

Legislative Assembly of Alberta

Title: Monday, May 13, 1996 **1:30 p.m.**
 Date: 96/05/13
 [The Speaker in the Chair]

head: **Prayers**

THE SPEAKER: Let us pray.

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

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

Amen.

Please be seated.

head: **Reading and Receiving Petitions**

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

MR. BRUSEKER: Thank you, Mr. Speaker. I would ask that the petition I tabled in the Legislative Assembly on Wednesday of last week regarding ECS be now read and received.

THE CLERK:

We the undersigned request the Alberta Legislative Assembly to urge the government to review the issue of funding E.C.S., as the program is currently non-mandatory and funding has been cut for the period of 1994 to 1996.

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

MR. DICKSON: Thank you, Mr. Speaker. I'd request that the petition I introduced last week dealing I believe with concerns about hospital closures in downtown Calgary be now read and received.

THE CLERK:

We, the undersigned, petition the Legislative Assembly to urge the Government to suspend further hospital closures in Calgary, and immediately hold an independent public inquiry on health care facilities in the city.

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

MR. DALLA-LONGA: Thank you, Mr. Speaker. I'd request that the petition which I read on Wednesday concerning ECS funding be now read and received.

THE CLERK:

We the undersigned request the Alberta Legislative Assembly to urge the government to review the issue of funding E.C.S., as the program is currently non-mandatory and funding has been cut for the period of 1994 to 1996.

head: **Tabling Returns and Reports**

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. I'm pleased to table answers to written questions 159 and 176 and Motion for a Return 166.

THE SPEAKER: The hon. Member for Bow Valley.

DR. OBERG: Thank you, Mr. Speaker. I have here today six copies of letters from 48 Albertans urging the government to make government buildings nonsmoking, for a total of 106 letters to date.

THE SPEAKER: Calgary-Egmont.

MR. HERARD: Thank you, Mr. Speaker. I'd like to table four copies of a document put out by Human Resources Development Canada entitled Notices to Apprentices, Changes to Apprenticeship Training, which is another good example of the federal Liberal government's abdication on advanced education.

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

MR. ZWOZDESKY: Thank you, Mr. Speaker. I rise to present documents from the Congresso Nazionale degli Italo-Canadesi, the National Congress of Italian Canadians, Edmonton District; the board of directors of the Northern Alberta Heritage Language Association; the Deutsche Sonnabend Schule, the German Saturday School, all of whom are concerned that the government is canceling its support for heritage languages. They are expressing their opposition to Bill 24 as well. Finally, a quick tabling from the Ukrainian Canadian Congress, the largest ethnocultural organization in our province, a letter dated April 18, asking for the Premier to please instill a meeting on the issue of Bill 24 and the government's intention to abolish the Alberta Multiculturalism Act. We don't support that at all, Mr. Speaker, and we want to register that here.

MR. DICKSON: Mr. Speaker, two tablings, both registering opposition to Bill 24. Firstly, a letter from Brookfield LePage Management Western Ltd., a company carrying on business in Calgary. That letter is dated May 1. The further letter, with some suggestions for amendment to Bill 24, comes from the Women's Legal Education and Action Fund. It goes by the acronym LEAF. The letter is to the hon. Minister of Community Development and is dated May 10, 1996.

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

MR. SAPERS: Thank you, Mr. Speaker. This afternoon with your permission I have two tablings. First, there are four copies of correspondence which I sent to the hon. Minister of Health on May 10 regarding Hotel de Health and the urgency regarding the government's immediate involvement in the Hotel de Health proposals. I've assembled all the background documents as well.

The second tabling is four copies of the address given by the Health Sciences Association of Alberta president, Elisabeth Ballermann, at their annual general meeting. One of the key points made in her address is:

One cannot blame the good people of these communities for grasping at straws when their health facility and often the major employer is threatened with closure.

Thank you, Mr. Speaker.

MR. KIRKLAND: Mr. Speaker, at the request of the 2,500 Leduc and area residents that have signed a petition opposing the Hotel de Health concept, I'd like to table a document this afternoon that is used to convey their thoughts on the issue to the general public in Leduc.

head: **Introduction of Guests**

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

MR. LANGEVIN: Thank you, Mr. Speaker. It is my pleasure this afternoon to introduce to you and to all members of the Assembly seven very distinguished guests from the Saddle Lake Christian school. That's a school that's located in the hamlet of Bellis. We have seven visitors accompanied by the teacher, Ms Olga Melnyk. I'd like to ask our visitors to stand and receive the traditional welcome from the House.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm privileged today to introduce to you and to members of this Assembly family members of one of our pages, who are seated in your gallery. This family of our page Carolyn Laird - Mr. Vic Laird, the father; Mrs. Pat Laird, the mother; and Jim Laird, the brother - are constituents and reside in the city of Fort Saskatchewan. Jim is just returning from Liberty University in Virginia. I'd like to say that the Laird family exemplifies academic excellence, and it's been a pleasure to know Carolyn as page. Please rise and receive the warm welcome of this House.

Thank you, Mr. Speaker.

THE SPEAKER: The hon. minister for science and research.

MRS. MIROSH: Thank you, Mr. Speaker. I'd like to introduce to you and through you two entrepreneurs and scientists: Dr. Robert Foster and Dr. Richard Lewanczuk, who formed a company called Isotechnika. This company was based on the cutting edge of research at the University of Alberta in pharmaceutical research and extended to discovering a way of making new pharmaceuticals. These gentlemen, Dr. Foster and Dr. Lewanczuk, are seated in the members' gallery, and I would ask them to rise and receive the warm welcome of this Assembly.

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

MR. SMITH: Thank you, Mr. Speaker. It gives me great pleasure to introduce through you to the Assembly some 33 potential emerging scientists, seated behind the present scientists, who have journeyed some 300 kilometres from Calgary and from St. Vincent de Paul school. I would also like to acknowledge the teacher, Jill McLeod, and the teacher's aide, Bernadine Mortimer, as well as volunteer parents Sharon Carverhill, Luba Calow, Sharon Gregory, Patricia Guillen, Dora Lam, and Ken Johnson. I would ask all of them to rise and receive the warm welcome afforded by this Assembly to them.

Thank you.

THE SPEAKER: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Speaker. One of our great community volunteers in Fort McMurray is here today, Madeleine Nixon, who since last January has also been assisting me in the Fort McMurray constituency office. I'd be grateful if she would rise and receive the warm welcome of the Assembly.

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

MRS. ABDURAHMAN: Thank you, Mr. Speaker. I'm also privileged and pleased to introduce to you and to all members of this House a young lady who is one of my constituents, Adrienne Dalla-Longa, who is the daughter of the Member for Calgary-West. She's here to see how her father performs in this House. Accompanied by Adrienne is a good friend, Peruita Ruiz. I'd ask them please to stand at this time and receive the warm welcome of the House.

1:40

THE SPEAKER: Hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you, Mr. Speaker. It gives me great pleasure this afternoon to introduce to you and through you students and their teacher from Fresh Start west school, which is located in the Meadowlark shopping centre. It's an innovative concept in outreach schooling for students aged 15 to 20. I don't see them in the public gallery, and I'm hoping they're in the members' gallery. If they are, would they please rise and receive the warm welcome of the House.

Thank you.

THE SPEAKER: The Minister of Family and Social Services.

MR. CARDINAL: Thank you very much, Mr. Speaker. Ministerial Statements; right?

head: **Ministerial Statements**

AN HON. MEMBER: What anticipation.

MR. CARDINAL: Yes, always on time.

Meals on Wheels Awareness Week

MR. CARDINAL: Right. Thank you, Mr. Speaker. It is very important; that's why I was so very anxious.

Mr. Speaker, hon. members, each day hundreds of dedicated Albertans deliver hot meals to hundreds of communities all across Alberta. These 750 people are volunteers and in 1995 donated 6,530 hours to Meals on Wheels and the community. Seniors, people with disabilities, and those recuperating from illnesses all benefited from the valuable community services provided by Meals on Wheels and these volunteers.

The service provided by Meals on Wheels helps Albertans remain independent in the comfort of their own homes. The volunteers deliver more than just meals. They are also a vital link to the community and are friendly faces showing friendship and support. The needs of people in the province are changing, and Alberta communities play an important role in meeting these needs. Groups like Meals on Wheels are developing new and better ways to promote the wellness and independence of Albertans who require the care and support of the community. Meals on Wheels and its volunteers form a community partnership with family, neighbours, and professionals to help Albertans.

In recognition of the dedication of Meals on Wheels volunteers, I am pleased to recognize May 13 to May 19 as Meals on Wheels Awareness Week.

Thank you.

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

MS HANSON: Thank you, Mr. Speaker. Meals on Wheels and

their hundreds of volunteers have performed a quiet and often unrecognized service for many years in Alberta. From my inner-city work I recall the gratitude felt by many elderly, disabled people who lived alone in rooming houses and were often poor. These lonely individuals depended on the faithful volunteers who not only delivered hot meals but stopped to chat and exchange the news of the day. Meals on Wheels volunteers perform a function that goes far beyond the basic purpose of simply the provision of wholesome food. They're sometimes the only visitor for weeks on end, and many watch for the deterioration of health and report the problems to the local public health unit.

Mr. Speaker, in Edmonton the funding of Meals on Wheels is 73 percent from the recipients and 27 percent from family and community support services. It's important that this FCSS funding is not only maintained but increased because the demand for Meals on Wheels is increasing and the level of need is increasing. The volunteers are hardworking and committed. They provide a consistent connection and friendship as well as nutrition.

As more responsibility is thrust on to the community, it is increasingly important that this great voluntary organization is given the resources to carry on. On behalf of the Liberal caucus, please accept our congratulations to Meals on Wheels and the thousands of volunteers who have performed the service over the years.

head:

Oral Question Period

Multiculturalism

MR. MITCHELL: Mr. Speaker, representatives from 42 different organizations met in Edmonton this weekend to register their opposition to Bill 24 and to this government's cancellation of the Alberta Multiculturalism Act. Even prominent long-term Conservatives spoke against the government's move to abolish this Act, the spirit and principles of which form the basis of unity and understanding in this province. The Alberta Liberal caucus fully supports the Alberta Multiculturalism Act, and we strongly oppose Bill 24. To the Minister of Community Development: what policy objectives does the minister possibly hope to achieve by killing the Alberta Multiculturalism Act?

MR. MAR: Well, Mr. Speaker, over the period of the last three years this government has been involved in a process of reducing administration, of cutting our costs, of making sure that we can do things in a better way. Many of the things that have been dealt with by the Multiculturalism Commission in the past have no doubt been valuable to the province of Alberta, and indeed nobody on either side of this House is suggesting that there hasn't been an outstanding contribution by members of the multicultural communities to the province of Alberta. It is one of the reasons why this is such a fine place to live.

But, Mr. Speaker, as we go through an evolutionary process, we recognize that many of the concerns that are dealt with by the Multiculturalism Commission deal with racism, they deal with discrimination, and they deal with education programs in those areas. It seems that those are many of the same objectives that must rest within the responsibilities of the Human Rights Commission as well. Accordingly, in an effort to reduce our administration and preserve those most important elements, the priorities of this government, a merger is an appropriate thing to do. Frankly, it strikes me that these agencies together are stronger than they are apart.

There's no doubt that we live in a multicultural place. Nobody is disputing that, and nobody disputes that is a valuable part of the province of Alberta, but as part of our evolution and going into this time of fiscal restraint, this is an appropriate measure. Accordingly, objections to Bill 24, while they may be stated – frankly, it is a good piece of legislation.

MR. MITCHELL: Mr. Speaker, this minister trivializes . . .

THE SPEAKER: Order. Supplemental question.

MR. MITCHELL: Why does this government refuse to listen to the many stakeholders who support multiculturalism and oppose Bill 24? Does the Premier and his government listen and care in only one language?

MR. MAR: Mr. Speaker, one only needs to look at the composition of the government caucus to realize that that is an absurd statement.

Mr. Speaker, many of the comments made by the Leader of the Opposition are really in respect of heritage languages, and indeed the tablings put forward today in the Legislature by the Member for Calgary-Buffalo relate in pith and substance to the heritage language funding issue. Heritage language funding is an issue that relates to about a \$250,000 line item in our budget, but in looking at our priorities, it strikes many people that heritage languages that are important to the community are supported by the community. Ninety-five percent of the funding for those heritage language programs comes directly from the community.

Nobody is disputing that heritage languages are important. Indeed, the hon. Member for Edmonton-Avonmore stood in this House in second reading in the debate on this particular piece of legislation, and he said: why should anybody be concerned with the fact that I can speak a number of languages? Well, nobody's concerned about that, but the question is: who has to pay for it? I would venture to say that at the time when the hon. member was learning his languages, the government of Alberta did not pay for them. It was because his community and his family felt that it was important that he learn such languages.

The contribution of the provincial government on those languages amounts to \$25 per student. When 95 percent of the funding is already looked after by the community, it seems to many people that the contribution of an additional \$25 per student is not a great deal to ask for to preserve those important things. But in the scheme of government priorities, it must not have precedence over programs of education that deal with racism and discrimination, which are a greater government priority and not a trivialization of the multicultural heritage that this province has enjoyed.

1:50

MR. MITCHELL: If it were important to this government . . .

THE SPEAKER: Order. Supplemental question.

MR. MITCHELL: It's not that hard to do.

Will this minister agree to meet immediately with the multicultural steering committee, bring the Premier along with him, and agree to kill this Bill until he has heard the concerns from the multicultural steering committee firsthand?

MR. MAR: Mr. Speaker, I thought the Leader of the Opposition was going to disappear in a puff of righteous indignation.

We have never . . . [interjections] Well, Mr. Speaker, you know, the Leader of the Opposition is asking for me to resign, but of course he's heard that before. At least it's not coming from my own side.

Mr. Speaker, I've never shied away from such meetings, and over the course of the last few weeks, while this Bill has been tabled before the House, I have met with a number of different groups. People have expressed their concern, but I must say that there are many different elements of Bill 24 that are being discussed, and not everybody who wants to meet on Bill 24 is suggesting that it's a bad piece of legislation. Some people have come forward with amendments, ideas of how to improve Bill 24, but not everybody is suggesting that the legislation should be terminated. In fact, many people would look at the legislation and say that it is in fact a good piece of legislation that strengthens the Human Rights Commission and adds a number of different grounds of protection to the Individual's Rights Protection Act.

Mr. Speaker, should groups be wanting to come forward and meet with me and discuss the legislation, I'd be happy to. As I've said before, many people have had and will continue to have important things to say about human rights protection in the province of Alberta and about multiculturalism. I'm perfectly prepared to entertain reasonable submissions from reasonable people.

MR. MITCHELL: So I guess the former . . . [interjections]

THE SPEAKER: Order. Order. Second main question, hon. Leader of the Opposition.

Health Care Transfer Payments

MR. MITCHELL: While this government is preaching to Albertans about fiscal responsibility and telling regional health authorities not to come begging for any more funds, Mr. Speaker, it is allowing another one-half million dollars in penalties to leave Alberta this month, bringing the total in penalties paid by Alberta taxpayers to over \$3 million because this Premier won't honour the Canada Health Act. This government would rather cater to the interests of private facilities than follow the Canada Health Act in this country. My questions are to the Acting Premier because that Premier is gone and the Minister of Health is gone. How does the government explain to Albertans on heart waiting lists that the amount the government has paid in penalties to date would cover another 224 heart surgeries?

MR. DINNING: Mr. Speaker, I believe the Minister of Health has reported to this Assembly that she has had discussions with the federal Minister of Health, and these are ongoing discussions with an eye to an objective of resolving this issue, and we expect it to happen soon.

MR. MITCHELL: How does this government justify its policy of telling regional health authorities to cancel cataract surgeries when the fines to date would have paid for another 6,400 cataract operations for Albertans?

MR. DINNING: Mr. Speaker, I believe the Minister of Health would say that she would applaud the efforts of the Calgary regional health authority, for instance, with an example that they have gone to doctors in the city of Calgary and those doctors have agreed to provide those services so that there are not those lineups for certain types of surgery. The government of Alberta has also

provided, through the minister's department, an 11 and a half million dollars of additional funding for this year to ensure that those lineups as they relate to joint replacement, to cardiac surgery are reduced. I've heard comments from physicians in both Calgary and Edmonton applauding that injection of funds to reduce those lineups, to reduce those waiting times, to ensure that Albertans will have access to the quality care that they expect.

MR. MITCHELL: Mr. Speaker, why has this government broken the commitment, broken the promise it made in its letter to the federal Minister of Health in October '95 to do away with, to eliminate, facility fees in this province? Six months.

MR. DINNING: As I have said earlier, the Minister of Health has met with the federal Minister of Health, and this is an ongoing discussion. We expect that we'll see a resolution soon, and I'm sure the Minister of Health, when she returns to the Assembly, would want to report further on the progress on those discussions.

