughbred race, whether it's the chuckwagon horses running the barrels and around the track.

Mr. Speaker, those are entertainment values, and we've unfortunately had an opportunity now to get this entertainment value, this entertainment product that's produced by the horse racing industry into a situation where it's now in conflict with or in competition in this Bill with the gambling, the risk-taking expenditure opportunity that the industry provides for consumers

in the province. We deal with the purchase of risk, chance, and that's the people who go to the horse races and actually put their hand in their pocket and pull out the dollars. Some of them are small dollars like loonies. Some of them are big dollars like you and I probably haven't seen, but some of them deal with a lot of cash in this kind of choice in terms of what they're buying. As they buy these risk dollars and as they get involved in this chance component, we then end up with the risk involved with mismanagement, the opportunity for large gain and pressure being put onto the industry to behave in a certain manner. I think this is the area that we as a society have to look at in terms of how far we allow horse racing to go in terms of its freedom to operate.

We've heard a number of concerns raised already this afternoon in the context of concerns about Bill 5 that haven't been accommodated in the amendments that were provided and were allowed for in committee, and these associated with the aspects of public input, how the public good is looked after in terms of the representation on the board. We've also heard concern about the control over the access points, the mechanisms that'll be available for people to come out and put their hand in their pocket and bring out that cash to participate in that risk-taking purchase. What we end up with, then, are some concerns about where the bookie joints are going to be established.

These are the kinds of things that we have to look at within the context of: do we already have mechanisms within our society, within our legal structure to provide those guidelines, provide that protection that we heard expressed this afternoon? Will local zoning laws allow a local municipality to control the location of the offtrack betting places? How do we deal with that kind of control through local initiative, through local prerogative, in terms of whether or not they want it located on this side of the street or that side of the street or on the other side of town or, Mr. Speaker, maybe even in the other town down the road? They don't want it in their town. These are the considerations that have to be made.

I guess now that Bill 5 has reached third reading stage, we have to look at whether or not it has been able to provide us with that mechanism for this freedom to operate that we want to give to the horse racing industry, the control over their own destiny. If they make it, fine, and if they don't, then they don't have the government to come back to. So what we've got to do is look at that component from the agriculture side, from the horse racing side, from the industry side, and from the pure entertainment side, because that's not an issue of the risk expenditures, the gambling component that's been addressed.

I guess the question that we have to trust, now that Bill 5 has reached third reading and appears destined for passage, is that the regulations that are going to be set forth will provide us with both the guidelines that'll allow for provincial control over those offtrack betting facilities and that'll provide also for guidelines that the local municipalities can use as they move to either encourage or discourage the location of those offtrack betting facilities. So we have to, you know, see whether or not the opportunities exist for this kind of expansion of an industry.

I don't know whether we want to see the horse racing industry expand to the point where it's starting to approximate or approach the kind of thing we're seeing now, you know, with satellite bingos, where you have networks of them. Are we going to allow the bars that are coming up now in Alberta where they have the live-screen horse racing – are each one of those bars then going to be having an offtrack betting facility that'll allow the patrons there to put up their dollars? If this is the future that's going to

appear in Alberta, we've got to see good regulation and good guidelines provided by government to control the kind of spread of these gambling opportunities. We've got to make sure that the community still reflects the kind of community that Albertans want to live in.

So what we end up with then, Mr. Speaker, is someone who's a strong proponent of agriculture and freedom of choice in the agriculture sector saying that this is a Bill we should be supporting. On the other hand, I sit here as someone who says, gee, you know, this is a Bill that has the potential to make gambling more widespread, more readily available, more an integral part of a community than what we would really like to see. I'm going to have to take and put some trust in the regulations, put some trust in the government officials, the government legislators that are overseeing these regulations to make sure that the degree of control is there so that we can have basically an industry that's in control of their own destiny, yet we do have protection for the communities of Alberta.

Thank you, Mr. Speaker.

[Motion carried; Bill 5 read a third time]

**head: Government Bills and Orders**  
**head: Committee of the Whole**  
**5:10**

[Mr. Clegg in the Chair]

THE DEPUTY CHAIRMAN: Okay. Can we have the committee come to order, please.

### Bill 6 Gaming and Liquor Act

THE DEPUTY CHAIRMAN: We're here to debate Bill 6. We are on amendments to Bill 6. If our records are correct, if you've got the copy of all the amendments, we are down to A7, or H. Are you ready for the question on the amendment?

Hon. Member for St. Albert, are you wanting to speak?

MR. BRACKO: Yes. Which one are we on?

THE DEPUTY CHAIRMAN: Well, it's A7, or H.

MR. BRACKO: Thank you.

AN HON. MEMBER: Read the amendment so it will refresh your memory.

MR. BRACKO: Okay. Section 65 was amended by adding the following after subsection (2); is that correct?

THE DEPUTY CHAIRMAN: What's that, hon. member?

MR. BRACKO: It says: section 65 is amended by adding the following after subsection (2).