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

Health Restructuring

MR. SAPERS: Thanks, Mr. Speaker. When this government introduced the Government Organization Act, Albertans were told:

The Government Organization Act permits government to standardize its business practices, resulting in improved accessibility for Albertans and greater accountability.

Now, let's compare this statement to what has happened in health care. To the minister who sponsored the Act: given that physiotherapy clinics now run out of money midway through each month, can the minister inform the Assembly to what extent his declared policy objective has been met in regard to increasing accessibility for physiotherapy?

MR. DINNING: Mr. Speaker, I'm sure that when the Minister of Health returns to the Assembly, she would want to respond to that answer in full.

AN HON. MEMBER: The minister of economic development . . .

MR. SAPERS: I thought it was. I guess he's doing it for everything.

To the minister responsible, perhaps, for government reorganization: what has prevented this government from achieving its stated policy objectives in the Act for providing accessible and accountable services in health care?

MR. ROSTAD: Mr. Speaker, I'm sure, as the hon. Treasurer said, the Minister of Health will answer that. Government reorganization is in the broad context and not with Interdepartmental. I'm sure the Minister of Health will answer that question on her return.

MR. SAPERS: Mr. Speaker, to the same minister. I believe it is in his area of competence. Is it now the policy of this government that access to health care depends on an accident of birth? For example, if you live in Edmonton, a corrective helmet for a baby's misshapen head is free. If you happen to live in Calgary, the cost is \$2,300.

MR. ROSTAD: Mr. Speaker, I fail to see where that area of my

competence has to do with that question. Again, the Minister of Health will answer that upon her return.

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

Employment Statistics

MR. DUNFORD: Thank you, Mr. Speaker. My questions today are to the Minister of Advanced Education and Career Development. The issue in Lethbridge-West continues to be jobs. The recent Stats Canada results are out. Will the minister provide the unemployment numbers for Alberta for the public record?

MR. ADY: Mr. Speaker, I'm pleased to advise the Assembly that our unemployment rate for Alberta in April is at an all-time low since 1990. It's reduced to 6.8 percent. This is well in line with the commitment that our Premier made in his Seizing Opportunity document when he said that his policies would allow 110,000 new jobs to be created in this province during his term. We're very near the 100,000. As a matter of fact, there were 53,900 more jobs in Alberta in April of this year than there was in April a year ago. To go back to 1994, our unemployment rate was 8.9. In 1993 it was 10.5. So coming from 10.5 down to 6.8 today certainly is in line with what the Premier anticipated would happen with his policy of low taxes, out of the way of business, and our full-time jobs continue to increase and part-time decrease.

2:00

MR. DUNFORD: Man, that's good news.

Mr. Speaker, again to the minister: what do these job statistics mean for our youth who are looking for jobs this summer? [interjections]

MR. ADY: Mr. Speaker, that's a really important question, although it doesn't seem to be of much interest across the way. Our young people are anxious to get some experience in the workforce, either to gain full-time employment or perhaps to use it when they graduate from their postsecondary training. Last month we had an additional 2,000 youth employed in the 15 to 24 age group, and again our unemployment in this province in that age group fell to 11.1 from 11.9 in the previous month, the lowest in Canada, just as the overall rate is. So Alberta is well on track. We would like to see it even lower, but we're really moving in the right direction with the employment circumstances in this province.

MR. DUNFORD: Man, that's good news.

Mr. Speaker, I'd like to make a switch. Based on the answers, I'd like to ask the Minister of Economic Development and Tourism: given that it's Stats Canada statistics coming out from Ottawa, what really is happening in western Canada in regards to employment?

MR. SMITH: Well, Mr. Speaker, in fact you know that business responds to certainty and in fact to promises made, promises kept. That's the story in Alberta. The economy has moved from \$70 billion in 1990 to over \$90 billion of economic activity in less than five years.

Mr. Speaker, the Alberta advantage has to be told in the marketplace. So rather than talk on about it, I'm tabling from the *Globe and Mail* Amazing Facts: "How the West has won the jobs race"; Advantage: Alberta, an editorial from the *Calgary Herald*; the *Financial Post*, a six-page section, "Economic boom looks

good on Klein"; and *BC Business*, extolling the virtues of the Alberta economy.

Now, I know, Mr. Speaker, that other colleagues may wish to supplement from their various departments, but that's up to them.

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

Trade with Europe

MR. DICKSON: Thank you, Mr. Speaker. Delighted to follow up on the last response from the hon. minister. Alberta exports more than three-quarters of a billion dollars of goods and services to western Europe. In October of 1995 those same trading partners in the European Union adopted something new, a privacy standard, a privacy directive. As a result of that privacy standard and the infamous article 7, the European Union will no longer trade with nations which can't adequately protect personal data, commencing in 1998. Just two months ago the government defeated a Liberal Bill which would have met the EU directive on protection of data. My question will be to the hon. Minister of Economic Development and Tourism. Why is this minister putting at risk three-quarters of a billion dollars of international trade and all the jobs that go with it?

MR. SMITH: Mr. Speaker, I would encourage the member opposite to get hold of the tablings that we just were able to put forth, that talk about how the west has won the jobs race and how it's done it by increasing its export sales in the markets throughout the world. Those figures are up substantially, to the point where now 33 percent of our GDP is done in export trade. So trade is not in jeopardy; trade is growing.

MR. DICKSON: Mr. Speaker, we're about to hit the brick wall, and the minister wants to reminisce.

My supplementary question: what steps will this minister take to ensure that we don't lose that valuable export business to the province of Quebec and those nations which already have complied with the EU privacy standards?

MR. SMITH: Mr. Speaker, we're dealing daily with emerging trade issues. If that trade issue in fact bothers the member opposite, we'd be more than pleased to see his information and his data, but I can tell you again, Mr. Speaker, that export and global marketing continues to grow and be a critical part of the Alberta economy.

MR. DICKSON: My final question, Mr. Speaker, would be this: what kind of message is this government sending to our European trading partners when the very minister responsible for international trade himself voted just two months ago to defeat the Liberal privacy Bill, the only initiative this Legislature has seen to conform with the EU standard?

MR. SMITH: Mr. Speaker, again I refer the member to the tablings, because they point out very, very clearly that the message we're sending is that Alberta is open for business. Alberta trades. Alberta grows. In fact, if the member were to go through those documents in detail - I'll refer him particularly to the *Financial Post* section - he'll see that not only is trade growing into the European market, but more importantly, so is investment flowing back into Alberta to create jobs for Albertans.

Criminal Justice System

MR. FRIEDEL: Thank you, Mr. Speaker. These questions are to the Minister of Justice. From the reports of the meeting of the justice ministers last week, there appears to be a feeling that tougher measures should be taken against dangerous criminals and that first-time offenders should get a break. This sounds okay as long as it doesn't mean that first-time offenders just get a slap on the wrist and the warning, "Don't do it again." I feel that would have the same negative impact that the federal do-nothing position on young offenders now has. To the Minister of Justice: if this is the direction that we're going, what assurance is there that first-time offenders will get some kind of meaningful punishment and not just a free ride?

MR. EVANS: Mr. Speaker, I think it's important to state at the outset that what we're talking about for low-risk, nonviolent first-time offenders is an alternative to incarceration. That is not intended to be a free ride in any way, shape, or form. It's intended to be more meaningful and more relevant and to prevent those individuals from continuing in a life of crime.

How do you do that? Well, you do it by alternative measures. The best way is to have those who fit that categorization pay back their debt to the society that they offended against by doing community service work, by paying back their debt to the victim of their crime, by taking counseling, and, again, by being face to face with the community that they have offended against. For those individuals, I think it's far preferable – and my colleagues from around this great country feel the same way – to have those individuals back out in their communities and being reintegrated into their communities rather than spending their time behind walls where, as we know, it's a fine place to learn how to be a better criminal. We try to avoid that in the first instance and focus our correction facilities on the much more serious and violent offenders.

MR. FRIEDEL: I'm wondering, Mr. Speaker, what the minister would interpret as the meaning of tougher measures against dangerous criminals?

MR. EVANS: Well, I'm hopeful that the federal Minister of Justice will be tabling amendments to the Criminal Code before the House of Commons adjourns this summer, Mr. Speaker. One of the things that he is talking about bringing into the legislation is indeterminate sentences for those who have been found to be dangerous offenders. In other words, they won't be released at a specific point in time. As long as they continue to be significant threats of significant harm to society, they won't be released. We're also talking about a long-term offender categorization where mandatory supervision would be required after release up to a 10-year period of time. There are a couple of other initiatives that have been implemented: a national flagging system to identify for prosecutors and police officers and others those who seem to fit a dangerous offender categorization, and there are comments from the federal minister that indicate that there'll be some changes made to section 810 of the Criminal Code, that deals with restraining orders, new and better and more effective methods to impose restraining orders on individuals who should be subject to them.

2:10

MR. FRIEDEL: Finally, Mr. Speaker, could the minister advise us: is there any early indication of the success of the boot camp

program for young offenders, and is there any indication as to whether it'll be expanded?

MR. EVANS: I think the hon. member is referring to Shunda Creek, which is just outside of Nordegg. That opened in 1992, if my memory serves me correctly, Mr. Speaker. The last information that I have on recidivism, or the reoffending rate, of those who have been moved from the Calgary correctional facility to Shunda Creek is very promising. Up to the end of 1994 there have been about 140 people who've gone through that program, 140 young offenders. About 100 of them had either completed the program and left the correctional facility or were still there at Shunda Creek, but there were only 15 who had reoffended. I think that's much better than the record that we have at our other correction facilities, and I think it indicates that a good hard-work regimen with opportunities to have meaningful day-to-day activities in a structured system can help these young offenders and move them back into law-abiding society.

In fact, we're so impressed with the results at Shunda Creek that we are considering, along with my colleague the Minister of Family and Social Services, responsible for aboriginal affairs, another wilderness camp in the Wabasca-Desmarais area for aboriginal young offenders. We hope that we will be opening that this year.

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

School Building Maintenance

MR. HENRY: Thank you very much, Mr. Speaker. In many of Alberta schools children are trying to learn in environments . . . [interjection] The minister of transportation has the floor or myself, Mr. Speaker?

THE SPEAKER: Order please. [interjections] Order.

MR. HENRY: Thank you. In many of our schools, Mr. Speaker, students are trying to learn despite cracks and leaks and standard heating and ventilation systems and electrical systems. In Edmonton 37 of the 200 schools desperately need upgrading. Edmonton public officials state that they need \$80 million to bring it up to speed. As well, in Calgary another \$80 million is needed for what the boards have termed deferred maintenance. This is kind of like renovating your house and forgetting to maintain your furnace or your water system. The question I would like to ask the minister is: where is the minister's capital revitalization plan that would address the deferred maintenance costs that have been caused by his budget shortfalls?

MR. JONSON: Mr. Speaker, in the overall capital program of Alberta Education we did increase the amount of money this year for what is referred to as BQRP, or building quality restoration program. So we have, to the extent that budget allows us, responded in that area. I think that has been a very significant move.

In the case of Edmonton, if my memory serves me correctly, they have some \$5.7 million available this year to apply to those types of upgrading projects, Mr. Speaker.

MR. HENRY: So there is no plan. That's fine.

My next question, then, Mr. Speaker, would be: could the minister explain to the Legislature the logic of putting state-of-the-art computer and technological systems into an infrastructure that

is falling apart in many schools that are aging and can't support the technology that we're putting in?

MR. JONSON: Mr. Speaker, the basic point to start from, of course, is that school boards would be looking with the money available to provide for essential maintenance of schools. Now, in terms of putting technology-based equipment into schools, except for the area of wiring I think this expenditure on computers and related materials fits in logically with going into a school, be it an old one or a new one. But I just reject the hon. member's contention that there are schools in such disrepair that they would not be able to house computers, given the funding that is available.

MR. HENRY: Well, some electrical systems aren't up to speed. The question that I would then like to ask the minister: is it his government's plan to continue to chronically underfund building maintenance and restoration so that there'll be a strong case for private operators to come in and privatize school construction and maintenance? Is that the plan?

MR. JONSON: Mr. Speaker, I don't accept the preface to his question. Therefore, as far as the answer is concerned, no, that is not our intention, because we're not doing it.

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

Apprenticeship Programs

MR. HERARD: Thank you, Mr. Speaker. My questions are to the Minister of Advanced Education and Career Development. The federal government is reforming the federal unemployment insurance program as of April 1, and in advance of any new legislation the federal Liberal government is abdicating its responsibilities to the apprentices in this province and indeed throughout Canada. For example, an information sheet that I tabled today, recently produced by Human Resources Development Canada, indicates that now you must qualify for unemployment insurance to receive any income support while attending training. To the minister: do you plan to protect apprentices in Alberta caught in the middle of this federal Liberal UI cop-out?

MR. ADY: This is really quite an important question because it's an issue that hasn't had a lot of attention paid to it. The hon. member is quite right. The federal government is saying that one must qualify for unemployment insurance to receive any income support while attending a training program. We have many apprentices in Alberta who will be affected by this; that is, people in apprenticeship programs that are not on unemployment insurance.

However, federal officials have said to us, Mr. Speaker, that they will cover virtually all apprentices requiring financial assistance by the provinces in their new EI program, as they call it, but not until July 1 of 1996. I'm not sure why the federal government has cut off apprentices in that period from April to July, but we'll hold them to their word and wait until their new income support program comes into effect. Hopefully it will pick up in July.

MR. HERARD: Well, given that if you don't qualify for UI, you get no support whatsoever and if you do qualify, then you miss the first two weeks, will the minister be filling the gap for Alberta apprentices caught in the middle of this waiting period?

MR. ADY: Mr. Speaker, the hon. member is referring to the two-week grant funding that the federal government used to provide to apprentices, a period until they could receive their UI benefits. We're not in a position to be able to fill in the gaps created by the federal government off-loading in that area. However, having said that, we will stand by our apprentices.

This province has long had a proud history of supporting apprenticeship, and we will continue to assist them to access the education and training that they need through the Students Finance Board. Alberta has the best apprenticeship system in Canada. We train one in four apprentices in this country. Hopefully the federal government will continue to participate in this important partnership once they get their legislation in place.

MR. HERARD: My final question to the same minister: is the minister developing a plan B in the event that the federal government does not follow through, à la GST, on their pledge to assist apprentices after July 1 of this year?

MR. ADY: Well, Mr. Speaker, as all good governments do, we're working on a backup plan right now. We're in the process of negotiating the terms and conditions of the skills and loans and grants programs that the federal government is talking about in their new legislation, and it's our expectation that this program will be in place on a pilot basis in time to address the financial needs of apprentices scheduled to attend classes this fall. Regardless of what the federal government does or does not do, apprentices, like all adult learners in this province, are eligible for assistance under the terms and conditions of the Students Finance Board. So that will be there in the event that the federal program fails them.

THE SPEAKER: The hon. Member for Sherwood Park.

2:20 Energy Industry Impact on Cattle

MR. COLLINGWOOD: Thank you, Mr. Speaker. A short time ago I asked the Minister of Environmental Protection why he was suppressing a report on the impact of the petroleum industry on cattle. The minister sidestepped the question by saying that it wasn't his report, but since the copyright belongs to the government, I guess it is his report. My question to the Minister of Environmental Protection: why is the minister so afraid of releasing a report that chronicles what happens to the health of cattle when they come in contact with the petroleum industry's pollution?

MR. LUND: Well, Mr. Speaker, I guess I'm going to have to just take a little bit more time this time and explain to the hon. member what happens when a report like this is being put together. The fact is that the Alberta Cattle Commission did ask the Environmental Centre to do a report. The Cattle Commission also hired a consulting company to work on the report. When the two reports were coming together to be compiled and put into a final report, there was a great disagreement.

Now, Mr. Speaker, what happens during this process is that there's a peer review, and there was apparently a disagreement among the scientists that were working on this report. The consulting company decided that they were putting copyright on the work that they had done. Well, at that point, the work that we had done through the Environmental Centre was incomplete, and the thing was put on hold at that point.

Since then, the Cattle Commission, CAPP, and a number of

others along with the Environmental Centre have agreed that we would jointly with the Cattle Commission continue the report that we had started back in '93, I believe it was, and would also add a section on the hydrogeological work. So, in fact, that report is in progress, and as soon as it is completed, we will be releasing it.

THE SPEAKER: Supplemental question.

MR. COLLINGWOOD: Thank you, Mr. Speaker. It sounds like the minister's saying that this is a draft version of the report. So I'd like to ask the minister: is he saying that the statement in the report that says that it is the final version of the report is false?

MR. LUND: Well, Mr. Speaker, I'm afraid the hon. member just hasn't heard what I said. I said that the original work that was done by Environmental Protection out at the Vegreville centre was not complete – it was not complete – and that that is being now worked on along with a new section dealing with the hydrogeology.

Mr. Speaker, it's really interesting. There's an allegation that in fact we're hiding something. This report is simply a report of a literature review. In other words, if the Liberals wanted to go and spend some of their millions of research dollars, they could get all of this information. This information is available already. This is not experimental work. This is a literature review.

THE SPEAKER: Final supplemental.

MR. COLLINGWOOD: Thank you, Mr. Speaker. I mean, it just begs the obvious question: is the minister going to take control of this and have that report released, or is he going to follow the government's continuous policy of secrecy and keep it locked in a vault somewhere?

MR. LUND: Mr. Speaker, I would love to be here someday when they start making their questions after the answers instead of having the questions all written out before. I answered that question in the very first answer. I said that when this report is completed, we will be releasing it, and that is a commitment. The Cattle Commission is paying for it, and we are paying a portion of it. We will release it jointly with the Cattle Commission when the report is completed.

I can't do anything about the consultant's report that is under copyright, as I said when the hon. member asked me the question before. I cannot release that report, because it doesn't belong to me. It belongs to the Cattle Commission.

THE SPEAKER: The hon. Member for Medicine Hat.

Medicine Hat Remand Centre

MR. RENNER: Thank you, Mr. Speaker. My questions today are for the Minister of Justice and deal with security at the Medicine Hat Remand Centre. People in Medicine Hat are becoming concerned about security at the remand centre, especially after the news that last night two inmates escaped from the facility. Can the minister share the details of this incident and let us know what steps are being taken to ensure that these inmates are returned to custody?

THE SPEAKER: The hon. Minister of Justice and Attorney General.

MR. EVANS: Thank you, Mr. Speaker. It is a concern to Alberta Justice if anyone escapes, regardless of what categorization. These two individuals who escaped from custody at the remand centre last night were both minimum security prisoners. One was 22 years old, who was scheduled to be released in September, and the other 19 years old, who is scheduled to be released next April. Neither of them had any violence or any escape in their past history. They apparently used some type of an implement, whether it was a chair or a table, to break through a window and escape. As soon as that was noted, the police force in Medicine Hat was notified. Our people at the remand centre are working carefully and continuously with the police to ensure that these two individuals are apprehended.

THE SPEAKER: Supplemental question.

MR. RENNER: Thank you. Well, the fact that these individuals were classified as minimum security frankly is little comfort. Can the minister tell us what steps will be taken to prevent future incidents of this type from occurring again?

MR. EVANS: Well, an immediate internal review began as soon as we discovered that these two inmates had escaped, Mr. Speaker. That is not only beneficial to the remand centre in Medicine Hat, but it's beneficial to all of our other correction facilities so that we can make amends to ensure that this doesn't happen again in the future. I'm certainly not trying to minimize the situation in Medicine Hat. It's always a concern to people in a community when individuals escape. I was trying to point out, however, that these individuals are very minimum security risks and do not pose a threat to the people in or around the city of Medicine Hat.

THE SPEAKER: Final supplemental.

MR. RENNER: Thank you. I'm given to believe that this is the third such incident at that facility since December. Can the minister indicate what action has been taken to correct the problems that occurred in December and subsequent to that?

MR. EVANS: Well, Mr. Speaker, the situation that occurred last night and this morning is not related to the other two incidents that have occurred at Medicine Hat Remand Centre, either in terms of the proximity of the area that was broken out of or the circumstances. However, what is being done is a thorough review of this situation. The other two incidences have been reported, and action has been taken to ensure that they don't occur again. The same will apply to this situation. Hopefully, this is not going to happen again at this correction facility.

THE SPEAKER: The hon. Member for West Yellowhead.

Timber Allocations

MR. VAN BINSBERGEN: Thank you, Mr. Speaker. The report on the status of Alberta's timber supply was published last week, and it seems to play around with earlier figures provided by the government. The government has not found more timber, but they've reclassified timber that previously was committed pending final approval. They now call it unallocated. I'd like to ask the Minister of Environmental Protection: how will existing companies who thought they had reserves under this committed category be able to expand if this so-called unallocated timber is now given to new operators?

MR. LUND: Well, Mr. Speaker, the fact is that the allocations are still there. We are not going to be taking timber and giving it to some other company if in fact the timber has been committed. It's true that there is a change in the verbiage, but the intent is still the same and won't be changing.

2:30

MR. VAN BINSBERGEN: Since the minister agrees that it is a change in verbiage, is he saying, then, that there is no change in the timber supply committed to reserves still available for FMAs to expand into?

MR. LUND: Well, Mr. Speaker, there was some very interesting information, and as technology continues to change, of course we find better ways of getting accurate information. The new review that was just completed in fact does indicate that there was a larger growth of fibre in the province than was originally estimated. It is not that in fact there's more timber growing than there was before, but we have the ability to assess and scale that growth more accurately than we used to. So we are not changing the intent or the timber allocations that were committed in the past.

MR. VAN BINSBERGEN: Mr. Speaker, I'd like to ask the minister what he bases all these figures on, since only about one-third of the province has been covered by the new Alberta vegetation inventory since 1984.

MR. LUND: Well, Mr. Speaker, as I indicated, with some of the new technology, where in fact we have much better photography, we have the ability through a variety of computer programming to become much more accurate, and over time we will have the ability to measure that annual growth. The numbers were pretty startling. As a matter of fact, I was just extremely pleased to see that we have an annual growth of about 44.5 million cubic metres of fibre a year, and in fact our annual allowable cut has been set at about 21.5. Even last year we only cut around 17 million cubic metres. So that is really encouraging.

When we hear people complaining that in fact we might be overcutting, cutting more than we grow, the fact is that we are well within the limits. Just because we're having that much growth doesn't mean to say that all of a sudden we're going to open up a whole bunch more timber for harvesting, but it does show that we can accomplish all of the things that we want to do like special places, like getting into ecosystem management, and all of those various other tools that we want to use in the future. We know that we're able to do that. So, Mr. Speaker, I really appreciate the hon. member bringing these points forward.

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

Canada Pension Plan

MRS. BURGNER: Thank you, Mr. Speaker. The federal Liberal government has initiated a review process of our Canada pension plan, and any change to that program will impact the personal long-range financial planning of Albertans. Members of this Assembly have no doubt fielded calls from concerned Albertans about this review of the pension plan. My question is to the Provincial Treasurer. Hearings have just concluded in Calgary and Edmonton. From what groups did the panel hear, and what were they saying?

MR. DINNING: Well, Mr. Speaker, I know that a number of the members of the Assembly have commented to me about this issue being an issue of growing concern among their constituents, so I appreciate the opportunity to tell the hon. member and to tell the Assembly that, yes, hearings were held in Calgary and Edmonton last Tuesday and Wednesday under the chairmanship of Mr. David Walker of Winnipeg, a Member of Parliament for Canada. They were joined as well by two of our colleagues, the Member for Calgary-Fish Creek and the Member for Lac La Biche-St. Paul. I want to thank those two individuals for their time and commitment to sit and hear from Albertans who came to the sessions in Calgary and Edmonton.

They were packed hearings. I gather from our two colleagues that the federal representatives commented that the sessions that took place in the city of Edmonton last Wednesday were the most well attended and the best prepared. People representing seniors, the disabled community, the business community, actuarial companies, and student organizations attended, and our colleagues heard concerns from different points of view.

Seniors were concerned about the benefits that are now in place and if they are going to continue to be in place. Disabled groups shared that same kind of concern but were anxious to know if their benefits would continue, whether it's under CPP or under any other kind of a plan. The business community expressed concern that the cost of the plan not increase too much because of its negative impact on businesses. Remember that the CPP is, effectively, a payroll tax. Students quite rightly expressed the concern that they not be asked to pay more than their fair share, given that down the road they're questioning whether there are even going to be benefits available to them when they do retire.

THE SPEAKER: Supplemental question.

MRS. BURGNER: Thank you. Again to the Provincial Treasurer: going into this process of consulting with Canadians and in the case over the last few days of consulting with Albertans, what was the position of the provincial government regarding the Canada pension plan?

MR. DINNING: Mr. Speaker, we made it clear that that was the very purpose of having hearings in the province of Alberta. That's why we asked Mrs. Forsyth and Mr. Langevin to speak and to appear at those hearings and be there on behalf of the provincial government. We wanted to hear what Albertans had to say. I believe our colleagues from Calgary and St. Paul asked questions. What is the view of Albertans? What is the CPP's primary objective? How can it be reformed to ensure that the benefits promised are in fact paid? What level of benefits can Canadians in fact afford? Are the benefits being paid out now the right benefits? How should the fund be managed in the future? Those kinds of questions were asked, and comments were received by our two colleagues, and they are far more informed as a result of their appearance at those hearings.

THE SPEAKER: Final supplemental.

MRS. BURGNER: Thank you, Mr. Speaker. My final supplemental: when the hearings are completed and the results from across Canada are to be reported, will that be in one report, or will the report findings from Alberta be in a separate report?

MR. DINNING: Mr. Speaker, that's a good question. The

federal government is going to be compiling one single report, but our two colleagues, I know, kept copious notes, as did a couple of Alberta Treasury representatives. After assessing the federal report and after discussing it further with my two colleagues, Calgary-Fish Creek and Lac La Biche-St. Paul, we will then consider whether an Alberta report needs to be prepared to put the right kind of Alberta flavour on the discussions that were held in Calgary and Edmonton.

Again I want to thank our two colleagues and, more importantly, thank the several Albertans and associations who came to speak to these hearings to express their point of view on something that is of important financial security to all Albertans, indeed to all Canadians.

THE SPEAKER: The time for question period has expired.

head: **Orders of the Day**

head: **Government Bills and Orders**

head: **Committee of the Whole**

[Mr. Herard in the Chair]

THE ACTING CHAIRMAN: I'd like to bring the committee to order.

2:40

Bill 34

Municipal Government Amendment Act, 1996

THE ACTING CHAIRMAN: We're working on amendment A1 as moved by the hon. Member for Leduc.

The hon. Member for Sherwood Park.

MR. COLLINGWOOD: Mr. Chairman, thank you. I'd like to join debate in Committee of the Whole on the first amendment, A1, that was put forward by my colleague from Leduc. The amendment that's put forward is to strike out section 6 of Bill 34. Now, my reading of this is that if section 6 is struck out, it will mean that section 126 in its current form will continue as the provision in the Municipal Government Act. I would be in favour of having the section as it currently stands remain in the legislation rather than proceeding with the new section 126. The reason I say that and the reason that I support amendment A1 to strike out section 6 is that it affords to the minister extraordinary powers with respect to annexation.

In comparing and in contrasting the current section as it stands and the amended section as proposed, the current section deals with the Lieutenant Governor in Council's ability to order an annexation of land where there are some conditions and some constraints on that. The minister has to understand in his or her own mind that "the proposed annexation is of a minor nature" and that "there is no dispute about the proposed annexation." I think that those are critical for the Lieutenant Governor in Council to order an annexation of land without having to follow the provisions of sections 116 to 124 or 125. Those are the sections of the Municipal Government Act that deal with annexation and follow a specific and formal process when an annexation is about to occur. Section 126 is essentially an override so that you do not have to deal with sections 116 to 124, but as I say, it requires the Minister of Municipal Affairs or whatever minister is the minister responsible to appreciate and be able to convince Executive Council that there is no dispute about the proposed annexation.

What's striking about the amendment that's put forward, Mr.

Chairman, is that those specific conditions, those specific requirements have been completely and totally removed. So section 126 will now allow the Lieutenant Governor in Council on the recommendation of the minister to order the annexation of land to a municipal authority. Well, that becomes then in my interpretation, Mr. Chairman, a complete, total, and absolute override of sections 116 to 125. What we can have is a dispute amongst municipalities about the future of their land base, and we can have a minister using his or her absolute, total, discretionary authority to simply ignore the wishes of those municipalities and to simply recommend the annexation of land to the Lieutenant Governor in Council.

Why does the minister, Mr. Chairman, need this absolute, unfettered, total power to avoid the municipalities that are involved in the annexation? You know, in the community that I represent, or at least part of it, Strathcona county was involved in an annexation matter with the city of Fort Saskatchewan for some land that was part of Strathcona county, and it was a difficult situation. But there were formal procedures to follow. There was no way that the minister would simply step in and say: despite the concerns of the municipalities, we're going to simply move ahead and order the annexation. I recall that as that dispute moved forward, the former Member of the Legislative Assembly for Sherwood Park promised the residents that there would be a 20-year moratorium on the boundaries of Strathcona county. I recall when that former member made those comments. I didn't believe him then, and I don't believe him now. What I see in section 126 as proposed in Bill 34 is that there is simply no way without legislative protection or at least without a formal process that that is at all possible when total and absolute authority and discretion is left to the minister and the Lieutenant Governor in Council.

The formal process that is set out in sections 116 to 125 is the formal provisions that allow for dispute resolution on the matter of annexation. The striking thing about the proposed section 126 is that it continues to say, "despite sections 116 to 125," so the minister and the Lieutenant Governor in Council can simply and totally ignore all of the formal provisions for a decision about annexation of land.

Again I ask the question: why does the minister or the Lieutenant Governor in Council need this absolute and total override over municipalities in resolving issues of the annexation of land? It is another step where the government seizes power from municipalities, it potentially prevents municipalities from being the masters of their own destiny, and it is unnecessary given the wording that currently exists in section 126 of the Municipal Government Act. Those two components, those two qualifiers, those two aspects of section 126 as it currently stands give some ability for the minister to have flexibility in an order in council for the annexation of land because he can determine from the municipalities that are involved that there is no dispute about the proposed annexation.

It makes sense to me, Mr. Chairman, that the minister ought to be able to go to the Lieutenant Governor in Council, to his cabinet colleagues, and say: "Here is the issue. Here are the municipalities involved. There is no dispute as to the proposed annexation. It is of a minor nature, and we can then move forward with an order in council to allow that to occur." I have no problem with that. That's the way the section currently stands. The government wants to eliminate all of that and simply say, "We have the total authority to make those decisions, notwithstanding the municipalities." That's wrong. Repeal section 6 and you're back to the status quo, which is continuing to involve the municipalities in the issues over annexation.

If it's not of a minor nature, if there is a dispute amongst the municipalities, there is a formal process to go through. No override. If it's of a minor nature, if there is no dispute, then the minister has the flexibility to work through and go to order in council. There's nothing wrong with the system that currently exists. There's a lot wrong with the proposal that is contained in section 6 which will amend section 126 of the Municipal Government Act. I am of the view, Mr. Chairman, that that section must be repealed so that we can maintain the system that is currently in place, that benefits everybody involved in the process. It is a benefit to the municipalities, who can get involved and can move a matter along quickly. It benefits the Lieutenant Governor in Council, the Minister of Municipal Affairs, and his cabinet colleagues in that they have a vehicle and a mechanism to move it through quickly if that's appropriate. It benefits Albertans regardless of where they live because you never know in any municipality in the province of Alberta when there are going to be proposed annexations back and forth between municipalities.

What is of concern to me with respect to the proposed section 126 is that this government in its so-called reorganization is clearly and in a calculated way moving toward setting up regional areas. We have coterminous boundaries now for regional health authorities and regional child welfare services. Unfortunately, in the health care services we're allowing municipalities to go health care region shopping. We are going to end up in a situation where the government is going to be able to say: well, it only makes sense that we create regional municipal authorities. That becomes a logical extension of the direction that this particular government is going.

Now, if we go down that path, Mr. Chairman, where is the government going to hit some roadblocks? They're going to hit some roadblocks in that municipalities who are now starving for revenue are going to be concerned about losing a portion of their landmass to another municipality. How does the government get around the resistance that's going to be felt? Simple. It passes the new section 126 of the Municipal Government Act by saying: "Municipalities, you go fight all you want. We're simply going to pass an order in council, and we're going to do it without you. We can do it with you, or we can do it without you." It's almost like the government deciding at the stroke of a pen who's going to be the school trustees, taking away the election when that process all took place. So here we have another situation where the minister or the Lieutenant Governor in Council can by the stroke of a pen simply ignore the real world between municipalities on issues of annexation.

2:50

Mr. Chairman, those are my reasons for saying that I agree entirely with the amendment put forward by my colleague from Leduc to move in amendment A1 that section 6 be struck out and that we maintain the formal procedure that is currently in place under the Municipal Government Act to only allow in very specific circumstances an avoidance of the formal procedure: by allowing the Lieutenant Governor in Council to make an order annexing land only if "there is no dispute" amongst the municipalities and only if "the proposed annexation is of a minor nature."

Let's keep what we have, Mr. Chairman, because it will be for the benefit of municipalities and it will be for the benefit of all Albertans.

THE ACTING CHAIRMAN: The hon. Member for Clover Bar-Fort Saskatchewan.

MRS. ABDURAHMAN: Thank you, Mr. Chairman. I, too, rise to speak to the amendment as moved by the Member for Leduc, that clearly states that section 6 should be struck out. What strikes me about this amendment to the Municipal Government Act, that warrants an amendment to this amending Bill, is that it smacks of Big Brother or big government inasmuch as here we see a further demonstration of making ministers all-powerful.