THE DEPUTY CHAIRMAN: No, it's not, hon. member. It's section H on the amendments in front of you. It's section H, but we've renumbered them. It's A7, and it's section H, "Section 34 is repealed."

MR. BRACKO: Okay. Thank you. Speaking to the amendment, Mr. Chairman, this is the amendment that restricts freedom of

information, one that we looked at, one that needs to be repealed so that the public, Albertans, have access to freedom of information, so that the government doesn't hide, as they have in the past, so many areas which would allow the public to know what's going on, to allow Albertans to know what's going on. This restricts freedom of information. A small board of five members would have that power to disallow the public from having information that is important to the well-being of this law. Also, confidentiality is not what this is about. The minister of transportation himself is the one who says that about being a leader in freedom of information, and then he puts this section in. It's hard to believe why it would be there, why it would happen.

With those brief comments, I will allow other members of my caucus to speak to this.

MR. DICKSON: Mr. Chairman, the reason I am happy to see this amendment come forward is that it does something that I think is very helpful in the overall context of Bill 6. What the government has attempted to do with section 34 is to take an element of information and say that we're not going to allow the Information Commissioner, we're not going to allow the Act, to have sway here. You see, there is ample provision already under the Freedom of Information and Protection of Privacy Act for information generally supplied in confidence to be protected. In fact, we had a ruling just issued today by the Information and Privacy Commissioner, Mr. Clark – it's his order 96-004 – where he specifically addressed this whole business of information which could reasonably be expected to "reveal information in a . . . record supplied, explicitly or implicitly, in confidence." This is under section 19(1)(k). If members look at this ruling of the Information Commissioner that has been published today, they will see that the Act already allows an assessment, sets out what the test will be. That test is now being fleshed out and particularized by the commissioner.

Why wouldn't we allow that to operate? What is so confidential and so unique, so prejudicial in "liquor information in the custody or under the control of the Commission" that we're going to holus-bolus say all of it shall be "deemed to have been supplied . . . in confidence"? Why wouldn't we do a fact-based, merit-based assessment and leave it up to the provisions in the Act that we just passed, that just came into force on October 1, 1995, that was passed in 1994, amended in 1995? Why wouldn't we just allow that to operate?

No. That isn't good enough. The government has decided that they have to jump in there with both feet in a really clumsy, awkward way and say: we're sealing all of it off, and we're deeming all of it by a statutory provision to be confidential information. Well, that doesn't make any sense. In that balance of protecting legitimate confidential information on the one hand and making government as open and transparent as possible, the government has just gone tilt, and you can see the tilt in great big neon letters over top of section 34.

This amendment helps to redress that, helps to restore that equilibrium, that balance. It still allows for the protection of the legitimate interests of somebody who supplies liquor information within the meaning of section 34. That protection is still there. Why would we go and intercede at this earlier step and just say that we don't even have enough faith in the Freedom of Information and Protection of Privacy Act, we don't have faith in our FOIP co-ordinators, we don't have faith in our deputy ministers who review what the FOIP co-ordinator resolves, and we don't have faith in the Information Commissioner? That's what section 34 says.

This amendment goes back and says, "We think this is a reasonable Freedom of Information and Protection of Privacy Act." The government has got some very excellent freedom of information co-ordinators. Let them do their job. Let section 19 and section 15 of the Freedom of Information and Protection of Privacy Act operate. That's what this amendment does.

I encourage all members to support the amendment, because at the end of the day the government's reputation for the much touted openness and transparency is on the line. It's on the line in the vote on this amendment, and I encourage all members to recognize that if this amendment goes through and section 34 comes out, legitimate confidential information supplied by liquor store operators will still be protected, Mr. Chairman.

With that I will take my seat. I expect that we have other speakers that will join in debate on this particular amendment.

Thanks, Mr. Chairman. [interjection]

THE DEPUTY CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: I'm grateful that you were looking after my interest there as the minister was diverting me.

You know, the hon. Member for Calgary-Buffalo said it so well. We laboured, we literally sweat blood and tears you'd almost say, to develop a freedom of information Act that seemed to meet the interests of the communities, seemed to meet the interests of those people who genuinely wanted legitimate bona fide information, and seemed to meet the interests of businesses who wanted to protect their proprietary interests. All of these concepts are balanced in the freedom of information Act, but when the government seeks to pre-empt and seeks to circle the wagons around some piece of additional legislation, it sends the wrong signal, Mr. Chairman, to the citizens of this province. It says that basically we're going to have freedom of information, but it's going to be like some of the other Bills we've criticized where there's going to be a special rule on this in that area, a special rule on this matter found in this regulation, a special rule over here, and a rule here and a rule there instead of having this freedom of information Act serve as a one-stop shopping formula for when you get information and when you don't.

5:20

Now, if the Members of this Legislative Assembly vote to pass this amendment, which will take out section 34, the sky will not fall. There will not be lightning bolts striking anybody down. What will happen, Mr. Chairman, is that we will go back to the freedom of information Act to determine when a request is made for information that is collected through the liquor control process. The freedom of information Act will allow for the proper handling of that request and determine whether or not the information should be released.