We don't seem to learn from history. The whole issue of annexations over the past two decades has been one of division and pitting neighbour against neighbour. I can well remember when the city of Edmonton through the annexation application attempted to annex the city of St. Albert and the hamlet of Sherwood Park within the city of Edmonton boundaries. Now, I would suggest that at that time that annexation system or format certainly resulted in humongous taxpayers' dollars being spent in a very lengthy legal procedure that resulted, in essence, in the cabinet making the final decision. Having said that, it wasn't the system that was wrong; it was the fact that the cabinet could come in after a decision has been made through a local authorities board and override that decision that I have the problem with.

Here we are. When we were beginning to see a Municipal Government Act that demonstrates some more fairness and removes that Big Brother approach by government, we see the dictatorial, authoritarian attitude of a government suddenly being pursued again by this government. We seem to have learned nothing, Mr. Chairman. We know that when it's minor annexations – and I can think of one between Strathcona county and the city of Fort Saskatchewan. It went very smoothly. There was mutual agreement between the two parties, and the order in council then went forward on the recommendation of the Minister of Municipal Affairs.

As the Municipal Government Act stands, that's there, allowing the minister to do that, but if we don't support this amendment by having section 6 struck out, what we're in essence doing is allowing the minister at any level to come in and override that process. Why bother putting a board in place and giving them legal authority if you're going to go out as a minister and override them? That's what in essence past Progressive Conservative governments have done, and you never get a satisfactory resolution when you do that.

It was interesting. I was reading the letter very quickly this morning from the Minister of Health in response to my tabling of a petition communicating the concerns of constituents with regards to the possible redrawing of the Capital regional health authority and the Lakeland regional health authority boundaries. The comment is in the letter, but because I don't have it before me, Mr. Chairman, it's not a direct quote. In essence, what she was saying was that she is going to look closely at how constituents were consulted in the recommendation that came from Strathcona county council. She's acknowledging that to be truly democratic, you've got to look at the wishes of the people.

So why would this government want to come in and undermine a process that's been put in place to deal with significant and minor annexations in the Municipal Government Act? They are putting in section 5 that

section 125 is amended by striking out "If an application for the annexation of land has been referred to the Board, the" and substituting "The".

It clearly shows, then, what that would result in, and that is it would now read that

the Lieutenant Government in Council, after considering the report of the Board, may by order annex land from a municipal authority to another municipal authority.

Well, what was the point of putting the board in place? Why should a minister be allowed to go contrary, diametrically opposed to a legal, legislated process?

That's what's happened with previous governments, and here we are following the old historical pattern where we make ministers all-powerful and override other people. I would suggest it's there because if it doesn't suit partisan politics in a given municipal area, guess who's going to be lobbying the government to change what I would say is an independent, legalized process that comes forward with the right decision? It's not liked in certain political quarters, so we'll start to get the significant lobby to change that decision. Guess what, Mr. Chairman? We don't have a lobbyist registry there, so we don't know who accesses the minister's office to make this kind of decision.

You know, I thought this government was professing to have had a change of attitude in the way they do things, that they were going to be more open and were going to be held more accountable. Yet we see a Bill that's been brought forward in this House giving the minister of the environment dictatorial powers. It says "may," but let's not kid ourselves: that "may" is going to result in "shall." Now here we are: the same autocratic, dictatorial powers are coming through the Municipal Government Amendment Act, giving the Minister of Municipal Affairs that same authoritarian approach.

You know, the one thing that's saddened me over the past three years in this House is the way legislation has been set up to pit neighbour against neighbour, and this is a further example of it. We cannot allow processes to be judge and jury, and this is what this legislation does. You know, I see some of the members shaking their heads. It was interesting to read a very right-wing journalist talk about Bill 39, the environmental enhancement Act. I couldn't believe it. Hallelujah, he really saw . . .

AN HON. MEMBER: Relevance.

MRS. ABDURAHMAN: It's pertinent to Bill 34, because we're talking about the same principle and we're talking about the same philosophy as Bill 39, Mr. Chairman. It's on the principle of this Bill, and that is where you allow a minister through a piece of legislation to have full power to be autocratic, to be a dictator.

That, in essence, is what this editorial in the *Journal* over the weekend was saying, and I believe it was by the journalist Gunter. No one by the wildest stretch of the imagination, Mr. Chairman, could say that he is middle of the road politically or that he's slightly left of centre. No. He's to the right of centre, yet he acknowledges that what this present government under this Premier is doing is undermining the democratic process. We see legislation time after time doing that. So I would urge all members of this Assembly to support this amendment to Bill 34 because you don't need it. The way Bill 34 stands – the Municipal Government Act deals with annexations and amalgamations of municipalities I think in a democratic way, a credible way, but this government comes in and undermines their own piece of legislation. Why? Tell me why you would want to undermine your own Municipal Government Act. I attended regional AUMA meetings. I haven't heard people taking exception to the Municipal Government Act in that area. So why? Why are you giving this minister this kind of power, Mr. Chairman? It can be for only one reason, and that is that they're following the same old trends of Progressive Conservative governments: they want to be all-powerful, and they know better than the people of Alberta what is good for them.

Thank you, Mr. Chairman.

3:00

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

MR. GERMAIN: Thank you very much, Mr. Chairman. It has often been said that the closer to the people your level of government is, the better and more responsive quality of government you get. Therefore, our municipalities and our counties and our improvement districts provide the grassroots, closest-to-the-public response team for concerns and issues that are important to them. That is why today I'm happy to speak in favour of the amendment filed by my colleague the hon. Member for Leduc.

Now, this amendment is an attempt to answer that age-old question: if it ain't broke, why fix it? What is there about the existing Municipal Government Act and the section that existed in the old Municipal Government Act and the section that exists in today's Municipal Government Act that required assistance, that required fixing? That section correctly noted that some annexations might be without dispute and of a rather minor nature and that they could go through in a straightforward and logical way with a minimum of fuss and a minimum of paperwork. One of the things that this particular amendment does is signal a profound shift and a profound directional movement towards greater control of municipalities and municipal government in terms of boundaries by this provincial government.

Now, put yourself in the shoes of the municipality. Suppose the federal government came to you and said, "We're going to redraw the boundaries of the Alberta Legislative Assembly." You would say that that's terrible. You would say that that's atrocious. You would say that that's not a fair parallel of democracy. Yet in the same breath this government is proposing to take away the ability of local municipalities to look after themselves and to form themselves into appropriate regional bodies. It's going to say to the areas around Edmonton and the areas around Calgary and the areas around Westlock and Barrhead and the areas around Grande Prairie and Peace River and Medicine Hat – all over the province it's going to say: "You can at the stroke of a pen erase us. You can at the stroke of a pen amalgamate us, blend us with other governmental agencies, other groups, people that we may not have a business or trading relationship with. You at the provincial government level now have the absolute authority and power to do that." It seems to me that that is an inappropriate exercise of the authority of this Legislative Assembly.

The mover of this particular Bill, the hon. Member for Lac La Biche-St. Paul, has not given a rational explanation as to why this particular amendment is needed at this time, unless the reason for the amendment is that the government intends to go to a series of regional governments. That allows me to comment on the relationship that took place in the area of Fort McMurray now called Wood Buffalo last year, just over a year ago, a year last April. That worked, Mr. Chairman, because all of the stakeholders in all of the regions and in all of the areas were consulted and they were onside and they were in approval. As a result, there was no opposition to that particular amalgamation on a global basis. There were some concerns about how things would work, but generally, no opposition. We have to remember as well that that area is not a complete parallel to other areas that you may find in southern Alberta, because in that northern area it was improvement district government where the elected official simply reported to the minister, who ultimately made the decisions. To go from an improvement district type of government to a full regional municipal status was a win/win for the region

because democracy came closer to home.

Now, without this amendment the Municipal Government Act will torture all of those relationships, will create an element and an aura of distrust. Each little community bordering on the edge of another community will always be worried if the community next to them is in some way conspiring with the government to absorb them or to be absorbed or to erase their boundaries or to annex a section that is rich in resources and rich in tax base or to reject a section that is not so rich in resources and not so rich in tax base.

You can appreciate, Members of this Legislative Assembly, how this would work if it was happening on your street back home. If you have a little community league in your area and you're happy with that community league and somebody comes to you from another level of government and says, "We've changed the boundaries of that community league," you know how upset you would be.

Look at the debate that's going on in southern Alberta right now about the realignment of some of the provincial boundaries for this Legislative Assembly. Look at how emotional that debate gets. Is this issue of amalgamating people's homes and their territories and the areas that they consider themselves to be part of with others without their consent perhaps and without any public hearings any less an emotional issue?

I urge all Members of the Legislative Assembly to vote in favour of this amendment. Now, what will you be saying if you vote in favour of the amendment? You will be saying that you respect the integrity of the communities in rural Alberta, that you respect their own unique identities, that you respect their personal relationships and you are not going to allow those relationships to be destroyed without due process, that no minister of the Crown is going to arbitrarily annex Red Deer and Innisfail or Medicine Hat and Lethbridge or the surrounding areas with those communities, that no minister of the Crown is going to regionalize Peace River and Grande Prairie without public hearing and without their consent.

I urge all members of this Assembly to vote for this amendment. A vote against this amendment is a vote saying that you don't care, that you do not care about the individual identity of rural Alberta.

The hon. Member for Lethbridge-West shakes his head and smiles. [interjection] Well, yes, it is exactly what you're saying when you vote against this amendment. You're saying that you accept the premise that a Minister of Municipal Affairs sitting in his ivory towered office here in the Legislative Assembly can restructure your corporate boundaries, can ignore your mayor in your city, a mayor who has achieved surplus budgets and has a slush fund for rainy days, a mayor who does not have a deficit. You're going to say to that mayor, "We don't have enough confidence in you to determine where your boundaries should be, and we're going to add to or subtract from your community." That is wrong.

If you say, "Well, our Minister of Municipal Affairs would never do that," then why do you put that in the legislation? That's like the bank mortgage that says that if you don't pay, you can be evicted from your home and the bank manager saying: "Oh, don't worry about it. I'll never throw you out of your home. Even if you don't pay, I'll leave you in your home." Well, anybody that knows how it works knows that if it's in writing and it's brought forward as legislation, it must be brought forward for a purpose. Nobody yet has stood in this House in this debate and said, "Why is that?" Nobody has said that.

I don't expect the community of Leduc, for example, to absorb and annex the city of Edmonton. Let's be frank about this. Who are we protecting here? We're protecting those small, close-knit communities that have existed and continue to exist on their own. That's who we're protecting here. All of us here who come from rural Alberta, all of us who are not centred in the two largest cities should recognize this as a warning symbol. This is the early warning device. This is the DEW line of municipal/provincial government relationships. This is the opening of the door to having 17 large regional municipalities, irrespective of where the trading boundaries might be, irrespective of where all of their other friends and all of their interests may lie.

3:10

Sure, ladies and gentlemen of this Assembly, it worked in the very unique area of northeastern Alberta, where I come from, and it's working well. It worked there because everybody was in agreement. The minute that you foist these annexations on people, you will get resistance and you will get subtle forms of civic disobedience and you will certainly get a disintegration in the fabric of neighbourhood and in the sense of caring and community, that is so much a part of Alberta.

So I urge all members, when they vote on this particular amendment – and there may be some members here who are so moved by this that they'll stand and obtain a standing vote on this issue. We'll see who it is that really cares about rural Alberta and about those small communities that we're all so proud of – at least publicly, so members say. This is a chance to say and show that you really are proud of them and you respect their ability to run their own affairs and you respect their ability to be their own governance.

With that, Mr. Chairman, I know there are others waiting to speak, so I'll take my place and wait for the vote on this important issue.

THE ACTING CHAIRMAN: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I rise to speak to the amendment put forward by my colleague from Leduc which would delete section 126, which reads:

Despite sections 116 to 125, the Lieutenant Governor in Council, on the recommendation of the Minister, may by order annex land to a municipal authority.

This is a concern to all municipalities.

We know that they've followed the New Zealand model in health changes: make them so fast and so quick and cause chaos so no one will know that it's happening, so they will not be able to fight and make sound, logical changes in the health structure. The same thing here. We see that in New Zealand they took all the municipalities and made four regional governments. We can see that if they follow – and this is the concern of all municipalities – the New Zealand model, we will be down to 17 regions. Seventeen regions in this province: the goal.

In fact, there's even a rumour out there from the rural municipalities, others, that they want to reduce the 17 health regions to 10, a number that was provided by Nancy Betkowski, probably one that should have gone forward if they would have listened to all the research and information collected by that hon. member when she was in this House. But they didn't. There's been no denial that this is the plan: 17 regional governments. At least you'd expect them to stand up and say, "No, this is not true; we will not put that forward," or make other statements that would apply to this.

We have the former Minister of Municipal Affairs who said, "We should go from 2,200 municipal councillors to 20 percent of that number," from 2,200 to 440, an 80 percent reduction. He was saying that they weren't needed, that they were wasting taxpayers' dollars by having this many. Again, as I go on, municipal council members even claim that they work harder than the Tory MLAs and they want to reduce the numbers. They say this just doesn't make sense.

They also look at it as a clandestine plot by this government to reduce the number of municipalities to 17 and maybe even down to 10. This amendment would provide the lever for this to happen, the lever that would permit the Minister of Municipal Affairs to move in that direction. I'm sure they wouldn't do it until after the next election, if they get re-elected, but that's the plan. It's a plan that would keep municipalities scared that the government would hold the hammer: "If you don't do what we want, we'll amalgamate you with other regions." This is not acceptable to Albertans, not acceptable to the municipal councillors, who work hard. The government decides which direction they want to go in spite of what others say. As we know, rural Alberta is the backbone of this province: agriculture, forestry, oil and gas, tourism, and of course municipal governments. Municipal governments are the heart and soul of these communities.

DR. WEST: Point of order, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Minister of Transportation and Utilities is rising on a point of order.

Point of Order Relevance

DR. WEST: Mr. Chairman, relevance under *Beauchesne* 459. The last five minutes or so of this individual's debate – for the life of me I can't see the relevance. Most of the material that he's been spewing onto this floor is not factual. It's innuendo and allegations about previous ministers and what the Minister of Municipal Affairs today is directing. I totally can't read into his debate any relevance to this House.

THE ACTING CHAIRMAN: The hon. Member for St. Albert on the point of order.

MR. BRACKO: Yes, thank you. It's very important to what's happening today, what's happening tomorrow, statements made by this minister when he was Minister of Municipal Affairs, which haven't been retracted. So the point is that as we move, we've got to protect the rural municipalities.

THE ACTING CHAIRMAN: Order. On the point of order.

MR. BRACKO: Yes. It is very relevant to what is happening, to this amendment, to forced amalgamations. This is what we're saying. We're speaking up for rural Alberta against this type of situation. You know, the Tories may not support rural Alberta, but the Liberals do.

THE ACTING CHAIRMAN: Well, I must admit that for the last few minutes I may have been on sort of a mental holiday myself, so I did not really follow what he was saying. I would ask the member to stick to the amendment, which is A1, as proposed by the hon. Member for Leduc.

The hon. Member for St. Albert.

Debate Continued

MR. BRACKO: Thank you. As I was saying, the towns, villages, rural counties, and MDs are the heart and soul of rural Alberta. They should not be forced to be amalgamated at the stroke of a pen by the minister. They are saying now that the provincial government has downloaded all the responsibilities on them. They said that their job loads are becoming much heavier, becoming full-time jobs in some places. So the municipalities are not happy with this: less provincial responsibility, more municipal responsibility. We can see the problem out there.

I said that the issue of concern was amalgamation, but the big problem, again, the number one problem out there in rural Alberta . . . [interjections]

MR. GERMAIN: A few ministers want to dialogue with you.

MR. BRACKO: Yes, I know. Thank you. They're so scared of me because they know the truth hurts. I ask them to stand up, speak up or squeak up if they want, you know. I mean, the minister of transportation had to call for the Sergeant-at-Arms to protect him earlier, then he goes and hides in his constituency, but he hides against his . . .

Chairman's Ruling Inflammatory Language

THE ACTING CHAIRMAN: Hon. member, order. You recognize that this type of language is likely to inflame debate. Please stick to the amendment, unless you're done, or I will call on someone else to speak.

MR. BRACKO: Thank you, Mr. Chairman. I will try to follow, but I've been interrupted by those two ministers.

Debate Continued

MR. BRACKO: Again, the big problem is rural doctors, and you can see what happens – a government that should have addressed this problem 25 years ago but didn't. They are reacting to yesterday's problems tomorrow, when they should be proactive and react to tomorrow's issues tomorrow. This is why the municipalities, because the province isn't doing their share, have to get up and stand up and recruit doctors there. It's gone from bad to poor to worse to a crisis situation. Milk River is an example we heard of this weekend. So what we need is to support this amendment.

Finally, as I conclude, in St. Albert the word is that former Premier Lougheed's biggest mistake was not allowing Edmonton to take over St. Albert. We hear this time and time again. St. Albertans do not accept that. They want to be a viable, independent community working together with Edmonton, and they do not want the minister to be able to say to St. Albert, "You are now going to be part of Edmonton; you're going to be part of a bigger region," which they do not want, do not wish to be part of. The taxpayers in St. Albert should have this right, as they should right across this province.

DR. WEST: To pay more taxes?

MR. BRACKO: Well, then, prove it; bring the research up.

We want to do as we choose in our community. We can have elections to choose that.

DR. WEST: They should have the right to pay higher taxes?

MR. BRACKO: If we want, that's our choice. St. Albertans will decide, not the provincial government.

With that, Mr. Chairman, I will conclude, knowing that it's very important that we support this amendment, that we don't allow Big Brother via the province of Alberta to force amalgamations on communities, on villages, on the heart and soul of this province, rural Alberta, which makes everything better here or works together for a better Alberta.

3:20

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Meadowlark.

MS LEIBOVICI: Thank you. I, too, have been roused to speak to this particular amendment that we've put forward. From those individuals, those members who are representing the rural areas, I'm amazed that there has been no word with regards to the amendments that are being proposed by the government, especially when you look at section 6 and section 7, which are section 126 and section 131(b) in conjunction with each other.

[Mr. Tannas in the Chair]

If you put it in the context of the words of the Minister of Municipal Affairs at the recent annual meeting of the AAMDC, the Alberta Association of Municipal Districts and Counties, a few months ago, he very clearly stated that one of the goals of this government was to amalgamate municipalities, amalgamate towns, amalgamate anything that he could get his hands on to amalgamate. It was a veiled threat, but it was a threat nonetheless that if areas did not amalgamate on their own, as was the case in Fort McMurray, in effect what would happen is that the government would step in and do it themselves.

Now, this government has over the period of the last 2 and a half years managed to put the financial viability of some of the smaller towns at risk. They've put them at risk with regards to looking at closing down some of the smaller hospitals, and that's exactly what this government is doing with regards to its budget cuts. They've done this with regards to pooling various individuals who worked for government in agriculture and closing down those offices. So what they're systematically doing is putting at risk the viability of the smaller towns in this province.

Now, the particular section under discussion, section 126: what the opposition has said is to delete the proposed section 126 and keep it as it is because there are certain safeguards there right now. What those safeguards basically say is that before the Lieutenant Governor in Council can order land to be annexed by a municipal authority, that can only occur if "the proposed annexation is [deemed to be] of a minor nature, and . . . there is no dispute." So in other words, there's been some consultation. In other words, it's not a large issue. If we just look at the not-so-recent annexations that have taken place with regards to the city of Edmonton, that was a long process that involved consultation on all sides. Under the new section 126 "the Lieutenant Governor in Council, on the recommendation of the Minister, [can] . . . annex land to a municipal authority." In other words, St. Albert could be annexed tomorrow. Sherwood Park could be annexed tomorrow. Airdrie could be annexed tomorrow to the city of Calgary. There is absolutely nothing that says that that could not happen.

When you look at section 7, that also says – that's another

safeguard – that "the Minister, before completing a dissolution study . . . [should] conduct at least one public meeting that is advertised." Under these new sections it says that the minister "may conduct a public meeting, [and] if conducted must be . . . in accordance with section 606," with regards to some advertising possibilities. In other words, whereas currently the Lieutenant Governor in Council can only annex upon the recommendation of the minister if "the proposed annexation is of a minor nature and . . . there is no dispute," and there has to be "at least one public meeting" to put forward the proposal, what these new amendments say is that the Lieutenant Governor in Council can annex land, and there doesn't really have to be a public meeting. When you put that in context with what the Minister of Municipal Affairs said a few months ago – and I'm sure the discussions around the government caucus table have been with regards to this issue in terms of the forced amalgamation of various areas within this province – this gives the minister carte blanche to do that. There is nothing within the Act that prevents the minister from doing this.

Now, perhaps what's happening in the government caucus right now is that there is a barter going on: "Well, I'll take this town if you take that town, and let's put it all together and see what we've got here." I don't think that's fair. I don't think that it's fair to barter municipalities around, to barter towns around without allowing for the public to have input, without allowing for input either through their elected municipal officials or directly through a public meeting.

When you look at these two sections – and I'm sure there are other sections within this Act as well – what in essence is happening is that the public accountability is being taken out of the hands of the public and is being put into the hands of the minister. I think that that's a dangerous precedent to set. We've seen precedents like this in other pieces of legislation with regards to secretive government. An example is Bill 39 with regards to environmental protection, where there are certain things that can and can't be talked about in an open forum with the public. We're seeing this again in this particular section of the Municipal Government Act, where the minister can at will decide to annex land to a municipal authority.

That annexation has a direct effect perhaps on the services that are available to individuals. It has a direct effect on the taxes that individuals will have to pay, depending on what the tax base is. It has numerous implications that I don't think have been thought out. The minister – and I don't see him on the front benches here, but I would very much have liked to have heard from the minister what the rationale for this change is. If that rationale is different from the one that we have, as the opposition read into the amendments, then I would urge the minister or perhaps if there's an acting minister here or one of his delegates – the Member for Lac La Biche-St. Paul is actually the member who's proposed this particular Bill and, being a former councillor himself, must be well aware of what the implications of these particular clauses are.

In the absence of the minister on the front benches perhaps that particular member as the one who has proposed this Bill could stand up and put on the record as to whether or not the meanings that we've attached to section 126 and section 131(b), which are 6 and 7 on page 2 – I'm glad to see that he's rifling through his papers to actually find the Act, which indicates that he's listening to the debate that's going on and perhaps will get to his feet and explain why in fact the proposal is here. Hopefully he would not as the presenter of the Bill just put his name on it. Hopefully he

would know in depth what each and every meaning is of the clause and will be able to get up in this Assembly, because I have not heard him. Has anyone else in this Assembly heard him explain what this clause is about? I guarantee you that the various reeves and mayors and councillors throughout this province will want to know what the implications are. It's not going to be good enough to put it into a news release and say, "It's okay; don't worry."

I think what we need to know right now on the record: what does this mean by putting it in the way it is? If in fact the intent of this particular change to the clause is that the minister can at his discretion, at his whim, annex a community to another community without that community even being informed, I think that before we vote on this amendment, before we vote on this particular issue, that member has an obligation to all of those who are affected by these amendments to explain exactly what those are.

I will now take my place and wait for that member to rise to explain what this is. If he isn't willing to put it on the record, if he is unable to put it on the record because he doesn't know what it's about, then I'm sure that the reeves and the mayors across the province will be more than willing to take up the cause to ask that member and to ask the minister what the reason and the rationale are for this and how it will be implemented, how it will be used.

Thank you.

3:30

THE CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. I'll bring the debate to a close here with the Assembly perhaps and call for the vote. He will perhaps be spurred to stand on his feet and counter upon conclusion here.

Hon. Member for Lac La Biche-St. Paul, I would take you back to your comments in *Hansard* of May 9, page 1772. So I can put the context of the debate in light so one and all understand it, you are quoted that particular day as stating:

What happened was that the minister had to move in and decide through input from cabinet on the annexation and how big that area would be. If the minister would not have had the authority at the time to do that, we'd probably still be in court over this issue. They operated under the old MGA that was in there. The MGA that was put in place in 1994, a couple of years ago, did not include this section.

Hon. member, I believe that the MGA of two years ago did include that section, and I would draw your attention to section 125 of the MGA that, when it was installed, read this way:

If an application for the annexation of land has been referred to the Board, the Lieutenant Governor in Council, after considering the report of the Board, may by order annex land from a municipal authority to another municipal authority.

So I would suggest that that empowered the minister as such. Now, section 125, as you will note, was amended, but it did not change the significance or the intent of that, and that is the MGA that was installed in this House shortly after we were elected.

Now, when I view section 126, hon. member, that reinstalls the power of the minister, only it installs the power of the minister by removing sections 116 to 125, which are very defined processes and procedures when you move into annexation, which can be very acrimonious.

Now, sections 116 to 125 address such things as written notice of intent to annex. It addresses such things as description of the land. It addresses such things as proposals to seek public input. It orders meetings between affected municipalities to ensure that

in fact there's a discussion that occurs. It insists that an initiating report be submitted describing the results of the negotiations. It also suggests that a report has to be submitted to the Municipal Government Board for their consideration. It provides provisions for objections to the annexation.

Now, if we are to remove clause 126 as such, we in essence are removing all the safeguards in the MGA that enable one municipality to counter an attempted takeover or annexation by another municipality. I would suggest that that is not the right way to move. I would suggest that your municipality should have those safeguards in for fear of takeover. All should, be they large or be they small. I read 126 to eliminate those particular components of safeguarding one municipality against another. That is not the right way to move, hon. member.

The amendments as described and proposed here to clause 126 are significant and very, very dramatic changes, and I've indicated and expressed concern that in fact the philosophy that the minister has telegraphed to Albertans causes me a larger degree of concern when we eliminate all of those safeguards for municipalities. There are some municipalities, hon. member, in this province that you know have been called into question by the minister because of their financial situations. Those municipalities would have to be very concerned with the removal of 126 because it removes their opportunity to take it through a process and ensure that fair entitlement has been put on the table. I would suggest that that is not a very desirable process to eliminate. We all need those safeguards, and we all need to ensure that in fact the minister does not simply collect power at his desk and give to the whim of who lobbies him hardest that particular day. So I would suggest that you review that very, very clearly and see if the intent in the proposed amendment here is what really was intended or whether it's much larger than that. It causes me a large concern, and it should cause you a large concern, as well, as a former municipal politician.

I would just close my comments by asking the hon. member to give some very serious thought as to whether that intention was captured by the proposed amendment.

MR. LANGEVIN: Mr. Chairman, in closing discussion on this amendment, I would like to remind the members in the opposition who were not present last Thursday that I gave a full explanation on page 1772 on the need for the amended changes to section 126.

I would like to remind the Member for St. Albert, who complained bitterly that his city is very scared of being amalgamated by the city of Edmonton and that they want to retain their identity, that this power that was available to the minister at the time is the very tool that they used to save the city of St. Albert at that time. They exercised their power to order that the city of Edmonton would not annex the city of St. Albert and the community of Sherwood Park. That is the very exercise that saved these two communities from being annexed. It's used only sparingly. It was only used once in the last 25 years, and that was for that instance, and that was January 1 of 1982, when that annexation was put in place. That was several years ago, 15 years ago, and it will probably not be used in the future very often unless there's a real problem, where two municipalities cannot resolve it and they could be spending thousands of dollars on a court case and many, many years arguing about the fact. So this is plain and simple. It's a tool that can be used when needed.

Thank you, Mr. Chairman.

THE CHAIRMAN: Calgary-Buffalo.

MR. DICKSON: Yes, Mr. Chairman. Having heard the response from the Member for Lac La Biche-St. Paul, I find this a curious logic and reasoning indeed. What the hon. Member for Lac La Biche-St. Paul has said in effect is this, "We've got a provision here with absolutely sweeping and uncurbed powers, but don't worry, Albertans, it's only used rarely." Well, surely the far better explanation: build in some safeguards.

The hon. Member for Lac La Biche-St. Paul on May 9, 1996, when he attempted to speak against this particular amendment, talked about litigation that went on. He said, "We'd probably still be in court over this issue" for a long time if the minister didn't have authority. I take the point that there's a concern with litigation which goes on endlessly, which fetters and ties up the hands of municipalities trying to reorder their size and their structure, but to go from that and say, "We now give the minister carte blanche," we give the minister in effect a blank cheque to deal with this sort of thing without any sort of qualification, without any sort of conditions under which that broad discretion can be exercised - we've got a major problem. It would seem to me that for all the reasons mentioned by the Member for Lac La Biche-St. Paul, what we should be looking at with this section is taking it out unless that member can come forward with a series of targeted, specific kinds of qualifiers, conditions and provisos, that would ensure that this very vast discretionary power cannot be abused. All we have now is some kind of blind faith, some kind of blind trust that the minister will do the right thing. Frankly, when one looks at page 2 of the Bill, the old section 6, and one reads section 126, you find that those are reasonable kinds of conditions:

- (a) the proposed annexation is of a minor nature, and
- (b) there is no dispute about the proposed annexation.

Really, what the government ought to have done, should have done was come along and say: "We find that too restrictive. We'd like to vary the conditions." Instead of doing that, the government comes along and just says, "We're going to make it absolutely unfettered, absolutely unlimited discretion," and that to me is unconscionable. It's an insult. It's an insult to the men and women that are elected to the level of municipal government. It's the kind of presumption that says, "Only the minister in this Assembly knows what's right for those Albertans." I would be extremely offended.

I'm not sure that Rocky View or Cochrane are about to annex the city of Calgary, so it's probably safe when I say that this may not concern my constituents in a sense they're likely to be victimized - I use that word very deliberately - by the new section 6. For all of those Calgarians in downtown Calgary who are concerned that governments operate in a way that's fair, that's respectful not only of the citizens of the land but also local government councillors, then I think they also would blanch when they see section 6 as it stands on page 2 of Bill 34.

3:40

This amendment to me would be a temporary amendment. What in effect it does: it puts the ball back in the court of the provincial government. In effect we're allowing the minister an opportunity to craft a revised set of conditions and qualifications that would ensure that the discretion would be exercised within certain parameters on some basis that would be fair and responsible and respectful of local electors but would get away from this blank cheque, which is what the government is asking for with the current section 6 on page 2.

I urge every member in this Assembly who respects local government, I would urge every member in this Assembly who

believes that discretionary power without any conditions or restrictions is too easily abused to vote in favour of the amendment that's on the Table - vote against the current section 6 - and do so with some enthusiasm and some pride. It's the right thing to do, Mr. Chairman.

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

MR. WICKMAN: Thank you, Mr. Chairman. I do want to speak on this Bill. The Member for Lac La Biche-St. Paul has raised comments, and there has to be an additional response to the comments. The Member for Calgary-Buffalo has responded to a degree. I look at Bill 34, and Bill 34 in concept, in principle is a good Bill. It does address some of the concerns that municipalities have expressed. However, no matter how good the government may perceive a Bill to be, there's always room for improvement. The role of a good opposition, an effective opposition, an opposition serving the people of Alberta, is to bring forward those amendments to correct that Bill, make that Bill somewhat better.

Now, Mr. Chairman, I want to speak specifically about the issue in front of us, the amendment we're dealing with and our references to the powers bestowed upon a minister in terms of annexation and the references made to the decision of 1982 involving the city of Edmonton and its bid to take over a large portion of the surrounding area. I was a member of that council at the time. The Member for Edmonton-Kingsway was not on the council. He didn't have the opportunity to participate, but I participated in that decision-making process. I was there. I remember the planning department coming forward with that recommendation, that we wanted to sweep this province, and there were three of us that resisted it, despite the pressures put on us by the administration and other members of council.

Myself, Alderman Leger, and Alderman Newman said, "No." There was something wrong about anybody having the authority to make that type of decision that takes away the rights, takes away the territories of other municipalities without some consultation, without parties sitting down and agreeing to what is the proper process. Was it right for the city of Edmonton or would it be right for a minister to say that the municipality of St. Albert, the city of St. Albert, which is a beautiful city, a city that many people want to live in - and they live there for a reason. One reason may be because they don't particularly want to live in the city of Edmonton for whatever reason, but that's their right. It's not the right of the minister or another municipality because it's bigger to come in there and swoop down and say, "We're going to take you over."

They tried the same thing with Sherwood Park. Yes, the minister did come along at that time, and he agreed with myself and Newman and Leger and said: we're not going to allow that annexation because it's not to the benefit of the residents of Sherwood Park or St. Albert to allow that. On the other hand, he could have said, "I agree with that decision, and I'm going to in fact make it even larger, and we're going to allow them to annex Leduc, and we're going to allow them to annex Stony Plain," and so on and so forth. It's virtually half of the province.

When there are options that have to be considered, there are options, Mr. Chairman, options where municipalities, where regions sit down, they discuss, and by mutual agreement they make decisions where they all participate, because municipalities have a great deal of wisdom. They are capable of controlling their own interests. They are capable of making their own decisions. They don't need a minister in the background telling

them what's to their benefit, what's to their good.

Mr. Chairman, the bottom line to this particular amendment is that it's going to strengthen the Bill. I would ask the Member for Lac La Biche-St. Paul to rethink his comments and not look upon one decision as the argument that would say that that particular Bill is good in its present form, because it's not. There are holes in that Bill, and we're trying to eliminate those holes. We're trying to make it a Bill that all members of this Assembly can be proud of.

On that note I'll conclude and allow the Member for Edmonton-Meadowlark to speak.

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

MS LEIBOVICI: Thank you. I put forward the challenge to the hon. Member for Lac La Biche-St. Paul to come forth with some explanation as to why these particular sections were in the Bill, and the best that he could do was read his notes as to what the bureaucrats, I guess, had written for him to respond with and just reiterate what he said last Thursday. You would have thought that from last Thursday until Monday – there's a weekend where he could have sat back and thought of some original thoughts and looked at what in reality these particular sections say.