If the hon. minister who is the sponsor of this Bill has some reason why that normal procedure should not take place, he should speak up. He should stand up and say, "It won't work in this case because . . ." Otherwise what you have done is you have restricted the supply of information and done it in a way that is difficult to comprehend. What you have is a code in the freedom of information legislation that deals with all of this, and then you are creating a subcode in this particular Act.

The concept in this amendment is very, very straightforward and very clear. The Official Opposition of this province says that we have a freedom of information Bill . . . [interjection] I see that the hon. Member for Barrhead-Westlock is getting ready. He

will no doubt grace us soon with his dissertation as to why freedom of information should not work in this case. I think he will stand up in a moment and he will support this particular amendment, because this particular amendment basically says that we have confidence in the freedom of information Bill and that legislation.

I recall the hon. members opposite voting for the freedom of information legislation that we have in this province.

MR. COLLINGWOOD: It was the Premier's Bill.

MR. GERMAIN: It was the Premier's Bill, it's been pointed out to me. The hon. members can vote for it again today by voting yes to this amendment. When you vote no to this amendment and if you reject this amendment, it basically means that liquor information will be treated differently than other information in the province of Alberta. I think those people who say that it should be treated differently have a strong onus of establishing or proving why it should be treated differently.

So I urge all Members of this Legislative Assembly to put the partisan politics aside. When they vote for this amendment, they are voting for the integrity of the freedom of information legislation that we have in this particular province.

Now, Mr. Chairman, I could go on and on about this very important amendment, but I know that there are other Members of the Legislative Assembly that are getting ready to speak to this particular section, so I will take my place now and allow others to use the remaining few minutes before the adjournment to speak to this issue.

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

DR. NICOL: Thank you, Mr. Chairman. Just want to have a few comments on this amendment that asks for the removal of the restrictions on freedom of information. I'd just like to talk about freedom of information and the meaning behind it within the context of public activities. When we get involved in controlling activities on behalf of the public, the process and the information that we use to make those decisions should be available to the public so they can judge it.

Earlier this afternoon, Mr. Chairman, we heard a ministerial statement from the minister of agriculture, very concerned about access to information from the Canadian Wheat Board. Well, here's an agency of the federal government much like this agency is going to be an agency of the provincial government. We now have concerns about the access to the information that goes on within one of those government agencies being expressed by one of the ministers, and we see in this piece of legislation section 34, that now effectively creates an exemption from public scrutiny, sets aside information from access by the public.

How are we going to deal with this in the context of future concerns when we're going to have a situation where we want to know the kind of information that was used to make decisions based on liquor distribution, based on liquor sales, based on marketing structure, marketing location? Who knows what kind of information is going to be included under that umbrella of "liquor information," liquor statistics that are going to be protected by the provision that we see in section 34?

I think this is why it's very important that we take that out and make the information available for access by the public through the information officer, through the process of information

collection, through the information and privacy Act. So in those situations when real concerns are being expressed by the public, by associated agencies, associated interest groups that want to know how decisions are made, why they were made, and what the basis was for that decision, then we have to make sure that the information, the data, the actual numbers behind those decisions are made available to the public. That's why, Mr. Chairman, I would hope that everybody would basically stand up and support the amendment that would remove section 34.

Thank you.

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

MR. COLLINGWOOD: Thank you, Mr. Chairman. I'll join the debate on the amendment put forward by my colleague from St. Albert to deal with section 34 of Bill 6.

You know, Mr. Chairman, prior to the introduction by the Premier of the Freedom of Information and Protection of Privacy Act, I recall that my colleague from Edmonton-Glengarry championed the cause in this Legislative Assembly of the need for freedom of information and protection of privacy legislation. I recall that the Premier at the time laughed and scoffed and said: what a ridiculous notion, to have freedom of information and protection of privacy legislation. The government simply dismissed that whole concept out of hand.

Suddenly for the current Premier it became the number one priority of the government, the flagship Bill of the Premier. This new, this open and accountable government was going to come forward with freedom of information and protection of privacy legislation as the flagship Bill of the Premier, Bill 1.

Well, Mr. Chairman, as we went through that process – and it was a long process; it was an involved process – we came out with what was felt by the government at the time to be the best freedom of information legislation that they were prepared to come out with, and while there were still concerns from the opposition, the opposition did finally concur with the government in at least getting the legislation through and getting it formed and getting that regime up and running so that Albertans would have the benefit of obtaining information.

Well, notwithstanding that whole process, Mr. Chairman, there were still skeptics out there that thought the government really was never committed to the Freedom of Information and Protection of Privacy Act, and section 34 would in my estimation indicate to those people that they were absolutely right all along.

THE DEPUTY CHAIRMAN: Hon. member, seeing that it is now 5:30, pursuant to Standing Order 8(3) I'm now leaving the Chair. The committee will reconvene at 8 p.m. this evening.

[The committee adjourned at 5:30 p.m.]