Now, when you look at what his comments were on May 9 of '96 on page 1772, as he so aptly pointed out, he indicated that "the MGA that was put in place in 1994, a couple of years ago, did not include this section." I'm not quite sure what he meant. If he meant to say that it didn't include the ability of the minister to willy-nilly annex territory as the minister so wished, then he's right. What was included in the 1994 MGA that was passed by this government, that was put forward by this government, that was put forward despite amendments that the Liberal opposition had put forward – this government generally has the tendency and the arrogance to believe that they are the only ones that can put forward legislation, that they are the only ones that understand what particular clauses mean, and that they're the only ones that can look at what the implications are of particular pieces of legislation.

When we look at what the 1994 MGA had, it had some ability for there to be a requirement that land would be annexed if it was "of a minor nature" and if there was "no dispute," and if there was to be a look at annexation, there would be "at least one public meeting." Now, what these particular sections have done – and I keep lumping the two together because I think that when you do that, you see what the intent is of the minister. The hon. Member for Lac La Biche-St. Paul has not addressed those concerns, and he is not willing or perhaps, as I indicated earlier, unable to address those concerns, and until he is, not one person in this province will look at this Act and think that there is no devious or underhanded or manipulative reason for this to be in the place it is. He has done absolutely nothing to dispel the concerns that can be put forward when one looks at what the implications of these clauses are.

3:50

I think it's very clear. The minister has put forward that there are too many municipalities, too many councillors, too many elected officials across this province and that one of the goals of this minister is to ensure that the numbers are reduced, and if municipalities, if counties, if towns are not willing to do that on their own, the minister will be more than willing and, obviously with the aid of the Member for Lac La Biche-St. Paul – perhaps

that particular municipality will be annexed as well – will be there to do it for the various areas that are affected.

I think that this is bad legislation. We've seen it before with the amendments to the Hospitals Act. We've seen it before with the education Act that's been put forward. Whenever we see an Act that's put forward that's numerous pages long, such as this one is, there are bound to be some mistakes, and we have seen that happen again. As a matter of fact, we just passed the Municipal Government Act, and now, less than two years later, we've got the Municipal Government Amendment Act. We're just trying to save the taxpayers some dollars and trying to save the minister some headaches by pointing out what the implications are of these sections as they are in the Act right now.

Unfortunately, the Member for Lac La Biche-St. Paul, as I indicated, is either unwilling or unable to either understand what those amendments are or, if he does understand, to advocate on behalf of each of the towns and municipalities, of those councils that he was part of not less than three years ago, and indicate what the implications are of this Act.

Thank you.

THE CHAIRMAN: We have before us for our consideration amendment A1 as moved by the hon. Member for Leduc dealing with section 6 of the Municipal Government Amendment Act. All those in support of this amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE CHAIRMAN: Defeated.

[Several members rose calling for a division. The division bell was rung at 3:52 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bracko	Hanson	Sapers
Chadi	Kirkland	Vasseur
Dalla-Longa	Leibovici	White
Dickson	Massey	Wickman
Germain		

Against the motion:

Ady	Fritz	McClellan
Amery	Gordon	McFarland
Beniuk	Haley	Mirosh
Black	Havelock	Oberg
Brassard	Herard	Paszkowski
Burgener	Hlady	Pham
Calahasen	Jacques	Renner
Coutts	Jonson	Severtson
Day	Kowalski	Stelmach
Dinning	Laing	Thurber
Dunford	Langevin	Trynchy
Fischer	Lund	West
Forsyth	Magnus	Yankowsky

Totals:	For – 13	Against – 39
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[Motion on amendment A1 lost]

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. You will recall and the Members of the Legislative Assembly will recall that on Thursday before the weekend recess the hon. Member for Leduc tabled under my name as well an additional group of amendments that are identified as being a portion of the amendment package to Bill 34. Now, in accordance with our practice of conserving paper wherever possible, these amendments appear on one single page, but I want to advise all Members of the Legislative Assembly that the approach I, as the mover of these amendments, would prefer is that they be debated on an individual basis, voted on an individual basis, and we work our way through the list at that point.

The first of these amendments, Mr. Speaker, to put the House in the mood to deal with this very important concern, is an amendment to a section of this particular amending Bill that is found on page 5 of the Bill. For members that are following along, amendment 17 of the government's Bill purports to amend section 280 of the Municipal Government Act. Our amendment purports to amend basically the government's amendment.

Now, what is all of this about? This is a very important issue, my friends in the Legislative Assembly. It is very important for rural centres, rural Alberta, communities such as the community that I live in. I'm sure it is important to the hon. Member for Grande Prairie-Wapiti, and I'm sure he will be speaking to this matter. The minister of agriculture, who is also from Grande Prairie, will want to speak to this issue. Members from Leduc, from Peace River, the member that has within his constituency the community of Brooks will want to speak to this amendment. I know the hon. Member for Barrhead-Westlock will want to speak to this amendment.

What is this amendment? The government's proposal is to allow two municipalities, the municipality of Calgary and the municipality of Edmonton, with the consent of the minister to do in-house audits. Now, let's go back and review the section of the Municipal Government Act that is under discussion. It is section 280 of the Municipal Government Act. Under the existing section 280 of the Municipal Government Act a municipality must have an outside auditor do their audit function, must have an outside auditor. That is where section 280 ends.

The government's proposal in this Bill brought forward by the hon. Member for Lac La Biche-St. Paul purports to give two municipalities, the city of Edmonton and the city of Calgary, with the approval of the minister the right to appoint an in-house auditor who is an employee of the city, provided that employee reports directly to the council and provided that employee is in fact a member of one of those professions learned in accountancy matters.

Now, my rhetorical question to this Legislative Assembly is: why only those two municipalities? Why only Calgary? Why only Edmonton? Earlier today in debate the comments were made about the city of Lethbridge and the ability that that city has had to balance its budget, keep the taxes low, and create a little surplus.

MR. DUNFORD: Outside auditors.

MR. GERMAIN: Look at the city of Medicine Hat. Now, the hon. member from Lethbridge says, "Outside auditors." We are not here debating whether municipalities should have the right to use in-house auditors as well. If the government stands up now,

if the hon. mover of this Bill stands up and says, "I think I should recant and retract section 17 of my Bill," then we can take that under advisement. But if you are going to give two municipalities the right, with the minister's approval, to have in-house auditors, why would you ever take away that right from the city of Medicine Hat, which in fact runs a natural gas business as well as their other businesses?

Why would you take that right away from the municipality of Wood Buffalo, which encompasses a region almost one-sixteenth of the size of the entire province? Why would you take that ability away from the capable administrators in Grande Prairie and in Peace River and in Leduc? My comments to this Legislative Assembly today, Mr. Speaker, are that what is sauce for the goose should also be sauce for the gander. If you are going to allow a municipality to do in-house audits, then let's be fair about it. Let's let every municipality have the same right.

Now, is there protection? Yes, there is. Every municipality would still have to get the minister's approval, and every municipality would still have to have that fact combination of a trained person who reports directly to council. The way it is right now, this government in this particular Bill tells communities like the municipality of Wood Buffalo that you are a second-class community, that we don't trust you, that we're not even going to let you get off the ground and make an application to do your own audits. It says that about the little town of Brooks in southern Alberta. It says it about the proud city of Grande Prairie and the proud town of Peace River. What about the members here from Red Deer, Morinville, Redwater? Those are proud communities, and they should have the right, if they can qualify, to approach the minister to run their own audit. I cannot understand why the government would come forward with this discriminatory type of legislation that discriminates against rural Alberta. Is that this government's agenda? If that is this government's agenda, Mr. Chairman, then we should shrink the rural Alberta boundaries and the number of MLAs that come from rural Alberta.

4:10

If there are Members of this Legislative Assembly that are indeed looking after their constituents, how are the hon. members here, two of them in this Assembly that come from that proud city of Grande Prairie, going to go back and talk to their civic administration and say, "An opportunity presented itself in this Legislative Assembly for us to treat you like Edmonton and Calgary, and we turned our back on you"? How are the hon. members here that look after Grande Prairie going to be able to say that? I'm not going to be in that position, hon. members, because on behalf of the municipality of Wood Buffalo I'm here today to tell you that if the city of Edmonton and the city of Calgary get this right, so too should the regional municipality of Wood Buffalo. Nothing else is fair, nothing else. This is already a section that has safeguards in it.

So now let's look at the proposed amendment. Sometimes some members of the government front row have said that, well, they haven't had a chance to have the amendment reviewed by legal counsel. Of course that excuse, Mr. Chairman, does not exist here today because this amendment was tabled and made available to all of the members at least as early as Thursday last week. Secondly, so that there'd be very, very little confusion here, the amendment proposed is an absolute tracing of the government's own wording except that it deletes the reference to Calgary and Edmonton and simply says that "a council may."

It also incorporates and corrects, in my respectful estimation, a government error. The government error is this. In the

existing subsection (3) of this Bill there was an absolute prohibition against doing an in-house audit. The government's proposed subsection (4) did not correct that absolute prohibition because it did not refer to "notwithstanding subsection (3)." So what we have done in this amendment is we have assisted the government in that little dilemma by making it clear that "notwithstanding subsection (3)," which is the absolute prohibition against an in-house audit, now "a council may," with the consent of the minister, come forward and retract the rest of the wording of the government Bill.

So now, my friends, if you vote for this amendment, the way that this thing will now read in its entirety will be as follows. It will say:

Notwithstanding subsection (3), a council may, on the approval of the Minister, appoint by bylaw an employee of the municipality to be the auditor for the municipality if the person is a chartered accountant, certified management accountant or certified general account and reports directly to the council.

So all we have done in this amendment is made it fair for all. We have preserved the same safeguards, and we have also corrected the inconsistency that would have resulted when subsection (3), which said that you can't do an in-house audit, and subsection (4), which said that two municipalities could, clashed. So this is a very serious issue to me, Mr. Chairman.

I can't understand for the life of me why a government that prides itself on an appearance of fairness and that provides itself on a sense of worth and self-esteem of those good and courageous cities all around Alberta, other than Edmonton and Calgary, that provide a good section of the economic wealth of this province – you know, the hon. Member for Barrhead-Westlock once said that there were no chickens raised in Calgary; there are no barrels of oil produced in Calgary; not a single bushel of wheat has been grown in Calgary. Those phraseologies stuck with me, and they led me to believe that the hon. member speaks up for rural Alberta. Shortly, Mr. Chairman, I am going to take my seat in this Assembly, and I challenge the hon. Member for Barrhead-Westlock to stand up one more time and speak out for rural Alberta, to say to this Legislative Assembly that rural Alberta municipalities should have the same rights as Edmonton and Calgary, that nothing else is fair.

Now, what about those MLAs in this Assembly that come from Edmonton and Calgary? Should they rest in their chairs and say, "Oh, well; our communities are looked after"? That would be one approach, but I suggest to all of you who come from Edmonton and Calgary that the better approach is to stand up and speak for the province. Stand up and admit that if Calgary and Edmonton get this special right, certainly Calgary and Edmonton wouldn't be offended or feel upset if the municipality of Wood Buffalo got the same right or if the municipality of Grande Prairie got the same right. So even if you are an MLA from Edmonton and Calgary, don't feel, my friends in this Assembly, that this amendment doesn't affect you.

This amendment is an important indication that this government is prepared to discriminate against municipalities, yet they'll run around the province saying: "We don't discriminate against municipalities. We treat all of you fairly. All the way from the CFEP grants to the cultural associations that we put into your communities, we treat everybody fairly." When you have the acid test of the government's municipal government amendment, they do not treat every municipality equally and fairly.

Do not be bought off by the suggestion that the cities of Edmonton and Calgary because of their vast array of staff would be the only ones affected by this. You do not need a large staff

to have competent civic administration, and you do not need a large staff to have an in-house accountant or an in-house management accountant. You do not need a large staff to run your people's affairs with authority and with confidence. This is a slap in the face to those municipalities that are being denied this particular right, the right to approach the minister, lay out their plan, and say, "We can do our audit in-house."

Now, even if a municipality never does an in-house audit once, at some point every municipality in this province has to go to their accountants and negotiate the fees that they pay for their accounting services. I frankly think it might be strategic for the municipalities to be able to point to this section of the Municipal Government Act and say, "Well, you know, when you're setting your fee, remember that we can do this in-house," but if you leave the section the way the hon. Member for Lac La Biche-St. Paul proposes it, then you in fact take away that right. I challenge the hon. Member for Lac La Biche-St. Paul, who was once the mayor of St. Paul, if he was back in his mayor's chair in St. Paul and he was listening to the debate on this issue, would he agree with the hon. Member for Fort McMurray? Would he say, "Give me that same right that Edmonton and Calgary got"? You bet he would.

So, my friends, I urge all of you to vote for this amendment from the sense of fairness and from the sense of decency and from the sense of respect that it shows to those wonderful men and women who run the municipal affairs of this entire province and produce the real wealth in this province.

THE CHAIRMAN: Hon. members, the amendment that's just been moved by the hon. Member for Fort McMurray is item 1 on his list, and we're calling that amendment A2.

The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. I rise in support of the amendment made by the Member for Fort McMurray, my learned colleague who scrutinizes and analyzes these Bills thoroughly and is one who believes in fairness for all Albertans. I was waiting for the members from the other side to get up and comment on the amendment made, but I didn't see anyone get up, not the sponsor of the amendment Bill, the Member for Lac La Biche-St. Paul, to give his response, or other members to tell us why they believe that rural Alberta and other cities and towns should be discriminated against. I've been waiting, I've been listening, I've been looking, and I've been hoping that there would be a response on the reason, to at least either agree or disagree with the amendment, to see the pros and the cons that should take place in this House, where a debate should be taking place from both sides. It takes two sides to have a debate.

I strongly support the amendment, first of all for fairness. There should be fairness across this province. We know that because you live six or eight or 12 hours away from the capital, you should have the same fairness, the same rules and regulations that all have, not because you're a larger city. I'm not against Edmonton and Calgary having it, but we expect, again, that St. Albert should have that opportunity if they choose to. It should be an option for St. Albert or whatever city, village, MD, or county you go to, if they choose to take part in the audit scheme. So fairness is very important, that we have it right across this province. The government is sending out a message that they don't care about fairness, that it's not important. But if you're in rural Alberta – we have a greater distance to go, sparser populations – you get penalized by this government. This, Mr. Chair-

man, isn't acceptable, isn't acceptable to the Liberal Party, who fights for rural Alberta, who fights for fairness out there.

You know, it's interesting. What are they saying? That rural municipalities, that smaller municipalities are not capable of doing the same audit as Edmonton and Calgary. We know this isn't the case. Everyone has to have qualified accountants. Everybody has to go through the same process. Everyone has to have the same reports that come to the Legislative Assembly on the budgets of these communities. So it is important that we look at their capabilities, and they're all capable. If they're not, they can choose not to enter it, or if they have to get outside auditors to do it – that may be the case in some of the smaller rural communities – at least they should have this option.

4:20

Again it's a slam against accountants, saying they're not as capable in rural Alberta as they are in the big cities. This isn't the case either. We all know that. Maybe some of the best auditors are in the cities of Edmonton and Calgary, some of the best auditors are around the province. Whether it's High Level, Fort McMurray, down in Manyberries, down in Strome, or in many other towns and villages in this province – Hanna, the MDs, the counties – they do have this. It's an insult against their people.

Lastly, it's against rural Alberta. Stand up, each member here. I challenge the Conservative members to stand up for rural Alberta, to take charge, to show them that there is fairness in this government, to show that you will take that step. You're going to be counted for rural Alberta. I know the minister of agriculture is going to stand up and speak because he's the one that has said time and time again that the cities of Edmonton and Calgary depend on agriculture, that agriculture's the backbone, and we know that's true. It's a very important part of the economy up here. I know he's going to stand up and speak and support this amendment so there's fairness across the province. If not, why not? Say why you don't support it. It's very important that you do this so all members know, all Albertans know, all communities know – MDs, counties, cities, towns, villages, and summer villages – why you are not supporting this amendment. Why are you against fairness? Why don't you believe they're as capable of doing things?

Mr. Chairman, I challenge each member here to stand up for fairness, stand up for truth, stand up for integrity, and vote for this amendment.

THE CHAIRMAN: The hon. Member for Calgary-Buffalo.

MR. DICKSON: Thanks, Mr. Chairman. I think I have a question for the sponsor of the Bill. I'm hoping that the Member for Lac La Biche-St. Paul will tell us with some specificity who asked for the amendment which is carried forward. The section is section 17, which is now the subject of the amendment that's been advanced by my colleague. Was it the AUMA, the Alberta Urban Municipalities Association? Did they make a delegation? Did they make a presentation to the government saying that Edmonton and Calgary should be singled out for some particular treatment?

What I find curious, Mr. Chairman, would be this. I could understand simply on the basis of their size that for the city of Edmonton and the city of Calgary there was some decision made that they wouldn't require an external auditor. But when you put the provision in that allows the minister still to have the veto power, if you will, in terms of whether this accommodation can

occur or not, then you have to say that this is highly discriminatory and that without more, you would think this kind of proposal on its face couldn't stand. Now, if there's some compelling reason why two things have happened here – first, why Edmonton and Calgary would be given this opportunity, and two, why it would be contingent on the approval of the minister – I think we need that kind of information before we could support the current section 17. Once again, I think the proposed amendment affords the government an opportunity and perhaps puts them in a position where they have to give some explanation in terms of why this peculiar differential treatment.

Now, as a ratepayer in the city of Calgary one might ask what advantages accrue to having an internal audit as opposed to an external audit done? I assume there's some basis for the minister being comfortable and the government being comfortable that the integrity of the audit wouldn't suffer, wouldn't be compromised. If that's the case, why the differential treatment? Why is it that the cities of Lethbridge, Red Deer, Medicine Hat, Grande Prairie, and Fort McMurray would be treated differently? If in fact the minister has some particular standards, perhaps the Member for Lac La Biche-St. Paul could share those with us. If we have some indication, some information in terms of what the criteria would be that the minister would look at to decide whether he'd say yea or nay, that might be helpful, and it might also be helpful to the other cities in this province that are going to be treated differentially.

You know, the audit cost is usually a very substantial expenditure for organizations that have as broad a range of activities as municipalities do in the province of Alberta. It would seem to me that if this were a cost saving, if that's the reason behind the current section 17, then the financial saving to the smaller cities would be proportionately greater, and the savings potentially to Red Deer or Lethbridge or any of those other smaller cities may have an even greater impact than the audit cost saving that might accrue to the city of Calgary and the city of Edmonton.

So it's a curious section, section 17. The amendment I think makes sense. It still affords the minister the last clear chance. It's the minister who can ultimately decide whether costs should be picked up, the costs of an external auditor or an internal auditor. The minister has the final word on that, and it just seems to me, Mr. Chairman, that's ample reason for members to adopt this amendment. At least it ensures that there will be no differential treatment of municipalities in this province without clear and compelling reasons, and clear and compelling reasons require clear explanation. There's been no clear explanation, so perhaps the Member for Lac La Biche-St. Paul can rise in his place and explain to us why this very curious and strange provision is found in section 17. Failing that, then as a Calgary MLA I'm happy to support this amendment, and I think it imports a measure of fairness into what otherwise is an exercise in caprice and arbitrariness, something that I'm against and something I think every member of my caucus is against as well.

Thanks very much, Mr. Chairman.

THE CHAIRMAN: The hon. Member for Bonnyville.

MR. VASSEUR: Thank you, Mr. Chairman. I, too, want to know where the request came from for an amendment of this kind to come forward, because the issue here is not questioning the auditor's ability to do the audit. I think the issue here is a question of fairness. If the city of Edmonton or the city of Calgary are allowed to do the audits in-house, why not allow the

city of Grande Prairie, why not allow the municipality of Wood Buffalo or allow the city of Lethbridge? They may just find in their own internal economies that it's advantageous to have somebody on staff to provide that service. It will be rather difficult for the smaller municipalities or towns to even entertain doing this in-house because of the qualification of an auditor. It makes it totally impossible to have somebody like that on staff, but there are other larger municipalities in the province that could well afford that qualification on their own staff and provide that service internally.

We're talking about a question and an issue of fairness in this case where we have two sets of rules. One is for the big guys and one is for the small guys. Why don't you leave the cost that is involved in providing the service to dictate if it's going to be done in-house or not and have the same legislation for everybody around? I think the issue here is an issue of fairness, and the Act should not discriminate between one municipality or the other. Let the municipality, with the laws and regulations that are in place, dictate if it's advantageous for them to proceed in that fashion or not.

Thank you very much.

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

4:30

MR. LANGEVIN: Yes, Mr. Chairman. Just to answer some of the questions. There was a question raised: which city or which association would have requested this change? The change was requested by the city of Edmonton themselves. Historically, in the past they have, through their own auditing department, prepared their own audits for the province of Alberta. They've requested that that be put into the Bill. The reason they, the city of Edmonton and the city of Calgary, can afford to do that is that they have a big enough population and a big enough number in their budgets that they can afford to have 12 months of the year, full-time employees in that department who are arm's length from the regular financial department, a department that reports directly to the council.

There are no other cities or municipalities in Alberta that could afford to do that financially. Most cities, like the city of Medicine Hat or the city of Red Deer, probably hire outside auditors who will spend three to four months maximum a year preparing their audits. Economically it's not feasible for them to have paid full-time staff 12 months of the year in order to prepare a document that would require two or three or four months of work in the year. Smaller municipalities are even a lot less. A town like St. Paul or Bonnyville or some of the smaller communities will hire an auditing company to do their audits, and they will probably spend two to three weeks at the maximum preparing the audit.

So the reason is that these municipalities are big enough to have a separate department that will report directly to city council and that will be arm's length from their regular financial department, because if you are to have a true and honest audit, you have to have a department that is arm's length from your regular financial employees. This is the only reason why this is put in place, and there are no other municipalities in this province except two that can afford to do it.

Thank you, Mr. Chairman.

MR. GERMAIN: Just to involve the hon. Member for Lac La Biche-St. Paul again. The fact that a municipality doesn't have a full-time audit staff doesn't mean that the municipality couldn't

go out and hire a chartered accountant as an employee of the municipality to do the four-month audit for that particular municipality and perhaps shave or save some of their fees that they would otherwise pay for an independent audit.

The point is that since the minister already has control, why discriminate against those other areas? Give them the advantage and the opportunity to explore these issues. All we say is that a part-time employee could fill the role of a contract, independent auditor and perhaps do it at less cost. Not all municipalities will take advantage of it, Mr. Chairman. Perhaps none will. But the point of it is: why do we need to create a second-class municipality in this particular province? Why? Let's just give every municipality the opportunity. The minister can act as the gatekeeper. If he doesn't feel that their proposal of how to get good accounting and auditing services makes sense to him, he can refuse to give his permission.

Otherwise, to hear the members speak, only Edmonton required this, so why wasn't the amendment just put in that Edmonton could do that? Obviously the hon. member looked at that and felt that that would be awkward to sell to the city of Calgary, because then you'd have Calgary MLAs who would be upset that their city is going to be discriminated against. Well, that same issue and that same upset should pervade this entire Assembly, Mr. Chairman.

[Motion on amendment A2 lost]

THE CHAIRMAN: The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman. Now speaking to what would be I think A3, this amendment modifies section 25 of the Bill; that is, the Municipal Government Amendment Act. To focus the members' attention on the Bill, it is very difficult when one analyzes section 25 to get a handle on what section 25 of the amendment Bill really is about. What it is about, members of this Assembly, is the provision that allows a municipality to pass a bylaw that will enable it to collect taxes for the worth of mobile homes from somebody who is not the mobile-home owner but simply their landlord, the landlord of land upon which the mobile home rests.

Now, members of this Assembly will recall that this matter was debated historically in this Legislative Assembly, and there was much lively debate on whether we should as a policy move towards taxation of one person's property to be taxed and paid for by another person, even though they have the tie together that one might be the landlord of the land and the other might be the tenant on the land with his mobile home.

Now, the proposed government amendment makes it clear that you can't have a retroactive municipal bylaw and that you have to give some notice. What we propose instead in this amendment is to delete that section, 25(b), in its entirety and substitute it with a subsection "repealing subsection (1)(j)(ii)" of the original Municipal Government Act found in section 304. What that will do, members of this Assembly, is it will remove the ability for a mobile home to be taxed and have the owner of the land pay for it.

It is a dangerous precedent that we slip away on if we're going to have some people paying taxes that legitimately relate to the taxation of other people's property. That is not the foundation of the democratic principle. The democratic principle of property taxation in those areas where there is property taxation is that the owner of the property will pay the taxes. If you have a lease

interest in the property, you'll pay the taxes by virtue of your lease interest, but in no circumstance will a neighbour pay the taxes of his neighbour. Really what you have with a mobile home resting on someone else's land is that you have a lateral neighbourhood situation.

So this is wrong. The legislation initially was misguided. We've been given a wonderful opportunity to correct this particular anomaly, and we should take this opportunity. Municipalities should and ought to tax mobile homes, but it's clearly fundamental that they should collect that tax from the owner of the mobile home, not simply from the owner of the land. To do that burdens a third party, another citizen, with the taxes and does not give that person the same rights of distress, the same rights of attachment, the same rights of tax seizure and tax forfeiture that municipalities get.

So what the municipality does with this legislation is they tax somebody else for the value of your neighbour's property. That is wrong, and I would urge all members to vote in favour of this amendment, which would correct the wrongness that is found in the Municipal Government Act.

[Motion on amendment A3 lost]

THE CHAIRMAN: The hon. Member for Fort McMurray.

4:40

MR. GERMAIN: Thank you, sir. The next amendment that is before the Assembly is an amendment to strike out section 28 of the Municipal Government Act. I know that on this particular section others in addition to myself will want to engage in debate, and we will want to hear from the sponsor of this Bill on this very important issue.

What is the issue that amendment A4 speaks to? First of all, amendment A4 is intended to strike out section 28 of the Municipal Government Act. Section 28 is found on page 11 of the Act. Once again this is a section that allows the minister to make significant regulatory law and to exempt property from taxation. Section 28 in effect modifies section 362 of the Municipal Government Act. Section 362 of the Municipal Government Act allows some property to be exempt from taxation, and that property is

property that is

- (i) owned by a municipality and held by a nonprofit organization in an official capacity . . .
- (ii) held by a nonprofit organization and used solely for community games, sports, athletics or recreation for the benefit of the general public,
- (iii) used for a charitable or benevolent purpose that is for the benefit of the general public,

owned by the Crown or by a nonprofit association or held by a nonprofit association and used by senior citizens. Now, all of those, Mr. Chairman, are very worthy of being exempt from tax under the Municipal Government Act.

What is troubling about this amendment is that municipalities have the paradox that they are going to lose taxation base simply by the regulatory whim of the minister. If section 28 goes into this Act as contemplated and as planned, what will happen, Mr. Chairman, is that the minister can also by regulation declare any other property to be exempt from taxation. There may indeed be other property that should and ought to be exempt from taxation, but the appropriate place for this legislation to be amended is back here in the Legislative Assembly, not to create one group of properties that are exempt from taxation by virtue of the wording

of the Act and a second group of property that is exempt from taxation by virtue of a ministerial regulation.

If property is to be exempt from taxation, it should be spelled out in the Municipal Government Act. If people propose to expand the class of property that is going to be exempt, that should likewise come back before this Legislative Assembly and be spelled out in the Municipal Government Act. Otherwise what happens is that you have the paradox that municipalities who are counting on revenue may suddenly see their revenue shrink because the government has simply elected to declare and remove other property from taxation.

So I would urge all Members of this Legislative Assembly to vote in favour of this amendment. What this amendment does is take away the minister's right to expand the class of exempt property and leave it here with the Legislative Assembly where it belongs.

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

MR. SAPERS: Thanks. I'd like to speak in favor of this amendment, Mr. Chairman, and it's because several members of the not-for-profit and charitable community have approached me over the years regarding taxable status, particularly when it comes to the municipal government taxation exemption.

It seems to me that what we're doing is instead of clarifying a situation that's always been far too gray for everyone's liking and making it more black and white, more predictable, we're making it even less predictable and making it more gray. By leaving it all to regulation, as we know, it can come and go. The definition of who's in and who's out can change almost by whim. I think the same normal Albertans that the Premier speaks about so often really don't have a fair appreciation of what happens behind closed doors in cabinet meetings or when the cabinet meets as the LG in Council. What we see is more opportunity for the government to be rewarding friends and perhaps punishing others, and I don't think that's appropriate, particularly, Mr. Chairman, when you're dealing with such a fundamental issue as fairness in taxation.

Not-for-profit organizations, charitable organizations often work on annual budgets. They often are in a situation where they have to replace their entire operating income year after year. Myself as well as many other members on both sides of the Assembly have been involved in the operations of charities and voluntary organizations where you are operating on a shoestring. Having to replace or add additional income related to taxation at a moment's notice because of a decision made on a whim by government would be very unfair and would prejudice the operations of these organizations and in some cases may even close their doors, may even force them to cease their charitable activities.

[Mr. Herard in the Chair]

I know that people in the business community, for example, will say that if an organization is going to have a favourable tax status, that's fine as long as, again, it's predictable and they can organize their business plans around knowing that. There's often been some tension between those businesses which perceive some charitable organizations that produce a good or a service as unfair competition. I think the government can minimize that tension by making the tax regime predictable and making it easily known to all who have a stake in knowing it.

It is a little incomprehensible that the government would move

the legislative requirements and the legislative definition out of law and replace it with something that is even less defined simply by leaving the definition to regulation.

I would like to recommend that all members of the Assembly support this amendment. It's not really changing the thrust of the Bill. It's not really getting in the way of the government's overall agenda. It's hardly an ideological point. What it is is a point of fairness, a point of community interest.

Mr. Chairman, I suggest that it would be very laudable on the part of the government to see that perhaps they went a little bit too far in this Bill by dealing with tax exemption in the way that they did. I think all Albertans would appreciate the government saying: "Okay. Well, we're just going to back up here because this is easily addressed. The opposition has come forward with a very reasonable and workable amendment, and on that basis it should be supported."

Thank you very much, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for Leduc.

MR. KIRKLAND: Thanks, Mr. Chairman. Just a few brief words here. My concern I think has been articulated by the hon. Member for Fort McMurray. Clearly in a situation where you're going to exempt property from taxation, the municipality is the body that is most rightful and probably most informed as to whether a property should be exempt. These facilities are within their municipalities. They know full well what the uses would be and what the uses could be for.

This clause as it's written would be much better written if in fact it identified that the minister would take direction from the municipalities. If you look at the extreme of this particular clause, the minister in fact could exempt buildings, thereby depriving municipalities of significant tax revenue. Mr. Chairman, I don't think that's acceptable to the municipalities, and I don't think it's an acceptable way to do business. There should be and there must be a mechanism so the municipalities can consult with the minister to ensure that any building that is being considered for exemption has the input and the direction flowing from the municipality.

To exempt by regulation I suggest is not an open enough concept, and it's a concept that I think the government will find itself in difficulty with. The hon. Member for Edmonton-Glenora indicated it was a gray area, and that's certainly the case. There are inconsistencies throughout the province of Alberta as to what cultural centres are excluded and what cultural centres have been requested to be excluded and are not. So to throw it into something as simple as a regulation that can be decided at a whim or decided by the minister depending on who lobbied him that particular week, Mr. Chairman, I would suggest is not a sound process to determining which properties should be exempt. Clearly this section 28 as it's proposed here should include a component of consultation with the municipalities. It's they that are affected as far as their revenue is concerned, and it is they that know full well which probably would best fit the description for exemption.

So, Mr. Chairman, I will be voting in support of the amendment simply to overcome what is proposed here, which I think is unfair to the municipalities.

THE ACTING CHAIRMAN: The hon. Member for Edmonton-Mayfield.

MR. WHITE: Thank you, Mr. Chairman. I rise to speak in favour of this particular amendment also. This amendment does

something that no other amendment in this Legislature has done. It has given powers to the minister that have never before been granted in this Legislature since this Legislature was formed. I'll cite for you private Bills brought before this Legislature to exempt places like the Edmonton Jewish recreational centre or St. John's Ambulance buildings or private schools that were religiously oriented, all of those things. This allows the minister the right to do that without coming to the Legislature, without putting, some would say, a major stumbling block in the way of the passage of any particular regulation to exempt a property from tax. That, I believe, is a gross error, and that side of the House should be concerned about it also. It opens the way to a great deal of lobbying.

I can tell you that in the city of Edmonton, which I'm very familiar with, what will happen immediately upon passage of this is that there'll be at least five and perhaps as many as 25 associations that are in that gray area of public service, whether in fact they are totally in public service or in fact are totally self-serving.

I'll cite for you organizations that are very strong and very well organized. In fact, an organization that serves the city of Edmonton and the citizens of Edmonton very, very well used to be called the Berlin club, and now it's called the German Canadian Association. The difficulty here is that after you exempt this organization from taxation – they've asked for a private Bill for years and years – then where does it lead? How far does it go? How far can one go? Now, right from the Serbian associations there are associations in this city that would buy property specifically to be tax exempt and then perhaps lease the properties. It would be a dog's breakfast and a nightmare to try and control.

4:50

I cannot understand for the life of me, after being in municipal politics for some time, as to why the minister would want to put himself in this position. This position is almost untenable. He'll have people at his doorstep morning, night, and noon looking for exemption from taxation, not just in the multicultural area. We're talking about the not-for-profit organizations, the ones that are categorized not-for-profit. In fact, it's not that they're nonprofit, but they're not-for-profit, so every profit that they do make they in fact turn back into some common good.

These are all of the gray areas that would be exceedingly difficult to adjudicate upon. The difficulty between Calgary and Edmonton, Calgary and Leduc, throughout the entire province – you'll just have a patchwork of regulation so that they will not have to pay taxation on any number of properties. There are already specifically in the legislation – and most would say as should be – the Hostelling Association, which is reasonable, then the Royal Canadian Legion and the like. Those are very, very reasonable. But what are all of the other ancillary organizations – the BPOE, the Elks, the Dutch Canadian Club – that were originally started by a number of veterans? Where does this one lead? I think it leads to nothing but disaster if this House does not have the power vested with this House to completely debate and bring to light all of the issues that relate to exempting municipal taxation in a municipality. That's one area of concern.

The other areas of concern that concern most municipalities are the loss of revenue, on one hand, and then not having the power to exempt properties on the other. Now, recognizing that property taxes have two components, one that goes to municipal services and one that goes to educational services, one of the biggest areas of concern and the biggest points of debate in municipal councils a lot of times is how to exempt a piece of property or give back the taxation that is generated from a

particular property for whatever purpose. How do you give that back when the province, in this case, now – and in days gone by it was the local school boards, be they singular or plural. You'd have to convince them in order to exempt the tax. You cannot do that, and this legislation doesn't say anything about that.

Now the municipality goes to the minister and says, “Do this for us; exempt this piece of property for us so as to alleviate ourselves of the revenues” – we understand that – “and to alleviate ourselves of the responsibility of having to pay to the provincial government by way of being the collectors of tax on that portion that is generated for educational purposes.” This gives the minister – this simple little amendment, three lines – that responsibility and in fact puts a great deal of load on him from the respect of having to deal with all the municipalities that come before him to have this piece of property, that piece of property exempt from taxation for whatever reason.

I think it's definitely a backwards step in this House. If this amendment that is put forward today is not passed, then it's very, very close to saying that this Act should in fact be not supported entirely, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Member for St. Albert.

MR. BRACKO: Thank you, Mr. Chairman. Again I rise to speak in favour of this amendment, an excellent job done by the Member for Fort McMurray, doing his best to improve the Bill, to make it more acceptable, to make it consistent with what's happening.

We have in some parts where the Bill outlines what areas can be exempt. Others would go to regulations. This would be very inconsistent. If nothing at all, Albertans want consistency in what's happening. They don't want it to be at the whim of the minister. If it's in the Bill, everyone knows what it is and they can follow. Again, if one community gets it, another should. This may not be communicated through regulations. They may not know in different communities that this is happening. They could be exempt if certain exemptions are taking place. So in fairness it should come back to the Bill so it would be consistent. It's something Albertans want.

With that, I conclude.

THE ACTING CHAIRMAN: I want to remind hon. members that we're voting on amendment A4, which is item 3 as proposed by the hon. Member for Fort McMurray. All those in favour of the amendment, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Defeated.

[Several members rose calling for a division. The division bell was rung at 4:58 p.m.]

[Ten minutes having elapsed, the Assembly divided]

For the motion:

Bracko	Dickson	Leibovici
Chadi	Germain	Sapers
Collingwood	Hanson	Van Binsbergen
Dalla-Longa	Kirkland	White

5:10

Against the motion:

Ady	Gordon	Mirosh
Amery	Haley	Oberg
Beniuk	Havelock	Paszowski
Black	Hierath	Pham
Brassard	Hlady	Renner
Burgener	Jacques	Severtson
Calahasen	Jonson	Stelmach
Coutts	Kowalski	Tannas
Day	Laing	Thurber
Dinning	Langevin	Trynchy
Dunford	Lund	West
Fischer	Magnus	Woloshyn
Forsyth	McClellan	Yankowsky
Fritz	McFarland	

Totals: For – 12 Against – 41

[Motion on amendment A4 lost]

MR. GERMAIN: We come at last, Mr. Chairman, to an oldie but a goldie, a section that has appeared in many amendments that have been presented in the last few weeks and months. We deal again with the issue of regulations and the control on regulations.

Now, this is a very important section, so I know that all members in the Legislative Assembly will want to go to their amendment. We're talking about section 33 of the Municipal Government Amendment Act. If members will look at section 33, section 33 deals with an amendment to section 370. What is section 370? Members will recall that section 370 of the Municipal Government Act says that “the minister may make regulations,” and then it goes on listing numerous matters for which the minister may make regulations. What we are proposing in light of this opportunity again to have more regulations is to reactivate that Standing Committee on Law and Regulations. You will recall and all members will recall that this committee is chaired by the hon. Member for Calgary-Shaw, himself a Queen's Counsel and a man learned in the law. Surprisingly, that chairman has never sat and chaired a meeting. He has never called a meeting. He alleges that the Premier gets to call these meetings. The Premier alleges that the Legislative Assembly gets to call these meetings. Nobody seems to know how these meetings ever get called and who should come and who should speak at these particular meetings.

I know that the hon. minister of transportation, responsible for gaming and lotteries in the province, wants this committee to meet. I'm sure of it because I know that each time we raise this debate point, he gets enthusiastically involved in the debate. I know that he wants this particular committee to meet.

DR. WEST: Point of order, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Minister of Transportation and Utilities is rising on a point of order.

**Point of Order
Imputing Motives**

DR. WEST: Well, under 23(h) or (i) it's imputing false direction by the minister. We debated the same amendments as they came forth on the Gaming and Liquor Act, and they were defeated. I did not support them, so I don't know that he can use that type of debate here and mislead the House.

MR. GERMAIN: Well, if the hon. member says that he does not enthusiastically support the proper utilization of the Standing Committee on Law and Regulations, then of course I will have to withdraw my comment. I have always assumed that the minister had other public policy reasons to prohibit the scrutiny of regulations and that they had nothing to do with the standing committee. If I'm wrong, I'll certainly withdraw that.

THE ACTING CHAIRMAN: Well, hon. members, I think that what we have is a disagreement between members.

The hon. Member for Fort McMurray.

MR. GERMAIN: Thank you very much, Mr. Chairman.

Debate Continued

MR. GERMAIN: In light of that and in light of the fact that the hon. minister has interrupted my flow of thought, I'll move to adjourn the debate on this amendment.

THE ACTING CHAIRMAN: The hon. Member for Fort McMurray has moved that we adjourn the debate on Bill 34. All those in favour of adjourning the debate, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Defeated.

MR. GERMAIN: Well, the hon. Minister of Labour wants to keep the hon. Member for Fort McMurray here labouring, and I'm happy to do that. I had thought that maybe it was easier to make one of my speeches than to listen to one of my speeches. I was hoping to give the hon. members a break, but the hon. minister . . . [interjections] Now they're all chirping over there. They're all chirping over there now. [interjections]

THE ACTING CHAIRMAN: The hon. Government House Leader's rising on a point of order.

Point of Order Questioning a Member

MR. DAY: Under *Beauchesne's* reference to asking a question, would the member allow a brief question?

MR. GERMAIN: Certainly I will, Mr. Chairman.

MR. DAY: Is the Member for Fort McMurray aware that even his own members tell us they can't stand listening to him?

MR. GERMAIN: Well, Mr. Chairman, I do have a flaw. I spend more time listening to what the hon. minister's members tell me about him than I do listening to what the hon. members here tell me about me.

Debate Continued

MR. GERMAIN: Mr. Chairman, enough of this frivolity. I know that you want to guide us back to this very important amendment. The fact that it is placed last in this series of five amendments

should not be interpreted by any Member of this Legislative Assembly that this amendment is not important. This amendment, my friends, is a cornerstone of the democratic process. [interjections]

Now the hon. Member for Whitecourt-St. Anne is a wonderful gentleman, and I see that he's rooting for me now. Look at that gentleman root for me. The hon. Member for Whitecourt-St. Anne. Let's hear it for him. Let's hear it for him. Look at him. The record will show that the hon. member supports the attitudes of the Member for Fort McMurray on this issue. You know, I want to thank the member because he is a senior statesman in this Legislative Assembly and has been here many years. [interjections]

All right. On this amendment, Mr. Chairman, I simply want to re-emphasize the point that because it is last and it is late in the day does not mean that this amendment is not important. We have a committee chaired by a Member of this Legislative Assembly that in three years has not had a committee meeting.

MR. BRACKO: How many?

MR. GERMAIN: Just about three years. Three years this June, Mr. Chairman.

THE ACTING CHAIRMAN: The Government House Leader has risen on a point of order.

Point of Order Relevance

MR. DAY: In all sincerity, Mr. Chairman, we have raised this a number of times from this side from the point of view of relevance. That is a separate debate; that is a separate argument. When they've run out of everything else to say on these Bills and amendments, they drag out the Law and Regulations one. I would appreciate your direction, sir, in terms of directing us to the Bill, to the amendments at hand, not the tired old argument that we continue to hear.

THE ACTING CHAIRMAN: On the point of order.

MR. GERMAIN: Yes. Thank you very much, Mr. Chairman. This amendment is in order on this Bill. The Bill opened the door and reviewed the issues as to what subject matter would be referred to the minister on which the minister could make regulations. Parliamentary Counsel has approved this particular amendment. This point of order, if there is one, is really directed at Parliamentary Counsel. If the amendment was out of order, Parliamentary Counsel would have rejected it in the fullness of his duty as an officer of this particular Assembly.

Now, this is an important amendment. It fits, and I'm happy to continue my debate on it. I would have in fact been in a position to call the question had the hon. minister not interrupted me on that point of order.

THE ACTING CHAIRMAN: Well, I would have to say that the amendment is in fact part of the notice of amendment to Bill 34. It has been duly signed by Parliamentary Counsel. Perhaps one of the things that we can do in contemplation of changes to Standing Orders for the future would be to deal with these sorts of things, but I don't see any particular Standing Order today that would prohibit this particular amendment from proceeding.

Debate Continued

MR. GERMAIN: We have a wonderful opportunity once again, Mr. Chairman. That knocking that you hear is the knocking of opportunity, opportunity knocking for all members of this Assembly to vote to ensure that the regulations passed by the minister – because after all, we're talking about regulations that deal with such issues as exempt property: property that municipalities have to dig in their money for to pay school taxes, property that municipalities lose the ability to tax, amounts that the government pays the municipality for land that they personally own. This is serious business, my friends, and these are serious issues. All of these regulations, each and every one of them, not just one, not two, not three, not a hundred but every regulation passed in this Legislative Assembly should go through the standing committee as this particular amendment suggests.

5:20

Now, I will not, Mr. Chairman, because of the time, read this amendment into the *Hansard* record because, of course, it is an exhibit. But I understand that my colleague the hon. Member for Calgary-Buffalo has some new information concerning the role of regulations in the scheme of things, and I am going to now conclude my debate so that the hon. member can enlighten the Member for Grande Prairie-Wapiti and the Member for Bow Valley.

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

MR. DICKSON: Thanks, Mr. Chairman. The comment had been made earlier by the Government House Leader that this is an amendment that comes up time after time on Bill after Bill. I guess the short answer to the Government House Leader would be that if the government were prepared to charge the committee chaired by one of their own, the Member for Calgary-Shaw, we could save a whole lot of time in the Assembly, but because the government refuses to address this very constructive and helpful amendment, it keeps on coming up and we keep on seeing the debate recycled.

Now, Mr. Chairman, I wanted to introduce a new element. I'm delighted to see the Minister of Public Works, Supply and Services take his seat while we're debating this important Bill. The reason for that is this. For four days at the end of last week and over the weekend that distinguished minister went to a conference in Victoria. This was an international privacy conference where gathered the strongest group of experts on privacy and parliamentary procedure that has been found anywhere. Among those gathered were a number of parliamentarians, and there were people who deal with the legislative process in Australia, New Zealand, and New South Wales. One of the things that I had occasion to talk about was law and regulations and how those were dealt with in those other jurisdictions. The Minister of Public Works, Supply and Services will be happy to corroborate what I share with you now.

The Privacy Commissioner, who also is an officer of the Legislature in New South Wales and something of an expert in parliamentary process, having traveled all over the world and met with parliamentarians, was absolutely astonished when I told him that in the Legislative Assembly of Alberta we have no all-party committee, we have no standing committee of the Legislature that reviews subordinate legislation. He could not believe it, Mr. Chairman, when I told him that he should talk to my friend from

Public Works, Supply and Services, who would be only too happy to verify that Alberta has the singular distinction of being the only parliamentary jurisdiction I've ever been able to find, the only one, not only in Canada but if you look at all the dominions – Australia, New Zealand, and Great Britain, every other Commonwealth country – this is the only jurisdiction where the government would purport to pass subordinate legislation without any overview and without any review by a legislative committee.

It was one of those rare occasions. It was in fact embarrassing trying to explain to this knowledgeable fellow how it is that in Alberta, which otherwise is made up of enlightened and progressive people, which provides leadership in a host of different areas, when it comes to something as simple a proposition as ensuring that we have all-party oversight of subordinate legislation, we just don't get it, Mr. Chairman.

MR. DAY: Point of order, Mr. Chairman.

THE ACTING CHAIRMAN: The hon. Government House Leader is rising on a point of order.

Point of Order Clarification

MR. DAY: Well, under 23(h), (i), and (j), related to allegations and imputing motives, it's very clear and should be clear to all people that the Member for Calgary-Buffalo would talk to on this point that in fact all legislation is carefully vetted first of all by groups that will be affected by it, by the public at large, in this Assembly, by standing policy committees – yes, albeit they are government – and independently, independent legal review by Leg. Counsel. So all legislation gets a thorough, thorough vetting, including this piece, which is not raising any public concerns. It's only raising the dander of the people opposite because they like sitting here. So just for the record all legislation in this province gets an incredibly thorough review and vetting from many different levels.

THE ACTING CHAIRMAN: On the point of order, Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, for the life of me I have no idea of what the point of order is, but let me respond to the minister's comments. If he doesn't get it, I'll try one more time. The point, Mr. Chairman . . . [interjection] Well, what's the point of order? I'm trying to respond to the comments made by the Government House Leader.

MR. DAY: It's just clarification.

THE ACTING CHAIRMAN: We have a disagreement between members.

The hon. Member for Calgary-Buffalo.

MR. DICKSON: Mr. Chairman, I hear the Government House Leader withdraw his alleged point of order.

Debate Continued

MR. DICKSON: The point is this, Mr. Chairman. The government can't distinguish between some selected stakeholder consultation and the public interest. The reason why every other Legislature, every other parliamentary democracy that I can think of has all-party oversight is that there's an acknowledgement

and a recognition that it doesn't matter how many committees of government are struck to review it, they're still committees of government. The people are on the committee because they've been appointed by the Lieutenant Governor in Council, by the Premier, by the Premier's office. It's a closed loop.

I think members in this Assembly have had enough experience outside the Assembly to know that if you have a closed loop, you're not going to get the kind of aggressive questioning, you're not going to get the kind of rigorous scrutiny and examination you would if you introduce an independent element. So for those reasons I think the Government House Leader would be absolutely ashamed of the process that he's part of in this province. Instead, he wants to be applauded for it.

Mr. Chairman, the other comment that I'd just share is that in speaking with a parliamentary expert from the United Kingdom that I also encountered at this conference, his comment to me was: not only in most other legislatures do they have an all-party committee, but in most other jurisdictions it's chaired by an opposition member. Isn't that an amazing situation? [interjections] Now, this obviously is of interest or some concern to the members opposite. We hear all kinds of cries of joy or dismay – I'm not sure which, Mr. Chairman – from members opposite.

What we clearly have is a most perverse adaptation of a parliamentary system that exists anywhere. Instead of the government having the good sense to acknowledge that they've made a mistake, to back up, to charge the Member for Calgary-Shaw, a government member on a government-dominated committee, to review regulations, they still continue to keep their head in the sand and insist that somehow consulting with a few selected stakeholders can adequately be passed off as full and adequate examination. It can't, Mr. Chairman.

I'm sure the Minister of Public Works, Supply and Services, who I noticed with a notepad in hand constantly throughout the conference – never put his notepad or pen down; made lots of notes – talked with many of these international experts and people from around the world, as I did. I'm sure that if I've in any way misrepresented what was said by those people in commenting on the law and regulatory process in Alberta, that minister will rise momentarily and set me straight and set all members of the Assembly straight. Now, failing that, I'm going to have to take his silence as acquiescence and agreement that what's just been heard has been an accurate representation of the concerns heard by those other parliamentarians.

Mr. Chairman, this may be an appropriate time to adjourn debate on this particular amendment.

THE ACTING CHAIRMAN: The hon. Member for Calgary-Buffalo has moved that we adjourn debate on amendment A5. All those in favour, please say aye.

SOME HON. MEMBERS: Aye.

THE ACTING CHAIRMAN: Those opposed, please say no.

SOME HON. MEMBERS: No.

THE ACTING CHAIRMAN: Defeated.

Hon. members, pursuant to Standing Order 4(3) I am now leaving the Chair until 8 this evening.

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